



## REGULAR MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122  
Para sa Tagalog, tumawag sa 408-586-3051  
Para español, llame 408-586-3232

### AGENDA

**TUESDAY, JANUARY 21, 2020**  
**CITY COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA**  
**6:00 PM (CLOSED SESSION)**  
**7:00 PM (PUBLIC BUSINESS)**

**CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

### **ADJOURN TO CLOSED SESSION**

**a) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(d)(1)  
County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,  
Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara  
Santa Clara County Superior Court Case No. 18CV325480

**b) PUBLIC EMPLOYMENT**

Pursuant to California Government Code Section 54957  
Position: City Manager

**c) CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to California Government Code Section 54957.6  
Agency designated representatives: Liz Brown, Human Resources Director  
Employee Groups: Milpitas Employees Association, Milpitas Police Officers Association, and  
International Association of Fire Fighters, Professional and Technical Group, Mid-Management and  
Confidential Group  
Under Negotiation: Wages, Hours, Benefits and Working Conditions

**d) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to California Government Code Section 54956.9(d)(2)  
City as Defendant

**CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code  
Section 54957.1, including the vote or abstention of each member present



## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

## **ANNOUNCEMENTS**

- Parade honoring Milpitas High School Trojans Football team as state champions

## **PUBLIC FORUM**

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

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

## **APPROVAL OF AGENDA**

## **CONSENT CALENDAR**

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

**C1.** Receive City Council Calendars of Meetings for January and February 2020 (Staff Contact: Mary Lavelle 408-586-3001)

**C2.** Approve Meeting Minutes of the January 7, 2020 Regular City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft meeting minutes of the January 7, 2020 City Council regular meeting.

**C3.** Adopt Two Resolutions (1) approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge; and, (2) approving project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well, and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with Pacific Coast Well Drilling, Inc. in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,000 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

- (1) Adopt a Resolution approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for the Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge.
- (2) Adopt a Resolution to approve project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well; and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Pacific Coast Well Drilling, Inc., in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$265,000 for the project.

**C4. Adopt a Resolution Certifying Election Results and Adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); Approve Final Tract Map No. 10522; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1316 S. Main Street (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendations:

- (1) Following receipt of election results from the City Clerk, adopt a resolution certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and
- (2) Approve Final Tract Map No. 10522, and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
- (3) Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.

**C5. Adopt a Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee and Five Year Findings for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and the Transit Area Specific Plan (TASP) Impact Fee for the Fiscal Year Ended June 30, 2019 (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a resolution consistent with the Mitigation Fee Act for Fiscal Year 2018-19 to review and accept the annual developer fee disclosure information Calaveras Blvd. Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee and making five-year findings for the Calaveras Blvd. Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and Transit Area Specific Plan Impact Fee for the fiscal year ended June 30, 2019.

**C6. Adopt a Resolution Amending FY 2019-20 Master Fee Schedule (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution amending the FY 2019-20 Master Fee Schedule.

**C7. Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for Sprig Center Project at 1585 North McCarthy Boulevard (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for the Sprig Center development project at 1585 N. McCarthy Boulevard.

**C8. Approve and Authorize the City Manager to Execute Amendment No. 4 to Contract with J.P. Graphics to Extend the Term by Six Months and Increase the Compensation by \$77,500 (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendation: Approve and authorize the City Manager to execute Amendment No. 4 to the contract with J.P. Graphics for printing services, extending the term by six months and increasing compensation by \$77,500 from \$780,010 to a not-to-exceed compensation amount of \$857,510.

**C9. Authorize the Interim City Manager to Issue Blanket Purchase Orders to Summit Uniforms and LC Action Policy Supply for Police and Fire Departments' Uniforms and Equipment and related Services (Staff Contact: Chris Schroeder, 408-586-3161)**

Recommendations:

- (1) Authorize the Interim City Manager to issue blanket purchase orders for Police and Fire uniforms and equipment and related services, in substantially the same form as the draft purchase order, to Summit Uniforms in an amount not to exceed \$30,000 per year, and to LC Action Police Supply in an amount not to exceed \$50,000 per year.
- (2) Authorize the Purchasing Agent to exercise the options to renew the term of the blanket purchase orders for two additional one-year periods, subject to annual appropriations, if the service remains acceptable to the City.

**C10. Approve Side Letter Agreements between Milpitas Police Officers Association (MPOA) and City of Milpitas and Milpitas International Association of Firefighters Local 1699 (IAFF) and City of Milpitas Regarding Exchange of City Holiday from Lincoln's Birthday to César Chávez Day (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve the Side Letter Agreements between the City of Milpitas and (1) the Milpitas Police Officers Association (MPOA) and (2) the International Association of Firefighters (IAFF), regarding exchange of City Holiday from Lincoln's Birthday to César Chávez Day.

**C11. Approve Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas Regarding the Special Assignment Pay for 40-Hour Fire Captains (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve the Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas for 10% Special Assignment Pay applied to employees assigned to the Fire Captain 40 Hour Classification.

**C12. Approve Side Letter with the Milpitas Police Officers Association to Increase the Compensatory Time Off (CTO) Maximum Accrued Time from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for Calendar Year 2020 (Staff Contact: Liz Brown, 408-586-3086)**

Recommendation: Approve a Side Letter amending the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

**C13. Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Amount Not to Exceed \$790,000 for Investment Services (Staff Contact: Walter Rossmann, 408-586-3111)**

Recommendation: Approve and authorize the City Manager to execute the Agreement with Chandler Asset Management for a Five-Year contract amount not to exceed \$790,000, with the first year of the contract in the amount of \$150,000, for investment services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

**C14. Authorize and Approve Travel for Vice Mayor Nuñez, Councilmember Montano, and Interim City Manager McHarris (Staff Contact: Steve McHarris, 408-586-3059)**

Recommendations:

- (1) Authorize and approve travel for Vice Mayor Bob Nuñez, Councilmember Carmen Montano, and Interim City Manager Steve McHarris to attend the League of California Cities *New Mayors &*

*Council Members Academy* in Sacramento, CA scheduled on January 22–24, 2020, for a total combined estimated amount of \$5,800.

- (2) Authorize and approve travel for Interim City Manager Steve McHarris to attend the League of California Cities *City Managers Conference* in Napa, California Scheduled on February 5–7, 2020, for a total estimated amount up to \$1,500.

## **PUBLIC HEARING**

- 15. Conduct a Public Hearing and Adopt a Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in compliance with the California Environmental Quality Act; Approving a General Plan Amendment, Planned Unit Development, Site Development Permit, and Vesting Tentative Map to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 detached accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units; and, Introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District (Staff Contact: Adrienne Smith, 408-586-3287)**

### **Recommendations:**

- (1) Conduct a public hearing and move to close the hearing following comments.
- (2) Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act; Approving the revised project including General Plan Amendment (GP18-0001), Planned Unit Development (PD18-0001), Site Development Permit (SD18-0015), and Vesting Tentative Map (MT18-0003) to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; and, Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units.
- (3) Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District.

## **COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE**

- 16. Introduce Ordinance No. 304 Adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park (Staff Contact: Renee Lorentzen, 408-586-3409)**

**Recommendation:** Following the City Attorney reading aloud the title of the ordinance, move to waive the first reading beyond the title and introduce Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

## **LEADERSHIP AND SUPPORT SERVICES**

- 17. Review the Pension Actuarial Report and Direct Staff to Return to the Council with the necessary Documents for Establishment of a 115 Pension Trust (Staff Contact: Walter Rossmann, 408-586-3111)**

**Recommendation:** Review the Pension Actuarial Report and direct staff to return to City Council with the necessary documents for establishment of a 115 Pension Trust.

**18. Receive Update from City Attorney on Senate Bill 50 (Staff Contact: Christopher Diaz, 408-586-3040)**

Recommendation: Receive update on CA Senate Bill 50 and direct staff regarding position letter or other legislative efforts.

**19. Follow Up on Councilmember requests from January 7, 2020 (Staff Contact: Steven McHarris, 408-586-3059)**

Recommendations:

- (1) Receive staff report on planned follow up actions for Councilmember requests from January 7, 2020 and provide input to staff.
- (2) Provide direction to staff on pending agenda item requests and process for adding items to future Council agendas.

**REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies**

**COMMISSION REPORT**

**20. Approve the Milpitas Parks, Recreation and Cultural Resources Commission Work Plan for Fiscal Year 2019-20 and Consider Approval of the Sister Cities Cultural and Community Relationship program (Staff Contact: Renee Lorentzen, 408-586-3409)**

Recommendations: (1) Approve proposed Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan and (2) consider approval of the Sister Cities Cultural and Community Relationship program.

**NEXT AGENDA PREVIEW**

**21. Receive Preview List of Agenda Items for the Next Regular City Council meeting on February 4, 2020 (Staff Contact: Mary Lavelle, 408-586-3001)**

**ADJOURNMENT**

### **MILPITAS CITY COUNCIL CODE OF CONDUCT**

- Be respectful and courteous (words, tone and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct

### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

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

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

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

### **APPLY TO SERVE ON A CITY COMMISSION**

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

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



| December 2019 |    |    |    |    |    |    |
|---------------|----|----|----|----|----|----|
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| 29            | 30 | 31 |    |    |    |    |

# Milpitas City Council Calendar

## January 2020

| February 2020 |    |    |    |    |    |    |
|---------------|----|----|----|----|----|----|
| S             | M  | T  | W  | T  | F  | S  |
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| 23            | 24 | 25 | 26 | 27 | 28 | 29 |

| Sunday    | Monday                                                                                                                                                                | Tuesday                                                                         | Wednesday                                                                                                                                                                                                         | Thursday                                                                                                                                                                                                                                                                                                                                                                 | Friday                                                                        | Saturday                                                                                                                                                       |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                                                                                                                       |                                                                                 | <b>1</b><br><b>CITY HALL CLOSED</b><br><b>NEW YEAR'S DAY</b><br>                                                                | <b>2</b>                                                                                                                                                                                                                                                                                                                                                                 | <b>3</b>                                                                      | <b>4</b>                                                                                                                                                       |
| <b>5</b>  | <b>6</b><br><b>7:00 PM</b> -Parks, Recreation & Cultural Resources Commission (AP)                                                                                    | <b>7</b><br><b>6:00 PM</b> -Closed Session<br><b>7:00 PM</b> -City Council (AP) | <b>8</b><br><b>1:00 PM</b> -Santa Clara VTA North East County group (RT)<br><b>7:00 PM</b> -Community Advisory Commission (BN)<br><b>7:00 PM</b> -Silicon Valley Clean Energy Board of Directors (CM) (Cupertino) | <b>9</b><br><b>5:30 PM</b> -Santa Clara VTA Board of Directors (RT)<br><b>5:30 PM</b> -Milpitas Chamber of Commerce Board (CM)<br><b>6:00 PM</b> -Legislative Committee, Cities Assoc of SCC (CM)<br><b>6:40 PM</b> -Cities Selection Committee - Cities Assoc of SCC (RT)<br><b>7:00 PM</b> -Cities Assoc of SCC (CM)<br><b>7:00 PM</b> -Youth Advisory Commission (AP) | <b>10</b>                                                                     | <b>11</b>                                                                                                                                                      |
| <b>12</b> | <b>13</b><br><b>9:30 AM</b> -I-680 Sunol Express Lane JPA (RT) (Oakland)<br><b>7:00 PM</b> -Library and Education Commission @Library (CM)                            | <b>14</b><br><b>3:00 PM</b> City Council Housing Subcommittee (BN/CM)           | <b>15</b><br><b>6:00 PM</b> -Energy and Environmental Sustainability Commission (BN)<br><b>7:00 PM</b> -Planning Commission                                                                                       | <b>16</b><br><b>11:30 AM</b> -South Bay Odor Stakeholders Group<br><b>4:00 PM</b> -Santa Clara VTA Policy Advisory Committee (KD)<br><b>4:00 PM</b> -City/School Collaborative Subcommittee (RT/CM)<br><b>6:30 PM</b> -Bay Area Water Supply & Conserv Agency (San Mateo) (CM)<br><b>7:00 PM</b> -Public Safety & Emergency Preparedness Commission (KD)                 | <b>17</b><br><b>2:00 PM</b> -City Council Finance Subcommittee (RT/CM)        | <b>18</b><br><br><b>6:00 PM</b> Lunar New Year Celebration-Community Center |
| <b>19</b> | <b>20</b><br><b>MARTIN LUTHER KING JR. BIRTHDAY</b><br><br><b>CITY HALL CLOSED</b> | <b>21</b><br><b>6:00 PM</b> -Closed Session<br><b>7:00 PM</b> -City Council     | <b>22</b><br><b>6:00 PM</b> -Project Sentinel Drop-In Clinic<br><b>7:00 PM</b> -Project Sentinel Informational Workshop                                                                                           | <b>23</b><br><b>12:00 PM</b> -Santa Clara County Library Joint Powers Authority (CM)<br><b>2:00 PM</b> -Santa Clara VTA Safety, Security, and Transit Planning & Operations Committee (RT)<br><b>4:30 PM</b> -Special Economic Dev. and Trade Commission (KD)                                                                                                            | <b>24</b><br><b>9:00 AM</b> -Santa Clara VTA Board of Directors Workshop (RT) | <b>25</b>                                                                                                                                                      |
|           |                                                                                                                                                                       |                                                                                 | <b>LEAGUE OF CA CITIES CONFERENCE – Sacramento (City Manager/BN/CM)</b>                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                          |                                                                               |                                                                                                                                                                |
| <b>26</b> | <b>27</b><br><b>7:00 PM</b> -Arts Commission (CM)<br><b>7:00 PM</b> -Science, Technology & Innovation Commission (BN)                                                 | <b>28</b><br><b>5:30 PM</b> -City Council Budget Study Session                  | <b>29</b><br><b>7:00 PM</b> -Planning Commission<br><b>7:00 PM</b> -Project Sentinel Informational Workshop                                                                                                       | <b>30</b><br><b>11:00 AM</b> -Police Academy Graduation (San Mateo)                                                                                                                                                                                                                                                                                                      | <b>31</b>                                                                     |                                                                                                                                                                |



| January 2020 |    |    |    |    |    |    |
|--------------|----|----|----|----|----|----|
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| 19           | 20 | 21 | 22 | 16 | 17 | 18 |
| 26           | 27 | 28 | 29 | 23 | 24 | 25 |
|              |    |    | 30 | 31 |    |    |

| March 2020 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|
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| 15         | 16 | 17 | 18 | 19 | 20 | 21 |
| 22         | 23 | 24 | 25 | 26 | 27 | 28 |
| 29         | 30 | 31 |    |    |    |    |

# Milpitas City Council Calendar

## February 2020

| Sunday | Monday                                                                                                                           | Tuesday                                                                                                                 | Wednesday                                                                                                                                                                                               | Thursday                                                                                                                                                                                      | Friday                                                         | Saturday                                                                            |
|--------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------|
|        |                                                                                                                                  |                                                                                                                         |                                                                                                                                                                                                         |                                                                                                                                                                                               |                                                                | 1                                                                                   |
| 2      | 3<br>7:00 PM-Parks, Recreation & Cultural Resources Commission (AP)                                                              | 4<br>12:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (RT)<br>7:00 PM-Closed Session<br>7:00 PM-City Council | 5<br>5:30 PM-Veterans Commission (RT)<br>7:00 PM-Community Advisory Commission (BN)                                                                                                                     | 6<br>5:30 PM-Milpitas Chamber of Commerce Board (CM)<br>5:30 PM-Santa Clara VTA Board of Directors (RT)                                                                                       | 7                                                              | 8<br>2:00 PM-Black History Month Flag Raising & Film Screening (Cesar Chavez Plaza) |
|        |                                                                                                                                  |                                                                                                                         | League of CA Cities -City Managers Conference<br>Interim City Manager Steve McHarris                                                                                                                    |                                                                                                                                                                                               |                                                                |                                                                                     |
| 9      | 10<br>4:30 PM-Economic Development and Trade Commission (KD)                                                                     | 11                                                                                                                      | 12<br>4:30 PM-City Council Transportation Subcommittee (RT/CM)<br>6:00 PM-Project Sentinel Drop-In Clinic<br>7:00 PM-Silicon Valley Clean Energy Board of Directors (CM)<br>7:00 PM-Planning Commission | 13<br>4:00 PM-Treatment Plant Advisory Committee (CM)<br>4:00 PM-Santa Clara VTA Policy Advisory Committee (KD)<br>7:00 PM-Youth Advisory Commission (AP)<br>7:00 PM-Cities Assoc of SCC (CM) | 14<br>*2:00 PM-City Council Finance Subcommittee (RT/CM)       | 15                                                                                  |
| 16     | 17<br>PRESIDENT'S DAY<br><br>CITY HALL CLOSED | 18<br>7:00 PM-Closed Session<br>7:00 PM-City Council                                                                    | 19<br>6:00 PM-Energy and Environmental Sustainability Commission (BN)                                                                                                                                   | 20                                                                                                                                                                                            | 21<br>9:00 AM-Santa Clara VTA Board of Directors Workshop (RT) | 22                                                                                  |
| 23     | 24<br>7:00 PM-Science, Technology, and Innovation Commission (BN)                                                                | 25<br>1:30 PM-Senior Advisory Commission (AP)                                                                           | 26<br>6:00 PM-Project Sentinel Drop-In Clinic<br>7:00 PM-Project Sentinel Informational Workshop<br>7:00 PM-Planning Commission                                                                         | 27                                                                                                                                                                                            | 28                                                             | 29                                                                                  |

\*Finance Subcommittee will meet only as needed

*Draft* **MEETING MINUTES**  
**CITY OF MILPITAS**

|                    |                                                                                           |
|--------------------|-------------------------------------------------------------------------------------------|
| <b>Minutes of:</b> | <b>Regular Meeting of the Milpitas City Council</b>                                       |
| <b>Date:</b>       | <b>Tuesday, January 7, 2020</b>                                                           |
| <b>Time:</b>       | <b>6:00 PM Closed Session</b><br><b>7:00 PM Open Session</b>                              |
| <b>Location:</b>   | <b>Council Chambers, Milpitas City Hall,</b><br><b>455 East Calaveras Blvd., Milpitas</b> |

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|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CALL TO ORDER</b>  | Mayor Tran called the meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.<br><br><b>PRESENT:</b> Mayor Tran, Vice Mayor Dominguez and Councilmembers Montano, Nuñez and Phan<br><br><b>ABSENT:</b> None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>CLOSED SESSION</b> | City Council convened in Closed Session to discuss three items.<br><br>Mayor and City Council started the Open Session regular meeting at 7:00 PM.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>ANNOUNCEMENT</b>   | No reportable action out of Closed Session.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>PLEDGE</b>         | Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>INVOCATION</b>     | Councilmember Phan deferred to Councilmember Nuñez, who led a prayer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>PRESENTATION</b>   | Mayor Tran proclaimed January 2020 as Santa Clara County Month of Racial Healing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>PUBLIC FORUM</b>   | Frank DeSmidt, of Milpitas Rotary Club and Milpitas Chamber of Commerce, announced upcoming events on February 1, 2020, an International Expo event; and on March 6, 2020, the Chamber's annual Crab Feed.<br><br>Voltaire Montemayor, resident, said the Council was doing a great job.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>ANNOUNCEMENTS</b>  | Councilmember Phan requested an update on California Senate Bill 50, which addresses transit oriented development and housing, at the next Council meeting. He asked for the City Attorney's help and to take a position to support or oppose it. City Attorney Diaz responded that he would provide an update on SB 50; however, he would not take a position. He would walk the Council through the bill and could assist with a letter to state officials.<br><br>Councilmember Phan asked, on the next agenda, to have conversation about speed cameras similar to the City of Fremont, paid for by County transportation tax measure and grants. There was consensus from the Council on both items.<br><br>Councilmember Nuñez wanted to discuss SB50 in a timely manner before the legislature voted on the bill. Also, consider the timing of other agencies - such as the Cities Association that would discuss or vote on the bill. The City Attorney replied the Council could do so at the next meeting on January 21.<br><br>Councilmember Nuñez asked about parking in The Pines neighborhood and when that topic would come back to the Council. |

City Engineer Steve Erickson responded that the funding for this project was programmed for FY 2021. Meanwhile, staff had monitored the situation, and had not received the same amount of complaints as in the past. Apartment residents on Main St. had previously been subletting their units, contributing to parking problems in The Pines. After that was resolved, parking surveys indicated most garages were no longer full.

Councilmember Nuñez noted the newspaper reported that parking and bus transit centers opened at the new BART stations, affecting traffic and parking; he also asked about a potential police substation. The Police Chief had reported that the Valley Transportation Authority (VTA) was waiting until the stations opened, on the bidding process for the station police services.

City Manager McHarris asked Mr. Erickson to respond, and he replied there were two pieces to this issue. Staff could survey The Pines again. The BART station area parking as a pilot program had already started with new signs and parking restrictions being enforced. Staff could report back to Council on both items, most likely at the second meeting in February.

Councilmember Nuñez discussed street calming as he saw in Long Beach, where there was a section on transportation and street calming. It could be applied to discussion of the La Quinta Hotel project and be brought back for further information and consideration, such as a driveway to slow drivers down without putting in stop lights. This concept could expand to other areas of the city. He wanted this brought back for consideration, in a reasonable amount of time, with material for education of the Council on the issue. The City Manager responded that this was being worked on by the transportation engineering staff and could be brought to Council in March.

Councilmember Montano noted on SB50, she was the Council's representative to the Santa Clara County Cities Association, which took a position on that bill last year. The Association would discuss the revised bill this year. She also noted regarding The Pines, people found out it was not Apex Apartments causing the problem, rather, it was due to the expansion of the neighborhood's family size.

Councilmember Montano, regarding the issue of vaping, wanted to propose a ban on vaping cigarettes, especially for young people, and to ask for four hours or more of staff time on that topic. The City Attorney replied that some cities had limited those devices via their existing tobacco retailer ordinance, which Milpitas did not have, but could consider.

Mayor Tran requested a "Dumpster Days" idea, similar to what other cities do such as San Jose, be placed on a City Council agenda.

Councilmember Montano stated that traffic calming, along with flashing lights (beacons), would be discussed at the next Transportation Subcommittee meeting.

Vice Mayor Dominguez commented on The Pines and parking citations in the cul-de-sacs there, and she asked staff to provide a timeline, since the issue had started. She also announced a San Jose Women's March on Saturday, January 18 at 11:00 AM and said that one of the speakers would be a young lady from Milpitas.

#### **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

#### **APPROVAL OF AGENDA**

Motion: to approve the City Council agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

**Motion:** to approve the consent calendar

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

- |                      |                                                                                                                                                                                                                                        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C1. Council Calendar | City Council received the calendar of upcoming meetings for the month of January 2020.                                                                                                                                                 |
| C2. Meeting Minutes  | Approved City Council meeting minutes of December 17, 2019.                                                                                                                                                                            |
| C3. Adopt Resolution | Adopted Resolution No. 8935 approving the prequalification procedures, authorized advertisement of the prequalification package and approved project plans and specifications for the Fire Station No. 2 Replacement Project No. 3447. |

## **COMMUNITY SERVICES**

4. EESC Work Plan Deputy Public Works Director Elaine Marshall presented the work plan for the Energy and Environmental Sustainability Commission, reviewing its purpose and proposed topics and events for 2020.

Councilmember Nuñez inquired about solar panels on city facilities. He also inquired about Silicon Valley Clean Energy and staff stated the Chief Executive Officer was scheduled to address the Council in February.

Councilmember Montano asked about the Climate Action Master Plan. Ms. Marshall replied that the Climate Action Plan was adopted in the past, and would be updated it this year.

Vice Mayor Dominguez requested staff provide a copy of the Climate Action Plan. On recycling and solid waste services, she asked if that was for all city facilities. She reported that seniors wanted to have separation of recycling bins at all city facilities.

Councilmember Phan asked for an update on solid waste contracts, to discuss in Closed Session on that topic (recycling and solid waste). City Attorney Chris Diaz would check if that would be possible.

The City Manager noted that the Council had received an e-mail from a resident on banning natural gas and reminded Council that they recently adopted an update to the building code where this was addressed. However, further discussion on a gas ban could be a topic of the Climate Action Plan update.

Councilmember Nuñez recommended a look at the odor issue, and discussion at the Technology Commission, where the Public Works Director had visited to describe plans (regarding odor monitoring technology). Managing data and putting it online was a future goal.

**Motion:** to approve the Energy and Environmental Sustainability Commission 2020 Work Plan, and to direct staff to provide information as requested by the Mayor and Councilmembers

Motion/Second: Councilmember Nuñez/Councilmember Montano

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

## **LEADERSHIP**

5. Interim Update on Mayor and Vice Mayor topics Assistant City Manager Ashwini Kantak provided an interim update on the Mayor and Vice Mayor roles and shared community polling results. Polling through January 3 revealed 92.9%

responded favored a directly elected Mayor, not a rotating Mayor. 67.9% supported the two-year appointment of the Vice Mayor.

City Attorney Chris Diaz referred to his brief memo sent to Council on the laws related to an elected Mayor and process for appointment of Vice Mayor.

Mayor Tran remained firm on his idea of shared leadership, that he brought up last month. Councilmembers discussed the possible change.

The Mayor invited speakers to the podium.

Voltaire Montemayor, resident, dreamt of being Mayor someday. A new Vice Mayor would be respected.

John Agg, a 25 year resident, was unclear why this issue was being raised.

Tom Valore, resident, felt Bob Nuñez would make a fine Vice Mayor, however it bothered him that the City Council was changing the process.

Eric Stroker, San Jose resident, expressed his disappointment on this issue and thought this was only for the Mayor's own goal, not the community's.

Motion: to appoint Councilmember Bob Nuñez to serve as Vice Mayor for shared leadership governance for one year term, for the year 2020

Motion/Second: Mayor Tran/Councilmember Phan

AYES: 3

NOES: 0

ABSTAIN: 2 (Dominguez, Montano)

Ms. Dominguez left the dais at 9:19 PM.

## **REPORTS**

### **6. Mayor Request**

Recreation and Community Services Director Renee Lorentzen made a presentation in response to a request from Mayor Tran for a study on a potential performing arts center in Milpitas.

Motion: approve staff time to conduct a study on a potential performing arts center in Milpitas and report back to City Council with the possibility of adding a project to the Capital Improvement Program. Study shall include a look at potential facilities including an amphitheater, space for Historical Society, use of school district space at former Samuel Ayer high school, and other creative ideas, consider partnering with other agencies and their funding sources, and bring back cost and revenue options

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Dominguez)

## **NEXT AGENDA**

### **7. Preview next agenda**

Received a list of agenda items for the January 21, 2020 City Council meeting.

## **ADJOURNMENT**

Mayor Tran adjourned the regular City Council meeting at 9:34 PM.

*Meeting minutes respectfully drafted and submitted by  
Mary Lavelle, City Clerk*



## CITY OF MILPITAS AGENDA REPORT (AR)

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>             | <b>Adopt Two Resolutions (1) approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge; and, (2) approving project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well, and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with Pacific Coast Well Drilling, Inc. in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,000 (Staff Contact: Steve Erickson, 408-586-3301)</b>                                                                                                  |
| <b>Category:</b>               | Consent Calendar-Community Services and Sustainable Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Meeting Date:</b>           | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Staff Contact:</b>          | Steve Erickson, City Engineer, 408-586-3301                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b><u>Recommendations:</u></b> | <ol style="list-style-type: none"> <li>1. Adopt a Resolution approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for the Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge.</li> <li>2. Adopt a Resolution to approve project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well; and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Pacific Coast Well Drilling, Inc., in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,000 for the Project.</li> </ol> |

### **Background:**

The 2019-2024 Capital Improvement Program includes Project No. 5102, McCandless Park, Project No. 7076 Well Upgrade - McCandless Well ("McCandless Well Project"), and Project No. 2005 Pedestrian Bridge - McCandless Park (**Attachment 7**). These three projects are located within the Transit Area Specific Plan (TASP) on a City owned parcel adjacent to the Mabel Mattos Elementary School. The projects provide for the design and construction of a City park, potable water well facility, and a pedestrian bridge across East Penitencia Creek, all to be located within the future McCandless Park.

The City's environmental consultant, David J. Powers and Associates, created an Addendum to the certified June 3, 2008 TASP Environmental Impact Report (EIR), in conformance with the California Environmental Quality Act (CEQA) guidelines. The purpose of the Addendum is to evaluate these projects with respect to site specific environmental impacts that may result from their implementation, and to determine whether the projects would result in any new significant impacts, or substantially increase the severity of impacts previously identified in the certified TASP EIR.

### **Project 7076 Well Upgrade - McCandless Well**

The McCandless Well Project provides for the construction of a potable water well located in future McCandless Park adjacent to the Mabel Mattos Elementary School. The 10,000 square foot project site



includes the installation of a new potable water well, pump, emergency generator, and treatment facility to serve the City's Midtown and Transit Area Specific Plan (TASP) area. The McCandless Well Project is being constructed in phases with the first test well phase being successfully completed last year. The next phase that is ready to start construction in Spring 2020 will be installation of the permanent 600-foot deep water well facility that will be pumped from a 16-inch diameter casing ("Phase 2 - McCandless Well Project").

### **Analysis:**

#### **TASP EIR Addendum**

The City's consultant, David J. Powers and Associates has reviewed the requirements and conditions of CEQA guideline Section 15162 and determined that a new EIR for the three City projects is not required. It was determined the proposed projects would not result in any new impacts not previously disclosed in the certified June 3, 2008 TASP EIR, and implementation of the three City projects would not result in a substantial increase in magnitude of any significant environmental impact previously identified in the EIR.

For these reasons, David J. Powers determined that a supplemental or subsequent EIR to the June 3, 2008 TASP EIR, is not required, and an Addendum to the certified TASP EIR would adequately disclose the environmental impacts of the proposed projects. The consultant has completed the Addendum to the June 3, 2008 TASP EIR as allowed by CEQA guideline Section 15164 to address minor changes and additions (**Attachment 2**). This Addendum and all documents referenced are available for public review in Engineering Department

Staff recommends the City Council adopt a Resolution (**Attachment 1**) approving the Addendum to the TASP EIR for City Project's No. 2005, Pedestrian Bridge, Project No. 7076 Well Upgrade -McCandless Well, and Project No. 5102 McCandless Park.

#### **Project 7076 Well Upgrade - McCandless Well**

The City's well design consultant completed plans and specifications for the construction of the Phase 2 - McCandless Well Project (**Attachment 4**). The Engineers Estimate for the Phase 2 - McCandless Well Project is \$900,000. The plans and specifications were advertised in accordance with the Uniform Public Construction Cost Accounting Act. The bid opening was held on December 6, 2019, and five bids were received ranging from \$884,620 to \$1,166,241. The lowest responsible bidder submitting a responsive bid is Pacific Coast Well Drilling, Inc., in the amount of \$884,620, which is lower than the Engineer's Estimate by \$15,380 (1.7%). No bid protests were filed with the City regarding this bid.

The Summary of Bid Results is shown as follows and is included in the agenda as **Attachment 3**.

| <b>Bidder</b>                          | <b>Location</b> | <b>Base Bid</b>   |
|----------------------------------------|-----------------|-------------------|
| <b>Engineers Estimate</b>              |                 | <b>\$ 900,000</b> |
| Pacific Coast Well Drilling, Inc.      | Templeton, CA   | \$ 884,620        |
| Zim Industries, Inc.                   | Fresno, CA      | \$ 889,438        |
| Nor-Cal Pump & Well Drilling, Inc.     | Yuba, CA        | \$ 988,397        |
| Roadrunner Drilling & Pump Comp., Inc. | Woodland, CA    | \$ 993,726        |
| Maggiora Bros. Drilling, Inc.          | Watsonville, CA | \$1,166,241       |

Staff recommends the City Council adopt a Resolution (**Attachment 3**) to approve the plans and specifications for the Phase 2 - McCandless Well Project, and to award a construction contract to Pacific Coast Well Drilling, Inc. for the Base Bid contract amount of \$884,620 for construction of the Phase 2 - McCandless Well Project.

As was previously approved for the successful completion of complicated projects with tight completion schedules, staff is requesting the use of the same change order policy (**Attachment 6**). This policy allows for the timely completion of the Phase 2 - McCandless Well Project while addressing the need to respond swiftly to construction conditions and approve necessary change orders in order to limit potential claims or risks to the City. The construction contingency established for the Phase 2 - McCandless Well Project is \$265,000, which is approximately 30% of the total contract value. This high contingency is requested due to potential

unforeseen conditions related to water well construction which is specialized work. The recommended higher contingency is a result of staff experience with construction of the McCandless test well and the Curtis well where high subsurface artesian water pressures were found and resulted in difficult construction.

**Policy Alternatives:**

**Alternative 1:** Not adopt a resolution to approve the Addendum to the certified Transit Area Specific Plan (TASP) Environmental Impact Report (EIR) to include the additional City projects.

Pros: None

Cons: Not approving the Addendum to the TASP EIR will delay and/or prevent construction of the City projects. This may result in forfeiture of grant funding received for McCandless Park if the park is not completed by the January 2022 grant deadline. The City has also received bond funding to complete the McCandless well facilities, which would require its completion within three years.

Reason not Recommended: The adoption of the Addendum to the TASP EIR to include the City projects is required to allow the projects to move forward without delay. Staff recommends the adoption of the resolution approved the Addendum to the TASP EIR.

**Alternative 2:** Not approving the plans and specifications for the Phase 2 - McCandless Well Project and not adopt a resolution to award a construction contract for construction of the Phase 2 - McCandless Well Project.

Pros: None

Cons: Not approving the plans and specifications and awarding the construction contract to the low bidder for Phase 2 - McCandless Well Project will delay completion of the McCandless Well Project.

Reason not Recommended: The City has received bond funding for the completion of the McCandless Well Project. A requirement of the bond financing is that the McCandless Well Project be completed and the funding spent within three years. A delay in the completion of the McCandless Well Project risks a violation of the bond financing requirements including possible monetary penalties for the City.

**Fiscal Impact:**

The City has received bond financing for construction of McCandless Well Project. There is sufficient funding available in the McCandless Well Project budget to award the construction contract for the Phase 2 - McCandless Well Project to Pacific Coast Well Drilling, Inc. As of October 31, 2019, the available McCandless Well Project funding is as follows:

|                                                            |                     |
|------------------------------------------------------------|---------------------|
| <b>Available Project Budget *</b>                          | <b>\$ 7,204,446</b> |
| <b>Summary of Estimated Tenant Improvement Cost</b>        |                     |
| Construction Contract                                      | \$ 884,620          |
| 30% Construction Contingency                               | \$ 265,386          |
| Administration and Inspection including Special Inspection | \$ 355,000          |
| Total Estimated Cost                                       | \$ 1,505,006        |

\*Project Budget includes funding for future phases of this project.

**California Environmental Quality Act:**

The requirements and conditions of CEQA guideline Section 15162 have been reviewed, and it has been determined that a new EIR for the three City projects (Project's No. 2005, Pedestrian Bridge, Project No. 7076 Well Upgrade -McCandless Well, and Project No. 5102 McCandless Park) is not required. It has been determined that the proposed projects would not result in any new impacts not previously disclosed in the certified June 3, 2008 TASP EIR, and implementation of the three City projects would not result in a subst

increase in magnitude of any significant environmental impact previously identified in the EIR. For these reasons, a supplemental or subsequent EIR to the June 3, 2008 TASP EIR is not required, and an Addendum to the TASP EIR would adequately disclose the environmental impacts of the proposed projects. An Addendum to the June 3, 2008 TASP EIR as allowed by CEQA guideline Section 15164 to address minor changes and additions has been created.

**Recommendations:**

- 1) Adopt a Resolution approving the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for the Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge.
- 2) Adopt a Resolution to approve project plans and specifications for Project No. 7076 Well Upgrade - McCandless Well; and to award a construction contract for the Base Bid and authorize the Interim City Manager to execute the contract with the lowest responsible bidder submitting a responsive bid, Pacific Coast Well Drilling, Inc., in the amount of \$884,620; and to authorize the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,000 for the project.

**Attachments:**

1. Resolution to Adopt the Addendum to the TASP EIR
2. Addendum to the TASP EIR (Exhibit A to Resolution)
3. Resolution to Award Construction Contract
4. Constructions Plans & Specifications
5. Bid Results
6. Change Order Policy
7. Park Site Plan

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE MILPITAS TRANSIT AREA SPECIFIC PLAN (SCH NO. 2006032091) FOR MCCANDLESS PARK (PROJECT NO. 5102), WELL UPGRADE, MCCANDLESS WELL (PROJECT NO. 7076), AND PENITENCIA CREEK PEDESTRIAN BRIDGE (PROJECT NO. 2005)**

**WHEREAS**, the City of Milpitas (“City”) served as the lead agency under the California Environmental Quality Act (“CEQA”; Pub. Resources Code, § 21000 et seq.) for the Milpitas Transit Area Specific Plan (“TASP”), which encompasses approximately 437 acres within the City (“TASP Area”); and

**WHEREAS**, on June 3, 2008, the City Council of the City of Milpitas (“City Council”) approved Resolution No. 7759, thereby certifying the environmental impact report (“EIR”) prepared for the TASP (SCH No. 2006032091); and

**WHEREAS**, on June 3, 2008, the City Council approved Resolution No. 7760 and thereby adopted the TASP; and

**WHEREAS**, the 2019-2024 Capital Improvement Program includes Project No. 5102 (McCandless Park), Project No. 7076 (Well Upgrade – McCandless Well), and Project No. 2005 (Pedestrian Bridge) (collectively, the “TASP Implementation Projects”), all of which are proposed for the TASP Area; and

**WHEREAS**, the TASP Implementation Projects as proposed would be located within an undeveloped 4.77-acre site within the TASP Area (“Project Site”); and

**WHEREAS**, the proposed McCandless Park would provide for a new four-acre City park directly north of the newly constructed Mabel Mattos elementary school along McCandless Drive; and

**WHEREAS**, the proposed Well Upgrade – McCandless Well includes the construction of a production water well within a fenced and secured 100-foot by 100-foot area at the southwest corner of the Project Site and would generate water sufficient to accommodate planned growth pursuant to the TASP; and

**WHEREAS**, the proposed Pedestrian Bridge would add to and enhance the pedestrian network contemplated by the TASP by providing for a pre-fabricated pedestrian bridge over the East Penitencia Channel, midway between the Montague Expressway and McCandless Drive; and

**WHEREAS**, pursuant to CEQA and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.), the City is the Lead Agency for future actions related to implementation of the TASP, including the TASP Implementation Projects; and

**WHEREAS**, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has already been certified, the lead agency is prohibited from requiring a subsequent or supplemental EIR or negative declaration unless at least one of the circumstances identified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 are present; and

**WHEREAS**, pursuant to State CEQA Guidelines section 15164, the City has overseen the preparation of an Addendum to the TASP EIR (the “Addendum”) to evaluate the potential for any new

significant impacts or a substantial increase in the severity of previously identified significant impacts to occur as a result of the TASP Implementation Projects; and

**WHEREAS**, the Addendum concludes that none of the circumstances described in Public Resources Code section 21166 or State CEQA Guidelines section 15162 have occurred, and that a supplemental or subsequent EIR or negative declaration is thus not required; and

**WHEREAS**, the City Council has reviewed the Addendum, along with all information in the previously certified TASP EIR, all oral and written testimony submitted to the City in relation to the TASP Implementation Projects, and all other information in the administrative record, prior to taking any action on the TASP Implementation Projects; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred,

**NOW, THEREFORE**, the City Council of the City of Milpitas does hereby find, determine, resolve, and order as follows:

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

Section 2. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to a project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the previously certified TASP EIR and the Addendum, and the City Council finds that these documents, taken together, contain a complete and accurate reporting of all of the potential environmental impacts associated with the TASP Implementation Projects. The City Council further finds that the Addendum has been completed in compliance with CEQA and the State CEQA Guidelines, and that the Addendum reflects the City Council's independent judgment.

Section 3. Based on the substantial evidence set forth in the record, including but not limited to the certified TASP EIR, the Addendum, and all oral and written testimony submitted to the City in relation to the TASP Implementation Projects, the City Council finds that an addendum is the appropriate document for disclosing the impacts of the TASP Implementation Projects, and that none of the conditions identified in Public Resources Code section 21166 and State CEQA Guidelines section 15162 requiring subsequent environmental review have occurred, because:

(a) The TASP Implementation Projects do not constitute a substantial change to the TASP that would require major revisions of the TASP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(b) There is not a substantial change with respect to the circumstances under which the TASP Implementation Projects will be constructed that would require major revisions of the TASP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects.

(c) The City has not been presented with new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the TASP EIR was certified, that shows any of the following:

(i) The TASP and TASP Implementation Projects would have one or more significant effects not discussed in the TASP EIR;

(ii) Significant effects previously examined would be substantially more severe than shown in the TASP EIR;

(iii) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declines to adopt such measures; or

(iv) Mitigation measures or alternatives considerably different from those analyzed in the TASP EIR would substantially reduce one or more significant effects on the environment, but the City declines to adopt such measures or alternatives.

Section 4. The City Council hereby approves and adopts the Addendum, attached hereto as **Exhibit A.**

Section 5. The TASP EIR, the Addendum, and all other documents and materials that constitute the record of proceedings upon which these findings have been based are on file and available for public review at 455 East Calaveras Boulevard, Milpitas, CA 95035.

PASSED AND ADOPTED by the City Council of the City of Milpitas this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

**The Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) for Project No. 5102 McCandless Park, Project No. 7076 Well Upgrade - McCandless Well, and Project No. 2005 Penitencia Creek Pedestrian Bridge will be available in the Milpitas City Clerk's office for review.**

Addendum will also be posted to the City website as an additional attachment when ready.

Contact Milpitas City Clerk's office by calling 408-586-3003 or 408-586-3004.

Location: Milpitas City Hall  
City Clerk's office – 3<sup>rd</sup> floor  
455 E. Calaveras Blvd.  
Milpitas CA 95035

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PROJECT PLANS AND SPECIFICATIONS, AWARDING A CONSTRUCTION CONTRACT TO AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER SUBMITTING A RESPONSIVE BID, PACIFIC COAST WELL DRILLING, INC., IN THE AMOUNT OF \$884,620 FOR THE WELL UPGRADE, MCCANDLESS WELL (BELOW GROUND FACILITIES), PROJECT NO. 7076, AND AUTHORIZING THE ENGINEERING DIRECTOR/CITY ENGINEER TO NEGOTIATE AND EXECUTE CONTRACT CHANGE ORDER(S) IN AN AGGREGATE AMOUNT NOT TO EXCEED \$265,000 FOR THE PROJECT**

**WHEREAS**, the Well Upgrade, McCandless Well (Below Ground Facilities), Project No. 7076, provides for the below ground facilities for a fully-functional potable groundwater well with a minimum production capacity of 1,000 gallons per minute at 1650 McCandless Drive (the “Project”); and

**WHEREAS**, in compliance with the California Environmental Quality Act (“CEQA”), the potential environmental impacts of the Project have been analyzed in the Addendum to the Environmental Impact Report prepared for the Milpitas Transit Area Specific Plan (“Addendum”), and the City Council approved and adopted the Addendum pursuant to CEQA via Resolution No. \_\_\_\_\_ on \_\_\_\_\_; and

**WHEREAS**, the Project was advertised for bid in the Milpitas Post on November 8 and 15, 2019; and

**WHEREAS**, the Engineer’s Estimate for the base bid for the Project is \$899,684; and

**WHEREAS**, the bid opening on December 6, 2019, resulted in the City receiving five sealed bid proposals, which ranged in pricing from \$884,620 to \$1,166,241; and

**WHEREAS**, the lowest responsible bidder submitting a responsive bid is Pacific Coast Well Drilling, Inc., with a total bid amount of \$884,620; and

**WHEREAS**, no bid protest was filed with the City within five (5) days of the bid opening as set forth in the Project specifications; and

**WHEREAS**, staff recommends the City Council award a construction contract to Pacific Coast Well Drilling, Inc., the lowest responsible bidder submitting a responsive bid for the Project, and authorize the Interim City Manager to execute a contract for the Base Bid in the amount of \$884,620 in accordance with State law; and

**WHEREAS**, sufficient funds are available in the Project budget to award a construction contract in the amount of \$884,620; and

**WHEREAS**, staff recommends the City Council authorize the Engineering Director/City Engineer to negotiate and execute change order(s) in an amount not to exceed \$265,000, 30% percent of the total contract value, due to the Project’s tight completion schedule and staff’s capability to respond swiftly to unanticipated construction conditions to limit potential claims or risk to the City.

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



1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby approves the Project Plans and Specifications.
3. The City Council hereby awards the construction contract to and authorizes the City Manager to execute the contract and related documents with the lowest responsible bidder submitting a responsive bid, Pacific Coast Well Drilling, Inc., in the amount of \$884,620 for the Project.
4. The Engineering Director/City Engineer is hereby authorized to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$265,386 for the Project.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

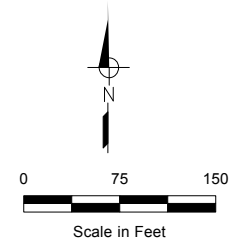
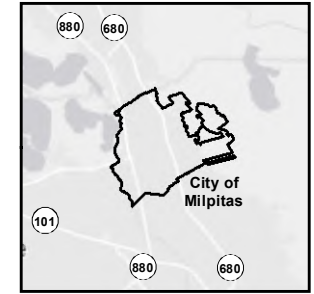
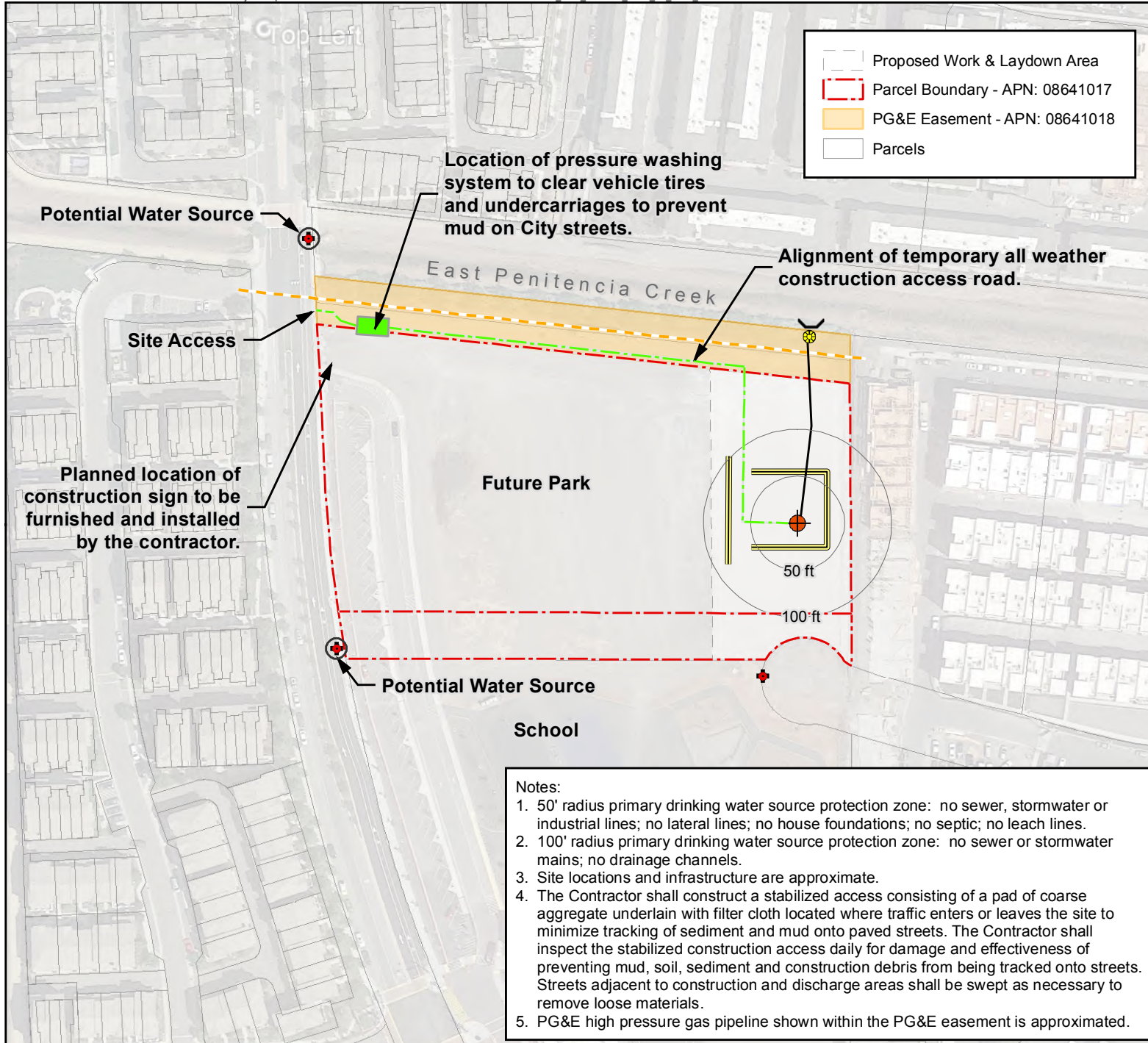
APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney



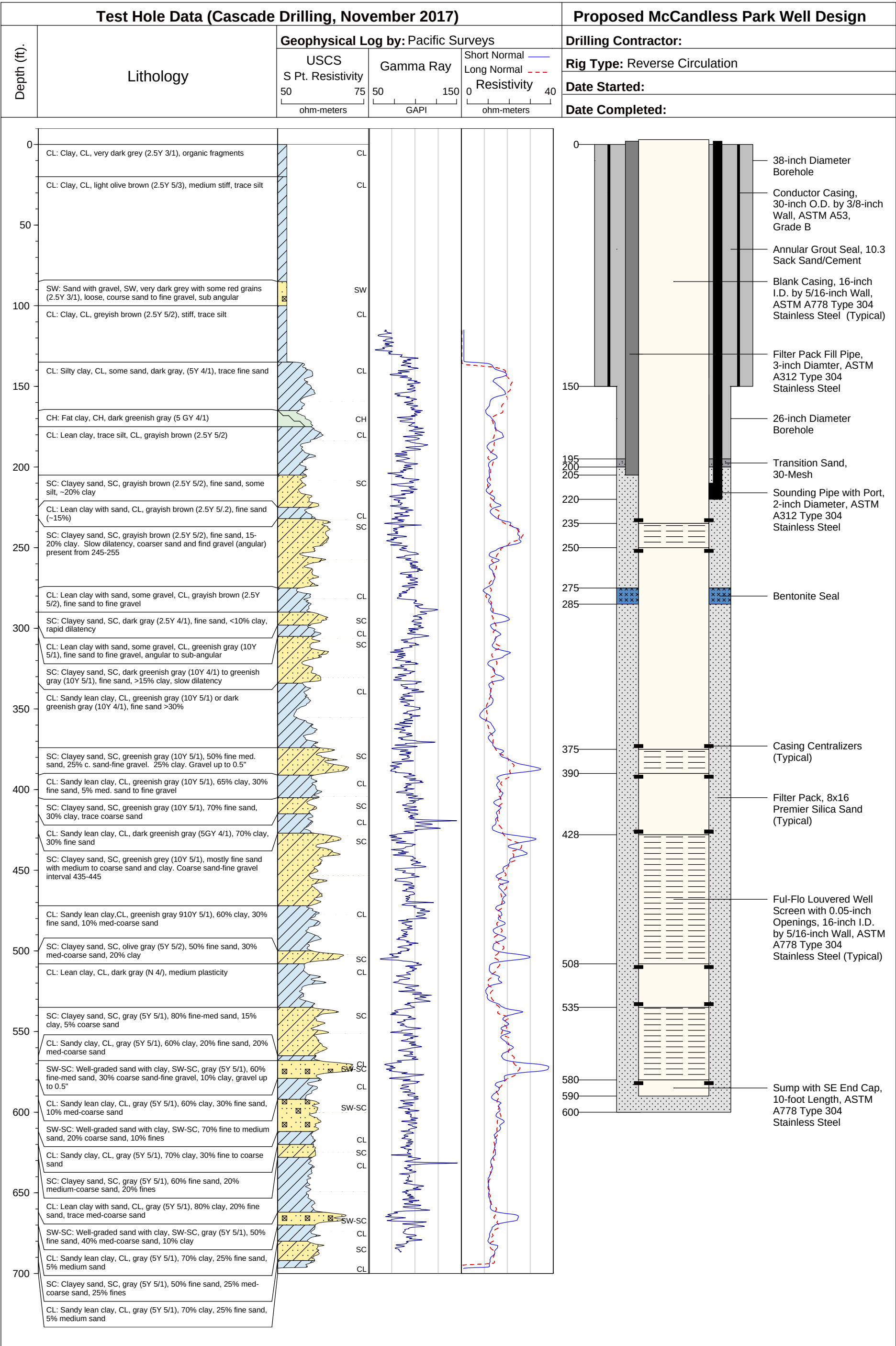
#### Symbology

- Approximate Well Location
- Existing Fire Hydrant
- Existing Manhole
- Existing Storm Drain Outfall
- Temporary Discharge Pipeline
- Approximate Layout of Temporary Sound Barrier
- PG&E Gas Line (See Note 5)



## Exhibit 1

## Well Site Plan



LOCATION: City of Milpitas

Notes:

1. Well design is intended for bidding purposes only.

2. Actual well construction will be based on lithology and geophysical logs, as determined by the Engineer.

3. Sets of four centralizers with 90-degree circumferential spacing shall be attached by welding directly to the blank well casing above and below each screened section and at intervals of no more than 80 feet of blank casing.

Only centralizers above and below each screened section are shown on this proposed well design.

DRAWN BY: AMR

DATE: 10/29/2019

APPROVED BY: KLL

DATE: 10/29/2019

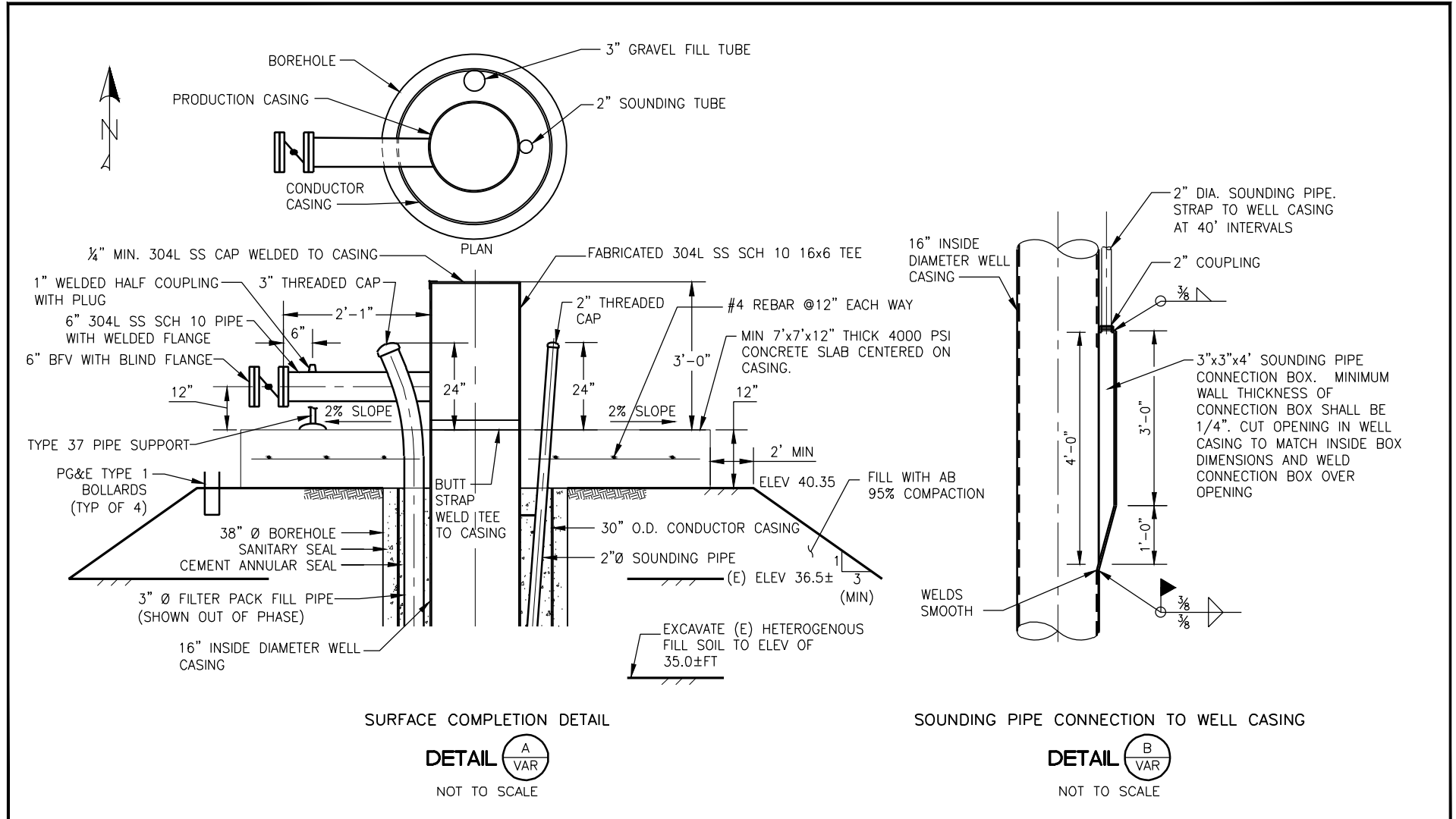
PROJ. NO.: 270-12-18-12



Exhibit 2

PROPOSED WELL DESIGN

City of Milpitas  
McCandless Park Well  
Technical Specifications



NOTES:

- UPON COMPLETION OF WELL TESTING ACTIVITIES, THE WELL CASING SHALL BE SEALED WITH A WATER-TIGHT WELD, AND THE THREADED CAPS ON THE GRAVEL FILL AND SOUNDING PIPES SHALL BE WATER TIGHT AND TACK-WELDED IN PLACE.
- EXCAVATION OF HETEROGENEOUS MATERIAL IN A 20 FT. BY 20 FT. AREA AROUND THE WELL, PLACEMENT AND COMPACTION OF AGGREGATE BASE, AND CONSTRUCTION OF CONCRETE APRON FOR SURFACE COMPLETION SHALL BE PER CALTRANS 2010 STANDARD SPECIFICATION.



**WEST YOST**  
**ASSOCIATES**

**EXHIBIT 3**  
**WELL CONSTRUCTION**  
**DETAILS**  
CITY OF MILPITAS  
McCANDLESS PARK WELL  
TECHNICAL SPECIFICATIONS

26

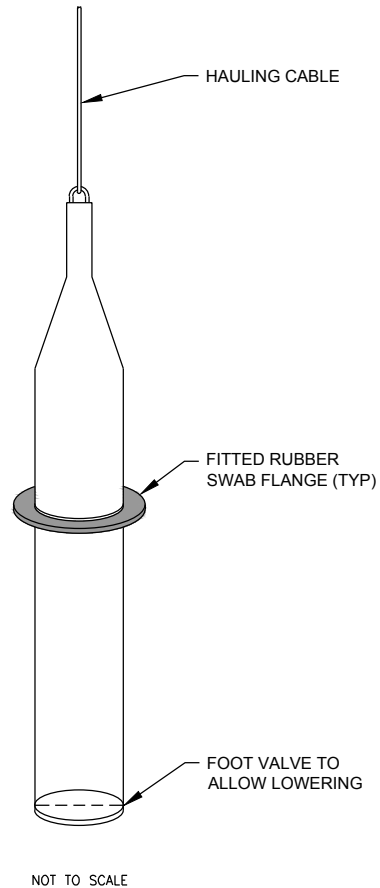
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270-12-18-12

DRAWING NUMBER  
3

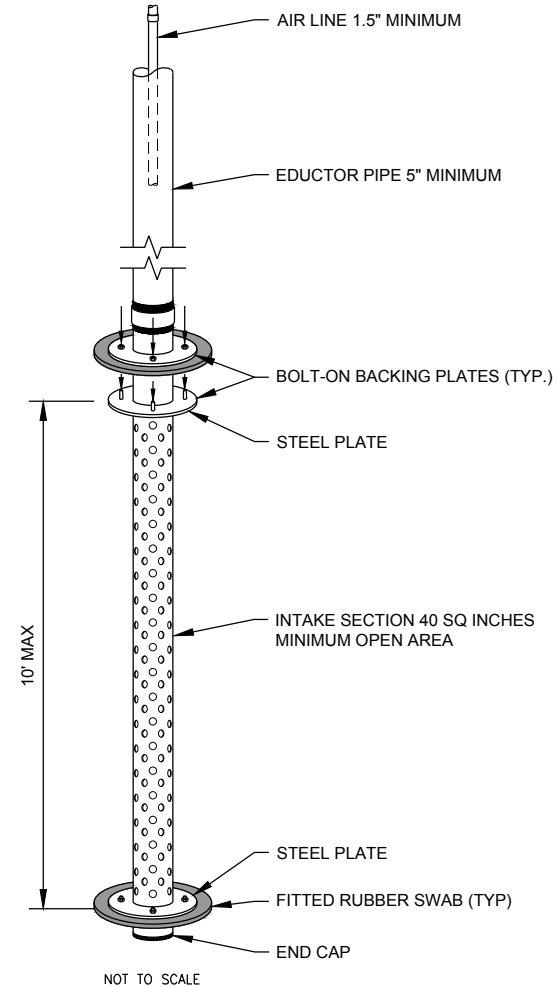
SHEET NUMBER  
3 OF 4



LINE SWAB



DUAL SWAB



WEST YOST  
ASSOCIATES

## EXHIBIT 4

### LINE SWAB AND DUAL SWAB TOOLS

CITY OF MILPITAS  
McCANDLESS PARK  
TECHNICAL SPECIFICATIONS

27

JOB NUMBER  
270-12-18-12

DRAWING NUMBER  
4

SHEET NUMBER  
4 OF 4



**CITY OF MILPITAS**  
ENGINEERING DIVISION  
BID SUMMARY

**Project Name:** Well Upgrade, McCandless Well (Below Ground Facilities)  
**Project No. :** 7076  
**Bid Date:** December 6, 2019 @ 2:00PM

| BASE BID     |                                                                                         |      |        | Engineer's Estimate |                     | Pacific Coast Well Drilling Inc. |                     | Zim Industries |                     | Nor Cal Pump & Well Drilling Inc. |                     | Roadrunner Drilling and Pump Company Inc. |                     | Maggiara Bros Drilling Inc. |                       |
|--------------|-----------------------------------------------------------------------------------------|------|--------|---------------------|---------------------|----------------------------------|---------------------|----------------|---------------------|-----------------------------------|---------------------|-------------------------------------------|---------------------|-----------------------------|-----------------------|
| ITEM         | DESCRIPTION                                                                             | Qty. | UNIT   | Unit Cost           | Extension           | Unit Cost                        | Extension           | Unit Cost      | Extension           | Unit Cost                         | Extension           | Unit Cost                                 | Extension           | Unit Cost                   | Extension             |
| 1            | Mobilization and Demobilization                                                         | 1    | LS     | \$75,000.00         | \$75,000.00         | \$69,800.00                      | \$69,800.00         | \$185,100.00   | \$185,100.00        | \$186,126.00                      | \$186,126.00        | \$198,500.00                              | \$198,500.00        | \$130,000.00                | \$130,000.00          |
| 2            | Sound Attenuation                                                                       | 1    | LS     | \$105,000.00        | \$105,000.00        | \$69,000.00                      | \$69,000.00         | \$32,000.00    | \$32,000.00         | \$97,250.00                       | \$97,250.00         | \$73,000.00                               | \$73,000.00         | \$79,875.00                 | \$79,875.00           |
| 3            | Conductor Casing                                                                        | 158  | LF     | \$550.00            | \$86,900.00         | \$428.00                         | \$67,624.00         | \$470.00       | \$74,260.00         | \$425.00                          | \$67,150.00         | \$450.00                                  | \$71,100.00         | \$400.00                    | \$63,200.00           |
| 4            | Pilot Hole Drilling                                                                     | 450  | LF     | \$130.00            | \$58,500.00         | \$89.00                          | \$40,050.00         | \$70.00        | \$31,500.00         | \$100.00                          | \$45,000.00         | \$95.00                                   | \$42,750.00         | \$118.00                    | \$53,100.00           |
| 5            | Geophysical Logging                                                                     | 1    | LS     | \$4,000.00          | \$4,000.00          | \$4,900.00                       | \$4,900.00          | \$3,500.00     | \$3,500.00          | \$4,250.00                        | \$4,250.00          | \$2,600.00                                | \$2,600.00          | \$4,500.00                  | \$4,500.00            |
| 6            | Pilot Bore Reaming                                                                      | 450  | LF     | \$120.00            | \$54,000.00         | \$35.00                          | \$15,750.00         | \$60.00        | \$27,000.00         | \$100.00                          | \$45,000.00         | \$75.00                                   | \$33,750.00         | \$135.00                    | \$60,750.00           |
| 7            | Caliper Survey                                                                          | 1    | LS     | \$3,000.00          | \$3,000.00          | \$2,900.00                       | \$2,900.00          | \$2,000.00     | \$2,000.00          | \$4,250.00                        | \$4,250.00          | \$1,600.00                                | \$1,600.00          | \$5,000.00                  | \$5,000.00            |
| 8            | 16-Inch Inside Diameter (I.D.) Type 304 Stainless Steel Blank Casing                    | 432  | LF     | \$350.00            | \$151,200.00        | \$449.00                         | \$193,968.00        | \$445.00       | \$192,240.00        | \$396.00                          | \$171,072.00        | \$392.00                                  | \$169,344.00        | \$479.00                    | \$206,928.00          |
| 9            | 16-Inch I.D. Type 304 Stainless Steel Louvered Well Screen                              | 160  | LF     | \$300.00            | \$48,000.00         | \$485.00                         | \$77,600.00         | \$522.00       | \$83,520.00         | \$459.00                          | \$73,440.00         | \$450.00                                  | \$72,000.00         | \$535.00                    | \$85,600.00           |
| 10           | 16-Inch I.D. Type 304 Stainless Steel Cellar Pipe with SE End Cap                       | 10   | LF     | \$380.00            | \$3,800.00          | \$500.00                         | \$5,000.00          | \$622.00       | \$6,220.00          | \$396.00                          | \$3,960.00          | \$392.00                                  | \$3,920.00          | \$575.00                    | \$5,750.00            |
| 11           | 3-Inch-Diameter Type 304 Stainless Steel Gravel Feed Tube                               | 213  | LF     | \$45.00             | \$9,585.00          | \$55.00                          | \$11,715.00         | \$31.00        | \$6,603.00          | \$48.00                           | \$10,224.00         | \$49.00                                   | \$10,437.00         | \$54.00                     | \$11,502.00           |
| 12           | 2-Inch-Diameter Type 304 Stainless Steel Sounding Tube                                  | 223  | LF     | \$38.00             | \$8,474.00          | \$26.00                          | \$5,798.00          | \$15.00        | \$3,345.00          | \$24.00                           | \$5,352.00          | \$25.00                                   | \$5,575.00          | \$32.00                     | \$7,136.00            |
| 13           | Type 304 Stainless Steel Casing Entry Port                                              | 1    | LS     | \$4,500.00          | \$4,500.00          | \$5,900.00                       | \$5,900.00          | \$4,900.00     | \$4,900.00          | \$5,485.00                        | \$5,485.00          | \$3,500.00                                | \$3,500.00          | \$6,500.00                  | \$6,500.00            |
| 14           | Filter Pack (includes filter pack, transition sand seal and bentonite transition seals) | 405  | LF     | \$75.00             | \$30,375.00         | \$74.00                          | \$29,970.00         | \$75.00        | \$30,375.00         | \$60.00                           | \$24,300.00         | \$85.00                                   | \$34,425.00         | \$186.00                    | \$75,330.00           |
| 15           | Cement Grout                                                                            | 195  | LF     | \$90.00             | \$17,550.00         | \$79.00                          | \$15,405.00         | \$65.00        | \$12,675.00         | \$70.00                           | \$13,650.00         | \$35.00                                   | \$6,825.00          | \$146.00                    | \$28,470.00           |
| 16           | Mechanical Well Development - Initial Cleanout by Airlifting                            | 1    | LS     | \$5,000.00          | \$5,000.00          | \$3,000.00                       | \$3,000.00          | \$2,200.00     | \$2,200.00          | \$19,600.00                       | \$19,600.00         | \$3,000.00                                | \$3,000.00          | \$52,000.00                 | \$52,000.00           |
| 17           | Mechanical Well Development - Airlift/Swabbing                                          | 50   | Hourly | \$500.00            | \$25,000.00         | \$450.00                         | \$22,500.00         | \$450.00       | \$22,500.00         | \$450.00                          | \$22,500.00         | \$350.00                                  | \$17,500.00         | \$653.00                    | \$32,650.00           |
| 18           | Mechanical Well Development - Chemical Treatment                                        | 1    | LS     | \$10,000.00         | \$10,000.00         | \$750.00                         | \$750.00            | \$3,700.00     | \$3,700.00          | \$10,500.00                       | \$10,500.00         | \$2,500.00                                | \$2,500.00          | \$55,000.00                 | \$55,000.00           |
| 19           | Pumping Well Development - Installation, Removal, and Rental of Equipment               | 1    | LS     | \$25,000.00         | \$25,000.00         | \$13,140.00                      | \$13,140.00         | \$21,500.00    | \$21,500.00         | \$19,800.00                       | \$19,800.00         | \$8,000.00                                | \$8,000.00          | \$20,000.00                 | \$20,000.00           |
| 20           | Pumping Well Development                                                                | 50   | Hourly | \$350.00            | \$17,500.00         | \$350.00                         | \$17,500.00         | \$320.00       | \$16,000.00         | \$325.00                          | \$16,250.00         | \$225.00                                  | \$11,250.00         | \$550.00                    | \$27,500.00           |
| 21           | Production Testing - Step Discharge Testing                                             | 12   | Hourly | \$350.00            | \$4,200.00          | \$350.00                         | \$4,200.00          | \$320.00       | \$3,840.00          | \$325.00                          | \$3,900.00          | \$225.00                                  | \$2,700.00          | \$550.00                    | \$6,600.00            |
| 22           | Production Testing - Constant Discharge Testing                                         | 48   | Hourly | \$350.00            | \$16,800.00         | \$350.00                         | \$16,800.00         | \$320.00       | \$15,360.00         | \$325.00                          | \$15,600.00         | \$225.00                                  | \$10,800.00         | \$550.00                    | \$26,400.00           |
| 23           | Plumbness and Alignment Survey                                                          | 1    | LS     | \$3,500.00          | \$3,500.00          | \$2,600.00                       | \$2,600.00          | \$2,200.00     | \$2,200.00          | \$4,250.00                        | \$4,250.00          | \$1,600.00                                | \$1,600.00          | \$4,000.00                  | \$4,000.00            |
| 24           | Acceptance Video Survey                                                                 | 1    | LS     | \$2,500.00          | \$2,500.00          | \$1,125.00                       | \$1,125.00          | \$1,200.00     | \$1,200.00          | \$1,400.00                        | \$1,400.00          | \$1,050.00                                | \$1,050.00          | \$3,750.00                  | \$3,750.00            |
| 25           | Disinfection of Well                                                                    | 1    | LS     | \$3,500.00          | \$3,500.00          | \$12,500.00                      | \$12,500.00         | \$1,500.00     | \$1,500.00          | \$2,450.00                        | \$2,450.00          | \$1,000.00                                | \$1,000.00          | \$2,500.00                  | \$2,500.00            |
| 26           | Site Cleanup                                                                            | 1    | LS     | \$25,000.00         | \$25,000.00         | \$44,325.00                      | \$44,325.00         | \$38,600.00    | \$38,600.00         | \$34,693.00                       | \$34,693.00         | \$79,000.00                               | \$79,000.00         | \$25,000.00                 | \$25,000.00           |
| 27           | Fluids and Cuttings Containment and Disposal                                            | 1    | LS     | \$100,000.00        | \$100,000.00        | \$129,000.00                     | \$129,000.00        | \$65,000.00    | \$65,000.00         | \$78,965.00                       | \$78,965.00         | \$125,000.00                              | \$125,000.00        | \$85,000.00                 | \$85,000.00           |
| 28           | Standby Time                                                                            | 4    | Hourly | \$450.00            | \$1,800.00          | \$450.00                         | \$1,800.00          | \$150.00       | \$600.00            | \$495.00                          | \$1,980.00          | \$250.00                                  | \$1,000.00          | \$550.00                    | \$2,200.00            |
| <b>TOTAL</b> |                                                                                         |      |        |                     | <b>\$899,684.00</b> |                                  | <b>\$884,620.00</b> |                | <b>\$889,438.00</b> |                                   | <b>\$988,397.00</b> |                                           | <b>\$993,726.00</b> |                             | <b>\$1,166,241.00</b> |

**Bid Summary Corrections:**

None

**Apparent Low Bidder**

**List of Sub-Contractors:**

| Description                            | Pacific Coast Well Drilling Inc. | Zim Industries                             | Nor Cal Pump & Well Drilling Inc. | Roadrunner Drilling and Pump Company Inc. | Maggiara Bros Drilling Inc. |
|----------------------------------------|----------------------------------|--------------------------------------------|-----------------------------------|-------------------------------------------|-----------------------------|
| Auger Drilling                         | Myers Drilling                   | Hogg Drilling Specialty Construction, Inc. | -                                 | -                                         | -                           |
| Geophysical Surveys, Logging           | Pacific Surveys, LLC             | Pacific Surveys, LLC                       | Pacific Surveys, LLC              | Ronnie Stewart DBA Stewart Well Logging   | -                           |
| Fluid, Cuttings, and NOA Dirt Disposal | 24Seven Site Services, Inc.      | -                                          | -                                 | -                                         | -                           |
| Concrete                               | Milpitas Materials               | -                                          | Newland Entities, Inc             | -                                         | -                           |
| Site Prep and Cleanup                  | -                                | -                                          | -                                 | Flowline Contractors, Inc                 | -                           |

**Construction Change Order Policy for Well Upgrade, McCandless Well (Below Ground Facilities),  
Project No. 7076.**

2007 City Council Approved Construction Change Order Policy

| <b><u>Construction Award<br/>Award Amount</u></b> | <b><u>Individual Administrative<br/>Change Order Authority</u></b> | <b><u>Cumulative<br/>Change Order Authority</u></b> |
|---------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------|
| Under \$50,000                                    | \$5,000                                                            | \$7,500                                             |
| Over \$50,000                                     | 10% of Award or \$25,000<br>whichever is small                     | 15% of Award or \$100,000<br>whichever is smaller   |

Well Upgrade, McCandless Well (Below Ground Facilities) Project Change Order Policy

| <b><u>Construction Award<br/>Award Amount</u></b> | <b><u>Individual Administrative<br/>Change Order Authority</u></b> | <b><u>Cumulative<br/>Change Order Authority</u></b> |
|---------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------|
| \$884,620                                         | N/A                                                                | \$265,000                                           |

**Pedestrian Bridge**

**Municipal Well**

ACCESS TO  
ADJACENT  
HOUSING

FOOTBRIDGE  
TO ADJACENT  
HOUSING

**EAST PENITENCIA CREEK**

PARCOURSE  
STATION

LARGE  
DOG AREA

SMALL  
DOG  
AREA

BARN

LANDSCAPING  
PER POE  
REQUIREMENTS

SUFFER  
HABITAT  
PLANTING

ZONE  
REES

POE STATION

**EAST PENITENCIA CREEK**

STORAGE  
SHED

**McCandless Park**

PICNIC AREA

PARK  
ENTRANCE

ENTRY  
GATEWAY  
PILLAR

COMMUNITY  
GARDEN

RESTROOM

MULTI-LINGUAL  
SIGNAGE

SOCCER /  
MULTIUSE FIELD

**School**

SCHOOL SIDE  
PLAY AREA

WELL  
EQUIPMENT  
AREA

CONCRETE  
LANDING AREA

PARCOURSE  
STATION

BUTTERFLY  
GARDENS

**McCANDLESS DRIVE**

30





## CITY OF MILPITAS AGENDA REPORT (AR)

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>      | <b>Adopt a Resolution Certifying Election Results and Adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); Approve Final Tract Map No. 10522; and Approve and Authorize the Interim City Manager to Execute the Subdivision Improvement Agreement for a Residential Development at 1316 South Main Street</b>                                                                                                                                                                                                                                     |
| <b>Category:</b>        | Consent Calendar-Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Meeting Date:</b>    | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Staff Contact:</b>   | Steve Erickson, 408-586-3301                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Recommendations:</b> | <ol style="list-style-type: none"><li>1. Following receipt of election results, adopt a resolution certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and</li><li>2. Approve Final Tract Map No. 10522, and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and</li><li>3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.</li></ol> |

### **Background:**

On December 6, 2016, the City Council approved a Site Development Permit (SD14-0021), Conditional Use Permit (UP14-0022), Tentative Tract Map (MT14-0005), and Environmental Assessment (EA16-0007) to allow construction of 18 residential condominium units located on 0.4 acre site within the Transit Area Specific Plan area at 1316 South Main Street. This project is known as Zhang Condos (Project), and the developer is SJ Main St, LLC (Developer).

### **Analysis:**

The final map for the Project is now complete and ready for approval by the City Council. The City Engineer has examined the final map for Tract No. 10522 and determined that the map is substantially the same as the previously approved Tentative Tract Map, and finds that it conforms to all requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code (MMC) and the terms and conditions of the Tentative Tract Map. Staff recommends the City Council approve the final map and to accept all dedications, subject to completion and acceptance of public improvements to be installed by the Developer.

The Developer has agreed to enter into a Subdivision Improvement Agreement (SIA) with the City for the construction of off-site public improvements for the project which will be completed with the on-site work, and the public improvements will be accepted by the City after final map approval. Offsite public improvements to be constructed and accepted by the City include asphalt concrete pavement, signing and striping, curb and gutter, sidewalk, driveway approach, utility mains and services, landscaping and other miscellaneous items of work identified on the improvement plans. The improvements will be completed within 1-year from the date of the SIA, and the work is guaranteed by bonds or similar securities to be posted by the Developer in the amount of \$563,000.

The City Engineer has reviewed the public improvement plans (E-EN18-0075) and is recommending the City Council approve the Subdivision Improvement Agreement to allow for the construction of public improvements after final map approval.

The final map for Tract No. 10522 is subject to annexation into the Community Facilities District No. 2008-1 (CFD 2008-1). The City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there are no registered voters residing within the boundaries of the proposed CFD Annexation No. 18 for this development. The Developer is the sole property owner, and on January 17, 2020, the property owner was scheduled to vote on agreeing to the proposed Annexation No. 18. The resolution attached hereto documents the results of the election on annexation into CFD 2008-1. Annexation into CFD 2008-1 is subject to the provisions of the Mello-Roos Community Facilities Act of 1982, commencing with Section 53311 of the Government Code. While the Act has a number of requirements for annexation and imposition of the special tax, the Developer (as the sole landowner within the annexation territory) has agreed to waive many of the formalities. A copy of the waiver executed by the Developer is on file with the City Clerk.

### **Policy Alternatives:**

#### **Alternative 1:**

Deny approval of Final Map and Subdivision Improvement Agreement.

Pros: None

Cons: The denial of approval of the Final Map or the Subdivision Improvement Agreement will prevent the site from being redeveloped. The City would not benefit from the addition of 18 new residential housing condominium units.

Reason not recommended: To allow the development to move forward, staff recommends approval of Final Map and Subdivision Improvement Agreement for Tract No. 10522.

#### **Alternative 2:**

Deny Annexation of Tract No. 10522 to CFD 2008-1.

Pros: None

Cons: Denying the Annexation of Tract No. 10522 into the CFD No. 2008-1 would prevent the City from levying special taxes within Tract No. 10522, in order to fund public services.

Reason not recommended: To adequately fund the perpetual maintenance of improvements and services within CFD No. 2008-1, staff recommends adoption of a resolution certifying election results and adding Tract No. 10522 to CFD 2008-1.

### **Fiscal Impact:**

Adding Tract No. 10522 to the CFD No. 2008-1 would allow the City to levy special taxes to properties within Tract No. 10522, in order to fund public services.

### **California Environmental Quality Act:**

Approval of final subdivision map is a ministerial action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15268(b)(3). Approval of the Subdivision Improvement Agreement implements the Project, for which the City already conducted CEQA review. Resolution No. 8509 approved an addendum to the previously certified Transit Area Specific Plan Environmental Impact Report. Under Public Resources Code section 21166, no further subsequent or supplemental environmental impact report shall be required unless one or more of the following events occurs: (1) there are substantial changes in the Project that require major revisions of the EIR (2) there are substantial changes in the Project that will require major revisions of the EIR; or (3) there is new information that was not known or could not have known when the EIR was certified. None of those circumstances exist here.

### **Recommendations:**

1. Following receipt of election results, adopt a resolution certifying election results and adding Tract 10522 to Community Facilities District 2008-1 (Annexation No. 18); and

2. Approve Final Tract Map No. 10522, and accept all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and
3. Approve and authorize the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.

**Attachments:**

- 1: Resolution certifying election results and adding Tract No. 10522 to CFD No. 2008-1 (Annexation No. 18)
- 2: Final Tract Map No. 10522
- 3: Subdivision Improvement Agreement

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE RESULTS OF  
AN ELECTION AND ADDING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2008-1  
(PUBLIC SERVICES)**

(Annexation No. 18)

**WHEREAS**, the City Council of the City of Milpitas (the "City Council") has previously formed Community Facilities District No. 2008-1 (Public Services) ("CFD No. 2008-1") pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), as amended, for the purpose of financing certain Public Services; and

**WHEREAS**, acting pursuant to the Act, the City Council also authorized by the adoption of Resolution No. 8601 (the "Resolution Authorizing Future Annexation") the annexation in the future of territory to CFD No. 2008-1, such territory designated as Future Annexation Area, Community Facilities District No. 2008-1 (the "Future Annexation Area"); and

**WHEREAS**, at this time the unanimous consent to the annexation of certain territory located within the Future Annexation Area to CFD No. 2008-1 has been received from the property owner of such territory, and such territory has been designated as Annexation No. 18 (the "Territory"); and

**WHEREAS**, less than twelve (12) registered voters have resided within the Territory for each of the ninety (90) days preceding the election date established for the Territory, therefore, pursuant to the Act the qualified elector of the Territory shall be the "landowner," as such term is defined in Government Code Section 53317(f), of such Territory and such landowner who is the owner of record as of the applicable election date, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of the parcel of land that landowner owns within such Territory; and

**WHEREAS**, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the Territory to the qualified elector thereof and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified elector of the Territory; and

**WHEREAS**, the City Clerk of the City of Milpitas has caused a ballot to be distributed to the qualified elector of the Territory, has received and canvassed such ballot and made a report to the City Council regarding the results of such canvass, a copy of which is attached as **Exhibit A** hereto and incorporated herein by this reference; and

**WHEREAS**, at this time the measure voted upon and such measure did receive the favorable vote of the qualified elector of the Territory, and the City Council desires to declare the results of the election; and

**WHEREAS**, a map showing the Territory and designated as Annexation Map No. 18 (the "Annexation Map"), a copy of which is attached as **Exhibit B** hereto and incorporated herein by this reference, has been submitted to this legislative body.

**NOW, THEREFORE**, the City Council of the City of Milpitas, California, acting as the legislative body of Community Facilities District No. 2008-1, hereby finds, determines and resolves as follows:

1. **Recitals.** The above recitals are true and correct.
2. **Findings.** This legislative body does hereby further determine as follows:
  - A. The unanimous consent as described in the recitals hereto to the annexation of the Territory to CFD No. 2008-1 has been given by the owner of the Territory and such consent shall be kept on file in the Office of the City Clerk of the City of Milpitas.
  - B. Less than twelve (12) registered voters have resided within the Territory for each of the ninety (90) days preceding the election date established for the each of the parcels located within the Territory, therefore, pursuant to the Act the qualified elector for the Territory shall be the "landowner" of the Territory as such term is defined in Government Code Section 53317(f).

- C. The qualified elector of the Territory has voted in favor of the levy of special taxes on the Territory upon its annexation to CFD No. 2008-1.
3. Territory. The boundaries and parcels of property within the Territory and on which special taxes will be levied in order to pay for the costs and expenses of authorized Public Services are shown on the Annexation Map as submitted to and hereby approved by this legislative body.
4. Declaration of Annexation. This legislative body does hereby determine and declare that the Territory, and each parcel therein, is now added to and becomes a part of CFD No. 2008-1. The City Council, acting as the legislative body of CFD No. 2008-1, is hereby empowered to levy the authorized special tax within the Territory.
5. Notice. Immediately upon adoption of this Resolution, notice shall be given as follows:
- A. A copy of the Annexation Map as approved shall be filed in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.
- B. An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.
6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

# CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST

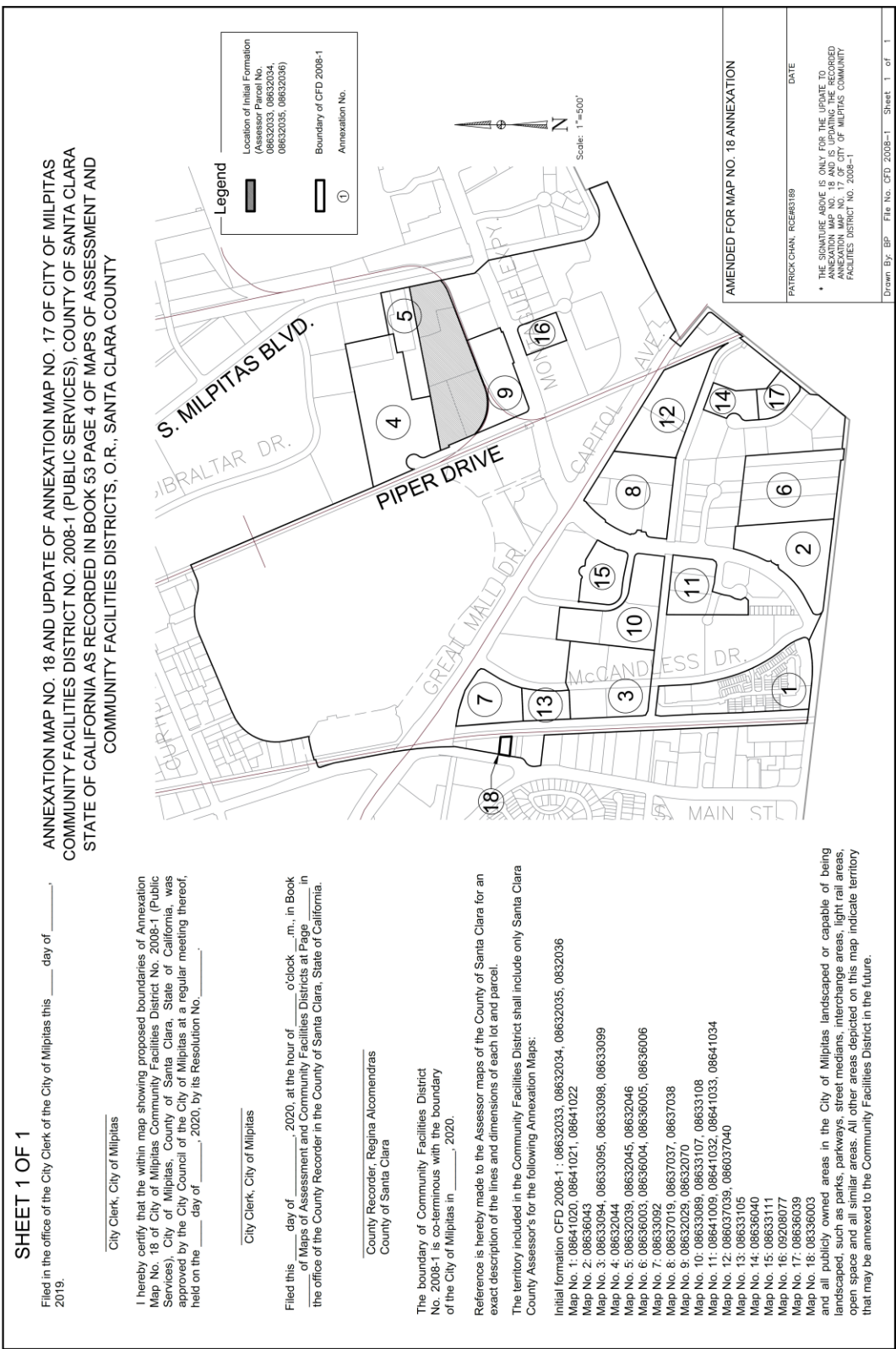
The undersigned, ELECTION OFFICIAL OF THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, I did canvass the returns of the votes cast at the

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in the area proposed to be annexed to Community Facilities District No. 2008-1 for or against the Measure are full, true and correct.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

36

EXHIBIT B  
ANNEXATION MAP



OWNER’S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; THAT WE CONSENT TO THE MAKING AND RECORDING OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BOUNDARY LINE.

AS OWNER:  
SJ MAIN ST, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

OWNER’S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF \_\_\_\_\_)SS.  
COUNTY OF \_\_\_\_\_)

ON \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC,

PERSONALLY APPEARED \_\_\_\_\_.

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY’S SIGNATURE: \_\_\_\_\_

PRINTED NOTARY’S NAME: \_\_\_\_\_

NOTARY’S OF PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

NOTARY’S COMMISSION NUMBER: \_\_\_\_\_

EXPIRATION OF NOTARY’S COMMISSION: \_\_\_\_\_

TRACT NO. 10522  
FOR CONDOMINIUM PURPOSES

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR EIGHTEEN (18)  
RESIDENTIAL UNITS

CONSISTING OF 2 SHEETS

\*\*\*\*\*

BEING PARCELS ONE AND TWO, AS SAID PARCELS ARE DESCRIBED IN THAT CERTAIN GRANT DEED, CONVEYED TO SJ MAIN ST, LLC., RECORDED DECEMBER 1, 2017 UNDER DOCUMENT NO. 23817189, OFFICIAL RECORDS OF SANTA CLARA COUNTY

LYING ENTIRELY WITHIN  
CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

\*\*\*\*\*

DATE: JANUARY 2020



ENGINEERS–SURVEYORS–PLANNERS  
1730 N. FIRST STREET, SUITE 600  
SAN JOSE, CALIFORNIA 95112

SURVEYOR’S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF GEORGE ZHANG ON MAY 31, 2018. I HEREBY STATE THAT THIS FINAL MAP COMPLIES WITH FINAL MAP PROCEDURES OF THE CITY OF MILPITAS AND THAT THIS FINAL MAP CONFORMS TO THE APPROVED TENTATIVE MAP AND THE CONDITIONS OF APPROVAL THEREOF WHICH WERE REQUIRED TO BE FULFILLED PRIOR TO THE FILING OF THE FINAL MAP, AND IT IS TECHNICALLY CORRECT.

DATE \_\_\_\_\_

DAVIS THRESH  
P.L.S. NO. 6868



SOILS AND GEOTECHNICAL REPORT NOTE

A GEOTECHNICAL REPORT HAS BEEN PREPARED BY VIEN VO, P.E. (RCE NO. 32296) SILICON VALLEY SOIL ENGINEERING, ENTITLED "PROPOSED CONDOMINIUM", FILE NO. SV1777, DATED MAY 22, 2018, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF MILPITAS.

CITY CLERK’S CERTIFICATE

I, MARY LAVELLE, CITY CLERK OF THE CITY OF MILPITAS, CALIFORNIA, HEREBY CERTIFY THAT SAID CITY COUNCIL, AS GOVERNING BODY OF SAID CITY AT A REGULAR MEETING HELD ON \_\_\_\_\_, 20\_\_\_\_, HAS TAKEN THE FOLLOWING ACTIONS:

1. APPROVED THIS TRACT MAP NO. 10522.

DATE: \_\_\_\_\_

MARY LAVELLE  
CITY CLERK, CITY OF MILPITAS

CITY SURVEYOR’S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

SIGNED \_\_\_\_\_

DEAN A. JURADO  
ACTING CITY SURVEYOR, CITY OF MILPITAS  
KIER & WRIGHT  
P.L.S. NO 9032

DATE \_\_\_\_\_

CITY ENGINEER’S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREIN MAP; THAT THE SUBDIVISION AS SHOWN THEREIN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT THIS SUBDIVISION COMPLIES WITH PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

SIGNED \_\_\_\_\_

STEVEN PATRICK ERICKSON  
CITY ENGINEER, CITY OF MILPITAS  
R.C.E. NO. 57242

DATE \_\_\_\_\_

RECORDER’S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M.

IN BOOK \_\_\_\_\_ OF MAPS, AT PAGES \_\_\_\_\_,

AT THE REQUEST OF FIDELITY NATIONAL TITLE COMPANY.

FEE \_\_\_\_\_

REGINA ALCOMENDRAS  
SANTA CLARA COUNTY RECORDER

BY \_\_\_\_\_  
DEPUTY



  
  
  
 CMU  
 IP  
 M-M  
 (R)  
 (100.01')(R1)  
 [100.01'](R1)  
 SNF

FOUND MONUMENTS AS NOTED ON MAP  
SET 3/4" IRON PIPE WITH PLASTIC PLUG  
TACK AND TAG, STAMPED "LS 6868"  
SET NAIL AND TAG, STAMPED "LS 6868"  
IN TOP OF CURB, OR AS NOTED  
CONCRETE MASONRY UNIT  
IRON PIPE  
MONUMENT TO MONUMENT DISTANCE  
RADIAL BEARING  
RECORD DATA PER REFERENCE  
CALCULATED DATA PER REFERENCE  
SEARCHED FOR NOT FOUND

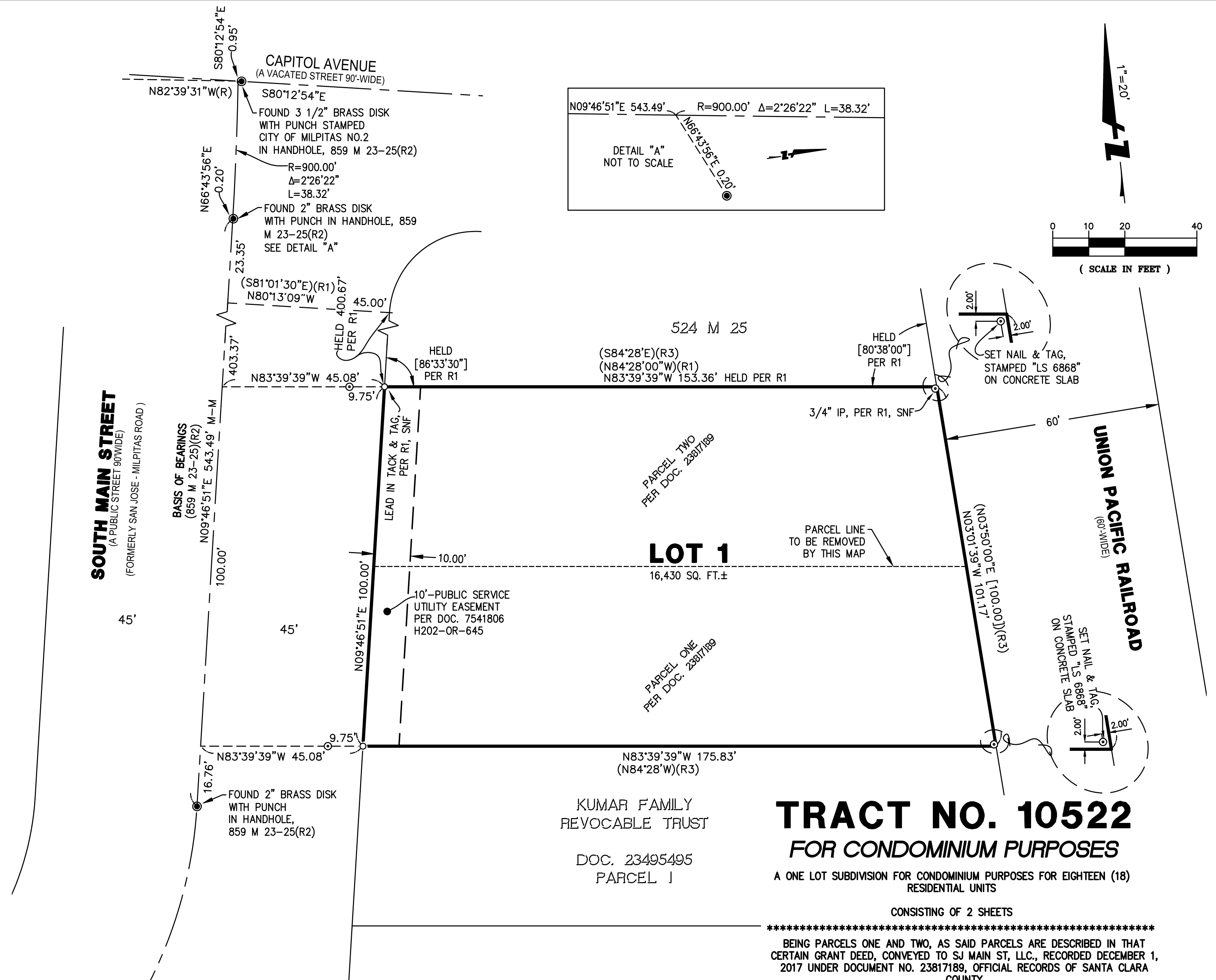
|                                                                                   |                         |
|-----------------------------------------------------------------------------------|-------------------------|
|  | DISTINCTIVE BORDER LINE |
|  | CENTER LINE             |
|  | LOT LINE                |
|  | EASEMENT LINE           |
|  | TIE LINE                |

THE BEARING OF N09°46'51"E ALONG THE CENTERLINE OF SOUTH MAIN STREET AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 10139 SHEA SOUTH MAIN" RECORDED ON FEBRUARY 20, 2013 IN BOOK 859 OF MAPS AT PAGES 23-25, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

1. ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE DISTINCTIVE BORDER LINE INDICATES THE  
BOUNDARY OF THE LAND SHOWN ON THIS MAP AND CONTAINS AN AREA  
OF 16,430 SQUARE FEET, MORE OR LESS.

R1 524 M 25  
R2 859 M 23-25  
R3 DOC. 23817189  
R4 CITY OF MILPITAS BENCHMARK SYSTEM, DATED FEBRUARY 21, 2002



**TRACT NO. 10522**  
*FOR CONDOMINIUM PURPOSES*

**A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES FOR EIGHTEEN (18)  
RESIDENTIAL UNITS**

CONSISTING OF 2 SHEETS

\*\*\*\*\*  
 BEING PARCELS ONE AND TWO, AS SAID PARCELS ARE DESCRIBED IN THAT  
 CERTAIN GRANT DEED, CONVEYED TO SJ MAIN ST, LLC., RECORDED DECEMBER 1,  
 2017 UNDER DOCUMENT NO. 23817189, OFFICIAL RECORDS OF SANTA CLARA  
 COUNTY

LYING ENTIRELY WITHIN  
CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

\*\*\*\*\*  
SCALE: 1" = 20' DATE: JANUARY 2020


**BKF**

**ENGINEERS-SURVEYORS-PLANNERS**  
1730 N. FIRST STREET, SUITE 600  
SAN JOSE, CALIFORNIA 95112

**BKF NO. 20180720**

**SHEET 2 OF 2**

RECORDING REQUESTED BY:  
WHEN RECORDED RETURN TO:

CITY OF MILPITAS  
455 E CALAVERAS BLVD  
MILPITAS, CA 95035  
ATTN: KAN XU

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from recording fee, per Government Code  
Section 6103

CITY OF MILPITAS, CALIFORNIA

By: \_\_\_\_\_  
City Clerk

## **SUBDIVISION IMPROVEMENT AGREEMENT**

**TRACT NO. 10522**

**Between**

**CITY OF MILPITAS**

**a California municipal corporation**

**and**

**SJ MAIN ST, LLC**

**a California limited liability company**



**SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT MAP NO. 10522**

**III. PARTIES AND DATE.**

This Subdivision Improvement Agreement (“Agreement”) is entered into as of this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the City of Milpitas, a California municipal corporation (“City”) and SJ Main St, LLC, a California limited liability company with its principal office located at 1851 McCarthy Blvd, Suite 207, Milpitas, CA 95035 (“Developer”). City and Developer are sometimes hereinafter individually referred to as “Party” and hereinafter collectively referred to as the “Parties.”

**IV. RECITALS.**

A. On November 3, 2014, Developer submitted to City an application for approval of a tentative tract map for real property located within City, a legal description of which is attached hereto as Exhibit “A” (“Property”). The tentative tract map was prepared on behalf of Developer by HMH, and is identified in City records as Tract Map No. 10522 (“Tract No. 10522”).

B. Developer’s application for a tentative tract map for Tract No. 10522 was deemed complete on November 9, 2016. On December 6, 2016, the MILPITAS CITY COUNCIL conditionally approved Developer’s application for a tentative tract map for Tract No. 10522.

C. Developer has not completed all of the work or made all of the public improvements required by Title XI, Chapter 1, Section 7, the Subdivision Map Act (Government Code sections 66410 et seq.) (“Map Act”), the conditions of approval for Tract No.10522 , or other ordinances, resolutions, or policies of City requiring construction of public improvements in conjunction with the subdivision of land.

D. Pursuant to Section Title XI, Chapter 1, Section 17 and the applicable provisions of the Map Act, Developer and City enter into this Agreement for the timely construction and completion of the public improvements and the furnishing of the security therefor, acceptable to the City Engineer and City Attorney, for Tract No. 10522.

E. Developer’s execution of this Agreement and the provision of the security are made in consideration of City’s approval of the final map for Tract No. 10522.

### III. TERMS.

1.0 Effectiveness. This Agreement shall not be effective unless and until all three of the following conditions are satisfied: (a) Developer provides City with security of the type and in the amounts required by this Agreement; (b) Developer executes and records this Agreement in the Recorder's Office of the County of SANTA CLARA and (c) the City Council of the City ("City Council") approves the final map for Tract No. 10522. If the above described conditions are not satisfied within 60 days after the entry date of this Agreement, this Agreement shall automatically terminate without need of further action by either City or Developer, and Developer may not thereafter record the final map for Tract No. 10522.

2.0 Public Improvements. Developer shall construct or have constructed at its own cost, expense, and liability all improvements required by City as part of the approval of Tract No. 10522, including, but not limited to, all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities as shown in detail on the plans, profiles, and specifications which have been prepared by or on behalf of Developer for Tract Map No. 10522 ("Public Improvements"). The Public Improvements are more specifically described in Exhibit "B," which is attached hereto and incorporated herein by this reference. Construction of the Public Improvements shall include any transitions and/or other incidental work deemed necessary for drainage or public safety. The Developer shall be responsible for the replacement, relocation, or removal of any component of any irrigation water system in conflict with the construction or installation of the Public Improvements. Such replacement, relocation, or removal shall be performed to the complete satisfaction of the City Engineer and the owner of such water system. Developer further promises and agrees to provide all equipment, tools, materials, labor, tests, design work, and engineering services necessary or required by City to fully and adequately complete the Public Improvements.

2.1 Prior Partial Construction of Public Improvements. Where construction of any Public Improvements has been partially completed prior to this Agreement, Developer agrees to complete such Public Improvements or assure their completion in accordance with this Agreement.

2.2 Permits; Notices; Utility Statements. Prior to commencing any work, Developer shall, at its sole cost, expense, and liability, obtain all necessary permits and licenses and give all necessary and incidental notices required for the lawful construction of the Public Improvements and performance of Developer's obligations under this Agreement. Developer shall conduct the work in full compliance with the regulations, rules, and other requirements contained in any permit or license issued to Developer. Prior to commencing any work, Developer shall file a written statement with the City Clerk and the City Engineer, signed by Developer and each utility which will provide utility service to the Property, attesting that Developer has made all deposits legally required by each utility for the extension and provision of utility service to the Property.

2.3 Pre-approval of Plans and Specifications. Developer is prohibited from commencing work on any Public Improvement until all plans and specifications for such Public Improvement have been submitted to and approved by the City Engineer, or his or her designee.

Approval by the City Engineer shall not relieve Developer from ensuring that all Public Improvements conform with all other requirements and standards set forth in this Agreement.

2.4 Quality of Work; Compliance With Laws and Codes. The construction plans and specifications for the Public Improvements shall be prepared in accordance with all applicable federal, state and local laws, ordinances, regulations, codes, standards, and other requirements. The Public Improvements shall be completed in accordance with all approved maps, plans, specifications, standard drawings, and special amendments thereto on file with City, as well as all applicable federal, state, and local laws, ordinances, regulations, codes, standards, and other requirements applicable at the time work is actually commenced.

2.5 Standard of Performance. Developer and its contractors, if any, shall perform all work required to construct the Public Improvements under this Agreement in a skillful and workmanlike manner, and consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Developer represents and maintains that it or its contractors shall be skilled in the professional calling necessary to perform the work. Developer warrants that all of its employees and contractors shall have sufficient skill and experience to perform the work assigned to them, and that they shall have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the work, and that such licenses, permits, qualifications and approvals shall be maintained throughout the term of this Agreement.

2.6 Alterations to Improvements. The Public Improvements in Exhibit “B” are understood to be only a general designation of the work and improvements to be done, and not a binding description thereof. All work shall be done and improvements made and completed as shown on approved plans and specifications, and any subsequent alterations thereto. If during the course of construction and installation of the Public Improvements it is determined that the public interest requires alterations in the Public Improvements, Developer shall undertake such design and construction changes as may be reasonably required by City. Any and all alterations in the plans and specifications and the Public Improvements to be completed may be accomplished without giving prior notice thereof to Developer’s surety for this Agreement.

3.0 Maintenance of Public Improvements and Landscaping. City shall not be responsible or liable for the maintenance or care of the Public Improvements until City approves and accepts them. City shall exercise no control over the Public Improvements until accepted by City pursuant to Section 11.0. Any use by any person of the Public Improvements, or any portion thereof, shall be at the sole and exclusive risk of the Developer at all times prior to City’s acceptance of the Public Improvements. Developer shall maintain all the Public Improvements in a state of good repair until they are completed by Developer and approved and accepted by City, and until the security for the performance of this Agreement is released. Maintenance shall include, but shall not be limited to, repair of pavement, curbs, gutters, sidewalks, signals, parkways, water mains, and sewers; maintaining all landscaping in a vigorous and thriving condition reasonably acceptable to City; removal of debris from sewers and storm drains; and sweeping, repairing, and maintaining in good and safe condition all streets and street improvements. It shall be Developer’s responsibility to initiate all maintenance work, but if it shall fail to do so, it shall promptly perform such maintenance work

when notified to do so by City. If Developer fails to properly prosecute its maintenance obligation under this section, City may do all work necessary for such maintenance and the cost thereof shall be the responsibility of Developer and its surety under this Agreement. City shall not be responsible or liable for any damages or injury of any nature in any way related to or caused by the Public Improvements or their condition prior to acceptance.

4.0 Construction Schedule. Unless extended pursuant to this Section 4.1 of this Agreement, Developer shall fully and adequately complete or have completed the Public Improvements within one (1) year of the effective date of this Agreement, unless extended pursuant to Section 4.1.

4.1 Extensions. City may, in its sole and absolute discretion, provide Developer with additional time within which to complete the Public Improvements. It is understood that by providing the security required under Section 13.0 et seq. of this Agreement, Developer and its surety consent in advance to any extension of time as may be given by City to Developer, and waives any and all right to notice of such extension(s). Developer's acceptance of an extension of time granted by City shall constitute a waiver by Developer and its surety of all defense of laches, estoppel, statutes of limitations, and other limitations of action in any action or proceeding filed by City following the date on which the Public Improvements were to have been completed hereunder. In addition, as consideration for granting such extension to Developer, City reserves the right to review the provisions of this Agreement, including, but not limited to, the construction standards, the cost estimates established by City, and the sufficiency of the improvement security provided by Developer, and to require adjustments thereto when warranted according to City's reasonable discretion.

4.2 Accrual of Limitations Period. Any limitations period provided by law related to breach of this Agreement or the terms thereof shall not accrue until Developer has provided the City Engineer with written notice of Developer's intent to abandon or otherwise not complete required or agreed upon Public Improvements.

5.0 Grading. Developer agrees that any and all grading done or to be done in conjunction with construction of the Public Improvements or development of Tract No. 10522 shall conform to all federal, state, and local laws, ordinances, regulations, and other requirements, including City's grading regulations. In order to prevent damage to the Public Improvements by improper drainage or other hazards, the grading shall be completed in accordance with the time schedule for completion of the Public Improvements established by this Agreement, and prior to City's approval and acceptance of the Public Improvements and release of the Security as set forth in Sections 11.0 and 13.0 et seq. of this Agreement.

6.0 Utilities. Developer shall provide utility services, including water, power, gas, and telephone service to serve each parcel, lot, or unit of land within Tract No. 10522 in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the regulations, schedules and fees of the utilities or agencies providing such services. Except for commercial or industrial properties, Developer shall also provide cable television facilities to serve each parcel, lot, or unit of land in accordance with all applicable federal, state, and local laws, rules, and regulations, including, but not limited to, the

requirements of the cable company possessing a valid franchise with City to provide such service within City's jurisdictional limits. All utilities shall be installed underground.

7.0 Fees and Charges. Developer shall, at its sole cost, expense, and liability, pay all fees, charges, and taxes arising out of construction of the Public Improvements, including, but not limited to, all plan check, design review, engineering, inspection, and other service fees, and any impact or connection fees established by City ordinance, resolution, regulation, or policy, or as established by City relative to Tract No. 10522.

8.0 City Inspection of Public Improvements. Developer shall, at its sole cost, expense, and liability, and at all times during construction of the Public Improvements, maintain reasonable and safe facilities and provide safe access for inspection by City of the Public Improvements and areas where construction of the Public Improvements is occurring or will occur.

9.0 Default; Notice; Remedies.

9.1 Notice. If Developer neglects, refuses, or fails to fulfill or timely complete any obligation, term, or condition of this Agreement, or if City determines there is a violation of any federal, state, or local law, ordinance, regulation, code, standard, or other requirement, City may at any time thereafter declare Developer to be in default or violation of this Agreement and make written demand upon Developer or its surety, or both, to immediately remedy the default or violation ("Notice"). Developer shall substantially commence the work required to remedy the default or violation within ten (10) days of the Notice. If the default or violation constitutes an immediate threat to the public health, safety, or welfare, City may provide the Notice verbally, and Developer shall substantially commence the required work within twenty-four (24) hours thereof. Immediately upon City's issuance of the Notice, Developer and its surety shall be liable to City for all costs of construction and installation of the Public Improvements and all other administrative costs expenses as provided for in Section 10.0 of this Agreement.

9.2 Failure to Remedy; City Action. If the work required to remedy the noticed default or violation is not diligently prosecuted to a completion acceptable to City within the time frame contained in the Notice, City may complete all remaining work, arrange for the completion of all remaining work, and/or conduct such remedial activity as in its sole and absolute discretion it believes is required to remedy the default or violation. All such work or remedial activity shall be at the sole and absolute cost, expense, and liability of Developer and its surety, without the necessity of giving any further notice to Developer or surety. City's right to take such actions shall in no way be limited by the fact that Developer or its surety may have constructed any, or none of the required or agreed upon Public Improvements at the time of City's demand for performance. In the event City elects to complete or arrange for completion of the remaining work and improvements, City may require all work by Developer or its surety to cease in order to allow adequate coordination by City. Notwithstanding the foregoing, if conditions precedent for reversion to acreage can be met and if the interests of City will not be prejudiced thereby, City may also process a reversion to acreage and thereafter recover from Developer or its surety the full cost and expense incurred.



9.3 Other Remedies. No action by City pursuant to Section 9.0 et seq. of this Agreement shall prohibit City from exercising any other right or pursuing any other legal or equitable remedy available under this Agreement or any federal, state, or local law. City may exercise its rights and remedies independently or cumulatively, and City may pursue inconsistent remedies. City may institute an action for damages, injunctive relief, or specific performance.

10.0 Administrative Costs. If Developer fails to construct and install all or any part of the Public Improvements within the time required by this Agreement, or if Developer fails to comply with any other obligation contained herein, Developer and its surety shall be jointly and severally liable to City for all administrative expenses, fees, and costs, including reasonable attorney's fees and costs, incurred in obtaining compliance with this Agreement or in processing any legal action or for any other remedies permitted by law.

11.0 Acceptance of Improvements by City Council; As-Built or Record Drawings. If the Public Improvements are properly completed by Developer and approved by the City Engineer, and if they comply with all applicable federal, state and local laws, ordinances, regulations, codes, standards, and other requirements, the City Council shall be authorized to accept the Public Improvements. The City Council may, in its sole and absolute discretion, accept fully completed portions of the Public Improvements prior to such time as all of the Public Improvements are complete and reduce the requirement Security amount pursuant to Section 13.0 et seq., which shall not release or modify Developer's obligation to complete the remainder of the Public Improvements within the time required by this Agreement. Upon the total or partial acceptance of the Public Improvements by City, Developer shall file with the Recorder's Office of the County of SANTA CLARA a notice of completion for the accepted Public Improvements in accordance with California Civil Code section 9204, at which time the accepted Public Improvements shall become the sole and exclusive property of City without payment therefor. If Tract No. 10522 was approved and recorded as a single phase map, City shall not accept any one or more of the improvements until all of the Public Improvements are completed by Developer and approved by City. Issuance by City of occupancy permits for any buildings or structures located on the Property shall not be construed in any manner to constitute City's acceptance or approval of any Public Improvements. Notwithstanding the foregoing, City may not accept any Public Improvements unless and until Developer provides one (1) set of "as-built" or record drawings or plans to the City Engineer for all such Public Improvements. The drawings shall be certified and shall reflect the condition of the Public Improvements as constructed, with all changes incorporated therein.

12.0 Warranty and Guarantee. Developer hereby warrants and guarantees all Public Improvements against any defective work or labor done, or defective materials furnished in the performance of this Agreement, including the maintenance of all landscaping within the Property in a vigorous and thriving condition reasonably acceptable to City, for a period of one (1) year following completion of the Public Improvements and acceptance of them by the City Council ("Warranty"). During the Warranty, Developer shall repair, replace, or reconstruct any defective or otherwise unsatisfactory portion of the Public Improvements, in accordance with the current ordinances, resolutions, regulations, codes, standards, or other requirements of City, and subject to the approval of the City Engineer. All repairs, replacements, or reconstruction during the Warranty shall be at the sole cost, expense, and liability of Developer and its surety. As to any Public Improvements which have been

repaired, replaced, or reconstructed during the Warranty, Developer and its surety hereby agree to extend the Warranty for an additional one (1) year period following the City's acceptance of the repaired, replaced, or reconstructed Public Improvements. Nothing herein shall relieve Developer from any other liability it may have under federal, state, or local law to repair, replace, or reconstruct any Public Improvement following expiration of the Warranty or any extension thereof. Developer's warranty obligation under this section shall survive the expiration or termination of this Agreement.

13.0 Improvement Security; Surety Bonds. Prior to this Agreement taking effect as set forth in Section 1.0 above, Developer shall provide City with surety bonds in the amounts and under the terms set forth below ("Security"). The amount of the Security shall be based on the City Engineer's approximation of the actual cost to construct the Public Improvements, including the replacement cost for all landscaping ("Estimated Costs"). If City determines, in its sole and absolute discretion, that the Estimated Costs have changed, Developer shall adjust the Security in the amount requested by City. Developer's compliance with this provision (Section 13.0 et seq.) shall in no way limit or modify Developer's indemnification obligation provided in Section 16.0 of this Agreement.

13.1 Performance Bond. To guarantee the faithful performance of the Public Improvements and all the provisions of this Agreement, to protect City if Developer is in default as set forth in Section 9.0 et seq. of this Agreement, and to secure Developer's one-year guarantee and warranty of the Public Improvements, including the maintenance of all landscaping in a vigorous and thriving condition, Developer shall provide City a faithful performance bond in the amount of **Five Hundred Sixty Three Thousand Dollars (\$563,000)**, which sum shall be not less than one hundred percent (100%) of the Estimated Costs. The City Council may, in its sole and absolute discretion and upon recommendation of the City Engineer, partially release a portion or portions of the security provided under this section as portions of the Public Improvements are completed and accepted by the City Council, provided that Developer is not in default on any provision of this Agreement or condition of approval for Tract No. 10522, and the total remaining security is not less than twenty-five percent (25%) of the Estimated Costs. All security provided under this section shall be released at the end of the Warranty period, or any extension thereof as provided in Section 12.0 of this Agreement, provided that Developer is not in default on any provision of this Agreement or condition of approval for Tract No. 10522.

13.2 Labor & Material Bond. To secure payment to the contractors, subcontractors, laborers, material men, and other persons furnishing labor, materials, or equipment for performance of the Public Improvements and this Agreement, Developer shall provide City a labor and materials bond in the amount of **Five Hundred Sixty Three Thousand Dollars (\$563,000)**, which sum shall not be less than one hundred percent (100%) of the Estimated Costs. The security provided under this section may be released by written authorization of the City Engineer after six (6) months from the date City accepts the final Public Improvements. The amount of such security shall be reduced by the total of all stop notice or mechanic's lien claims of which City is aware, plus an amount equal to twenty percent (20%) of such claims for reimbursement of City's anticipated administrative and legal expenses arising out of such claims.

13.3 Additional Requirements. The surety for any surety bonds provided as Security shall have a current A.M. Best's rating of no less than A:VIII, shall be licensed to do business in California, and shall be satisfactory to City. As part of the obligation secured by the Security and in addition to the face amount of the Security, the Developer or its surety shall secure the costs and reasonable expenses and fees, including reasonable attorney's fees and costs, incurred by City in enforcing the obligations of this Agreement. The Developer and its surety stipulate and agree that no change, extension of time, alteration, or addition to the terms of this Agreement, the Public Improvements, or the plans and specifications for the Public Improvements shall in any way affect its obligation on the Security.

13.4 Evidence and Incorporation of Security. Evidence of the Security shall be provided on the forms set forth in Exhibit "C," unless other forms are deemed acceptable by the City Engineer and the City Attorney, and when such forms are completed to the satisfaction of City, the forms and evidence of the Security shall be attached hereto as Exhibit "C" and incorporated herein by this reference.

14.0 Monument Security. Prior to this Agreement taking effect as set forth in Section 1.0 above, to guarantee payment to the engineer or surveyor for the setting of all subdivision boundaries, lot corners, and street centerline monuments for Tract No. 10522 in compliance with the applicable provisions of City's Municipal and/or Development Code ("Subdivision Monuments"), Developer shall deposit cash with City in the amount of **Five Thousand Dollars (\$5,000)**, which sum shall not be less than one hundred percent (100%) of the costs of setting the Subdivision Monuments as determined by the City Engineer. Said cash deposit may be released by written authorization of the City Engineer after all required Subdivision Monuments are accepted by the City Engineer, City has received written acknowledgment of payment in full from the engineer or surveyor who set the Subdivision Monuments, and provided Developer is not in default of any provision of this Agreement or condition of approval for Tract No. 10522.

15.0 Lien. To secure the timely performance of Developer's obligations under this Agreement, including those obligations for which security has been provided pursuant to Sections 13 et seq. and 14 of this Agreement, Developer hereby creates in favor of City a lien against all portions of the Property not dedicated to City or some other governmental agency for a public purpose. As to Developer's default on those obligations for which security has been provided pursuant to Sections 13 et seq. and 14 of this Agreement, City shall first attempt to collect against such security prior to exercising its rights as a contract lienholder under this section.

16.0 Indemnification. Developer shall defend, indemnify, and hold harmless City, its elected officials, officers, employees, and agents from any and all actual or alleged claims, demands, causes of action, liability, loss, damage, or injury, to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of or incident to any acts, omissions, negligence, or willful misconduct of Developer, its personnel, employees, agents, or contractors in connection with or arising out of construction or maintenance of the Public Improvements, or performance of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys fees, and

related costs or expenses, and the reimbursement of City, its elected officials, officers, employees, and/or agents for all legal expenses and costs incurred by each of them. This indemnification excludes only such portion of any claim, demand, cause of action, liability, loss, damage, penalty, fine, or injury, to property or persons, including wrongful death, which is caused solely and exclusively by the negligence or willful misconduct of Agency as determined by a court or administrative body of competent jurisdiction. Developer's obligation to indemnify shall survive the expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, officers, employees, or agents.

16.1 Public Works Determination. Developer has been alerted to the requirements of California Labor Code section 1770 et seq., including, without limitation S.B. 975, which require the payment of prevailing wage rates and the performance of other requirements if it is determined that this Agreement constitutes a public works contract. It shall be the sole responsibility of Developer to determine whether to pay prevailing wages for any or all work required by this Agreement. As a material part of this Agreement, Developer agrees to assume all risk of liability arising from any decision not to pay prevailing wages for work required by this Agreement.

#### 17.0 Insurance.

17.1 Types; Amounts. Developer shall procure and maintain, and shall require its contractors to procure and maintain, during construction of any Public Improvement pursuant to this Agreement, insurance of the types and in the amounts described below ("Required Insurance"). If any of the Required Insurance contains a general aggregate limit, such insurance shall apply separately to this Agreement or be no less than two times the specified occurrence limit.

17.1.1 General Liability. Developer and its contractors shall procure and maintain occurrence version general liability insurance, or equivalent form, with a combined single limit of not less than \$1,000,000 per occurrence for bodily injury, personal injury, and property damage.

17.1.2 Business Automobile Liability. Developer and its contractors shall procure and maintain business automobile liability insurance, or equivalent form, with a combined single limit of not less than \$1,000,000 per occurrence. Such insurance shall include coverage for the ownership, operation, maintenance, use, loading, or unloading of any vehicle owned, leased, hired, or borrowed by the insured or for which the insured is responsible.

17.1.3 Workers' Compensation. Developer and its contractors shall procure and maintain workers' compensation insurance with limits as required by the Labor Code of the State of California and employers' liability insurance with limits of not less than \$1,000,000 per occurrence, at all times during which insured retains employees.

17.1.4 Professional Liability. For any consultant or other professional who will engineer or design the Public Improvements, liability insurance for errors and omissions with limits not less than \$1,000,000 per occurrence, shall be procured and maintained

for a period of five (5) years following completion of the Public Improvements. Such insurance shall be endorsed to include contractual liability.

17.2 Deductibles. Any deductibles or self-insured retentions must be declared to and approved by City. At the option of City, either: (a) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its elected officials, officers, employees, agents, and volunteers; or (b) Developer and its contractors shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigation costs, claims, and administrative and defense expenses.

17.3 Additional Insured; Separation of Insureds. The Required Insurance shall name City, its elected officials, officers, employees, agents, and volunteers as additional insureds with respect to work performed by or on behalf of Developer or its contractors, including materials, parts, or equipment furnished in connection therewith. The Required Insurance shall contain standard separation of insureds provisions, and shall contain no special limitations on the scope of its protection to City, its elected officials, officers, employees, agents, and volunteers.

17.4 Primary Insurance; Waiver of Subrogation. The Required Insurance shall be primary with respect to any insurance or self-insurance programs covering City, its elected officials, officers, employees, agents, and volunteers. All policies for the Required Insurance shall provide that the insurance company waives all right of recovery by way of subrogation against City in connection with any damage or harm covered by such policy.

17.5 Certificates; Verification. Developer and its contractors shall furnish City with original certificates of insurance and endorsements effecting coverage for the Required Insurance. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements must be received and approved by City before work pursuant to this Agreement can begin. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

17.6 Term; Cancellation Notice. Developer and its contractors shall maintain the Required Insurance for the term of this Agreement and shall replace any certificate, policy, or endorsement which will expire prior to that date. All policies shall be endorsed to provide that the Required Insurance shall not be suspended, voided, reduced, canceled, or allowed to expire except on 30 days prior written notice to City.

17.7 Insurer Rating. Unless approved in writing by City, all Required Insurance shall be placed with insurers licensed to do business in the State of California and with a current A.M. Best rating of at least A:VIII.

18.0 Signs and Advertising. Developer understands and agrees to City's ordinances, regulations, and requirements governing signs and advertising structures. Developer hereby agrees with and consents to the removal by City of all signs or other advertising structures erected, placed, or situated in violation of any City ordinance, regulation, or other requirement. Removal shall be at the expense of Developer and its surety. Developer

and its surety shall indemnify and hold City free and harmless from any claim or demand arising out of or incident to signs, advertising structures, or their removal.

19.0 Relationship Between the Parties. The Parties hereby mutually agree that neither this Agreement, any map related to Tract No. 10522, nor any other related entitlement, permit, or approval issued by City for the Property shall operate to create the relationship of partnership, joint venture, or agency between City and Developer. Developer's contractors and subcontractors are exclusively and solely under the control and dominion of Developer. Nothing herein shall be deemed to make Developer or its contractors an agent or contractor of City.

20.0 General Provisions.

20.1 Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority make this Agreement and bind each respective Party.

20.2 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement.

20.3 Construction; References; Captions. It being agreed the Parties or their agents have participated in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days, or period for performance shall be deemed calendar days and not work days. All references to Developer include all personnel, employees, agents, and subcontractors of Developer, except as otherwise specified in this Agreement. All references to City include its elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

20.4 Notices. All notices, demands, invoices, and written communications shall be in writing and delivered to the following addresses or such other addresses as the Parties may designate by written notice:

**CITY OF MILPITAS**

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, CA 95035  
Attn: Steve Erickson

**DEVELOPER:**

SJ Main St, LLC  
1851 MCCarthy Boulevard  
Milpitas, CA 95035  
Attn: I Huan Weng

Depending upon the method of transmittal, notice shall be deemed received as follows: by facsimile, as of the date and time sent; by messenger, as of the date delivered; and by U.S. Mail first class postage prepaid, as of 72 hours after deposit in the U.S. Mail.

20.5 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

20.6 Waiver. City's failure to insist upon strict compliance with any provision of this Agreement or to exercise any right or privilege provided herein, or City's waiver of any breach of this Agreement, shall not relieve Developer of any of its obligations under this Agreement, whether of the same or similar type. The foregoing shall be true whether City's actions are intentional or unintentional. Developer agrees to waive, as a defense, counterclaim or set off, any and all defects, irregularities or deficiencies in the authorization, execution or performance of the Public Improvements or this Agreement, as well as the laws, rules, regulations, ordinances or resolutions of City with regards to the authorization, execution or performance of the Public Improvements or this Agreement.

20.7 Assignment or Transfer of Agreement. Developer shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without prior written consent of City. Any attempt to do so shall be null and void, and any assignee, hypothecatee, or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation, or transfer. Unless specifically stated to the contrary in City's written consent, any assignment, hypothecation, or transfer shall not release or discharge Developer from any duty or responsibility under this Agreement.

20.8 Binding Effect. Each and all of the covenants and conditions shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This section shall not be construed as an authorization for any Party to assign any right or obligation.

20.9 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

20.10 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

20.11 Consent to Jurisdiction and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of California. Any legal action or proceeding brought to interpret or enforce this Agreement, or which in any way arises out of the Parties' activities undertaken pursuant to this Agreement, shall be filed and prosecuted in the appropriate California State Court in the County of SANTA CLARA, California. Each Party waives the benefit of any provision of state or federal law providing for a change of venue to any other court or jurisdiction including, without limitation, a change of venue based on the fact that a governmental entity is a party to the action or proceeding, or that a federal right or question is involved or alleged to be involved in the action or proceeding. Without limiting the generality of the foregoing waiver, Developer expressly waives any right to have venue transferred pursuant to California Code of Civil Procedure Section 394.

20.12 Attorneys' Fees and Costs. If any arbitration, lawsuit, or other legal action or proceeding is brought by one Party against the other Party in connection with this Agreement or the Property, the prevailing party, whether by final judgment or arbitration award, shall be entitled to and recover from the other party all costs and expenses incurred by the prevailing party, including actual attorneys' fees ("Costs"). Any judgment, order, or award entered in such legal action or proceeding shall contain a specific provision providing for the recovery of Costs, which shall include, without limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (a) post judgment motions and appeals, (b) contempt proceedings, (c) garnishment, levy, and debtor and third party examination, (d) discovery, and (e) bankruptcy litigation. This section shall survive the termination or expiration of this Agreement.

20.13 Counterparts. This Agreement may be executed in counterpart originals, which taken together, shall constitute one and the same instrument.



City of Milpitas,  
a California municipal corporation

SJ Main St, LLC  
a California limited liability company

By:\_\_\_\_\_

Name: Steve McHarris

Title: Interim City Manager

By:\_\_\_\_\_

Name: I Huan Weng

Title: Member

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz  
City Attorney

APPROVED:

\_\_\_\_\_  
Walter C. Rossmann  
Risk Manager / Director of Finance

APPROVED AS TO SUFFICIENCY:

\_\_\_\_\_  
Steven Erickson  
Engineering Director / City Engineer

**NOTE: DEVELOPER'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER'S BUSINESS ENTITY.**

## All Capacity Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

#### CAPACITY CLAIMED BY SIGNER

#### DESCRIPTION OF ATTACHED DOCUMENT

- ☐ Individual  
☐ Corporate Officer  
\_\_\_\_\_  
Title(s)
- ☐ Partner (s) ☐ Limited  
☐ General  
☐ Attorney-In-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

Signer is representing:

Name Of Person(s) Or Entity(ies)

|                                           |
|-------------------------------------------|
| _____<br>Title or Type of Document        |
| _____<br>Number of Pages                  |
| _____<br>Date of Document                 |
| _____<br>Signer(s) Other Than Named Above |

## All Capacity Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

#### CAPACITY CLAIMED BY SIGNER

#### DESCRIPTION OF ATTACHED DOCUMENT

- ☐ Individual  
☐ Corporate Officer  
\_\_\_\_\_  
Title(s)
- ☐ Partner ☐ Limited  
(s) ☐ General  
☐ Attorney-In-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

Signer is representing:

Name Of Person(s) Or Entity(ies)

\_\_\_\_\_  
Title or Type of Document

\_\_\_\_\_  
Number of Pages

\_\_\_\_\_  
Date of Document

\_\_\_\_\_  
Signer(s) Other Than Named Above

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**  
**TRACT NO. 10522**

### **LEGAL DESCRIPTION**

Real property in the City of Milpitas , County of Santa Clara, State of California, described as follows:

LOT 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 10522", FILED FOR  
RECORD ON \_\_\_\_\_, 2019 IN BOOK \_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_,  
RECORDS OF SANTA CLARA COUNTY.

APN: 086-23-006

**EXHIBIT “B”**  
**LIST OF PUBLIC IMPROVEMENTS**  
**TRACT NO. 10522**

**PSIP CONSTRUCTION COST  
MAIN STREET PALACE  
1316 S. Main Street, Milpitas, CA 95035**

| ITEM                                                    | DESCRIPTION                                              | UNIT PRICE   | QUANTITY | UNIT | AMOUNT           | NOTES                                         |
|---------------------------------------------------------|----------------------------------------------------------|--------------|----------|------|------------------|-----------------------------------------------|
| <b>A. AC/CONCRETE IMPROVEMENTS</b>                      |                                                          |              |          |      |                  |                                               |
| 1.                                                      | Concrete Curb & Gutter                                   | \$45.00      | 120      | LF   | \$5,400          |                                               |
| 2.                                                      | Vertical Curb                                            | \$30.00      | 0        | LF   | \$0              |                                               |
| 3.                                                      | Flush Curb                                               | \$25.00      | 0        | LF   | \$0              |                                               |
| 4.                                                      | AC Paving (6"AC o/ 12" AB)                               | \$11.00      | 930      | SF   | \$10,230         |                                               |
| 5.                                                      | Sidewalk                                                 | \$8.00       | 1,084    | SF   | \$8,672          |                                               |
| 6.                                                      | Concrete Driveway                                        | \$14.00      | 243      | SF   | \$3,402          |                                               |
| 7.                                                      | Depressed Gutter                                         | \$38.00      | 0        | LF   | \$0              |                                               |
| 8.                                                      | Truncated Domes                                          | \$1,000.00   | 0        | EA   | \$0              |                                               |
| AC/CONCRETE SUB-TOTAL                                   |                                                          |              |          |      | \$27,704         |                                               |
| <b>B. EROSION CONTROL</b>                               |                                                          |              |          |      |                  |                                               |
| 1.                                                      | Erosion Control (SWPPP)                                  | \$6,000.00   | 1        | LS   | \$6,000          | Includes construction entrance                |
| EROSION CONTROL SUB-TOTAL                               |                                                          |              |          |      | \$6,000          |                                               |
| <b>C. SANITARY SEWER</b>                                |                                                          |              |          |      |                  |                                               |
| 1.                                                      | 6" PVC Sanitary Sewer Lateral                            | \$177.00     | 33       | LF   | \$5,841          |                                               |
| 2.                                                      | Sanitary Sewer Cleanout                                  | \$500.00     | 1        | EA   | \$500            |                                               |
| 3.                                                      | Sanitary Sewer Manhole                                   | \$5,500.00   | 1        | EA   | \$5,500          |                                               |
| 4.                                                      | Connect to Existing                                      | \$2,000.00   | 1        | EA   | \$2,000          |                                               |
| SANITARY SEWER SUB-TOTAL                                |                                                          |              |          |      | \$13,841         |                                               |
| <b>D. STORM DRAIN</b>                                   |                                                          |              |          |      |                  |                                               |
| 1.                                                      | 15" RCP Storm Drain Lateral                              | \$208.00     | 195      | LF   | \$40,560         |                                               |
| 2.                                                      | Storm Drain Manhole                                      | \$5,500.00   | 1        | EA   | \$5,500          |                                               |
| 3.                                                      | Storm Drain Catch Basin                                  | \$3,500.00   | 1        | EA   | \$3,500          |                                               |
| 4.                                                      | Storm Drain Junction Box                                 | \$4,500.00   | 1        | EA   | \$4,500          |                                               |
| STORM DRAIN SUB-TOTAL                                   |                                                          |              |          |      | \$54,060         |                                               |
| <b>E. DRY UTILITIES<sup>1</sup></b>                     |                                                          |              |          |      |                  |                                               |
| 1.                                                      | Electrical                                               | \$30,000.00  | 1        | EA   | \$30,000         |                                               |
| 2.                                                      | Gas                                                      | \$8,000.00   | 1        | EA   | \$8,000          |                                               |
| 3.                                                      | Phone                                                    | \$400.00     | 1        | EA   | \$400            |                                               |
| 4.                                                      | CATV                                                     | \$7,600.00   | 1        | EA   | \$7,600          |                                               |
| 5.                                                      | Fiber                                                    | \$825.00     | 1        | EA   | \$825            |                                               |
| 6.                                                      | Trenching                                                | \$100,000.00 | 1        | EA   | \$100,000        |                                               |
| 7.                                                      | Utility Fee Estimate                                     | \$171,220.00 | 1        | EA   | \$171,220        |                                               |
| DRY UTILITIES SUB-TOTAL                                 |                                                          |              |          |      | \$318,045        |                                               |
| <b>F. DOMESTIC &amp; FIRE WATER</b>                     |                                                          |              |          |      |                  |                                               |
| 1.                                                      | 4" Water Lateral (Domestic)                              | \$100.00     | 25       | LF   | \$2,500          |                                               |
| 2.                                                      | 6" Water Lateral (Fire for Hydrant and Building)         | \$200.00     | 37       | LF   | \$7,400          |                                               |
| 3.                                                      | 8" RPDA Backflow (Fire)                                  | \$12,000.00  | 2        | EA   | \$24,000         |                                               |
| 4.                                                      | Water Valve (Domestic, Fire for Hydrant and Building)    | \$1,000.00   | 4        | EA   | \$4,000          |                                               |
| 5.                                                      | Backflow (Domestic)                                      | \$2,500.00   | 1        | EA   | \$2,500          |                                               |
| 6.                                                      | 3" Meter (Domestic)                                      | \$2,000.00   | 1        | EA   | \$2,000          |                                               |
| 7.                                                      | 4" Tapping Valve & Sleeve (Domestic)                     | \$2,500.00   | 3        | EA   | \$7,500          |                                               |
| 8.                                                      | 6" Cutting Tee and Valve (Fire for Hydrant and Building) | \$6,000.00   | 2        | EA   | \$12,000         |                                               |
| 9.                                                      | 8"x6" Reducer                                            | \$850.00     | 2        | EA   | \$1,700          |                                               |
| 10.                                                     | 8"x4" Reducer                                            | \$750.00     | 1        | EA   | \$750            |                                               |
| 11.                                                     | Wet Tap (Pre-cut and Pre-connect for Laterals)           | \$2,500.00   | 1        | EA   | \$2,500          |                                               |
| DOMESTIC & FIRE WATER SUB-TOTAL                         |                                                          |              |          |      | \$66,850         |                                               |
| <b>F. LANDSCAPING &amp; IRRIGATION</b>                  |                                                          |              |          |      |                  |                                               |
| 1.                                                      | 2" Water Lateral - Irrigation                            | \$50.00      | 25       | LF   | \$1,250          |                                               |
| 2.                                                      | Backflow - Irrigation                                    | \$2,700.00   | 1        | EA   | \$2,700          |                                               |
| 3.                                                      | 5/8" Meter - Irrigation                                  | \$1,500.00   | 1        | EA   | \$1,500          |                                               |
| 4.                                                      | 2" Tapping Valve and Sleeve - Irrigation                 | \$2,500.00   | 1        | EA   | \$2,500          |                                               |
| 5.                                                      | 8"x2" Reducer                                            | \$750.00     | 1        | EA   | \$750            |                                               |
| 6.                                                      | Street Tree                                              | \$1,000.00   | 2        | EA   | \$2,000          | Planting and irrigation in landscape easement |
| LANDSCAPING & IRRIGATION SUB-TOTAL                      |                                                          |              |          |      | \$10,700         |                                               |
| <b>G. SIGNAGE &amp; STRIPING</b>                        |                                                          |              |          |      |                  |                                               |
| 1.                                                      | Bike Lane and Traffic Lane                               | \$15.00      | 26       | LF   | \$390            | Thermoplastic                                 |
| 2.                                                      | Stop Bar Stencil                                         | \$200.00     | 1        | EA   | \$200            | Stencil                                       |
| SIGNAGE & STRIPING SUB-TOTAL                            |                                                          |              |          |      | \$590            |                                               |
| <b>H. DEMOLITION</b>                                    |                                                          |              |          |      |                  |                                               |
| 1.                                                      | Remove Curb and Gutter                                   | \$11.00      | 240      | LF   | \$2,640          |                                               |
| 2.                                                      | Asphalt Concrete Saw Cut                                 | \$4.00       | 120      | LF   | \$480            |                                               |
| 3.                                                      | Remove AC and Subbase                                    | \$10.00      | 930      | SF   | \$9,300          |                                               |
| 4.                                                      | Remove Concrete Driveway and Baserock                    | \$7.00       | 136      | SF   | \$952            |                                               |
| DEMOLITION SUB-TOTAL                                    |                                                          |              |          |      | \$13,372         |                                               |
| 10% Contingency                                         |                                                          |              |          |      | \$51,116         |                                               |
| <b>Total Cost For Off Site Construction<sup>2</sup></b> |                                                          |              |          |      | <b>\$562,278</b> |                                               |

**Notes:**

- Refer to Joint Trench Cost Estimate for details, disclaimers and exclusions. Temporary Power and Utility Fee Estimate were not included. (See Exhibit A)
- It is probable engineering cost estimate which includes only items shown and contractor shall provide their own estimate to reflect the actual conditions and approved design. Unit costs are for reference only. Item quantities are taken off from the design plan set dated 2019-11-08.

**BKF**1730 N. First St, Suite 600,  
SJ, CA 95112**PSIP CONSTRUCTION COST  
MAIN STREET PALACE  
1316 S. Main Street, Milipitas, CA 95035**BKF JOB NO. 20180720-10  
Estimated Date: 11/8/2019

| ITEM                                                 | DESCRIPTION        | UNIT PRICE | QUANTITY | UNIT | AMOUNT         | NOTES                  |
|------------------------------------------------------|--------------------|------------|----------|------|----------------|------------------------|
| <b>A. MONUMENTATION</b>                              |                    |            |          |      |                |                        |
| 1.                                                   | Monumentation Work |            |          |      | \$5,000        | (Lump Sum Per Project) |
|                                                      |                    |            |          |      |                |                        |
|                                                      |                    |            |          |      |                |                        |
| MONUMENTATION WORK                                   |                    |            |          |      | \$5,000        |                        |
| <b>Total Cost For Monumentation Work<sup>2</sup></b> |                    |            |          |      | <b>\$5,000</b> |                        |

Notes:

1. This cost includes to set 4 nail and tag on concrete, 2 iron pipes with tag. Labors and materials are included.
2. This work is estimated with one-day worth of work.



**EXHIBIT "C"**  
**SURETY BONDS AND OTHER SECURITY**  
**TRACT NO. 10522**

As evidence of understanding the provisions contained in this Agreement, and of the Developer's intent to comply with same, the Developer has submitted the below described security in the amounts required by this Agreement, and has affixed the appropriate signatures thereto:

**PERFORMANCE BOND PRINCIPAL AMOUNT:** \$563,000

Surety: \_\_\_\_\_

Attorney-in-fact: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**MATERIAL AND LABOR BOND PRINCIPAL AMOUNT:** \$563,000

Surety: \_\_\_\_\_

Attorney-in-fact: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CASH MONUMENT SECURITY:** \$5,000

Amount deposited per Cash Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

BOND NO. \_\_\_\_\_  
INITIAL PREMIUM: \_\_\_\_\_  
SUBJECT TO RENEWAL

**CITY OF MILPITAS**  
**TRACT MAP NO. 10522 IMPROVEMENTS**  
**PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS the City of MILPITAS, California (“City”) and SJ Main St, LLC, a California limited liability company (“Principal”), have executed an agreement for work consisting of, but not limited to, the furnishing all labor, materials, tools, equipment, services, and incidentals for all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities for Tract Map No. 10522 (“Public Improvements”);

WHEREAS, the Public Improvements to be performed by Principal are more particularly set forth in that certain Subdivision Improvement Agreement dated \_\_\_\_\_, \_\_\_\_\_ (“Improvement Agreement”);

WHEREAS, the Improvement Agreement is hereby referred to and incorporated herein by reference; and

WHEREAS, Principal is required by the Improvement Agreement to provide a good and sufficient bond for performance of the Improvement Agreement, and to guarantee and warranty the Public Improvements constructed thereunder.

NOW, THEREFORE, Principal and \_\_\_\_\_ (“Surety”), a corporation organized and existing under the laws of the State of \_\_\_\_\_, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto City in the sum of **Five Hundred Sixty Three Thousand Dollars (\$563,000)**, said sum being not less than one hundred percent (100%) of the total cost of the Public Improvements as set forth in the Improvement Agreement, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such, that if Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, agreements, guarantees, and warranties in the Improvement Agreement and any alteration thereof made as therein provided, to be kept and performed at the time and in the manner therein specified and in all respects according to their intent and meaning, and to indemnify and save harmless City, its officers, employees, and agents, as stipulated in the Improvement Agreement, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Improvement Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

This bond is executed and filed to comply with Section 66499 et seq. of the Government Code of California as security for performance of the Improvement Agreement and security for the one-year guarantee and warranty of the Public Improvements.

IN WITNESS WHEREOF, the seal and signature of the Principal is hereto affixed, and the corporate seal and the name of the Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Corporate Seal)

Principal \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

(Corporate Seal)

Surety \_\_\_\_\_

By \_\_\_\_\_

Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Title \_\_\_\_\_

The rate of premium on this bond is \_\_\_\_\_ per thousand. The total amount of premium charges is \$\_\_\_\_\_.

(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Name and Address of Agent or Representative for service of process in California, if different from above)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Telephone number of Surety and Agent or Representative for service of process in California)

\_\_\_\_\_

BOND NO. \_\_\_\_\_  
INITIAL PREMIUM: \_\_\_\_\_  
SUBJECT TO RENEWAL

**CITY OF MILPITAS**  
**TRACT MAP NO. 10522 IMPROVEMENTS**  
**LABOR AND MATERIAL BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS the City of MILPITAS, California (“City”) and SJ Main St, LLC, a California limited liability company (“Principal”), have executed an agreement for work consisting of, but not limited to, the furnishing all labor, materials, tools, equipment, services, and incidentals for all grading, roads, paving, curbs and gutters, pathways, storm drains, sanitary sewers, utilities, drainage facilities, traffic controls, landscaping, street lights, and all other required facilities for Tract Map No. 10522 (“Public Improvements”);

WHEREAS, the Public Improvements to be performed by Principal are more particularly set forth in that certain Subdivision Improvement Agreement dated \_\_\_\_\_, \_\_\_\_\_ (“Improvement Agreement”);

WHEREAS, the Improvement Agreement is hereby referred to and incorporated herein by reference; and

WHEREAS, Principal is required to furnish a bond in connection with the Improvement Agreement providing that if Principal or any of its subcontractors shall fail to pay for any materials, provisions, or other supplies, or terms used in, upon, for, or about the performance of the Public Improvements, or for any work or labor done thereon of any kind, or for amounts due under the provisions of Title 3 (commencing with section 9000) of Part 6 of Division 4 of the California Civil Code, with respect to such work or labor, that the Surety on this bond will pay the same together with a reasonable attorney’s fee in case suit is brought on the bond.

NOW, THEREFORE, Principal and \_\_\_\_\_ (“Surety”), a corporation organized and existing under the laws of the State of \_\_\_\_\_, and duly authorized to transact business under the laws of the State of California, are held and firmly bound unto City and to any and all contractors, subcontractors, material suppliers, persons, companies or corporations furnishing materials, provisions, and other supplies used in, upon, for or about the performance of the Public Improvements, and all persons, companies or corporations renting or hiring teams, or implements or machinery, for or contributing to the Public Improvements to be done, and all persons performing work or labor upon the same and all persons supplying both work and materials as aforesaid excepting the Principal, the sum of **Five Hundred Sixty Three Thousand Dollars (\$563,000)**, said sum being not less than 100% of the total cost of the Public Improvements under the terms of the Improvement Agreement, we bind

ourselves, our heirs, executors and administrators, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal, his or its subcontractors, heirs, executors, administrators, successors, or assigns, shall fail to pay for any materials, provisions, or other supplies or machinery used in, upon, for or about the performance of the Public Improvements, or for work or labor thereon of any kind, or fail to pay any of the persons named herein, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the contractor and his subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such work and labor, and all other applicable laws of the State of California and rules and regulations of its agencies, then said Surety will pay the same in or to an amount not exceeding the sum specified herein.

As part of the obligation secured hereby, and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

This bond is executed and filed to comply with Section 66499 et seq. of the California Government Code as security for payment to contractors, subcontractors, and persons furnishing labor, materials, or equipment for construction of the Public Improvements or performance of the Improvement Agreement. It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Improvement Agreement, or to any plans, profiles, and specifications related thereto, or to the Public Improvements to be constructed thereunder, shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition.

IN WITNESS WHEREOF, the seal and signature of the Principal is hereto affixed, and the corporate seal and the name of the Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Corporate Seal)

Principal

By

Title

(Corporate Seal)

Surety

By

Attorney-in-Fact

(Attach Attorney-in-Fact Certificate)

Title

The rate of premium on this bond is \_\_\_\_\_ per thousand. The total amount of premium charges is \$\_\_\_\_\_.  
(The above must be filled in by corporate attorney.)

THIS IS A REQUIRED FORM

Any claims under this bond may be addressed to:

(Name and Address of Surety)

(Name and Address of Agent or Representative for service of process in California, if different from above)

(Telephone number of Surety and Agent or Representative for service of process in California)

## All Capacity Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

#### CAPACITY CLAIMED BY SIGNER

#### DESCRIPTION OF ATTACHED DOCUMENT

- ☐ Individual  
☐ Corporate Officer  
\_\_\_\_\_  
Title(s)
- ☐ Partner ☐ Limited  
(s)  
☐ General
- ☐ Attorney-In-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

Signer is representing:

Name Of Person(s) Or Entity(ies)

\_\_\_\_\_  
Title or Type of Document

\_\_\_\_\_  
Number of Pages

\_\_\_\_\_  
Date of Document

\_\_\_\_\_  
Signer(s) Other Than Named Above



## All Capacity Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

### OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

#### CAPACITY CLAIMED BY SIGNER

#### DESCRIPTION OF ATTACHED DOCUMENT

- ☐ Individual  
☐ Corporate Officer  
\_\_\_\_\_  
Title(s)
- ☐ Partner ☐ Limited  
(s)  
☐ General
- ☐ Attorney-In-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

Signer is representing:

Name Of Person(s) Or Entity(ies)

\_\_\_\_\_  
Title or Type of Document

\_\_\_\_\_  
Number of Pages

\_\_\_\_\_  
Date of Document

\_\_\_\_\_  
Signer(s) Other Than Named Above



## CITY OF MILPITAS AGENDA REPORT (AR)

|                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>            | <b>Adopt a Resolution Reviewing and Accepting the Annual Developer Fee Disclosure Information for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, the Transit Area Specific Plan (TASP) Impact Fee, and the Storm Drain Fee and Five Year Findings for the Calaveras Boulevard Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and the Transit Area Specific Plan (TASP) Impact Fee for the Fiscal Year Ended June 30, 2019</b>                   |
| <b>Category:</b>              | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Meeting Date:</b>          | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Staff Contact:</b>         | <b>Walter C. Rossmann, 408-586-3111</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b><u>Recommendation:</u></b> | Adopt a resolution consistent with the Mitigation Fee Act for fiscal year 2018-2019 to review and accept the annual developer fee disclosure information Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee and making Five-Year findings for the Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and Transit Area Specific Plan Impact Fee for the Fiscal Year Ended June 30, 2019. |

### **Background:**

California Government Code Section 66000 et seq. ("Mitigation Fee Act") requires local agencies to provide an accounting of fees charged for development projects. The City has two basic accounting and reporting responsibilities under the Government Code. Section 66001(d) requires that, five years after collecting a development fee subject to this Code section and every five years thereafter, the local agency shall make findings with respect to any portion of the fee remaining unexpended, whether committed or uncommitted. If the required findings are not made, the unexpended funds shall be refunded to the current property owners.

Five-year findings must:

1. Identify the purpose of the fee;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it was charged;
3. Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements; and
4. Designate the approximate dates on which these funding sources can be expected to be deposited into the appropriate account or fund.

When sufficient funds have been collected to complete financing on incomplete public improvements, the local agency has 180 days to identify an approximate date by which the construction of the public improvement will begin or else is required to refund the unexpended fees, including accrued interest, to the current owner of lots or units of the development project.

For Fiscal Year 2018-19, the City needs to make Five-Year findings for the remaining unexpended fee proceeds for the Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and Transit Area Specific Plan Impact Fee.

The second requirement set forth under Government Code Section 66006(b)(1) provides that each local agency is required on an annual basis, within 180 days after fiscal year end, for each separate account, to make available to the public the following information:

1. Brief description of the type of fee in the account;
2. The amount of the fee;
3. The account's beginning and ending balance;
4. The amount of fees collected and the interest earned;
5. A description of the improvements on which the funds were expended and the amount expended on each improvement including the percentage of the improvement funded with development fees;
6. An approximate date by which the construction of a public improvement will begin if the local agency determines that sufficient funds have been collected to complete financing on the incomplete improvement;
7. A description of each inter-fund transfer or loan made from the account; and
8. The amount of any refunds made pursuant to Code Section 66001.

The City deposits impact fees subject to the above disclosure in the Calaveras Boulevard Widening Traffic Impact Fee Fund, Milpitas Business Park Traffic Impact Fee Fund, Transit Area Specific Plan (TASP) Impact Fee Fund, and Storm Drain Development Fund to track these development related fees. Interest income is allocated to each funds based on their respective monthly cash balances. Expenditures from these funds were in the form of capital improvement projects to either renovate existing facilities or maintain the existing level of service, consistent with the General Plan and approved Capital Improvement Plan, due to increased demand related to the development projects.

#### **Analysis:**

Annual reports (included in the agenda packet) summarize the Fiscal Year 2018-2019 fund activity for Calaveras Boulevard Widening Traffic Impact Fee (Exhibit 1); Milpitas Business Park Traffic Impact Fee (Exhibit 2), Transit Area Specific Plan (TASP) Impact Fee (Exhibit 3); and Storm Drain Development Fee (Exhibit 4). The reports show the amount of fees collected in fiscal year 2018-2019, interest income, a brief description of the projects funded, the percentage of the projects funded by the development fees, and the beginning and ending balance of the funds. The table below shows the beginning fund balance, revenues received, expenditures and ending fund balance for each impact fee for Fiscal Year 2018-2019. The plan to expend the funds available in ending fund balances for the various fees is outlined in the attached reports. For the TASP Impact Fee, for example, the unexpended fee proceeds will be used to fund necessary infrastructure (e.g.: Transit Area Police Substation, a community center/recreation facility, a park, Montague Expressway widening) as identified in the Transit Area Development Impact Fee Report, dated February 2014, and the City's Capital Improvement Program 2018-2023 Final Report.

| <b>FY 2018-19</b>      | <b>Calaveras Blvd<br/>Widening Traffic<br/>Impact Fee</b> | <b>Milpitas<br/>Business Park<br/>Traffic Impact<br/>Fee</b> | <b>TASP Impact</b> | <b>Storm Drain<br/>Development*</b> |
|------------------------|-----------------------------------------------------------|--------------------------------------------------------------|--------------------|-------------------------------------|
| Beginning Fund Balance | \$675,417                                                 | \$1,358,780                                                  | \$30,993,582       | \$1,913,220                         |
| Revenues               | 665,768                                                   | 18,251                                                       | 39,853,376         | 1,366,318                           |
| Expenditures           | 0                                                         | 750,000                                                      | (28,035,691)       | (345,000)                           |
| Ending Fund Balance    | \$1,341,185                                               | \$627,031                                                    | \$42,811,267       | \$2,934,538                         |

\*Annual reporting for the Storm Drain Fee is subject to Government Code Section 66013, however those reporting requirements are substantially similar to the annual reporting requirements under Government code section 66006 and are referred to collectively here for convenience.

Additional reports include Five Year Findings Reports for Calaveras Boulevard Widening Traffic Impact Fee (Exhibit 5), Milpitas Business Park Traffic Impact Fee (Exhibit 6), and Transit Area Specific Plan Fee (Exh

7). These reports identify the purpose of each fee, demonstrate the reasonable relationship between the fee and the purpose for which the fee was charged, identify the sources and amounts of funding anticipated to complete financing of improvements and designate approximate dates on which these funding sources can be expected.

**Policy Alternative:**

Not applicable.

**Fiscal Impact:**

Not applicable.

**California Environmental Quality Act:**

Not applicable.

**Recommendation:**

Adopt a resolution consistent with the Mitigation Fee Act for fiscal year 2018-2019 to review and accept the annual developer fee disclosure information Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, Transit Area Specific Plan Impact Fee and Storm Drain Fee and making Five-Year findings for the Calaveras Blvd Widening Traffic Impact Fee, Milpitas Business Park Traffic Impact Fee, and Transit Area Specific Plan Impact Fee for the Fiscal Year Ended June 30, 2019.

**Attachment:**

Resolution including Status Reports as Exhibits

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT FEE DISCLOSURE INFORMATION FOR THE CALAVERAS BOULEVARD WIDENING TRAFFIC IMPACT FEE, MILPITAS BUSINESS PARK TRAFFIC IMPACT FEE, THE TRANSIT AREA SPECIFIC PLAN IMPACT FEE AND THE STORM DRAIN FEE; AND MAKING FIVE-YEAR FINDINGS REGARDING THE CITY'S TRAFFIC IMPACT FEES AND TRANSIT AREA SPECIFIC PLAN IMPACT FEE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66001**

**WHEREAS**, the Mitigation Fee Act, Government Code Section 66000 *et seq.*, authorizes the City of Milpitas ("City") to impose, collect, and expend mitigation fees to offset the impacts of development within the City; and

**WHEREAS**, pursuant to its authority under the Mitigation Fee Act (Government Code §§ 66000 *et seq.*) the City Council established, adopted, and imposed Traffic Impact Fees, a Transit Area Specific Plan ("TASP") Impact Fee and a Storm Drain Fee (collectively, the "Fees"); and

**WHEREAS**, the City has deposited all Fees in separate non-commingled funds ("Funds") established for such a purpose; and

**WHEREAS**, the City has made available to the public within one hundred eighty (180) days following the last day of the fiscal year the annual accounting information ("Annual Report") required by the Mitigation Fee Act related to each of the Fees and Five Year Reports with respect to the two Traffic Impact Fees and TASP Fee; and

**WHEREAS**, the City has mailed notice at least fifteen (15) days prior to this meeting to all interested parties who have requested notice of any meeting relative to the City's imposition of the Fees and has held a duly noticed, regularly scheduled public meeting at which oral and written testimony was received regarding the Annual Reports and the Five Year Reports at least fifteen (15) days after the City made this information publicly available.

**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 Government Code Section 66006(b), the City Council has reviewed and approves the Annual Reports for each of the Fees, which are attached to this Resolution as **Exhibits 1-4**, and are also placed on file with the City Clerk. The Council, based upon the information contained in the Annual Report and the remaining need for the unexpended funds, finds as follows:
  - a. That each of the Annual Reports describe the types of Fees contained in each Funds, including the amount of the fees, the beginning and ending balance of the Funds, as well as the amount of fees collected, and the interest earned thereon.
  - b. That each of the Annual Reports identifies each public improvement on which the Fees were expended, the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the Fees.
  - c. That there were interfund transfers or loans made from the Funds, as noted.
  - d. That sufficient funds have not been collected to complete the financing of any incomplete public improvement, and that there were no refunds or allocations made of the Fees.
3. In accordance with Government Code Section 66001(d), the City Council has reviewed the Five Year Report for the Calaveras Boulevard Widening Traffic Impact Fee which is attached to this Resolution as **Exhibit 5** and

also on file with the City Clerk. The City Council finds, based on the information in the Five Year Report, as follows:

- a. Pursuant to Government Code Subsection 66001(d)(1)(A), the Five Year Report identifies, by reference to the City of Milpitas Calaveras Boulevard Widening Project Transportation Impact Fee Study, dated February 24, 2009, and the City's Capital Improvement Program 2018-2023 Final Report, the purpose to which all unexpended fees, whether committed or uncommitted, contained in the Calaveras Blvd Widening Project Fund will be put; and
  - b. Pursuant to Government Code Subsection 66001(d)(1)(B), the Five Year Report demonstrates, by reference to Transportation Impact Fee Study Report, dated February 24, 2009, a reasonable relationship between the unexpended fees contained in the Calaveras Blvd Widening Project Fund and the purposes to which such fees will be put; and
  - c. Pursuant to Government Code Subsection 66001(d)(1)(C), the Five Year Report identifies all sources and amounts of funding anticipated to complete financing of incomplete improvements or projects; and
  - d. Pursuant to Government Code Subsection 66001(d)(1)(D), the Five Year Report identifies that the approximate dates upon which the funding for such incomplete improvements or projects will be deposited in the Traffic Impact Fee Fund account are unknown; and
  - e. There remain unexpended funds from the Traffic Impact Fee which are still necessary to complete the purposes for which they were collected.
4. In accordance with Government Code Section 66001(d), the City Council has reviewed the Five Year Report for the Business Park Traffic Impact Fee which is attached to this Resolution as Exhibit 6 and also on file with the City Clerk. The City Council finds, based on the information in the Five Year Report, as follows:
- a. Pursuant to Government Code Subsection 66001(d)(1)(A), the Five Year Report identifies, by reference to the Milpitas Business Park Traffic Impact Fee Study, dated January 16, 1997, the purpose to which all unexpended fees, whether committed or uncommitted, contained in the Milpitas Business Park Traffic Impact Fee Fund will be put; and
  - b. Pursuant to Government Code Subsection 66001(d)(1)(B), the Five Year Report demonstrates, by reference to the Milpitas Business Park Traffic Impact Fee Study Report, dated January 16, 1997, a reasonable relationship between the unexpended fees contained in the Milpitas Business Park Fund and the purposes to which such fees will be put; and
  - c. Pursuant to Government Code Subsection 66001(d)(1)(C), the Five Year Report identifies all sources and amounts of funding anticipated to complete financing of incomplete improvements or projects; and
  - d. Pursuant to Government Code Subsection 66001(d)(1)(D), the Five Year Report identifies that the approximate dates upon which the funding for such incomplete improvements or projects will be deposited in the Milpitas Business Park Traffic Impact Fee Fund account are unknown; and
  - e. There remain unexpended funds from the Milpitas Business Park Traffic Impact Fee which are still necessary to complete the purposes for which they were collected.
5. In accordance with Government Code Section 66001(d), the City Council has reviewed the Five Year Report for the Transit Area Specific Plan Impact Fee which is attached to this Resolution as Exhibit 7 and also on file with the City Clerk. The City Council finds, based on the information in the Five Year Report, as follows:

- a. Pursuant to Government Code Subsection 66001(d)(1)(A), the Five Year Report identifies, by reference to the Transit Area Development Fee Report Update, dated February 2014, and the City's Capital Improvement Program 2018-2023 Final Report, the purpose to which all unexpended fees, whether committed or uncommitted, contained in the Transit Area Specific Plan Fund will be put; and
- b. Pursuant to Government Code Subsection 66001(d)(1)(B), the Five Year Report demonstrates, by reference to Transit Area Development Fee Update, dated February 2014, a reasonable relationship between the unexpended fees contained in the Transit Area Specific Plan Fund and the purposes to which such fees will be put; and
- c. Pursuant to Government Code Subsection 66001(d)(1)(C), the Five Year Report identifies all sources and amounts of funding anticipated to complete financing of incomplete improvements or projects; and
- d. Pursuant to Government Code Subsection 66001(d)(1)(D), the Five Year Report identifies approximate dates upon which the funding for such incomplete improvements or projects will be deposited in the Transit Area Specific Plan Fund; and
- e. There remain unexpended funds from the Transit Area Specific Plan Fund which are still necessary to complete the purposes for which they were collected.

6. Pursuant to these findings, and at this time, there shall not be a refund of any unexpended Fees.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

**Exhibit 1**  
City of Milpitas

Annual Report of Development Fees and Expenditures for the  
Fiscal Year ended June 30, 2019

**Calaveras Boulevard Widening Traffic Impact Fee**

**Description:**

In order to implement the goals and objectives of the City of Milpitas General Plan and to mitigate the traffic impacts caused by new development in the City of Milpitas, certain roadways such as Calaveras Boulevard must be widened.

**Fee:**

The amount of the fee as of June 30, 2019 was as follows:

| Area Covered                                      | Type of Dwelling                                | Amount                                 |
|---------------------------------------------------|-------------------------------------------------|----------------------------------------|
|                                                   |                                                 |                                        |
|                                                   |                                                 |                                        |
| Citywide except TASP to widen Calaveras Boulevard | Residential 5 or more units                     | \$308.69 per dwelling unit             |
|                                                   | Retail Development of 1,000 or more square feet | \$930.02 per thousand square feet      |
|                                                   | Office Development of 1,000 or more square feet | \$793.41 per thousand square feet      |
|                                                   | Other Uses                                      | A focused nexus study will be required |



**Exhibit 1- continued**  
Calaveras Widening Impact Fee Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances for  
Fiscal Year 2018-2019

Fees collected and interest earned:

|                |                |
|----------------|----------------|
| Revenues       |                |
| Traffic Fees   | \$646,260      |
| Interest       | <u>19,508</u>  |
| Total Revenues | <u>665,768</u> |

Fees expended on public improvement:

Expenditures:

|                    |          |
|--------------------|----------|
|                    | <u>0</u> |
| Total Expenditures | <u>0</u> |

|                                                               |         |
|---------------------------------------------------------------|---------|
| Excess/(deficiency) of revenues over/<br>(under) expenditures | 665,768 |
|---------------------------------------------------------------|---------|

Beginning and ending balance:

|                                 |                    |
|---------------------------------|--------------------|
| Fund Balance, beginning of year | <u>675,417</u>     |
| Fund Balance, end of year       | <u>\$1,341,185</u> |

Inter-fund transfer or loan made description:

None

Refunds made from surplus fees and amount of any allocations made:

None

**Exhibit 2**  
City of Milpitas

Annual Report of Development Fees and Expenditures for the  
Fiscal Year ended June 30, 2019

**Milpitas Business Park Traffic Impact Fee**

**Description:**

In order to implement the goals and objectives of the City of Milpitas General Plan and to mitigate the traffic impacts caused by new development in the Milpitas Business Park and McCarthy Ranch sites certain roadways such as Montague Expressway, Alder Drive must be widened, additional through lanes and left-turn and right turn only lanes must be added to certain intersections as identified in the Milpitas Business Park Traffic Impact Fee Study.

**Fee:**

The amount of the fee as of June 30, 2019 was as follows:

| Area Covered                                         | Type of Dwelling | Amount                   |
|------------------------------------------------------|------------------|--------------------------|
| Citywide except TASP to widen<br>Montague Expressway |                  | \$1,024 per PM peak trip |

**Exhibit 2- continued**  
Milpitas Business Park Impact Fee Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances for  
Fiscal Year 2018-2019

Fees collected and interest earned:

Revenues

|                |                  |
|----------------|------------------|
| Interest       | <u>\$ 18,251</u> |
| Total Revenues | <u>18,251</u>    |

Fees expended on public improvement:

Expenditures:

1. CP 4292 – McCarthy Blvd./Sandisk Dr. Traffic Signal 750,000

Total Expenditures 750,000

Excess/(deficiency) of revenues over/  
(under) expenditures (731,749)

Beginning and ending balance:

Fund Balance, beginning of year 1,358,780

Fund Balance, end of year \$627,031

| CIP Number and Title                                | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                         | % of the project funded with development fees | Construction Commencement Date |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------|
| CP 4292 – McCarthy Blvd./Sandisk Dr. Traffic Signal | This project provides for the installation of a new traffic signal at McCarthy Blvd/Sandisk Drive to facilitate safe and orderly movement of traffic to address increased vehicular and pedestrian crossing activities at the intersection. The scope includes installation of poles, conduits, boxes, cabinets, intersection safety lighting, communication equipment, signage, detection equipment, and related traffic signal equipment. | 100%                                          | 2019                           |

Inter-fund transfer or loan made description:

None

Refunds made from surplus fees and amount of any allocations made:

None

**Exhibit 3**  
**Annual Report for the Transit Area Specific Plan (TASP) Impact Fee**  
Fiscal Year ended June 30, 2019

Description:

Based on Resolution No. 8344 Exhibit A Transit Area Development Impact Fee Update Report prepared by Economic & Planning Systems, Inc., dated February 2014, the purpose of the Transit Area Specific Plan Impact fee is to fund the planning and development (as described in the Report) of an approximately 437-acre area in the southern portion of the City near the Great Mall shopping center to support more residents and workers with appropriately scaled utilities, parks, community facilities, and roadways.

Fee:

The amount of the fee per February 2014 Transit Area Development Impact Fee Update:

| <b>Type of Dwelling</b> | <b>Amount</b>           |
|-------------------------|-------------------------|
| Residential             | \$32,781 per unit       |
| Retail                  | \$22.80 per square foot |
| Office                  | \$36.60 per square foot |

**Exhibit 3- Continued**  
Transit Area Specific Plan (TASP) Impact Fee Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances for  
Fiscal Year 2018-2019

Fees collected and interest earned:

Revenues:

|                                     |                       |
|-------------------------------------|-----------------------|
| TASP Impact Fees                    | \$ 38,984,248         |
| Return of unused TASP Fees(CP7125)* | 480,643               |
| Interest                            | <u>869,128</u>        |
| <br>Total Revenues                  | <br><u>40,334,019</u> |

Fees expended on public improvement (See table for % of cost funded with fees):

Expenditures:

|                                                               |                       |
|---------------------------------------------------------------|-----------------------|
| 1. CP 2004 - S. Milpitas Boulevard Extension (DB1)            | 4,820,749             |
| 2. CP 2005 - Lower Penitencia Creek Pedestrian Bridge (DB9)   | 882,158               |
| 3. CP 2006 - Transit Area Specific Plan Update (DB44)         | 75,000                |
| 4. CP 2007 - Berryessa Creek Trail                            | 150,000**             |
| 5. CP 2008 - Montague Ped. Overcrossing at Piper Dr. (DB7)    | 8,000,000             |
| 6. CP 4179 - Montague Expressway Widening (DB2)               | 1,300,000             |
| 7. CP 4281 - TASP Underground Utility District (DB10)         | 100,000               |
| 8. CP 5102 - McCandless Park (DB22)                           | 6,425,000             |
| 9. CP 7076 - Well Upgrade Project (DB18-20)                   | 2,330,000             |
| 10. Sango Court Land Appraisal (DB29)                         | 162,600               |
| 11. Utility Undergrounding underneath Union Pacific RR (DB10) | 650,000               |
| 12. Park Improvements (DB32)                                  | 725,764               |
| 13. Falcon Drive (DB3)                                        | 1,183,687             |
| 14. Park Land Purchase (DB33)                                 | 504,296               |
| 15. Recycled Water Distribution System (DB21)                 | 1,084,031             |
| 16. Interest on Inter fund Loan for Sewer System (DB15)       | <u>123,049</u>        |
| <br>Total Expenditures                                        | <br><u>28,516,334</u> |

|                                                           |            |
|-----------------------------------------------------------|------------|
| Excess (deficiency) of revenues over (under) expenditures | 11,817,685 |
|-----------------------------------------------------------|------------|

Beginning and ending balance:

|                                 |                   |
|---------------------------------|-------------------|
| Fund Balance, beginning of year | <u>30,993,582</u> |
|---------------------------------|-------------------|

|                           |                     |
|---------------------------|---------------------|
| Fund Balance, end of year | <u>\$42,811,267</u> |
|---------------------------|---------------------|

\*Capital Improvement Project 7125 - BART Water Improvements was completed and returned the unused funds back to the TASP fund.

\*Capital Improvement Project 2007 was completed and the unused funds were returned to the Park Fund.

| CIP/Item Number and Title                                | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | % of the project funded with development fees | Construction Commencement Date                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CP 2004 - S. Milpitas Boulevard Extension (DB1)          | This project provides for the acquisition of land, design, construction, and administration for extension of S. Milpitas Boulevard including utilities from Montague Expressway to the edge of BART Station frontage. The City entered in to an agreement on August 3, 2010 with the Valley Transportation Agency (VTA) to construct the project for the City in conjunction with the BART project. The BART project will also be responsible for the construction of the remaining portion of the road from the BART Station to Capital Avenue.                                                                                                                                                                                                                                                   | 100%                                          | 2013                                                                                                                                                                                                                                                                                              |
| CP 2005 - Lower Penitencia Creek Pedestrian Bridge (DB9) | This project provides for the design and construction of a new pedestrian bridge over Lower Penitencia Channel adjacent to the Centre Pointe residential development and will provide connection to the City's McCandless Park site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 53%                                           | 2020                                                                                                                                                                                                                                                                                              |
| CP 2006 - Transit Area Specific Plan Update (DB44)       | The Transit Area Specific Plan (TASP) was approved in 2008. There have been minor amendments to TASP focused primarily on individual properties, but no comprehensive evaluation of the plan and the effectiveness of its implementation has been made. Approximately 95% of the housing planned and cleared under CEQA for the area have been entitled or constructed. Approximately 50% of retail uses and none of the office have been developed. An evaluation of development projects proposed, entitled, or constructed; processes and regulations for development; changes to the land use diagram; and remaining development capacity should be undertaken. This project will include an update to the TASP EIR to provide environmental clearance for additional residential development. | 100%                                          | 2012                                                                                                                                                                                                                                                                                              |
| CP 2007 - Berryessa Creek Trail, Reach 4, 5, 6A          | This project provides for the design and construction of Reach 4, 5 and 6A of the Berryessa Creek Trail from Calaveras Blvd to San Jose City limits South of Montague Expressway. This project is identified and described further in the "Berryessa Creek Trail and Coyote Creek Trail Feasibility Report." The scope of work includes trail and accessibility improvements, intersection modifications and trail amenities. The project will be coordinated with the US Army Corp of Engineers/ SCVWD creek flood improvements project. It is also identified in the VTP 2040 Plan, as it provides a direct pedestrian/bicycle connection from the Town Center to the future BART station.                                                                                                       | 50%                                           | This project was completed by the Santa Clara Water District and the Army Corp with no funding from the City and was closed in FY19. The original funding was \$150,000 from TASP and \$150,000 from the Park Fund. All the funding was transferred back to TASP and the Park Fund in FY19.<br>** |
| CP 2008 - Montague Ped. Overcrossing at Piper Dr. (DB7)  | This project provides for the construction of a pedestrian overcrossing (POC) over Montague Expressway at Piper Drive. The pedestrian overcrossing is part of the Transit Area Specific Plan (TASP) circulation infrastructure improvement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 100%                                          | 2016                                                                                                                                                                                                                                                                                              |

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |      |      |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|
|                                                            | that provides safe and convenient pedestrian circulation between the Milpitas BART station, Great Mall and surrounding residential developments.                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |      |
| CP 4179 - Montague Expwy Widening at Great Mall Pkwy (DB2) | This project provides a fourth through lane in each direction on Montague Expressway at Great Mall Parkway. It also includes adding one westbound lane on Montague Expressway from Pecton Court to UPRR rails.                                                                                                                                                                                                                                                                                                                                                                       | 15%  | 2016 |
| CP 4281 - TASP Underground Utility District (DB10)         | This project provides for the creation of new Underground Utility District (UUD) #7 within the City's Transit Area Specific Plan redevelopment area. The purpose of the district is to allow Pacific Gas & Electric Company (PG&E) to underground existing overhead electric, PG&E, Cable TV, and communication utilities. The new district would be administered by the City with the undergrounding design and construction to be completed by PG&E using the City's Rule 20A funds. The City has approximately \$5.2M in available PG&E Rule 20A funds for use with this project. | 100% | 2020 |
| CP 5102 - McCandless Park (DB22)                           | This project provides for a new public park adjacent to a new MUSD elementary school located on McCandless Drive in the Transit Area. The park will provide a four-acre City park and will include play field, athletic courts, picnic area, all-inclusive play areas, and restrooms.                                                                                                                                                                                                                                                                                                | 85%  | 2020 |
| CP 7076 - Well Upgrade Project (DB18-20)                   | This well upgrade program includes the installation of a new well and pump station at the City's McCandless Park site to serve the Midtown and Transit Area Specific Plan including future development.                                                                                                                                                                                                                                                                                                                                                                              | 49%  | 1996 |
| 11                                                         | Sango Court Land Appraisal (DB29)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 100% | NA   |
| 12                                                         | Utility Undergrounding underneath Union Pacific RR (DB10)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 100% | 2016 |
| 13                                                         | Construction of Parks and Community Facilities (DB32) related to the following residential projects: 1) Traverse located at Trade Zone Blvd., 2) Citation Homes- Amalfi located at Piper Dr. and Montague Expressway, 3) Pulte Homes- Milpitas Station located at S. Milpitas Blvd and Montague Expressway 4) 620 E. Capital and 5) 750 Capital.                                                                                                                                                                                                                                     | 100% | 2015 |
| 14                                                         | Falcon Drive Improvements (DB3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 100% | 2016 |
| 15                                                         | Park Land Purchase (DB33)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 100% | 2017 |
| 16                                                         | Recycled Water Distribution System Improvements located in the TASP area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 100% | 2015 |
| 17                                                         | Interest on interfund loans advanced for the Sewer System (DB15) from General fund.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 100% | 2015 |

Inter-fund transfer or loan made description:

\*\*Upon closing of CP2007, its unspent revenue of \$150,000 was transferred back to Park Fund.

There is an interfund loan between the General Fund and the TASP fund for \$5.2M to pay for Sewer System improvements(DB15).

Refunds made from surplus fees and amount of any allocations made:

None

**Exhibit 4**  
**Annual Report Storm Drain Fee**  
Fiscal Year ended June 30, 2019

Description:

Prior to connection or discharge to any storm drain facility from a new development project, developers shall pay City a fee for connection/discharge to the City's storm drain system (Municipal Code XI-16-16). The purpose of the storm drain fee is to fund facilities necessary to provide storm drain services, and revenues derived from the fee imposed by the City shall be used solely for that purpose.

Fee:

The amount of the fee as of June 30, 2019 was as follows:

| Type of Dwelling                                          | Parcel Size                             | Per Parcel Fee    |
|-----------------------------------------------------------|-----------------------------------------|-------------------|
| Connection Fees                                           |                                         |                   |
| Single-family medium density                              | Equal or smaller than 8,710 square feet | \$1,100           |
| Single-family low density                                 | Between 8,711 and 43,560 square feet    | \$1,916           |
| Single-family                                             | Between 1 acre and 4 acres              | \$3,594           |
| Single-family                                             | Between 4 acre and 9 acres              | \$4,792           |
| Single-family                                             | Greater than 9 acres                    | \$6,469           |
| Multiple-family                                           |                                         | \$16,771 per acre |
| Commercial, industrial, institutional, or mixed use sites |                                         | \$21,562 per acre |
| Schools with athletic fields                              |                                         | \$7,187 per acre  |
| Parks                                                     |                                         | \$4,792 per park  |



**Exhibit 4- continued**  
Storm Drain Development Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances for  
Fiscal Year 2018-2019

Fees collected and interest earned:

Revenues:

|                                                                           |                |
|---------------------------------------------------------------------------|----------------|
| Connection Fees                                                           | \$1,017,027    |
| Interest                                                                  | 132,291        |
| Return of unused TASP fees from project<br>CP3711 BART Storm Improvements | <u>217,000</u> |

|                |           |
|----------------|-----------|
| Total Revenues | 1,366,318 |
|----------------|-----------|

Fees expended on public improvement (See table for % of cost funded with fees):

Expenditures:

|                                                   |                |
|---------------------------------------------------|----------------|
| CP 3700 - Storm Drain Master Plan Update          | 45,000         |
| CP 3714 – Flap Gate Replacement                   | 125,000        |
| CP 3716 – City Parking Lot Rehabilitation Program | 75,000         |
| CP 3717 – Minor Storm Projects                    | <u>100,000</u> |

|                    |                |
|--------------------|----------------|
| Total Expenditures | <u>345,000</u> |
|--------------------|----------------|

|                                                              |           |
|--------------------------------------------------------------|-----------|
| Excess (deficiency) of revenues over<br>(under) expenditures | 1,021,318 |
|--------------------------------------------------------------|-----------|

Beginning and ending balance:

|                                 |                  |
|---------------------------------|------------------|
| Fund Balance, beginning of year | <u>1,913,220</u> |
|---------------------------------|------------------|

|                           |                     |
|---------------------------|---------------------|
| Fund Balance, end of year | <u>\$ 2,934,538</u> |
|---------------------------|---------------------|

| CIP Number                                                    | Project Description                                                                                                                                                                                                                                                                                                                                          | % of the project<br>funded with<br>development<br>fees | Construction<br>commencement<br>Date | Status<br>Of<br>Project |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------|-------------------------|
| CP 3700 -<br>Storm Drain<br>System<br>Rehabilitation          | Prior work included storm drain system repairs at various locations and wetland riparian mitigation and maintenance work at Wrigley-Ford and Ford Creeks. The remaining work is required by Regional Water Quality Control Board and Army Corps of Engineer permits to inspect, repair, maintain, and submit reports on the Creek sites until February 2023. | 100%                                                   | 2008                                 | In Process              |
| CP 3714 -<br>Flap Gate<br>Replacement                         | This project provides assessment and replaces and/or installs check valve assemblies at creek outfalls. The work also includes replacing deteriorated outfall piping.                                                                                                                                                                                        | 100%                                                   | 2017                                 | In Process              |
| CP 3716 -<br>City Parking<br>Lot<br>Rehabilitation<br>Program | This project provides for the rehabilitation of City owned parking lots at City Buildings including City Hall, Public Works, Police Department, Community Center, Barbara Lee Senior Center, fire stations, and utility pump stations.                                                                                                                       | 83%                                                    | 2018                                 | In Process              |
| CP 3717 -<br>Minor Storm<br>Projects                          | This project provides for the ongoing analysis and implementation of various minor modifications and improvements to existing storm drain systems.                                                                                                                                                                                                           | 100%                                                   | 2019                                 | In Process              |
|                                                               |                                                                                                                                                                                                                                                                                                                                                              |                                                        |                                      |                         |

|                                                                      |                                                                                                                          |      |      |                                       |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------|------|---------------------------------------|
| CP3718 –<br>Storm<br>Supervisory<br>Control &<br>Data<br>Acquisition | This project provides a real-time data, such as wet well level and pump operational status to utility systems operators. | 100% | 2020 | Anticipated to start next fiscal year |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------|------|---------------------------------------|

Inter-fund transfer or loan made description:

None

Refunds made from surplus fees and amount of any allocations made:

None

## **Exhibit 5**

### **Five Year Report of City of Milpitas Calaveras Boulevard Widening Traffic Impact Fee for the Fiscal Year ended June 30, 2019**

#### **Summary:**

This Five Year Report provides information and findings on unexpended funds in the Traffic Impact Fee account as of June 30, 2019 pursuant to Government Code section 66001(d).

#### **Fund Information:**

The Calaveras Boulevard Widening Traffic Impact Fund currently contains One Million Three Hundred Forty-One Thousand One Hundred Eighty-Five Dollars (\$1,341,185) in unexpended Calaveras Boulevard Widening Traffic Impact Fees for the Calaveras Widening Project (“Unexpended Fee”).

Pursuant to Government Code section 66001(d)(1):

A) **Purpose.** The Unexpended Traffic Impact Fee will be used to fund facilities necessary to provide for the Calaveras Boulevard Widening Project as identified in the Transportation Impact Fee Study Report dated February 2009, and the City’s Capital Improvement Program 2018-2023 Final Report. The Project will widen Calaveras Boulevard from four lanes to six lanes between Town Center Drive and Abel Street within the City limits, with pedestrian and bicycle access in each direction, as well as reconstruction of certain bridge structures.

B) **Relationship between the fee and the purpose for which it is charged.** There exists a reasonable relationship between the Unexpended Fee described above and the purpose for which it was charged because the improvements will mitigate the increased traffic caused by development and ensure that adverse traffic impacts can be minimized by implementing needed roadway improvements as set forth in the Transportation Impact Fee Study Report Dated February 2009. The Fee is a means of ensuring that new development located outside of the Transit Area Specific Plan (TASP) pay its proportionate share of the costs of the Calaveras Boulevard Widening Project. Specifically, the Fee is assessed based on vehicle trips generated by future (non-TASP) growth in Milpitas during PM peak hours which justify the need for additional street capacity.

C) **Sources of funding anticipated to complete financing of incomplete improvements.** Based on the Transportation Impact Fee Study Report dated February 2009, the current estimated total cost of the Calaveras Boulevard Widening Project is approximately Seventy-five Million Dollars (\$75,000,000), of which the City’s minimum local match share (11.47%) is Eight Million Six Hundred Two Thousand Five Hundred Dollars (\$8,602,500). The minimum local match of 11.47% is required to apply for the Metropolitan Transportation Commission Grant. The difference between the Project cost and the City’s local match share is anticipated to come from federal and/or state grants, including State Transportation Improvement Program (STIP) and Measure B Funds. The City’s funding source for the local match share will include the Unexpended Fee of One Million Three Hundred Forty-One Thousand One Hundred Eighty-Five Dollars (\$1,341,185), TASP funds of approximately \$6.8 million dollars, and future Calaveras Boulevard Widening Traffic Impact Fees to be collected for this Project from developments outside TASP area.

D) **Approximate dates on which the funding will be deposited.** The State has the Calaveras Boulevard Widening Project on their list but will not be funded until the local match has been collected. Calaveras Boulevard Widening Traffic Impact Fees are required to be deposited as developers obtain building permits; the dates on which future Fees will be collected is unknown.

## **Exhibit 6**

### **Five Year Report of Milpitas Business Park Traffic Impact Fee for the Fiscal Year ended June 30, 2019**

#### **Summary:**

This Five Year Report provides information and findings on unexpended funds in the Milpitas Business Park Traffic Impact Fee account as of June 30, 2019 pursuant to Government Code section 66001(d).

#### **Fund Information:**

The Milpitas Business Park Traffic Impact Fund currently contains Six Hundred Twenty-Seven Thousand Thirty-One Dollars (\$ 627,031) in unexpended Milpitas Business Park Traffic Impact Fees for the traffic mitigations in the project area (“Unexpended Fee”).

Pursuant to Government Code section 66001(d)(1):

A) **Purpose.** The Unexpended Traffic Impact Fee will be used to fund the necessary traffic improvements identified in the Transportation Impact Fee Study Milpitas Business Park Report dated January 1997. The Project will widen Alder Drive and Montague Expressway, add left-turn lanes at Tasman at Alder and Montague at McCarthy/O’Toole, add a right-turn lane at Montague at Main, add a through lane at Montague and Main and also get additional analyses for traffic and environmental.

B) **Relationship between the fee and the purpose for which it is charged.** There exists a reasonable relationship between the Unexpended Fee described above and the purpose for which it was charged because the improvements will mitigate the increased traffic caused by development and ensure that adverse traffic impacts can be minimized by implementing needed roadway improvements as set forth in the Transportation Impact Fee Study Milpitas Business Park Report dated January 1997. The Fee is a means of ensuring that new developments located in the Milpitas Business Park and McCarthy Ranch sites pay its proportionate share of the costs of needed roadway improvements as a goal of ensuring that adverse traffic impacts are minimized by the Milpitas Business Park Development. Specifically, the Fee is assessed based on vehicle trips generated by future developments in the Milpitas Business Park and McCarthy Ranch area growth in during PM peak hours which justify the need for additional street capacity.

C) **Sources of funding anticipated to complete financing of incomplete improvements.** Based on the Transportation Impact Fee Study Milpitas Business Park Report dated January 1997, the current estimated total for the remaining improvements are \$9 million. The anticipated financing will be coming from the City’s Street funds and developers in the Milpitas Business Park and McCarthy Ranch sites who have been entitled and who will pay at time of building permit issuance.

D) **Approximate dates on which the funding will be deposited.** Milpitas Business Park Traffic Impact Fees are required to be deposited as developers obtain building permits; the dates on which future Fees will be collected is unknown.

## Exhibit 7

### **Five Year Report of City of Milpitas Transit Area Specific Plan Fee for the Fiscal Year ended June 30, 2019**

#### **Summary:**

This Five Year Report provides information and findings on unexpended funds in the Transit Area Specific Plan (TASP) Fee account as of June 30, 2019 pursuant to Government Code section 66001(d).

#### **Fund Information:**

The TASP Fee Fund currently contains Forty-Two Million Eight Hundred Eleven Thousand Two Hundred Sixty-Seven Dollars (\$ 42,811,267) in unexpended TASP Fees (“Unexpended Fee”).

Pursuant to Government Code section 66001(d)(1):

- (A) **Purpose.** The Unexpended Fee will be used to fund facilities necessary to provide infrastructure, as identified in the Transit Area Development Impact Fee Report, dated February 2014, prepared by Economic and Planning Systems, Inc. and the City’s Capital Improvement Program 2018-2023 Final Report. The Fee funds basic public infrastructure needed to serve the new development in the Transit Area Specific Plan area and to maintain or improve levels of service for public facilities.
- (B) **Relationship between the fee and the purpose for which it is charged.** There exists a reasonable relationship between the Unexpended Fee described above and the purpose for which it was charged because the improvements will mitigate the infrastructure use caused by both the residential and commercial development and ensure that increased TASP area impacts can be minimized by implementing needed TASP infrastructure improvements as set forth in the Transit Area Development Impact Fee Report dated February 2014.
- (C) **Sources of funding anticipated to complete financing of incomplete improvements.** Based on the Transit Area Development Impact Fee Update dated February 2014, the current estimated total cost of infrastructure of \$249,611,290. The City has received approximately \$100 million from developers and the City’s utility funds and there is still a shortfall of approximately \$149 million. The anticipated financing will be coming from developers in the TASP area who have been entitled and who will pay at time of building permit issuance.
- (D) **Approximate dates on which the funding will be deposited.** The date on which future TASP fees will be collected from developers is unknown.



## **CITY OF MILPITAS AGENDA REPORT (AR)**

|                               |                                                                   |
|-------------------------------|-------------------------------------------------------------------|
| <b>Item Title:</b>            | <b>Adopt a Resolution Amending FY 2019-20 Master Fee Schedule</b> |
| <b>Category:</b>              | Consent Calendar-Leadership and Support Services                  |
| <b>Meeting Date:</b>          | 1/21/2020                                                         |
| <b>Staff Contact:</b>         | <b>Walter C. Rossmann, 408-586-3111</b>                           |
| <b><u>Recommendation:</u></b> | Adopt a Resolution Amending the FY 2019-20 Master Fee Schedule    |

### **Background:**

The City maintains a Master Fee Schedule identifying various services provided by the City and corresponding fees for service. The Master Fee Schedule was most recently comprehensively updated as part of the FY 2019-20 budget process and adopted by the Council on May 15, 2019. Over the course of the year, minor amendments are made to the fee schedule to incorporate new fees or amend existing fees. The Master Fee Schedule is intended to serve as the City's primary repository for a consolidated listing of user and regulatory fees for services.

### **Analysis:**

The Master Fee Schedule adopted on May 15, 2019 inadvertently excluded several existing fees for services. In order to ensure the Master Fee Schedule captures all existing fees for service, staff recommends incorporating the excluded fees into the Master Fee Schedule. No new fees or fee increases are proposed as a result of this action. The listing of fees to be incorporated into the Master Fee Schedule are included in the attached Resolution which include Police Administrative Fees (e.g.: Administrative Tow Fees, Fingerprinting Fees); fees related to the discontinuation and restoration of water service as approved by the Council in December 2019; miscellaneous Building fees (e.g.: digitizing fee); as well as sewer fees (e.g.: inspection fee, house lateral fee).

### **Policy Alternatives:**

Not applicable.

### **Fiscal Impact:**

Since these are existing fees and no changes are proposed, there is no fiscal impact.

### **California Environmental Quality Act:**

The fees (charges) authorized by this Resolution are statutorily exempt from environmental review under Public Resources Code Section 21080(b)(8) of the California Environmental Quality Act, which provides an exemption for the establishment or modification of charges by public agencies, which the public agency finds are for the purpose of meeting operating expenses.

### **Recommendation:**

Adopt a Resolution Amending the FY 2019-20 Master Fee Schedule.

### **Attachments:**

Resolution Amending the FY 2019-20 Master Fee Schedule

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE FY 2019-20  
MASTER FEE SCHEDULE

**WHEREAS**, the City of Milpitas (the “City”) maintains a Master Fee Schedule identifying various services provided by the City and corresponding fees for service; and

**WHEREAS**, the Master Fee Schedule is updated periodically to reflect adjustments to existing fees or incorporate new fees; and

**WHEREAS**, the Master Fee Schedule is intended to serve as the City’s primary repository for a consolidated listing of user and regulatory fees; and

**WHEREAS**, the Master Fee Schedule currently excludes several existing fees for services as identified in **Exhibit 1** of this Resolution; and

**WHEREAS**, incorporating the excluded fees into the Master Fee Schedule will allow for the fees to be considered with future periodic fee updates; and

**WHEREAS**, no new fees or fee increases are proposed as a result of this action; and

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

1. The above recitals are true and correct and by this reference incorporated herein.
2. The City Council hererby amends the FY 2019-20 Master Fee Schedule to incorporate the fees and charges identified in **Exhibit 1** of this Resolution.
3. The FY 2019-20 Master Fee Schedule is amended as expressly provided by this Resolution, but shall otherwise remain in effect.
4. This Resolution shall take effect immediately.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

## AMENDMENTS TO FY 2019-20 MASTER FEE SCHEDULE

## EXHIBIT 1

| Item # | Department                 | Fee Type | Department Subcategory                      | Description                                                   | Current Fee                                                                                              | Proposed Fee                                                                                             | \$ Change | Note |
|--------|----------------------------|----------|---------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------|------|
| 1      | Building, Safety & Housing | User Fee | Other Plan Check and Inspection Permit Fees | Inspection Investigation Fee (construction without permits)   | 100% of Inspection fee<br>Document size up to 11x17 - 1st 10 pages - \$1/ea<br>additional pages \$0.5/ea | 100% of Inspection fee<br>Document size up to 11x17 - 1st 10 pages - \$1/ea<br>additional pages \$0.5/ea | \$0       |      |
| 2      | Building, Safety & Housing | Misc.    | Building Misc.                              | Digitizing Fee                                                | Document size larger than 11x17 - \$4/ea                                                                 | Document size larger than 11x17 - \$4/ea                                                                 | \$0       |      |
| 3      | Building, Safety & Housing | Misc.    | Building Misc.                              | Digitizing Fee                                                | \$4/ea                                                                                                   | \$4/ea                                                                                                   |           |      |
| 4      | Police                     | Misc.    | Police Misc.                                | Officer Subpoena                                              | \$275                                                                                                    | \$275                                                                                                    | \$0       |      |
| 5      | Police                     | Misc.    | Police Misc.                                | Records Subpoena                                              | \$15                                                                                                     | \$15                                                                                                     | \$0       |      |
| 6      | Police                     | Misc.    | Police Misc.                                | Booking Fee                                                   | \$139                                                                                                    | \$139                                                                                                    | \$0       |      |
| 7      | Police                     | Misc.    | Police Misc.                                | Administrative Tow Fees - Impound                             | \$346                                                                                                    | \$346                                                                                                    | \$0       |      |
| 8      | Police                     | Misc.    | Police Misc.                                | Administrative Tow Fees - Stored                              | \$50                                                                                                     | \$50                                                                                                     | \$0       |      |
| 9      | Police                     | Misc.    | Police Misc.                                | Repossession Fee                                              | \$15                                                                                                     | \$15                                                                                                     | \$0       |      |
| 10     | Police                     | Misc.    | Police Misc.                                | Fingerprints - Ink Card Up to (2) Cards                       | \$25                                                                                                     | \$25                                                                                                     | \$0       |      |
| 11     | Police                     | Misc.    | Police Misc.                                | Fingerprints - Ink Card Over (2) Cards (Each Additional Card) | \$5                                                                                                      | \$5                                                                                                      | \$0       |      |
| 12     | Police                     | Fines    | False Alarm Fines                           | False Alarm: Fifth Offense (Calendar Year)                    | \$100                                                                                                    | \$100                                                                                                    | \$0       |      |
| 13     | Police                     | Fines    | False Alarm Fines                           | False Alarm: Sixth Offense or More (Calendar Year)            | \$250                                                                                                    | \$250                                                                                                    | \$0       |      |
| 14     | Police                     | Misc.    | Fire Misc.                                  | Fire Reports                                                  | \$13                                                                                                     | \$13                                                                                                     | \$0       |      |
| 15     | Finance                    | Penalty  | Utilities                                   | Final Notice Penalty                                          | 5%                                                                                                       | 5%                                                                                                       | 0%        |      |
| 16     | Finance                    | Penalty  | Utilities                                   | <del>Tag</del> Penalty-Reminder Notice                        | 5%                                                                                                       | 5%                                                                                                       | 0%        | [j]  |
| 17     | Finance                    | Penalty  | Utilities                                   | Notice to Discontinue Service                                 | \$10                                                                                                     | \$10                                                                                                     | \$0       |      |
| 18     | Finance                    | User Fee | Utilities                                   | Restoration Fee - Regular office hours                        | \$50                                                                                                     | \$50                                                                                                     | \$0       |      |
| 19     | Finance                    | User Fee | Utilities                                   | Restoration Fee - After office hours                          | \$125                                                                                                    | \$125                                                                                                    | \$0       |      |
| 20     | Finance                    | Deposit  | Water Service Charges                       | Construction Water Meter Deposit                              | \$2,000                                                                                                  | \$2,000                                                                                                  | \$0       |      |
| 21     | Finance                    | Deposit  | Water Service Charges                       | Deposits for service                                          | \$150                                                                                                    | \$150                                                                                                    | \$0       |      |
| 22     | Public Works               | User Fee | Water Meter                                 | Water Meter Testing - Residential Deposit                     | \$110                                                                                                    | \$110                                                                                                    | \$0       | [a]  |
| 23     | Public Works               | User Fee | Water Meter                                 | Water Meter Testing - Commercial Deposit                      | \$300                                                                                                    | \$300                                                                                                    | \$0       | [a]  |
| 24     | Public Works               | Penalty  | Public Sewers                               | Delinquent Fees                                               | varies                                                                                                   | varies                                                                                                   | \$0       | [b]  |
| 25     | Public Works               | Penalty  | Public Sewers                               | Civil Penalties                                               | varies                                                                                                   | varies                                                                                                   | \$0       | [c]  |
| 26     | Public Works               | User Fee | Public Sewers                               | Unmetered Wastes                                              | varies                                                                                                   | varies                                                                                                   | \$0       | [d]  |
| 27     | Public Works               | User Fee | Public Sewers                               | Authority to Disconnect                                       | varies                                                                                                   | varies                                                                                                   | \$0       | [e]  |
| 28     | Public Works               | User Fee | Public Sewers                               | Payment for Sewage Services                                   | varies                                                                                                   | varies                                                                                                   | \$0       | [f]  |
| 29     | Public Works               | User Fee | Public Sewers                               | Inspection Fees                                               | varies                                                                                                   | varies                                                                                                   | \$0       | [g]  |
| 30     | Public Works               | User Fee | Public Sewers                               | House Lateral Fee                                             | varies                                                                                                   | varies                                                                                                   | \$0       | [h]  |
| 31     | Public Works               | User Fee | Public Sewers                               | Disbursements of Short Side Charges                           | varies                                                                                                   | varies                                                                                                   | \$0       | [i]  |



- [a] If meter is not accurate, deposit is refunded. If meter has been tampered with, the resident or business is charged for the repair.
- [b] See City of Milpitas Municipal Code Section VIII-2-5.33. Permit applications are due ninety (90) days prior to commencing discharge to the sanitary system or expiration of existing discharge permit. Any person who fails to file an application for a discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows: (1) Up to and including thirty (30) days delinquency, the penalty shall be fifty percent (50%) of the permit fee. More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee. (3) More than one(1) year delinquency, the penalty shall be one thousand percent (1,000%) of the permit fee. (b) Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the City may have with respect to the discharge.
- [c] See City of Milpitas Municipal Code Section VIII-2-5.50. Any person who intentionally, accidentally, or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally, accidentally, or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.
- [d] See City of Milpitas Municipal Code Section VIII-2-6.02. Where rates are herein specified to be in accordance with the use of water, all such premises shall be separately metered. Where such metering is not provided, or for newly constructed units, the City shall make a reasonable estimate of the volume of water consumed to be used as a basis for sewer service charges.
- [e] See City of Milpitas Municipal Code Section VIII-2-6.03. In the event of a failure to pay the charges as provided for sewage service, the City is authorized to disconnect sewer or water service, or both.
- [f] See City of Milpitas Municipal Code Section VIII-2-6.04. All accounts are due and payable within fifteen (15) days of the date of the bill. Accounts shall become delinquent and a late fee equal to five percent (5%) of the amount due shall be imposed if a payment has not been received by 5:00 p.m. on the due date.
- [g] See City of Milpitas Municipal Code Section VIII-2-7.01. Each connector shall pay a fee to City for issuing of each permit, for the inspection of each house lateral, house sewer or side sewer, the sum of five dollars (\$5). Where connector has on file with the City cash deposit for inspection of work, no inspection fee shall be required. In such case, all cost and expenses incurred by City in inspection of the connection shall be made from said deposit.
- [h] See City of Milpitas Municipal Code Section VIII-2-7.02. Before the issuance of a permit for the installation of a house lateral, connector shall pay City a fee which shall include the following: (A) An engineering charge to defray the cost of processing the permit application, which shall be an amount equal to forty cents (\$0.40) times one-half the width of the street expressed in feet in which the house lateral is being constructed. (B) A short side charge shall be collected in all cases where the main or trunk to which connection is being made is located between the center line of the street and the property to be served. Said short side charge shall be an amount equal to four dollars and fifty cents (\$4.50) times the distance in feet between the center line of the street and the main or trunk sewer to which the connection is being made. The purpose of this charge is to equalize connection cost for property on both sides of the street.
- [i] See City of Milpitas Municipal Code Section VIII-2-7.03. The City Council may disburse to connectors whose house laterals connect to a main or trunk sewer at a point beyond the center line of the street an amount equal to \$4.50 times the distance in feet between the center of the street and the main or trunk sewer to which said connection was made.
- [j] This fee has been modified since the original adoption of the FY2019-20 Master Fee Schedule, in order to implement the policy for discontinuance of residential water service. This item was heard for the first reading on December 3, 2019 and the second reading was on December 17, 2019 with the effective date of February 1, 2020.



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                          |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Approve and Authorize the Interim City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for Sprig Center Project at 1585 North McCarthy Boulevard</b>   |
| <b>Category:</b>       | Consent Calendar-Community Development                                                                                                                                                                                   |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                |
| <b>Staff Contact:</b>  | Steve Erickson, City Engineer, 408-586-3301                                                                                                                                                                              |
| <b>Recommendation:</b> | Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for the Sprig Center development project at 1585 North McCarthy Boulevard. |

### **Background:**

On August 23, 2017, the Planning Commission approved Site Development Permit No. SD17-0003, Conditional Use Permit No. UP17-0005 and Environmental Assessment No. EA17-0001 for the development of six structures, including a retail store, gas station with car wash and fueling canopy and a mini storage complex on approximately 9.34 acres located at 1585 North McCarthy Boulevard.

In accordance with State Law and the City's Municipal Regional Stormwater NPDES Permit ("MRP") issued by the Regional Water Quality Control Board (RWQCB), new development and redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface are required to incorporate Low Impact Development (LID) post construction stormwater control measures into the project. LID control measures include, for example, bioretention areas, flow-through planters, permeable pavement, infiltration trenches and tree well filters.

### **Analysis:**

MRP section C.3.h.ii.(1)(a) and Milpitas Municipal Code Title XI Chapter 16 require development project property owners meeting the 10,000 square-foot threshold to execute and record a Stormwater Management Facilities Operation and Maintenance Agreement (O&M) with the City for the perpetual operation, maintenance and annual inspection of LID stormwater treatment facilities.

The project owner has complied with the LID requirements and has executed the required O&M Agreement, which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

### **Policy Alternative:**

#### **Alternative:**

Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

Cons: Not approving the Agreement would cause the project to be not in compliance with the conditions of development and the City's Municipal Code and would be prohibitive by federal and state law.

Reason not recommended: To be in compliance with federal and state law, including the MRP, and to allow for the on-going maintenance and annual City Inspection of the installed stormwater treatment devices, staff recommends approval of the Agreement.

**Fiscal Impact:**

The developer will pay for the required annual maintenance and inspection of the stormwater facilities.

**California Environmental Quality Act:**

This Agreement ensures the continuation of an administrative or maintenance activity. Execution of the Agreement is not considered a project under CEQA Guidelines section 15378(b)(4) as there will be no direct or reasonably foreseeable indirect physical change in the environment from this action to ensure continuing administrative and maintenance activities.

**Recommendation:**

Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Sprig Center LLC for the Sprig Center development project at 1585 North McCarthy Boulevard.

**Attachment:**

Stormwater Management Facilities Operation and Maintenance Agreement

Control No. 2020- \_\_\_\_\_  
Recording Requested by  
and when Recorded, return to:

CITY OF MILPITAS  
455 E. CALAVERAS BOULEVARD  
MILPITAS, CA 95035-5479

Attn: City Clerk

---

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Document Transfer Tax is \$ 0

( ) Computed on full value of property conveyed

( ) Computed on full value less value of liens and encumbrances remaining

City transfer tax is \$ 0

APN: 022-30-055, 022-30-056 and 022-30-057

### **STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT**

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2020 ("Effective Date"), by and between Sprig Center LLC, a California Limited Liability Company ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

### **RECITALS**

This AGREEMENT is made and entered into with reference to the following facts:

- A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and
- B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property, including the construction of six structures, including a retail store, gas station with car wash and fueling canopy and a mini storage complex, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 9.34 acre site located at 1585 North McCarthy Blvd in Milpitas and more commonly known as Sprig Center, Project No. PJ 5000, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):

1. Resolution No. 17-023 approving Site Development Permit No. SD17- 0003,
2. Resolution No. 17-023 approving Conditional Use Permit No. UP17- 0005, and

3. Resolution No. 17-023 approving Environmental Assessment No. EA17- 0001 ;

- C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board").
- D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project attached hereto as **Exhibit B** and fully incorporated herein by reference; and
- E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and
- F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and
- G. **WHEREAS**, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

**NOW, THEREFORE**, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

**SECTION 1. Responsibility for Operation and Maintenance:**

The Property Owner, at its sole cost and expense, shall construct and install the BMPs shown in **Exhibit B** in accordance with the plans approved by and on file with the City. Property Owner shall diligently maintain in perpetuity the BMPs in a manner assuring peak performance at all times, shall make such changes or modifications to the BMPs, subject to City's prior approval as may be reasonably necessary for the BMPs to continue to operate as designed and approved and to accomplish its intended purpose and in good repair, and in compliance with all applicable Federal, State, County and local laws and regulations, including but not limited to the Ordinance, as the same may be amended, revised, and/or replaced from time to time. The Property Owner shall be responsible for the costs incurred in operating, maintaining, repairing and replacing the BMPs. Property Owner shall not destroy or remove the BMPs or modify any measure in any manner that would lessen its effectiveness. Property Owner shall make available copies of the approved Stormwater Control Operation and Maintenance Plan at the site with the facility or property manager.

## **SECTION 2: Inspection by Property Owner:**

The Property Owner, at its sole cost and expense, shall conduct annual inspections of all permanent installed BMPs per the Plan. The annual inspection report shall include completion of the checklist described in the approved Stormwater Control Operation and Maintenance Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner shall submit the Inspection Report on these BMPs to the City Engineer no later than July 15<sup>th</sup> of each year.

## **SECTION 3. Facility Inspection by the City:**

- (a) Right of Entry. The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, local mosquito and vector control agency, and their authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. The Property Owner shall deposit and maintain a Private Job Account with the City with a minimum balance of Four Thousand Dollars (\$4,000.00) for inspection by City Staff pursuant to this **Section 3**. The deposit of Four Thousand Dollars (\$4,000.00) shall be made simultaneously with the execution of this Agreement.
- (b) Security. If the Property Owner fails to maintain the BMPs after written notice and opportunity to cure, the City may require the Property Owner, its successors and assigns, from time to time, to post security in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Property Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Property Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

## **SECTION 4. Failure to Perform Required Facility Repairs or Maintenance by the Property Owner:**

- (a) Enforcement Action. If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.
- (b) City Maintenance. In the event of Property Owner's failure to operate and maintain BMPs in accordance with the Plan and the City's Ordinance, the City may also, with prior written notice, enter the Property to return the BMPs to good working order; provided however that the Property Owner shall have 30 days after any such notice, or such other time provided by law, to cure the relevant failure and provided further that the Property Owner shall have such additional time after the initial 30 days to complete a cure so long as Property Owner commences the cure within the initial 30 days and diligently prosecutes the cure to completion. Notwithstanding the foregoing, City may in its sole discretion enter the Property to return the BMPs to good working in an emergency and take any other necessary action to mitigate an emergency without any notice to Property Owner. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City, under

this **Section 4** takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the reasonable costs and expenses incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and expenses and the Property Owner shall make full payments to the City within thirty (30) days of the date of the invoice. If the Property Owners fails to pay the invoice within thirty (30) days, the City shall be entitled to cause a lien for any such unpaid maintenance expense bill to be recorded against the Property. In addition, the City shall be entitled to have the unpaid amount of the invoice placed as a special assessment on the next regular tax bill levied against the Property, after which such assessment shall be collected in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and same procedures under foreclosure and sale in the case of delinquency as provided for ordinary municipal taxes. The actions described in this section are in addition to and not in lieu of other legal remedies provided by law. Notwithstanding the above, it is understood that City is under no obligation to repair or maintain the BMPs, and in no event shall this Agreement be construed to impose any such obligation on City.

- (c) Specific Performance. The provisions of this Agreement are expressly declared to be for the benefit of the City. The City may bring an action to obtain specific performance of this Agreement and may recover its costs, including attorney fees, incurred in bringing such action.

#### **SECTION 5: Successors and Assigns:**

Property Owner hereby declares that the Property shall be held, transferred, encumbered, used, conveyed, leased and occupied subject to the covenants, conditions, restrictions, easements and rights set forth herein for the use and benefit of each of the Lots. All of the limitations, easements, uses, obligations, covenants, restrictions and conditions stated herein shall run with the Property and shall be binding upon Property Owner, its successors and assigns, any and all parties having or acquiring any right, title or interest in or to the Property or any part thereof or interest therein and shall inure to the benefit of and be binding upon each successor-in-interest thereto.

Upon transfer of the property, the Property Owner shall provide the new owner with the current Plan and a copy of this Agreement and shall, in any event, be released from all obligations under this Agreement as of the effective date of the transfer of the Property.

#### **SECTION 6. Indemnity:**

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to **Section 5** of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under **Section 4**. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel approved by City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment. This section shall not apply to any claims, demands, suits, damages, liabilities, loses, accidents, casualties, occurrences, claims and payments, including attorney fees and court costs claimed, that arise due solely to the negligence or willful misconduct of the City, its agents, or its employees.

#### **SECTION 7. Severability:**

Invalidation of any one of the provisions of this Agreement shall in no way effect any other provisions, and all other provisions shall remain in full force and effect.

**SECTION 8. Non-Discrimination:**

The Property Owner shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of this Agreement.

**SECTION 9. Governing Law:**

City and Property Owner agree that the law governing this Agreement shall be that of the State of California and that Property Owner shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments.

**SECTION 10. Recordation:**

Property Owner shall, within 10 days after the effective date of this Agreement, record or cause the Agreement to be recorded in the Office of the Recorder, Santa Clara County, California, at the expense of the Property Owner, which recording shall constitute notice of the obligations herein set forth and a covenant running with the land and shall be binding upon all of the successors and assigns in title to the Property. In the event Property Owner fails to timely record this Agreement, City shall be authorized but not required to record the Agreement.

**SECTION 11. Books and Records:**

- A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in anyway relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.
- B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

**SECTION 12. Notices:**

All notices and other communications required or permitted to be given under this Agreement shall be in writing and shall be personally served or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:



To CITY:

City of Milpitas  
Attn: City Engineer  
455 East Calaveras Blvd.  
Milpitas, CA 95035

To PROPERTY OWNER:

Sprig Center, LLC  
Attn: Joey McCarthy, Jr.  
210 Almendra Avenue  
Los Gatos, CA 95030

Notice shall be deemed effective on the date personally delivered or, if mailed, three (3) days after deposit in the mail.

**SECTION 13. Venue:**

In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the state courts of the County of Santa Clara, or if federal jurisdiction is appropriate, exclusively in the United States District Court, Northern District of California, San Jose, California.

**SECTION 14. Interpretation, Prior Agreements:**

This Agreement, including all Exhibits attached hereto, represents the entire understanding of the parties as to those matters contained herein. In the event that the terms specified in any of the Exhibits attached hereto conflict with any of the terms specified in the body of this Agreement, the terms specified in the body of this Agreement shall control. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may be modified only by a written amendment duly executed by the parties to this Agreement.

**[Signatures on Next Page]**

IN WITNESS WHEREOF, the Parties execute this Stormwater Management Facilities Operation and Maintenance Agreement as of the last date set forth below:

**PROPERTY OWNER:**

,  
a

By: **SPRIG CENTER, LLC**  
a California limited liability company

By: \_\_\_\_\_  
Name: Joseph A. McCarthy  
Title: Member

By: \_\_\_\_\_  
Name: Joseph A. McCarthy, Jr.  
Title: Member

**CITY:**

**CITY OF MILPITAS, A MUNICIPAL CORPORATION:**

Recommended for approval:

Approved as to form:

By: \_\_\_\_\_  
Steve Erickson, City Engineer

By: \_\_\_\_\_  
Christopher J. Diaz, City Attorney

Approved:

Approved:

By: \_\_\_\_\_  
Steven McHarris, Interim City Manager

By: \_\_\_\_\_  
Walter Rossmann, Risk  
Manager/Director of Finance

**Please note that this is a placeholder for the acknowledgement. So use the most current version of the acknowledgement**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared

\_\_\_\_\_,  
\_\_\_\_\_ personally known to me;  
\_\_\_\_\_ or \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

**CAPACITY CLAIMED BY SIGNER:**

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

\_\_\_\_ Individual(s)  
\_\_\_\_ Corporate Officer(s) Titles \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_ Partner(s) \_\_\_\_\_ Limited \_\_\_\_\_ General  
\_\_\_\_ Attorney-in-Fact  
\_\_\_\_ Trustee(s)  
\_\_\_\_ Guardian/Conservator  
\_\_\_\_ Other : \_\_\_\_\_

Signer is representing: \_\_\_\_\_

**ATTENTION NOTARY:** Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document \_\_\_\_\_

Number of pages: \_\_\_\_\_ Date of document: \_\_\_\_\_

Signer(s) other than named above: \_\_\_\_\_

**THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE**

## **EXHIBIT A**

### **Plat and Description for the site**

## **EXHIBIT B**

### **Operation and Maintenance Plan**



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                                                          |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Approve and Authorize the City Manager to Execute Amendment No. 4 to Contract with J.P. Graphics to Extend the Term by Six Months and Increase the Compensation by \$77,500</b>                                                                                       |
| <b>Category:</b>       | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                         |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                                                                |
| <b>Staff Contact:</b>  | Chris Schroeder, Purchasing Agent, 408-586-3161                                                                                                                                                                                                                          |
| <b>Recommendation:</b> | Approve and Authorize the City Manager to Execute Amendment No. 4 to the contract with J.P. Graphics for printing services, extending the term by six months and increasing compensation by \$77,500 from \$780,010 to a not-to-exceed compensation amount of \$857,510. |

### **Background:**

On February 1, 2015 as a result of Request for Proposals ("RFP") No. 2083 for Citywide Printing Services, the City entered into a one-year contract in the annual amount of \$70,000 with J.P. Graphics. The contract included four one-year options to renew for a total potential contract term period of five years and a total potential contract value of \$350,000. J.P. Graphics provides a portal through which City employees can directly order business cards, letterhead, and envelopes. The portal also allows for the submission of custom print jobs ranging from simple one-page flyers to complex multi-page print jobs. Over time, the City has exercised each of the four one-year options to renew the contract while also increasing the annual contract amount through three amendments resulting in raising the annual contract value to \$155,000 per year and a total five-year contract value of \$780,010. The fifth-year term period of the contract ends on January 31, 2020.

The City has two types of printing service needs. Business cards, letterhead and envelopes are ordered at set prices through a portal that allows individual users to customize the name, address, phone number, title, etc. of the individual placing the order. The second service is custom full color printing which includes single page flyers, multi-page multi-fold newsletters, custom reports, forms, data sheets, banners and signs. Pricing can vary widely from one printer to the next depending on such factors as the age and type of equipment used by the printer and whether they use a four-color ink or xerographic process.

### **Analysis:**

In order to prepare for the new RFP, staff needs additional time to research annual quantities for business cards, letterhead and envelopes and the types and quantities of custom print work needed by different City departments, so that this information may be reflected accurately in the solicitation going forward. Staff also needs additional time to investigate the most advantageous contracting vehicle such as (1) piggybacking previously bid contracts from other larger agencies, including the Metropolitan Water District of Southern California and the City of Sacramento; (2) cooperative contract opportunities through existing contracts with Xerox and Staples; (3) and utilization of a print broker. The cities of San Jose and Redwood City have successfully used print brokers for their printing services. The benefit of using a print broker is that once the broker assists departments with developing the print job requirements, s/he uses her/his knowledge of the industry to solicit quotes from printers to get the best pricing for each job.

Therefore, extending the current contract with J.P. Graphics for six months would provide the Purchasing Division sufficient time to carefully explore the most advantageous contracting vehicle including issuance of a competitive solicitation, as warranted, to choose the best printing service contract(s) for the City.

**Policy Alternative:**

**Alternative:** Do not extend the contract term for six months for J.P. Graphics.

**Pros:** None

**Cons:** The City would have no pre-approved vendor for printing services.

**Reason not recommended:** Every printing job above \$5,000 would have to be quoted separately without the benefit of the volume pricing afforded by a competitively bid five-year contract slowing down the acquisition of printing services.

**Fiscal Impact:**

Funds for printing services are available in the individual departments operating budgets.

**California Environmental Quality Act:**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**Recommendation:**

Approve and Authorize the City Manager to execute Amendment No. 4 to the contract with J.P. Graphics for printing services, extending the term by six months and increasing compensation by \$77,500 from \$780,010 to a not-to-exceed compensation amount of \$857,510.

**Attachment:**

Amendment No. 4 to the Contract with J.P. Graphics



**AMENDMENT NO. 4 TO THE CONTRACT**  
**WITH**  
**J.P. GRAPHICS, INC.**  
**FOR**  
**CITYWIDE PRINTING SERVICES**

This Amendment is entered into this \_\_\_\_ day of January 2020, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **J.P. Graphics, Inc.**, a California corporation (hereafter referred to as "CONTRACTOR").

**RECITALS**

WHEREAS, on February 1, 2015, the parties entered into a Contract for citywide printing services in the amount of \$70,000 per year with four one-year renewal options for a total potential five-year contract amount not-to-exceed of \$350,000; and

WHEREAS, on July 22, 2015, the parties entered into Amendment No. 1 to the Contract to increase the annual value of the contract by \$65,000 per year to allow the contractor to perform additional services, resulting in a new not-to-exceed annual contract amount of \$135,000 and a total potential five-year contract amount not-to-exceed \$675,000; and

WHEREAS, on April 19, 2016, the parties entered into Amendment No. 2 to the Contract which increased the value of the contract for Year One (February 1, 2015 through January 31, 2016) by \$45,010 to allow the contractor to perform additional services, for a new annual not-to-exceed amount for Contract Year One only of \$180,010, while Contract Years Two through Five remained at \$135,000 annually, resulting in a new potential total five-year contract amount not-to-exceed \$720,010; and

WHEREAS, on February 22, 2017, the parties entered into Amendment No. 3, to increase the Contract amount by \$20,000 per year for the remaining Contract Years Three through Five, to a new total of \$155,000 for contract years Three through Five, resulting in a new total potential five-year contract amount not-to-exceed of \$780,010; and

WHEREAS, the City has exercised each of the four Options to Renew the Contract and the parties now desire to increase the value of the Contract by \$77,500 and to extend the term of the contract by six months to July 31, 2020.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The term period of the contract is extended six (6) months from January 31, 2020, to July 31, 2020.
2. The not-to-exceed amount of the Contract, for the period January 31, 2020, to July 31, 2020 is increased by Seventy-Seven Thousand Five



Hundred dollars and Zero cents (\$77,500) to a new total cumulative contract value of Eight Hundred Fifty-Seven Thousand Five Hundred and Ten dollars and Zero cents (\$857,510).

2. All other provisions of the Agreement not amended by this Amendment No. 4 shall remain in full force and effect.

This Amendment No. 4 is executed as of the date written above.

APPROVED BY:

**CITY OF MILPITAS**

*Approved By:*

\_\_\_\_\_  
Steven G. McHarris, Interim City  
Manager

\_\_\_\_\_  
Date

*Approved As To Form:*

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

*Approved:*

\_\_\_\_\_  
Walter C. Rossmann, Risk  
Manager/Director  
of Finance

*Approved As To Content:*

\_\_\_\_\_  
Chris Schroeder, Purchasing Agent

**J.P. GRAPHICS**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



## CITY OF MILPITAS AGENDA REPORT (AR)

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>      | <b>Authorize the Interim City Manager to Issue Blanket Purchase Orders to Summit Uniforms and LC Action Policy Supply for Police and Fire Departments' Uniforms and Equipment and related Services</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Category:</b>        | Consent Calendar-Public Safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Meeting Date:</b>    | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Staff Contact:</b>   | Chris Schroeder, Purchasing Agent, 408-586-3161                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Recommendations:</b> | <ol style="list-style-type: none"><li>1. Authorize the Interim City Manager to issue blanket purchase orders for Police and Fire uniforms and equipment and related services to Summit Uniforms, in substantially the same form as the draft purchase order, in an amount not to exceed \$30,000 per year, and to LC Action Police Supply, in substantially the same form as the draft purchase order, in an amount not to exceed \$50,000 per year.</li><li>2. Authorize the Purchasing Agent to exercise the options to renew the term of the blanket purchase orders for two additional one-year periods, subject to annual appropriations, if the service remains acceptable to the City.</li></ol> |

### **Background:**

The City of Milpitas provides service uniforms and related equipment for sworn Milpitas Police Department and Milpitas Fire Department personnel consistent with applicable Memoranda of Understanding. Uniforms and related equipment are also provided to some non-sworn employee work groups within the police and fire departments such as Community Service Officers, Fire Prevention Officers, Police Explorers, Fire Volunteers, and Citizen Volunteers. In addition to uniforms, equipment such as holsters, belts, batons, handcuffs, flashlights, and ballistic vests are purchased and issued to officers.

Municipal Code Section I-2-3.08 Cooperative Procurement states that: The Purchasing Agent may purchase supplies and general services without complying with the quotation or bidding requirements of this Chapter, if such purchases are based on an agreement or cooperative purchasing program entered into by any public agency, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that: (a) The underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as the City's, and may include a nationally bid cooperative contract; and (b) The public agency is a "public agency" as defined in Government Code section 6500. Working cooperatively, the City of Sunnyvale (lead agency) and the City of Milpitas issued IFB F20-25 for "Uniforms, Equipment, and Alterations for the City of Sunnyvale Department of Public Safety and the City of Milpitas Police and Fire Departments". This is the second time the two cities have cooperatively bid uniforms, equipment and alteration services.

### **Analysis:**

The City of Sunnyvale, as the lead agency for the cooperative procurement with the City of Milpitas, solicited for Police and Fire uniforms and related equipment and services. Prior to release of the solicitation, the City of Sunnyvale consolidated information and coordinated the bidding process. Sunnyvale bid specifications were prepared by Sunnyvale Public Safety and Purchasing staff, and Milpitas bid specifications were prepared by Milpitas Police, Fire, and Purchasing staff.

The Invitation for Bids was posted on Sunnyvale's Onvia DemandStar public procurement network and directly provided to known safety uniform suppliers in the area. The bid was for a maximum three-year contract. Twenty-five suppliers were notified, five downloaded the bid and two bidders submitted responses. One responsive bid was from Summit Uniform and one from LC Action Police Supply. Both firms bid on the equipment items, although only Summit Uniforms bid on the uniforms and tailoring services. LC Action Police Supply was the low bidder on most equipment items and is recommended as the low bidder based on it having the greatest number of low bid items. Therefore, staff recommends issuing blanket purchase orders to (1) Summit Uniforms for uniform purchases and tailoring services with an annual amount not to exceed \$30,000 and (2) LC Action Police Supply for equipment, based on pricing and availability of bid items, with an annual amount not to exceed \$50,000.

The City of Milpitas spends approximately \$26,000 per year on uniforms and tailoring service with Summit Uniforms and approximately \$46,000 per year on Police and Fire equipment with LC Action Police Supply. Therefore, staff recommends that the Interim City Manager be authorized to issue annual blanket purchase orders to Summit Uniforms with a not to exceed amount of \$30,000 and to LC Action Police Supply with a not to exceed amount of \$50,000 with two additional one (1) year renewal options.

As part of the Administration's ongoing effort to streamline processes, staff recommends that the Interim City Manager be authorized to issue two blanket purchase orders. A blanket purchase order includes contractual terms and conditions as well as fixed pricing allowing departments to purchase as many items off the blanket purchase order as needed up to the annual not-to-exceed amount.

#### **Policy Alternative:**

**Alternative: Do not authorize the Interim City Manager to issue blanket purchase orders to Summit Uniforms or L.C. Action Police Supply.**

**Pros:** None.

**Cons:** The City would not have a contract vehicle with fixed pricing in place for various for public safety uniforms and equipment and related services.

**Reason not recommended:** The City would be at risk of violating the Police and Fire MOUs requiring the provision of uniforms to Police and Fire personnel and would need to seek out an alternative procurement process for these uniforms.

#### **Fiscal Impact:**

Budgeted funds are available in both Police and Fire operating budgets.

#### **California Environmental Quality Act:**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment

#### **Recommendations:**

- (1) Authorize the Interim City Manager to issue blanket purchase orders for Police and Fire uniforms and equipment and related services, in substantially the same form as the draft purchase order, to Summit Uniforms in an amount not to exceed \$30,000 per year, and to LC Action Police Supply in an amount not to exceed \$50,000 per year.
- (2) Authorize the Purchasing Agent to exercise the options to renew the term of the blanket purchase orders for two additional one-year periods, subject to annual appropriations, if the service remains acceptable to the City.

#### **Attachments:**

1. Draft Blanket Purchase Order for Summit Uniforms
2. Draft Blanket Purchase Order for LC Action Police Supply

City of Milpitas

PURCHASE ORDER

Purchasing Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5411  
Telephone: (408) 586-3160  
Fax: (408) 586-3170

MAIL INVOICE TO: CITY OF MILPITAS  
ACCOUNTS PAYABLE  
455 E. CALAVERAS BLVD.  
MILPITAS, CA 95035-5411

INVOICE QUESTIONS : (408) 586-3127

PO NUMBER:  
PAGE 1 OF 1  
EFFECTIVE DATE: 01/22/20  
EXPIRATION DATE: 01/21/21  
ANNUAL DOLLAR AMOUNT: \$50,000.00

SHIP TO: Accounts Payable  
City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5411

VENDOR: Summit Uniforms  
545 A Meridian Ave.  
San Jose, CA 95126

CONTACT:  
PHONE#: 408-293-8633  
FAX#:

DESCRIPTION OF ITEM

Provide uniforms, equipment, and alterations as required by the City of Milpitas in accordance with Invitation for Bids (IFB) F20-25 specifications and vendors responses, which are attached and incorporated herein by this reference. The City reserves the right to renew the Purchase Order for two (2) additional one (1) year periods.

PURCHASING OFFICER:

CITY MANAGER:

(Required Only On Orders Greater Than \$10,000)

|                                                                                                     |                                                                         |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1. FURNISH TWO (2) COPIES OF THE INVOICE.                                                           | 4. ALL MATERIAL IS TO BE DELIVERED AS SPECIFIED ABOVE.                  |
| 2. INVOICE EACH SHIPMENT SEPARATELY.                                                                | 5. NO EXCEPTIONS UNLESS STATED ABOVE.                                   |
| 3. PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, CORRESPONDENCE, CONTAINERS AND PACKING LISTS. | 6. ADDITIONAL TERMS AND CONDITIONS ARE STATED ON THE BACK OF THIS FORM. |

## **THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**

1. **ACCEPTANCE** - This Purchase Order becomes a binding contract upon the terms and conditions set forth herein by acknowledgement or commencement of performance. Additional terms or changes proposed by the Seller do not become effective until accepted by the Buyer in writing. Oral agreements affecting the provisions of this Purchase Order shall become binding only after mutual acceptance of a revision in writing to this Purchase Order. If the delivery schedule shown on this order cannot be met, Seller shall inform the Buyer of the Seller's best possible delivery for the Buyer's consideration.
2. **PRICE** – The price for each item covered by this Purchase Order shall be the price shown for such item on the face of this Purchase Order.
3. **PAYMENT** – Invoices will be paid according to discount terms or if no discount is offered, within thirty days after receipt and acceptance of goods or completion and acceptance of services. Discount periods will be computed from either the date of delivery of goods ordered or the date of receipt of acceptable invoices, prepared in accordance with the terms of Buyer's order, whichever is later.
4. **OVERSHIPMENTS** – Overshipments necessary to adjust quantity ordered to nearest standard pack are acceptable provided such overshipments do not exceed 5% or \$25.00, whichever is smaller, of the line item involved.
5. **PACKING, SHIPPING AND INSURANCE** – No charges will be allowed for boxing, wrapping or cartage unless so specified in this Purchase Order. Seller shall pack or otherwise prepare all articles for shipment so as to secure the lowest transportation rates consistent with timely delivery, meet carrier's requirements and safeguard against damage from weather and transportation. Seller shall mark the number of this Purchase Order on each container and enclose a packing slip with the order number in an envelope on each container.
6. **TITLE AND RISK OF LOSS** – Except as otherwise expressly provided herein, title to and risk of loss on all items shipped by the Seller to the Buyer shall pass to the Buyer at the F.O.B. point designated on the face of this order. Cost of all return shipments for whatever reason returned, shall be borne by the Seller with title and risk passing at the Buyer's plant.
7. **DELIVERY** – Time is of the essence. Delivery must be effected within the time stated on the Purchase Order and shall not be made later or substantially earlier than the dates shown. If items are delivered substantially in advance of scheduled delivery dates, the Buyer may return them at the Seller's expense. Unless failure to meet delivery schedule is due to causes beyond the Seller's control, the Buyer may terminate this Purchase Order without liability and may purchase elsewhere and charge the Seller with any loss incurred thereby.
8. **WARRANTIES** – In addition to any warranty implied by fact or law, the Seller expressly warrants all items covered by this Purchase Order to be free from defects in workmanship and materials, to conform strictly to applicable specifications, drawings and approved samples, if any, and to be fit for the purpose for which purchased. Such warranties, together with all other services warranties of the Seller, shall run in favor of the Buyer. All warranties shall survive inspection, acceptance and final payment by the Buyer.
9. **ASSIGNMENTS** – This Purchase Order shall not be assigned in any manner by the Seller nor shall a subcontract be made with any other party for the furnishing of any of the completed substantially completed articles, items, spare parts, work or services covered by this Purchase Order without the Buyer's prior written consent.
10. **TERMINATION** – The performance of work under this Purchase Order may be terminated in whole or from time to time in part by the Buyer.
11. **TAXES** – All Federal, State or local taxes of any nature which are paid by the Seller and billed or passed on to the Buyer as part of the price for this Purchase Order shall be stated separately and clearly designated as such in the Seller's invoices.
12. **LIENS** – All items to be delivered hereunder shall be free and clear of any and all liens and encumbrances whatsoever.
13. **COMPLIANCE WITH LAWS** – The Seller shall in the performance of this Purchase Order comply with all applicable Federal, State and local laws, government orders and regulations.
14. **WAIVERS** – The failure of the Buyer to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Purchase Order, or to exercise any right hereunder, shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant or condition or the future exercise of such right, but the obligation of the Seller with respect to such future performance shall continue in full force and effect.
15. **INDEMNIFICATION AND INSURANCE** – If the Seller's agents, employees or subcontractors enter upon premises occupied by or under the control of the Buyer or any of its customers or suppliers in the course of the performance of this Purchase Order. The Seller shall take all necessary precautions to prevent the occurrence of any injury (including death) to any person or any damage to any property arising out of any acts or omissions of the Seller's agents, employees, or subcontractors and except to the extent that any such injury or damage is due solely and directly to the Buyer's negligence or other fault. The Seller shall indemnify and hold the Buyer harmless from and against any suits, liabilities, losses, damages, claims, causes of action and expenses (including attorney fees) arising out of or connected with any act or omission of the Seller, its agents, employees or subcontractors. The Seller shall maintain public liability, property damage and worker's compensation insurance policies. Upon request of the Buyer, the Seller furnish the Buyer, certificates of insurance showing that the Seller carries adequate insurance for such purposes with insurers and in amounts acceptable to the Buyer which the certificates of insurance shall also provide that at least ten (10) days' notice in writing shall be given to the Buyer at the address indicated on the face of this Purchase Order of cancellation or reduction of coverage before such coverage is cancelled or reduced.

## ADDITIONAL SPECIFICATIONS

### A. GENERAL SPECIFICATIONS -

Uniforms, equipment, and alterations services are required by the City of Sunnyvale Department of Public Safety and the City of Milpitas Police Department (the Departments) for department personnel. The City of Sunnyvale Department of Public Safety provides uniforms for approximately 200 sworn and 55 civilian personnel. The City of Milpitas Police and Fire Departments provide uniforms for approximately 138 sworn personnel.

The bidder must be able to meet the following requirements in order to be considered as a qualified vendor.

1. The bidder must operate a full-time retail store within 15 miles of each City.
  - a. The store must be open a minimum of 6 days a week from 1000-1700 hours.
  - b. Vendor must provide a sufficient number of fitting rooms so that wait time for on-duty safety personnel is limited.
  - c. The store should have a staff of employees which includes the following:
    - i. A minimum of two full time tailors on location.
    - ii. A minimum of two people working at the store in a customer service capacity at all times.
    - iii. A main (single point of contact) person who is knowledgeable and familiar with police equipment and uniforms.
    - iv. The contact person shall be available at least four days (excluding holidays and normal vacation) a week for questions.
2. Bidder must guarantee an alteration turn-around time on all orders of a maximum of 7 days.
3. Bidder must have current contacts in the police equipment and uniform industry and must, if requested by City, be able to provide a representative's name from each below listed company for a reference check limited to customer service questions only.

American Body Armor (Armor Holdings)

5.1 1

Blauer

Flying Cross

Bianchi

Hi-Tech

Dutyman

Horace Small

Propper

Danner

Fecheimer

Elbeco

Thorogood

Normex

4. Bidder must be able to loan products to the City on a demonstration basis.
5. Bidder must provide emergency (same day or next day) alterations/outfitting for special occasions, funerals, and new officers.
6. Bidder must have at least one qualified employee with experience fitting officers for ballistic vests.
7. Bidder must demonstrate exclusive service to public safety agencies and maintain a substantial on-site inventory of readily-available uniform clothing for public safety personnel.
8. Bidder must provide will-call service for delivery of merchandise.
9. Bidder must submit invoices monthly.

## B. UNIFORMS AND EQUIPMENT

1. **Description of Goods to be Purchased** — See Attachment C for a detailed listing of uniforms and equipment to be provided.
2. **Use of Brand Names** — Manufacturers or brands specified have been approved by each Department and are an indication of the standard of quality, performance, or use desired. Bids will be considered for other brands or for the product of other manufacturers that meet or exceed the requirements established by each Department unless "no substitution" is stated. In the event that a Department elects to contract for a substitute product purported by bidder to be equal to the product specified, acceptance of the item will be conditioned on that Department's inspection, testing and acceptance of the item after receipt. If, in the sole judgment of the Department, the item is determined not to be an approved equal, the item shall be returned at the Supplier's expense; and the order will be terminated.
3. **Samples** — Bidder shall submit a sample of any substitute offered, upon request by the Department. Samples, so requested, shall be provided at no cost to the Department and will not be returned to the bidder. City reserves the right to consume any or all samples for testing purposes. Goods delivered shall be in full compliance with all accepted samples.
4. **Pricing** — Pricing shall remain firm throughout the initial term of the contract. Price increases must be specifically detailed on the Bid Form and must be as expressed as either a percentage increase per item or should list a price for the second and potential third year of the contract.

## C. UNIFORM ALTERATION SERVICES - Vendors are required to submit pricing for the alterations described. The vendor shall specify whether the charges are included in the original item price or are separate charges. Any pricing not provided shall be assumed to be included in the purchase price.

**Shirts:** With the exception of the battle dress uniform (BDU), the body of all shirts shall be form fitting and altered as necessary upon the employee's request. Women's shirts will be worn in the same style as men's shirts; however, fitting shall be achieved by appropriate cutting for ladies' sizes and insertion of bust and waist darts. Shoulder straps will be reinforced, but will leave sufficient room for an officer's microphone to be inserted in the shoulder.

**Velcro shirt pockets:** False shirt pockets, secured by Velcro, shall be made available upon request.

**Button-holes:** Single button-holes (for feeding microphone wires) shall be added to the waist line of patrol shirts upon request.

**Buttons:** When chrome or yellow metal buttons are used on a garment item (Patrol Jacket, Ike Jacket, dress cap) the buttons shall indicate "PS" for Public Safety. Yellow metal buttons will be reserved for officers who are at a rank of Lieutenant or above.

**Zipper:** New-issue shirts will have a hidden zipper opening installed upon request

**Sleeves:** Sleeves shall have reinforced elbows extending toward the cuff. The cuff area will have three buttons.

**Shirrtails:** Shirrtails will be cut and hemmed at the employee's request.

**Shoulder patches, City of Sunnyvale:** Shoulder patches to be agency-supplied, fully embroidered Sunnyvale Public Safety patch. The patch is to be attached to both sleeves with the top of the patch Y2" below the sleeve head seam, and in such a manner that a line bisecting the center of the patch would be perpendicular to the ground when the garment is worn. The patch will be sewn on the garment with colorfast black thread, not cross-stitched.

**Shoulder patches, City of Milpitas:** The City of Milpitas will supply all badges and patches for the winning bidder to attach as necessary. The patch is to be attached to both sleeves with the top of the

patch  $\frac{1}{2}$ " below the sleeve head seam, and in such a manner that a line bisecting the center of the patch would be perpendicular to the ground when the garment is worn. The patch will be sewn on the garment with colorfast black thread, not cross-stitched.

**Badge patches, City of Sunnyvale:** Fully embroidered, multi-colored badge patches (Seven-pointed stars, 3  $\frac{1}{2}$ "") from approved City of Sunnyvale artwork shall be added to the following items:

- Patrol jacket
- Bike jacket
- Inclement uniform shirt
- Badge patches differ in three styles:
  - Public Safety Officer, with a silver badge background
  - Lieutenant, with a bright gold badge background and lieutenant rocker
  - Command Officer, with a bright gold background

**Basic Alterations:** Basic standard alterations shall include the following:

- Hem slacks
- Shorten sleeves
- Shorten shirt tails
- Take-in shirt sides
- Let-out shirt sides
- Take-in waist
- Take-in seat
- Let-out waist
- Let-out seat
- Taper pant legs



| DESCRIPTION                               | SPECIFICATIONS                                       | COMMENTS OR    | UNIT COST | UNIT COST | UNIT COST |
|-------------------------------------------|------------------------------------------------------|----------------|-----------|-----------|-----------|
| ASP BATON 26"                             | ASP, 26" - 52611 - No substitutions                  |                | \$129.00  | \$129.00  | \$129.00  |
| ASP BATON HOLDER                          | ASP 52633 Scabbard                                   |                | \$49.00   | \$49.00   | \$49.00   |
| BADGE HOLDER                              | Dutyman 5304                                         | Boston Badge   | \$32.00   | \$32.00   | \$32.00   |
| BALLISTIC HELMET                          | Protech                                              |                | N/A       | N/A       | N/A       |
| BALLISTIC HELMET BAG                      |                                                      |                | N/A       | N/A       | N/A       |
| BALLISTIC HELMET SHIELD                   |                                                      |                | N/A       | N/A       | N/A       |
| BALLISTIC VEST                            | Second Chance- SM01-3A00S-SM01 - No                  |                | \$749.00  | \$749.00  | \$749.00  |
| BALLISTIC VEST COVERS                     | Second Chance - No substitutions                     |                | \$89.00   | \$89.00   | \$89.00   |
| BATON HOLDER                              | Bianchi 7313                                         |                | \$25.00   | \$25.00   | \$25.00   |
| BATON RING                                | Bianchi 7904                                         |                | \$12.00   | \$12.00   | \$12.00   |
| BELT, DUTY                                | BAM 7950, 1137                                       |                | \$67.00   | \$67.00   | \$67.00   |
| BELT, DUTY                                | Bianchi 7980                                         |                | \$67.00   | \$67.00   | \$67.00   |
| BELT, DUTY                                | Bianchi Buckleless 7970                              |                | \$79.00   | \$79.00   | \$79.00   |
| BELT, DUTY                                | Bianchi Sam Browne 7960                              |                | \$77.00   | \$77.00   | \$77.00   |
| BELT, DUTY                                | Bianchi Nylon, 7200                                  |                | \$55.00   | \$55.00   | \$55.00   |
| BELT, DUTY                                | Bianchi Accumold, Webgear 7210                       |                | \$40.00   | \$40.00   | \$40.00   |
| BELT, DUTY, UNDERBELT                     | Bianchi 7205                                         |                | \$65.00   | \$65.00   | \$65.00   |
| BELT, PANTS                               | Boston 6582 (buckle), 6530 (no buckle)               |                | 29 / 39.  | 29 / 39.  | 29 / 39.  |
| BELT, PANTS                               | Bianchi, Garrison B8V                                | No longer made | N/A       | N/A       | N/A       |
| BELT, PANTS                               | 5.11 TDU Belt 59552 (1.75")                          |                | \$18.00   | \$18.00   | \$18.00   |
| BELT, PANTS                               | 5.11 TDU Belt 59551 (1.5")                           |                | \$18.00   | \$18.00   | \$18.00   |
| BELT, PANTS                               | Bianchi 7205 velcro                                  |                | \$31.00   | \$31.00   | \$31.00   |
| BELT, SWAT                                | Bianchi Web Belt 7202, 1.75"                         |                | \$43.00   | \$43.00   | \$43.00   |
| BLOUSING BANDS                            | Vanguard Coast Guard Boot Bands                      |                | \$3.00    | \$3.00    | \$3.00    |
| BOOTS, MOTOR                              | Dehner or All American 905L                          |                | \$429.00  | \$429.00  | \$429.00  |
| BOOTS, POLICE ACADEMY                     | 5.11 A.T.A.C 8" Storm #12004 (mens) #12217 (women)   |                | \$139.00  | \$139.00  | \$139.00  |
| CAP, BASEBALL, BLUE WITH PATCH (Civilian) | Richardson 514                                       |                | \$16.00   | \$16.00   | \$16.00   |
| CAP, DRESS                                | Hankin                                               |                | \$99.00   | \$99.00   | \$99.00   |
| CHEST PROTECTOR, MFF                      | Hatch Centurion CDX2500 (chest/shoulder)             |                | N/A       | N/A       | N/A       |
| DIGITAL RECORDER POUCH                    | Bianchi 7303                                         |                | \$24.00   | \$24.00   | \$24.00   |
| EARPIEC KIT                               | Braverman Comm. Astra# T20015L                       |                | N/A       | N/A       | N/A       |
| ELBOW PADS, MFF                           | Hatch Centurion NE35                                 |                | N/A       | N/A       | N/A       |
| FLASHLIGHT & A/C CHARGER                  | Streamlight Ultrastinger 77551 LED, AC bid spec      |                | \$169.00  | \$169.00  | \$169.00  |
| FLASHLIGHT, CONE                          | Streamlight yellow cone wand 78904                   |                | \$9.00    | \$9.00    | \$9.00    |
| FLASHLIGHT HOLDER                         | Bianchi 7909                                         |                | \$11.00   | \$11.00   | \$11.00   |
| FLASHLIGHT HOLDER, BIANCHI, #7311         | Bianchi 7311                                         |                | \$28.00   | \$28.00   | \$28.00   |
| FLASHLIGHT, TLR -1                        |                                                      |                | \$139.00  | \$139.00  | \$139.00  |
| FLEX CUFFS, MFF                           | Plastic Zip-Tie, Safariland 8210, 10pk or individual |                | N/A       | N/A       | N/A       |
| FOREARM PADS, MFF                         | Hatch Centurion FP100 Forearm                        |                | N/A       | N/A       | N/A       |
| GEAR BAG, MFF                             | Hatch M2                                             |                | N/A       | N/A       | N/A       |
| GLOVES, MFF                               | Hatch Centorian MP100                                |                | N/A       | N/A       | N/A       |
| GLOVES, WHITE PROCESSIONAL                | Vanguard white parade gloves                         |                | \$8.00    | \$8.00    | \$8.00    |
| HANDCUFF CASE, DOUBLE                     | Bianchi 7917                                         |                | \$43.00   | \$43.00   | \$43.00   |
| HANDCUFF CASE, DOUBLE, WEBGEAR            | Bianchi 7317                                         |                | \$34.00   | \$34.00   | \$34.00   |

|                                             |                                   |                |          |          |          |
|---------------------------------------------|-----------------------------------|----------------|----------|----------|----------|
| NUMBERTAPE, CLOTH, BLK/SIL                  | Eddie                             |                | \$8.00   | \$8.00   | \$8.00   |
| O.C. HOLDER                                 | Bianchi 7907                      |                | \$32.00  | \$32.00  | \$32.00  |
| O.C. HOLDER, BAM, OPEN TOP                  | Bianchi 7908                      |                | \$27.00  | \$27.00  | \$27.00  |
| O.C. HOLDER, NYLON - OPEN                   | Bianchi 7308                      |                | \$19.00  | \$19.00  | \$19.00  |
| O.C. HOLDER, WEBGEAR - CLOSED/NYLON         | Bianchi Accumold 7310             |                | \$20.00  | \$20.00  | \$20.00  |
| O.C. SPRAY, MK4 & MK4C                      | Defence Technologies MKIV         |                | \$18.00  | \$18.00  | \$18.00  |
| O.C. SPRAY, SMALL MK3                       | Defence Technologies MKIII        |                | \$16.00  | \$16.00  | \$16.00  |
| PATCH, CLOTH STAR, CAPT                     | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH STAR, GOLD                     | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH STAR, LT                       | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH STAR, PSO                      | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH STAR, SUBDUED                  | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH STAR, SWAT SUBDUED             | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH, FIRE                          |                                   |                | N/A      | N/A      | N/A      |
| PATCH, CLOTH, SHIELD                        | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCH, FLAG                                 | Schweizer Emblems                 |                | \$4.00   | \$4.00   | \$4.00   |
| PATCH, MOTOR WHEEL, SET                     | Schweizer Emblems                 |                | \$10.00  | \$10.00  | \$10.00  |
| PATCHES, CLOTH 'POLICE' STAR                | Schweizer Emblems                 |                | N/A      | N/A      | N/A      |
| PATCHES, DPS PATROL                         | HD Graphics                       |                | N/A      | N/A      | N/A      |
| PATCHES, EXPLORER                           | HD Graphics                       |                | N/A      | N/A      | N/A      |
| RADIO HOLDER                                | Bianchi 7923                      |                | \$49.00  | \$49.00  | \$49.00  |
| RADIO HOLDER                                | Bianchi Universal 7914S           |                | \$59.00  | \$59.00  | \$59.00  |
| RADIO HOLDER                                | Bianchi 7324                      |                | \$36.00  | \$36.00  | \$36.00  |
| RAIL MOUNTED LIGHT POUCH                    | Bianchi 7327                      | no longer made |          |          |          |
| RAINGEAR, ANIMAL CONTROL                    | Blauer 9691 (No "Police" on back) | no longer made |          |          |          |
| RAINGEAR, JACKET                            | Blauer 9691                       | no longer made |          |          |          |
| RAINGEAR, BLAUER, JACKET, CSO               | BLAUER 233R with hood             |                | \$179.00 | \$179.00 | \$179.00 |
| RAINGEAR, PANTS                             | 5.11 48057                        | Blauer 9134    | \$179.00 | \$179.00 | \$179.00 |
| RAINGEAR, HOOD                              | Blauer (w/Jacket)                 |                | \$20.00  | \$20.00  | \$20.00  |
| SHIN GUARDS, MFF                            | Hatch Centurion TS70              |                | N/A      | N/A      | N/A      |
| SHIRTS, ANIMAL CONTROL, S/S TAN W/W SHIRT   | Flying Cross 69R6604              |                | \$59.00  | \$59.00  | \$59.00  |
| SHIRTS, ANIMAL CONTROL, L/S TAN W/W SHIRT   | Flying Cross 19W6604              |                | \$69.00  | \$69.00  | \$69.00  |
| SHIRTS, ANIMAL CONTROL POLO                 | Port Authority L455 (women)       |                | \$26.00  | \$26.00  | \$26.00  |
| SHIRTS, ANIMAL CONTROL POLO                 | Port Authority K455 (men)         |                | \$26.00  | \$26.00  | \$26.00  |
| SHIRTS, ANIMAL CONTROL POLO L/S             | Port Authority K455LS (men)       |                | \$29.00  | \$29.00  | \$29.00  |
| SHIRTS, BIKE, POLO, S/S BLK W/ NAME         | 5.11 Performance Polo 71049       |                | \$43.00  | \$43.00  | \$43.00  |
| SHIRTS, BIKE, POLO, L/S BLK W/ NAME         | 5.11 Performance Polo 72049       |                | \$46.00  | \$46.00  | \$46.00  |
| SHIRTS, CADET, L-SLEEVE, TAN, CLOTH         | Dickies Poly Cotton RN20967       | 574KH          | \$32.00  | \$32.00  | \$32.00  |
| SHIRTS, CADET, S-SLEEVE, TAN, CLOTH         | Dickies Poly cotton               | 1574KH         | \$26.00  | \$26.00  | \$26.00  |
| SHIRTS, CPA/AN.CONTROL, L-SLEEVE, TAN, POLY | Flying Cross 19W6604              |                | \$59.00  | \$59.00  | \$59.00  |
| SHIRTS, CPA/ANM.CONTROL, S-SLEEVE, TAN,     | Flying Cross 69R6604              |                | \$69.00  | \$69.00  | \$69.00  |
| SHIRTS, CSI/K-9, L-SLEEVE, BLU, BDU         | Blauer 8703                       | Blauer 8831    | \$59.00  | \$59.00  | \$59.00  |
| SHIRTS, CSI/K-9, S-SLEEVE, BLU, BDU         | Blauer 8713                       | Blauer 8731    | \$59.00  | \$59.00  | \$59.00  |
| SHIRTS, EXPLORER, L-SLEEVE, LITE BLUE       | Blauer 8431                       | Elbeco 878     | \$44.00  | \$44.00  | \$44.00  |
| SHIRTS, EXPLORER, S-SLEEVE, LITE BLUE       | Blauer 8421                       | elbeco 868     | \$39.00  | \$39.00  | \$39.00  |

|                                           |                                                  |                   |          |          |          |
|-------------------------------------------|--------------------------------------------------|-------------------|----------|----------|----------|
| SWAT, FLASHLIGHT                          | Streamlight 75013 - not correct # maybe stinger  | not correct #     | \$139.00 | \$139.00 | \$139.00 |
| SWAT, GLOVES                              | Hatch KSG500, Kevlar Shooting                    |                   | N/A      | N/A      | N/A      |
| SWAT, JACKET                              | Gortex Hatch MT2000                              |                   | N/A      | N/A      | N/A      |
| SWAT, MAGAZINE POUCH                      | Bianchi Accumold, Close Top 7302                 |                   | \$36.00  | \$36.00  | \$36.00  |
| SWAT, MAGAZINE POUCH                      | Bianchi Accumold, Open Top 7320                  |                   | \$32.00  | \$32.00  | \$32.00  |
| TIE CLIP                                  | Gold or Silver, Vanguard                         |                   | \$6.00   | \$6.00   | \$6.00   |
| TIE CLIP, SUNNYVALE                       | Hook fast                                        |                   | \$9.00   | \$9.00   | \$9.00   |
| TIE, BLACK                                | S. Broome Clip-on                                |                   | \$8.00   | \$8.00   | \$8.00   |
| TIE, BOWTIE, BLUE, SOUTHER STYLE, RECORDS | S. Broome Snap-on                                | no longer wearing |          |          |          |
| TIE, NAVY, PATROL                         | S. Broome Clip-on                                |                   | \$8.00   | \$8.00   | \$8.00   |
| TROUSERS, ANIM. CTRL, BLACK               | Blauer 8810                                      | blauer 8831       | \$59.00  | \$59.00  | \$59.00  |
| TROUSERS, BICYCLE, BLK                    | Mocean, Blk 2050                                 | Pt/Short Combo    | \$99.00  | \$99.00  | \$99.00  |
| TROUSERS, CADET, TAN, CLOTH               | Dickies 640                                      | 874KH             | \$32.00  | \$32.00  | \$32.00  |
| TROUSERS, CPA, TAN, POLYESTER             | Fechheimer 46351                                 | no longer wearing |          |          |          |
| TROUSERS, CSI/K-9, BLU BDU'S              | Blauer 8810                                      | blauer 8831       | \$59.00  | \$59.00  | \$59.00  |
| TRPUSERS, FIRE NOMEX                      | Nomex 402MN (men) 401MN (women)                  | FP52MN No         | \$129.00 | \$129.00 | \$129.00 |
| TROUSERS, FIRE PREVENTION, NOMEX          | Nomex 402MN (men) 401MN (women)                  | FP52MN No         | \$129.00 | \$129.00 | \$129.00 |
| TROUSERS, MANAGER, RECORDS & DISPATCH     | Flying Cross SUMTRS01                            | no longer wearing | \$99.00  | \$99.00  | \$99.00  |
| TROUSERS, MOTOR BRITCHES                  | Sinatra                                          | United 10303      | \$289.00 | \$289.00 | \$289.00 |
| TROUSERS, PATROL, 100% WOOL               | Fechheimer 32289                                 |                   | \$99.00  | \$99.00  | \$99.00  |
| TROUSERS, PATROL, POLYESTER               | Fechheimer 38289                                 | no longer wearing |          |          |          |
| TROUSERS, PROPERTY, 5.11 TATICAL PRO      | 5.11 Stryke Pant 64386 (women), 74369 (men)      |                   | \$84.00  | \$84.00  | \$84.00  |
| TROUSERS, POLICE ACADMEY TDU              | 5.11 TDU black                                   |                   | \$59.00  | \$59.00  | \$59.00  |
| TROUSERS, POLICE ACADMEY                  |                                                  |                   | \$59.00  | \$59.00  | \$59.00  |
| TROUSERS, RECORDS, BLU, POLY/WOOL         | Edwards 8783-07 or Flying Cross 39400W or        | no longer wearing |          |          |          |
| TROUSERS, SWAT TAC, BLK, BDU'S, SIZE-     | 74068 XPRT Tactical Pant (color: black or green) |                   | \$199.00 | \$199.00 | \$199.00 |
| TROUSERS, UAS, TDU, DARK NAVY             | 5.11 TDU Pant #74003, dark navy                  |                   | \$59.00  | \$59.00  | \$59.00  |
| WHISTLE, BLACK                            | Acme, Blk Plastic                                |                   | \$4.00   | \$4.00   | \$4.00   |
| WHISTLE, CHROME                           | Acme, Chrome                                     |                   | \$9.00   | \$9.00   | \$9.00   |
| WINDBREAKER, CHAPLAIN, W/PATCHES          | Blue Polyester windbreaker, no lining            | no longer wearing |          |          |          |
| <b>MILPITAS-ONLY ITEMS</b>                |                                                  |                   |          |          |          |
| ASP BATON HOLDER, SWAT                    | Safariland Black Plastic                         |                   | \$49.00  | \$49.00  | \$49.00  |
| BELT, SWAT                                | Trouser Bianchi                                  |                   | \$39.00  | \$39.00  | \$39.00  |
| BELT, SWAT                                | Utility Belt Bianchi                             |                   | \$29.00  | \$29.00  | \$29.00  |
| BOOTS, MOTOR                              | SIDI Canyon Gortex                               |                   | N/A      | N/A      | N/A      |
| BOOTS, SWAT                               | Under Armor, Valsetz                             |                   | N/A      | N/A      | N/A      |
| CAP, SWAT                                 | Utility Cap Condor                               |                   | N/A      | N/A      | N/A      |
| FLASHLIGHT, SWAT                          | Streamlight 74114                                | not correct #     | N/A      | N/A      | N/A      |
| FLASHBANG HOLDER, SWAT                    | Safariland/5.11                                  |                   | N/A      | N/A      | N/A      |
| GLOVES, SWAT                              | Mecanix/P.I.G.                                   |                   | N/A      | N/A      | N/A      |
| HANDCUFF HOLDER, SWAT                     | Safariland/5.11                                  |                   | N/A      | N/A      | N/A      |
| HANDCUFF/MAG COMBO, PADDLEBACK            | Bianchi 45, Blk Leather -to fit S&W M&P .40      |                   | \$68.00  | \$68.00  | \$68.00  |
| HAT, SWAT                                 | Proper Boonie Hat Multicam                       |                   | \$18.00  | \$18.00  | \$18.00  |
| HOLSTER PANCAKE (for S&W M&P .40)         |                                                  |                   | N/A      | N/A      | N/A      |
| HOLSTER, S&W M&P .40                      |                                                  |                   | N/A      | N/A      | N/A      |

|                                       |                                                      |                    |           |           |           |
|---------------------------------------|------------------------------------------------------|--------------------|-----------|-----------|-----------|
| SHIRTS, FIRE                          | Wool: Flying Cross, dark blue, long or short sleeve  |                    |           |           |           |
| SHIRTS, JOB-SHIRT                     | MILPITAS FIRE 5.11 Tactical style # 72321 or         |                    | \$79.00   | \$79.00   | \$79.00   |
| SLEEVE BRAID MILPITAS FIRE            | Gold, white or black Rices nylon braid article 7100  |                    | \$40.00   | \$40.00   | \$40.00   |
| TIE CLASPS, MILPITAS FIRE             | Tie clasps must be appropriate for public display on |                    | \$6.00    | \$6.00    | \$6.00    |
| TIE, BLACK MILPITAS FIRE              | Black wool, cotton or Dacron, (1¼") minimum,         |                    | \$8.00    | \$8.00    | \$8.00    |
| TROUSERS, BDU FIRE                    | 5.11 Tactical TacLite Pro Pants or 5.11 Company      |                    | \$59.00   | \$59.00   | \$59.00   |
| <b>ALTERATIONS/REPAIRS</b>            |                                                      |                    |           |           |           |
| Cut tails                             |                                                      |                    | \$12.00   | \$12.00   | \$12.00   |
| Dart back                             |                                                      |                    | \$20.00   | \$20.00   | \$20.00   |
| Hash marks                            |                                                      |                    | N/A       | N/A       | N/A       |
| Re-hem pants                          |                                                      |                    | NO CHARGE | NO CHARGE | NO CHARGE |
| Remove hash marks                     |                                                      | custom tailor time |           |           |           |
| Remove patches                        |                                                      | custom tailor time |           |           |           |
| Sew patches - jacket                  | No Charge on NEW / Custom tailor Time Cust           |                    |           |           |           |
| Sew patches - shirt                   | No Charge on NEW / Custom tailor Time Cust           |                    |           |           |           |
| Shorten crotch                        |                                                      | 15                 |           |           |           |
| Shorten sleeves                       |                                                      | 15                 |           |           |           |
| Take in sides                         |                                                      | 20                 |           |           |           |
| Take in sides & sleeves               |                                                      | 20                 |           |           |           |
| Take in waist/let out waist           |                                                      | 15                 |           |           |           |
| Zippers in customer's garments        |                                                      | 20                 |           |           |           |
| Custom Alterations                    | Per 1/2 hour                                         | 20                 |           |           |           |
|                                       | Per hour                                             | 40                 |           |           |           |
| * No charge for patches or star       |                                                      |                    |           |           |           |
| * All uniforms must have employee ID# |                                                      |                    |           |           |           |

all prices the same for 3 years

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |   |   |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---|---|
| TROUSERS, SWAT TAC, BLK, BDU'S, SIZE-SPECIFIC | Proper Multicam                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.00     |   |   |
| UTILITY BAG, SWAT                             | 5.11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 274.00    | ↓ | ↓ |
| BADGE HOLDER, BFP AND ADMIN                   | Black leather, designed for use with a shield-type badge, with attached belt clip                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A       |   |   |
| BADGE MORNING BAND                            | shoulder to navel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | no charge |   |   |
| BELT, BDU FIRE                                | All black, with no contrasting colors or trim. Black or gunmetal-colored hardware                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A       |   |   |
| CAP, DRESS MILPITAS FIRE                      | Traditional Bell Crown-style fire cap with appropriate fire cap piece<br><input type="checkbox"/> Approved Manufacturers: Bayly, Midway, Marlow White<br><input type="checkbox"/> Fire Chief<br><input type="checkbox"/> White vinyl top, white band with gold metallic strap. 5-crossed-bugle gold strap pins and gold bullion decorated on a black high gloss visor.<br><input type="checkbox"/> Deputy Chief<br><input type="checkbox"/> White vinyl top, black band with gold metallic strap 3-crossed-bugle gold strap pins and gold bullion decorated on a high gloss black visor.<br><input type="checkbox"/> Battalion Chief<br><input type="checkbox"/> White vinyl top, black band with gold metallic strap, 2-crossed-bugle gold strap pins and high gloss black visor.<br><input type="checkbox"/> Captain<br><input type="checkbox"/> White vinyl top, black band with silver metallic strap, 2-parallel-bugle silver strap pins and high gloss black visor<br><input type="checkbox"/> Engineer, Firefighter and Administration<br><input type="checkbox"/> Navy blue wool top and band with black patent leather strap, silver FD strap pins and high gloss visor | 99.00     |   |   |
| COLLAR INSIGNIA CLASS "A" SHIRT               | <input type="checkbox"/> Chief Officers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 28-       |   |   |
| COLLAR INSIGNIA COAT                          | <input type="checkbox"/> 1" collar insignia to be worn ¾" from front and bottom of the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 20-       |   |   |
| DRESS JACKET OTHER PERSONNEL FIRE             | Flying Cross Model # X917B89-04, 100% Wool, style # 13754. U.S. Navy Officer-style double-breasted with (6) silver buttons designating appropriate rank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 369-      |   |   |
| DRESS JACKET CHIEF OFFICERS FIRE              | Flying cross Model # X917B89-04, 100% Wool, style # 13754. U.S. Navy Officer-style double-breasted with (6) gold buttons designating appropriate rank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 369-      |   |   |
| DRESS SLACKS                                  | Flying Cross Model #SFFDTRSO2 100% Navy Blue Wool, standard belt loops and pockets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 99-       |   |   |
| HAT, BASEBALL                                 | Department logo                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A       |   |   |
| HAT, COLD WEATHER CAP                         | Plain, navy, knit or fleece, cuffed or uncuffed, with approved Milpitas Fire Department logo embroidery to be forward facing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ↓         |   |   |
| HAT, TILLEY                                   | Navy Tilley Endurable Hat Style #T-3 with approved Milpitas Fire Department logo embroidery                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ↓         |   |   |
| JACKET, BDU FIRE                              | Matching set to BDU pants. Milpitas Fire Department patch on both shoulders 1" down from shoulder seam. Name tape over left pocket.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ↓         |   |   |
| JACKET, FLEECE FIRE                           | Navy Blue. Fleece Jacket 5.11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 119-      |   |   |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------|--|--|
| JACKET, STATION WORK JACKET FIRE      | Lion™ # 3134 or uniform committee approved equivalent, midnight blue, liner optional, all-weather, short-waist jacket, uniform patch shall be sewn 1" down from shoulder seam.                                                                                                                                                                                                                                                                                                                                                                                     | Liberty | 119"   |  |  |
| SHIRTS, DRESS MILPITAS FIRE           | Flying Cross Style #35W54 Standard long-sleeve poly-cotton white dress shirt, plain collar, barrel cuff, military creases, pleated pocket and epaulets<br><input type="checkbox"/> No button down or tab-type collars<br><input type="checkbox"/> Patches on dress shirt                                                                                                                                                                                                                                                                                           |         | 69"    |  |  |
| SHIRTS, FIRE                          | Wool: Flying Cross, dark blue, long or short sleeve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         | 49/89" |  |  |
| SHIRTS, JOB-SHIRT                     | MILPITAS FIRE 5.11 Tactical style # 72321 or Game Job Shirt style # 811<br><input type="checkbox"/> Navy, 11.6 oz. poly-cotton fleece, ¼ zip, side pockets, right chest radio pocket with Velcro, radio microphone pockets at both shoulders and pen pocket on left sleeve.<br>MFD text logo embroidered on left chest. Last name in all capital letters embroidered on right chest with Helvetica 7/8" font.                                                                                                                                                      |         | 79"    |  |  |
| SLEEVE BRAID MILPITAS FIRE            | Gold, white or black Rices nylon braid article 7100 Stripes for respective ranks as follows:<br><input type="checkbox"/> Chief Five ½" Gold Braid Stripes (1½")<br><input type="checkbox"/> Deputy Chief Three ½" Gold Braid Stripes (1½")<br><input type="checkbox"/> Battalion Chief Two ½" Gold Braid Stripes (1½")<br><input type="checkbox"/> Captain Two ½" White Braid Stripes (1½")<br><input type="checkbox"/> Engineer Single Black Braid<br><input type="checkbox"/> Firefighter Single Black Braid<br><input type="checkbox"/> Administrative No Braid |         | 40"    |  |  |
| TIE CLASPS, MILPITAS FIRE             | Tie clasps must be appropriate for public display on dress uniform (Gold for chief officers; silver for all other personnel)                                                                                                                                                                                                                                                                                                                                                                                                                                       |         | 6"     |  |  |
| TIE, BLACK MILPITAS FIRE              | Black wool, cotton or Dacron, (1¼") minimum, (2½") maximum width. Clip-on type if assigned to immediate response, conventional type acceptable if not                                                                                                                                                                                                                                                                                                                                                                                                              |         | 8"     |  |  |
| TROUSERS, BDU FIRE                    | 5.11 Tactical TacLite Pro Pants or 5.11 Company Cargo Pants, Navy Blue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |         | 59"    |  |  |
| ALTERATIONS/REPAIRS                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Cut tails                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Dart back                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Hash marks                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Re-hem pants                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Remove hash marks                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Remove patches                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Sew patches - jacket                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Sew patches - shirt                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Shorten crotch                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Shorten sleeves                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Take in sides                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Take in sides & sleeves               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Take in waist/let out waist           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Zipppers in customer's garments       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| Custom Alterations                    | Per 1/2 hour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |        |  |  |
|                                       | Per hour                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |        |  |  |
| * No charge for patches or star       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |
| * All uniforms must have employee ID# |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |        |  |  |

→ Same

see last section of excel sheet

City of Milpitas

PURCHASE ORDER

Purchasing Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5411  
Telephone: (408) 586-3160  
Fax: (408) 586-3170

MAIL INVOICE TO: CITY OF MILPITAS  
ACCOUNTS PAYABLE  
455 E. CALAVERAS BLVD.  
MILPITAS, CA 95035-5411

INVOICE QUESTIONS : (408) 586-3127

PO NUMBER:  
PAGE 1 OF 1  
EFFECTIVE DATE: 01/22/20  
EXPIRATION DATE: 01/21/21  
ANNUAL DOLLAR AMOUNT: \$50,000.00

SHIP TO: Accounts Payable  
City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035-5411

VENDOR: LC Action Police Supply  
1088 N. 1<sup>st</sup> St.  
San Jose, CA 95112

CONTACT:  
PHONE#: 408-294-2677  
FAX#:

DESCRIPTION OF ITEM

Provide equipment as required by the City of Milpitas in accordance with Invitation for Bids (IFB) F20-25 specifications and vendors responses, which are attached and incorporated herein by this reference. The City reserves the right to renew the Purchase Order for two (2) additional one (1) year periods.

PURCHASING OFFICER:  
  
\_\_\_\_\_

CITY MANAGER:  
  
\_\_\_\_\_

(Required Only On Orders Greater Than \$10,000)

- |                                                                                                     |                                                                         |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1. FURNISH TWO (2) COPIES OF THE INVOICE.                                                           | 4. ALL MATERIAL IS TO BE DELIVERED AS SPECIFIED ABOVE.                  |
| 2. INVOICE EACH SHIPMENT SEPARATELY.                                                                | 5. NO EXCEPTIONS UNLESS STATED ABOVE.                                   |
| 3. PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, CORRESPONDENCE, CONTAINERS AND PACKING LISTS. | 6. ADDITIONAL TERMS AND CONDITIONS ARE STATED ON THE BACK OF THIS FORM. |

**THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**

1. **ACCEPTANCE** - This Purchase Order becomes a binding contract upon the terms and conditions set forth herein by acknowledgement or commencement of performance. Additional terms or changes proposed by the Seller do not become effective until accepted by the Buyer in writing. Oral agreements affecting the provisions of this Purchase Order shall become binding only after mutual acceptance of a revision in writing to this Purchase Order. If the delivery schedule shown on this order cannot be met, Seller shall inform the Buyer of the Seller's best possible delivery for the Buyer's consideration.
2. **PRICE** – The price for each item covered by this Purchase Order shall be the price shown for such item on the face of this Purchase Order.
3. **PAYMENT** – Invoices will be paid according to discount terms or if no discount is offered, within thirty days after receipt and acceptance of goods or completion and acceptance of services. Discount periods will be computed from either the date of delivery of goods ordered or the date of receipt of acceptable invoices, prepared in accordance with the terms of Buyer's order, whichever is later.
4. **OVERSHIPMENTS** – Overshipments necessary to adjust quantity ordered to nearest standard pack are acceptable provided such overshipments do not exceed 5% or \$25.00, whichever is smaller, of the line item involved.
5. **PACKING, SHIPPING AND INSURANCE** – No charges will be allowed for boxing, wrapping or cartage unless so specified in this Purchase Order. Seller shall pack or otherwise prepare all articles for shipment so as to secure the lowest transportation rates consistent with timely delivery, meet carrier's requirements and safeguard against damage from weather and transportation. Seller shall mark the number of this Purchase Order on each container and enclose a packing slip with the order number in an envelope on each container.
6. **TITLE AND RISK OF LOSS** – Except as otherwise expressly provided herein, title to and risk of loss on all items shipped by the Seller to the Buyer shall pass to the Buyer at the F.O.B. point designated on the face of this order. Cost of all return shipments for whatever reason returned, shall be borne by the Seller with title and risk passing at the Buyer's plant.
7. **DELIVERY** – Time is of the essence. Delivery must be effected within the time stated on the Purchase Order and shall not be made later or substantially earlier than the dates shown. If items are delivered substantially in advance of scheduled delivery dates, the Buyer may return them at the Seller's expense. Unless failure to meet delivery schedule is due to causes beyond the Seller's control, the Buyer may terminate this Purchase Order without liability and may purchase elsewhere and charge the Seller with any loss incurred thereby.
8. **WARRANTIES** – In addition to any warranty implied by fact or law, the Seller expressly warrants all items covered by this Purchase Order to be free from defects in workmanship and materials, to conform strictly to applicable specifications, drawings and approved samples, if any, and to be fit for the purpose for which purchased. Such warranties, together with all other services warranties of the Seller, shall run in favor of the Buyer. All warranties shall survive inspection, acceptance and final payment by the Buyer.
9. **ASSIGNMENTS** – This Purchase Order shall not be assigned in any manner by the Seller nor shall a subcontract be made with any other party for the furnishing of any of the completed substantially completed articles, items, spare parts, work or services covered by this Purchase Order without the Buyer's prior written consent.
10. **TERMINATION** – The performance of work under this Purchase Order may be terminated in whole or from time to time in part by the Buyer.
11. **TAXES** – All Federal, State or local taxes of any nature which are paid by the Seller and billed or passed on to the Buyer as part of the price for this Purchase Order shall be stated separately and clearly designated as such in the Seller's invoices.
12. **LIENS** – All items to be delivered hereunder shall be free and clear of any and all liens and encumbrances whatsoever.
13. **COMPLIANCE WITH LAWS** – The Seller shall in the performance of this Purchase Order comply with all applicable Federal, State and local laws, government orders and regulations.
14. **WAIVERS** – The failure of the Buyer to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Purchase Order, or to exercise any right hereunder, shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant or condition or the future exercise of such right, but the obligation of the Seller with respect to such future performance shall continue in full force and effect.
15. **INDEMNIFICATION AND INSURANCE** – If the Seller's agents, employees or subcontractors enter upon premises occupied by or under the control of the Buyer or any of its customers or suppliers in the course of the performance of this Purchase Order. The Seller shall take all necessary precautions to prevent the occurrence of any injury (including death) to any person or any damage to any property arising out of any acts or omissions of the Seller's agents, employees, or subcontractors and except to the extent that any such injury or damage is due solely and directly to the Buyer's negligence or other fault. The Seller shall indemnify and hold the Buyer harmless from and against any suits, liabilities, losses, damages, claims, causes of action and expenses (including attorney fees) arising out of or connected with any act or omission of the Seller, its agents, employees or subcontractors. The Seller shall maintain public liability, property damage and worker's compensation insurance policies. Upon request of the Buyer, the Seller furnish the Buyer, certificates of insurance showing that the Seller carries adequate insurance for such purposes with insurers and in amounts acceptable to the Buyer which the certificates of insurance shall also provide that at least ten (10) days' notice in writing shall be given to the Buyer at the address indicated on the face of this Purchase Order of cancellation or reduction of coverage before such coverage is cancelled or reduced.



| DESCRIPTION                               | SPECIFICATIONS                                           | COMMENTS OR OTHER BRAND OFFERED       | UNIT COST<br>YEAR ONE | UNIT COST<br>YEAR TWO | UNIT COST<br>YEAR THREE |
|-------------------------------------------|----------------------------------------------------------|---------------------------------------|-----------------------|-----------------------|-------------------------|
| ASP BATON 26"                             | ASP, 26" - 52611 - No substitutions                      |                                       | 92.27                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| ASP BATON HOLDER                          | ASP 52633 Scabbard                                       |                                       | 35.61                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BADGE HOLDER                              | Dutyman 5304                                             |                                       | 8.62                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BALLISTIC HELMET                          | Protech                                                  | Protech 3A # 00207010                 | 350                   | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BALLISTIC HELMET BAG                      |                                                          | #00020178                             | 39.99                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BALLISTIC HELMET SHIELD                   |                                                          | #000999863                            | 99.75                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BALLISTIC VEST                            | Second Chance- SM01-3A00S-SM01 - No substitutions        | SM01 DISTCONTINUED REPLACED WITH SM02 | 755                   | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BALLISTIC VEST COVERS                     | Second Chance - No substitutions                         | E1 COVER                              | 55                    | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BATON HOLDER                              | Bianchi 7313                                             |                                       | 14.01                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BATON RING                                | Bianchi 7904                                             |                                       | 6.11                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | BAM 7950, 1137                                           |                                       | 34.14                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | Bianchi 7980                                             |                                       | 34.14                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | Bianchi Buckleless 7970                                  |                                       | 41.28                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | Bianchi Sam Browne 7960                                  |                                       | 40.26                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | Bianchi Nylon, 7200                                      |                                       | 29.05                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY                                | Bianchi Accumold, Webgear 7210                           |                                       | 21.4                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, DUTY, UNDERBELT                     | Bianchi 7205                                             |                                       | 16.81                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, PANTS                               | Boston 6582 (buckle), 6530 (no buckle)                   |                                       | 28.1                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, PANTS                               | Bianchi, Garrison B8V                                    |                                       | 19.62                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, PANTS                               | 5.11 TDU Belt 59552 (1.75")                              |                                       | 12.48                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, PANTS                               | 5.11 TDU Belt 59551 (1.5")                               |                                       | 12.48                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, PANTS                               | Bianchi 7205 velcro                                      |                                       | 16081                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BELT, SWAT                                | Bianchi Web Belt 7202, 1.75"                             |                                       | 22.68                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| BLOUSING BANDS                            | Vanguard Coast Guard Boot Bands                          |                                       | NO BID                | NO BID                | NO BID                  |
| BOOTS, MOTOR                              | Dehner or All American 905L                              |                                       | NO BID                | NO BID                | NO BID                  |
| BOOTS, POLICE ACADEMY                     | 5.11 A.T.A.C 8" Storm #12004 (mens) #12217 (women)       |                                       | 98.8                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| CAP, BASEBALL, BLUE WITH PATCH (Civilian) | Richardson 514                                           |                                       | NO BID                | NO BID                | NO BID                  |
| CAP, DRESS                                | Hankin                                                   |                                       | NO BID                | NO BID                | NO BID                  |
| CHEST PROTECTOR, MFF                      | Hatch Centurion CDX2500 (chest/shoulder)                 |                                       | 95.85                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| DIGITAL RECORDER POUCH                    | Bianchi 7303                                             |                                       | 13.5                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| EARPIEC KIT                               | Braverman Comm. Astra# T20015L                           |                                       | 51.6                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| ELBOW PADS, MFF                           | Hatch Centurion NE35                                     |                                       | NO BID                | NO BID                | NO BID                  |
| FLASHLIGHT & A/C CHARGER                  | Streamlight Ultrastinger 77551 LED, AC bid spec 4716,    |                                       | 113.4                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FLASHLIGHT, CONE                          | Streamlight yellow cone wand 78904                       |                                       | 4.41                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FLASHLIGHT HOLDER                         | Bianchi 7909                                             |                                       | 5.35                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FLASHLIGHT HOLDER, BIANCHI, #7311         | Bianchi 7311                                             |                                       | 15.29                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FLASHLIGHT, TLR -1                        |                                                          |                                       | 99.23                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FLEX CUFFS, MFF                           | Plastic Zip-Tie, Safariland 8210, 10pk or individual     |                                       | 11.23                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| FOREARM PADS, MFF                         | Hatch Centurion FP100 Forearm                            |                                       | 15.74                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| GEAR BAG, MFF                             | Hatch M2                                                 |                                       | 50.11                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| GLOVES, MFF                               | Hatch Centorian MP100                                    |                                       | NO BID                | NO BID                | NO BID                  |
| GLOVES, WHITE PROCESSIONAL                | Vanguard white parade gloves                             |                                       | NO BID                | NO BID                | NO BID                  |
| HANDCUFF CASE, DOUBLE                     | Bianchi 7917                                             |                                       | 22.17                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFF CASE, DOUBLE, WEBGEAR            | Bianchi 7317                                             |                                       | 18.6                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFF CASE, SINGLE                     | Bianchi 7900                                             |                                       | 18.34                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFF CASE, SINGLE                     | Bianchi 7300                                             |                                       | 15.8                  | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFF KEY, HEAVY DUTY                  | Bianchi Accumold 7916                                    |                                       | 14.27                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFF/MAG COMBO, PADDLEBACK            | Bianchi 45, Blk Leather -to fit 9mm, .40 & .45 cal Glock |                                       | 35.93                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFFS, CHAINED                        | Peerless Chrome - No substitutions                       |                                       | 22.17                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HANDCUFFS, HINGED                         | Peerless Chrome                                          |                                       | 31.23                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HASHMARK                                  | Embroidered sleeve, various colors as needed             |                                       | NO BID                | NO BID                | NO BID                  |
| HAT, SWAT (CAMO)                          | Richardson                                               |                                       | NO BID                | NO BID                | NO BID                  |
| HAT, CAMPAIGN                             | Stratton S-40DB                                          |                                       | NO BID                | NO BID                | NO BID                  |
| HAT, DRESS                                | Lancaster                                                |                                       | NO BID                | NO BID                | NO BID                  |
| HAT, DRESS, CHIEF ONLY (CUSTOM SCRAMBLE)  | Lancaster                                                |                                       | NO BID                | NO BID                | NO BID                  |
| HELMET COVER, TRUSPEC                     | Tru Spec 5937                                            |                                       | 13.75                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HELMET, MOTORCYCLE                        | Shoei RJ-Platinum Air LE                                 |                                       | 442.74                | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HOLSTER PANCAKE (for Glock 9mm, 40 & 45)  | Bianchi 60 / 83                                          |                                       | 35.93                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HOLSTER, GLOCK                            |                                                          | 6360 WITH LIGHT                       | 94.47                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HOLSTER, GLOCK Gen 5                      |                                                          | 6360 WITH LIGHT                       | 94.47                 | NOT TO EX. 3%         | NOT TO EX. 3%           |
| HOLSTER, SWAT, TACTICAL THIGH             | Safariland 6004                                          |                                       | 122.5                 | NOT TO EX. 3%         | NOT TO EX. 3%           |

|                                                   |                                         |                                   |        |               |               |
|---------------------------------------------------|-----------------------------------------|-----------------------------------|--------|---------------|---------------|
| HOOD, SWAT, BLK, NOMEX                            | Hatch NH2500 Nomex Hood                 |                                   | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Large LT. Bars      | Vanguard                                |                                   | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Small LT. Bars      | Vanguard                                |                                   | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, FIRE BUGLES                        | Chief and Lt.                           |                                   | NO BID | NO BID        | NO BID        |
| JACKET, BICYCLE, BLK (Liner & Custom Print)       | Mocean 2150 Avalanche w/reflect tape    |                                   | NO BID | NO BID        | NO BID        |
| JACKET, CNT                                       | Chameleon soft shell (black) 48099      | UP A 2XL                          | 85.77  | NOT TO EX. 3% | NOT TO EX. 3% |
| JACKET, DUTY                                      | Blauer 6120                             |                                   | NO BID | NO BID        | NO BID        |
| JACKET, GANG UNIT/RAID                            | Royal Blue poly unlined windbreaker     |                                   | NO BID | NO BID        | NO BID        |
| JACKET, IKE                                       | Sinatra                                 |                                   | NO BID | NO BID        | NO BID        |
| JACKET, INSTRUCTORS                               | 5.11 48001 3-in-1 Parka (range red 477) | UP TO 2XL                         | 173.72 | NOT TO EX. 3% | NOT TO EX. 3% |
| JACKET, OFFICE (women)                            | Port Authority Pique Fleece L222        |                                   | NO BID | NO BID        | NO BID        |
| JACKET, OFFICE (men)                              | Port Authority Pique Fleece F222        |                                   | NO BID | NO BID        | NO BID        |
| JACKET, PATROL                                    | Blauer #9820 w/liner                    |                                   | NO BID | NO BID        | NO BID        |
| JACKET, POLICE ACADEMY WINDBREAKER                |                                         |                                   | NO BID | NO BID        | NO BID        |
| JACKET, RAID                                      | Royal Blue poly unlined windbreaker     |                                   | NO BID | NO BID        | NO BID        |
| KEEPERS, BAM, 4-PACK                              | Bianchi 7906                            |                                   | 7.64   | NOT TO EX. 3% | NOT TO EX. 3% |
| KEEPERS, BIANCHI NYLON                            | Bianchi 7406                            |                                   | 7.39   | NOT TO EX. 3% | NOT TO EX. 3% |
| KEY STRAP, BAM, SILENT                            | Bianchi 7916                            |                                   | 14.27  | NOT TO EX. 3% | NOT TO EX. 3% |
| KEY STRAP, WEBGEAR                                | Bianchi 7316                            |                                   | 14.01  | NOT TO EX. 3% | NOT TO EX. 3% |
| KNEE PADS, MFF                                    | Centurion KP250 knee pads               |                                   | 17.29  | NOT TO EX. 3% | NOT TO EX. 3% |
| LANYARD (Whistle)                                 | Windsor Whistle                         |                                   | NO BID | NO BID        | NO BID        |
| MAG POUCH, DOUBLE                                 | Bianchi 7302                            |                                   | 19.62  | NOT TO EX. 3% | NOT TO EX. 3% |
| MAG POUCH, DOUBLE                                 | Bianchi Threat III, 7922                |                                   | 19.36  | NOT TO EX. 3% | NOT TO EX. 3% |
| MAG POUCH, DOUBLE                                 | Bianchi 7902, 1138                      |                                   | 24.2   | NOT TO EX. 3% | NOT TO EX. 3% |
| MAG POUCH, SINGLE (open top)                      |                                         |                                   | 19.36  | NOT TO EX. 3% | NOT TO EX. 3% |
| MAG POUCH, SINGLE (closed top)                    |                                         |                                   | 23.95  | NOT TO EX. 3% | NOT TO EX. 3% |
| NAMETAG METAL (LIST SIL/BLK, SIL/BLU, OR GLD/BLU) | Classic                                 | BLACKINTON J1 NAME METAL NAME BAR | 5.45   | NOT TO EX. 3% | NOT TO EX. 3% |
| NAMETAPE, CLOTH                                   | Eddie                                   |                                   | NO BID | NO BID        | NO BID        |
| NUMBERTAPE, CLOTH, BLK/SIL                        | Eddie                                   |                                   | NO BID | NO BID        | NO BID        |
| O.C. HOLDER                                       | Bianchi 7907                            |                                   | 17.83  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. HOLDER, BAM, OPEN TOP                        | Bianchi 7908                            |                                   | 14.52  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. HOLDER, NYLON - OPEN                         | Bianchi 7308                            |                                   | 10.95  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. HOLDER, WEBGEAR - CLOSED/NYLON               | Bianchi Accumold 7310                   |                                   | 11.46  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. SPRAY, MK4 & MK4C                            | Defence Technologies MKIV               | DEFTEC # 5049                     | 10.16  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. SPRAY, SMALL MK3                             | Defence Technologies MKIII              | DEFTEC # 5039                     | 9.01   | NOT TO EX. 3% | NOT TO EX. 3% |
| PATCH, CLOTH STAR, CAPT                           | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, GOLD                           | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, LT                             | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, PSO                            | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, SUBDUED                        | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, SWAT SUBDUED                   | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH, FIRE                                |                                         |                                   | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH, SHIELD                              | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCH, FLAG                                       | Schweizer Emblems                       |                                   | NO BID | NO BID        | NO BID        |
| PATCH, MOTOR W HEEL, SET                          | Schweizer Emblems                       |                                   | NO BID | NO BID        | NO BID        |
| PATCHES, CLOTH 'POLICE' STAR                      | Schweizer Emblems                       |                                   | NO BID | NO BID        | NO BID        |
| PATCHES, DPS PATROL                               | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| PATCHES, EXPLORER                                 | HD Graphics                             |                                   | NO BID | NO BID        | NO BID        |
| RADIO HOLDER                                      | Bianchi 7923                            |                                   | 25.48  | NOT TO EX. 3% | NOT TO EX. 3% |
| RADIO HOLDER                                      | Bianchi Universal 7914S                 |                                   | 30.83  | NOT TO EX. 3% | NOT TO EX. 3% |
| RADIO HOLDER                                      | Bianchi 7324                            |                                   | 19.36  | NOT TO EX. 3% | NOT TO EX. 3% |
| RAIL MOUNTED LIGHT POUCH                          | Bianchi 7327                            |                                   | 43.12  | NOT TO EX. 3% | NOT TO EX. 3% |
| RAINGEAR, ANIMAL CONTROL                          | Blauer 9691 (No "Police" on back)       |                                   | NO BID | NO BID        | NO BID        |
| RAINGEAR, JACKET                                  | Blauer 9691                             |                                   | NO BID | NO BID        | NO BID        |
| RAINGEAR, BLAUER, JACKET, CSO                     | BLAUER 233R with hood                   |                                   | NO BID | NO BID        | NO BID        |
| RAINGEAR, PANTS                                   | 5.11 48057                              | UP TO 2XL                         | 71.66  | NOT TO EX. 3% | NOT TO EX. 3% |
| RAINGEAR, HOOD                                    | Blauer (w/Jacket)                       |                                   | NO BID | NO BID        | NO BID        |
| SHIN GUARDS, MFF                                  | Hatch Centurion TS70                    |                                   | 55.2   | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, ANIMAL CONTROL, S/S TAN W/W SHIRT         | Flying Cross 69R6604                    |                                   | NO BID | NO BID        | NO BID        |
| SHIRTS, ANIMAL CONTROL, L/S TAN W/W SHIRT         | Flying Cross 19W6604                    |                                   | NO BID | NO BID        | NO BID        |
| SHIRTS, ANIMAL CONTROL POLO                       | Port Authority L455 (women)             |                                   | NO BID | NO BID        | NO BID        |
| SHIRTS, ANIMAL CONTROL POLO                       | Port Authority K455 (men)               |                                   | NO BID | NO BID        | NO BID        |
| SHIRTS, ANIMAL CONTROL POLO L/S                   | Port Authority K455LS (men)             |                                   | NO BID | NO BID        | NO BID        |

|                                                |                                                          |                              |        |               |               |
|------------------------------------------------|----------------------------------------------------------|------------------------------|--------|---------------|---------------|
| SHIRTS, BIKE, POLO, S/S BLK W/ NAME EMBROIDERY | 5.11 Performance Polo 71049                              | UP TO 2XL                    | 29.31  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, BIKE, POLO, L/S BLK W/ NAME EMBROIDERY | 5.11 Performance Polo 72049                              | UP TO 2XL                    | 31.48  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, CADET, L-SLEEVE, TAN, CLOTH            | Dickies Poly Cotton RN20967                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, CADET, S-SLEEVE, TAN, CLOTH            | Dickies Poly cotton                                      |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, CPA/AN CONTROL, L-SLEEVE, TAN, POLY    | Flying Cross 19W6604                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, CPA/ANM CONTROL, S-SLEEVE, TAN, POLY   | Flying Cross 69R6604                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, CSI/K-9, L-SLEEVE, BLU, BDU            | Blauer 8703                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, CSI/K-9, S-SLEEVE, BLU, BDU            | Blauer 8713                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, EXPLORER, L-SLEEVE, LITE BLUE          | Blauer 8431                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, EXPLORER, S-SLEEVE, LITE BLUE          | Blauer 8421                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE COMMAND, W HITE, L/S              | Flying Cross 45W6600                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE COMMAND, W HITE, S/S              | Flying Cross 95R6600                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE NOMEX S/S                         | Nomex 705MN                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE NOMEX L/S                         | Nomex 700MN                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE PREVENTION, NOMEX L/S             | Nomex 700MN                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, FIRE PREVENTION, NOMEX S/S             | Nomex 705MN                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, INCLEMENT WEATHER                      | Blauer 8703                                              |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, MANAGER, RECORDS & DISPATCH, L/S       | Elbeco Paragon Plus 811, 867                             |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, MANAGER, RECORDS & DISPATCH, S/S       | Elbeco Paragon Plus 801, 877                             |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, MFF, L/S, BLK                          | Propper 2412                                             |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, NV/PEO, L/S, LIGHT BLUE                | Flying Cross 45W6625                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, NV/PEO, S/S, LIGHT BLUE                | Flying Cross 95R6625                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, L-SLEEVE, 100% WOOL            | Flying Cross 20W9586                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, L-SLEEVE, POLYESTER,           | Flying Cross 48W6686                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, S-SLEEVE, 100% WOOL            | Flying Cross 70R9586                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, S-SLEEVE, POLYESTER,           | Flying Cross 98R6686                                     |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, POLICE ACADEMY (Light Blue)            | Horace Small (Red Cap) Model SP56mB7                     |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | 5.11 Performance Polo 71049                              | UP TO 2XL                    | 29.31  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRT, POLO                                    | 5.11 Performance Polo 61165                              | UP TO 2XL                    | 29.31  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRT, POLO                                    | 5.11 Performance Polo 72049                              | UP TO 2XL                    | 31.48  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRT, POLO                                    | Port Authority L500, Womens (S/S)                        |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | Port Authority L500LS, Womens (L/S)                      |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | Port Authority K500LS Men (L/S)                          |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | Port Authority L420                                      |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | Port Authority K420                                      |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO                                    | Port Authority L568                                      |                              | NO BID | NO BID        | NO BID        |
| SHIRT, POLO, DISPATCH/ PROPERTY(women)         | 5.11 Helios 61305 women                                  | UP TO 2XL                    | 32.57  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRT, POLO, DISPATCH/ PROPERTY(men)           | 5.11 Helios 41192 men                                    | UP TO 2XL                    | 32.57  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, POLO PROESSIONAL                       | 5.11 Professional Polo 41060 S/S                         | UP TO 2XL                    | 29.31  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, POLO PROESSIONAL                       | 5.11 Professional Polo 42056 L/S                         | UP TO 2XL                    | 33.65  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, RECORDS, L-SLEEVE, WHITE               | Elbeco 801/877                                           |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, RECORDS, S-SLEEVE, WHITE               | Elbeco                                                   |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, SWAT, COMBAT                           | Tru-Spec Combat Shirt 2550                               |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, SWAT, STRYKE TDU LS RAPID              | 72071, Stryke TDU LS Rapid shirt (color: black or green) |                              | 60.8   | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, SWAT, RIPSTOP TDU L/S                  | 72002, Ripstop TDU L/S Shirt, (Color: black or green)    |                              | 35.83  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHIRTS, TAC, L-SLEEVE, BLK, BDU, W/NUMBERTAPE  | Propper Ripstop                                          |                              | NO BID | NO BID        | NO BID        |
| SHIRTS, UAS, TDU, DRK NAVY                     | 5.11 Llong sleeve TDU #72002, dark navy                  |                              | 35.83  | NOT TO EX. 3% | NOT TO EX. 3% |
| SHOES, BIKE                                    | Magnum or Rocky, Quarter Length                          |                              | NO BID | NO BID        | NO BID        |
| SHORTS, BIKE, BLK, BDU                         | Mocean, TR601                                            |                              | NO BID | NO BID        | NO BID        |
| SHOULDER PADS, MFF/CHEST PROTECTOR             | Hatch, Centurion                                         |                              | 95.85  | NOT TO EX. 3% | NOT TO EX. 3% |
| SL 20X BATTERY                                 | Streamlight - for SL-20X                                 |                              | 29.01  | NOT TO EX. 3% | NOT TO EX. 3% |
| SL 20X W/AC CHARGER                            | Streamlight - for SL-20X                                 | STREAMLIGHT 20701            | 103.22 | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, BALACLAVA                                | Blackhawk, Nomex #HDC19575                               | BLACKHAWK # 333005           | 13.85  | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, COVERED COMP LIGHT HOLDER                | Bianchi 9711                                             | SHOULD BE PART NUMBER # 7911 | 17.83  | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, FIELD JACKET                             | Propper, No Patches                                      |                              | NO BID | NO BID        | NO BID        |
| SWAT, FLASHLIGHT                               | Streamlight 75013                                        |                              | 84     | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, GLOVES                                   | Hatch KSG500, Kevlar Shooting                            |                              | 27.77  | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, JACKET                                   | Gortex Hatch MT2000                                      |                              | NO BID | NO BID        | NO BID        |
| SWAT, MAGAZINE POUCH                           | Bianchi Accumold, Close Top 7302                         |                              | 19.62  | NOT TO EX. 3% | NOT TO EX. 3% |
| SWAT, MAGAZINE POUCH                           | Bianchi Accumold, Open Top 7320                          |                              | 17.58  | NOT TO EX. 3% | NOT TO EX. 3% |
| TIE CLIP                                       | Gold or Silver, Vanguard                                 |                              | NO BID | NO BID        | NO BID        |
| TIE CLIP, SUNNYVALE                            | Hook fast                                                |                              | NO BID | NO BID        | NO BID        |
| TIE, BLACK                                     | S. Broome Clip-on                                        |                              | NO BID | NO BID        | NO BID        |

|                                                       |                                                  |                     |        |               |               |
|-------------------------------------------------------|--------------------------------------------------|---------------------|--------|---------------|---------------|
| TIE, BOWTIE, BLUE, SOUTHERN STYLE, RECORDS            | S. Broome Snap-on                                |                     | NO BID | NO BID        | NO BID        |
| TIE, NAVY, PATROL                                     | S. Broome Clip-on                                |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, ANIM. CTRL, BLACK                           | Blauer 8810                                      |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, BICYCLE, BLK                                | Mocean, Blk 2050                                 |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, CADET, TAN, CLOTH                           | Dickies 640                                      |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, CPA, TAN, POLYESTER                         | Fechheimer 46351                                 |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, CS/K-9, BLU BDU'S                           | Blauer 8810                                      |                     | NO BID | NO BID        | NO BID        |
| TRPUSERS, FIRE NOMEX                                  | Nomex 402MN (men) 401MN (women)                  |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, FIRE PREVENTION, NOMEX                      | Nomex 402MN (men) 401MN (women)                  |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, MANAGER, RECORDS & DISPATCH                 | Flying Cross SUMTRS01                            |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, MOTOR BRITCHES                              | Sinatra                                          |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, PATROL, 100% WOOL                           | Fechheimer 32289                                 |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, PATROL, POLYESTER                           | Fechheimer 38289                                 |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, PROPERTY, 5.11 TATICAL PRO                  | 5.11 Stryke Pant 64386 (women), 74369 (men)      |                     | 53.74  | NOT TO EX. 3% | NOT TO EX. 3% |
| TROUSERS, POLICE ACADMEY TDU                          | 5.11 TDU black                                   |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, POLICE ACADMEY                              |                                                  |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, RECORDS, BLU, POLY/WOOL                     | Edwards 8783-07 or Flying Cross 39400W or 39400  |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, SWAT TAC, BLK, BDU'S, SIZE-SPECIFIC         | 74068 XPRT Tactical Pant (color: black or green) |                     | 141.15 | NOT TO EX. 3% | NOT TO EX. 3% |
| TROUSERS, UAS, TDU, DARK NAVY                         | 5.11 TDU Pant #74003, dark navy                  |                     | 36.37  | NOT TO EX. 3% | NOT TO EX. 3% |
| WHISTLE, BLACK                                        | Acme, Blk Plastic                                |                     | 4.4    | NOT TO EX. 3% | NOT TO EX. 3% |
| WHISTLE, CHROME                                       | Acme, Chrome                                     |                     | 4.4    | NOT TO EX. 3% | NOT TO EX. 3% |
| WINDBREAKER, CHAPLAIN, W/PATCHES                      | Blue Polyester windbreaker, no lining            |                     | NO BID | NO BID        | NO BID        |
| <b>MILPITAS-ONLY ITEMS</b>                            |                                                  |                     |        |               |               |
| ASP BATON HOLDER, SWAT                                | Safariland Black Plastic                         |                     | 19.81  | NOT TO EX. 3% | NOT TO EX. 3% |
| BELT, SWAT                                            | Trouser Bianchi                                  |                     | 16.81  | NOT TO EX. 3% | NOT TO EX. 3% |
| BELT, SWAT                                            | Utility Belt Bianchi                             |                     | NO BID | NO BID        | NO BID        |
| BOOTS, MOTOR                                          | SIDI Canyon Gortex                               |                     | NO BID | NO BID        | NO BID        |
| BOOTS, SWAT                                           | Under Armor, Valsetz                             |                     | 81.47  | NOT TO EX. 3% | NOT TO EX. 3% |
| CAP, SWAT                                             | Utility Cap Condor                               |                     | NO BID | NO BID        | NO BID        |
| FLASHLIGHT, SWAT                                      | Streamlight 74114                                | STREAMLIGHT # 74414 | 88     | NOT TO EX. 3% | NOT TO EX. 3% |
| FLASHBANG HOLDER, SWAT                                | Safariland/5.11                                  |                     | 12.95  | NOT TO EX. 3% | NOT TO EX. 3% |
| GLOVES, SWAT                                          | Mecanix/P.I.G.                                   |                     | NO BID | NO BID        | NO BID        |
| HANDCUFF HOLDER, SWAT                                 | Safariland/5.11                                  |                     | 12.95  | NOT TO EX. 3% | NOT TO EX. 3% |
| HANDCUFF/MAG COM BO, PADDLEBACK                       | Bianchi 45, Blk Leather -to fit S&W M&P .40      |                     | 25.73  | NOT TO EX. 3% | NOT TO EX. 3% |
| HAT, SWAT                                             | Proper Boonie Hat Multicam                       |                     | NO BID | NO BID        | NO BID        |
| HOLSTER PANCAKE (for S&W M&P .40)                     |                                                  |                     | 29.56  | NOT TO EX. 3% | NOT TO EX. 3% |
| HOLSTER, S&W M&P .40                                  |                                                  |                     | 37.2   | NOT TO EX. 3% | NOT TO EX. 3% |
| HOLSTER, SWAT, TACTICAL THIGH                         | Safariland Thigh-rig                             |                     | 125.58 | NOT TO EX. 3% | NOT TO EX. 3% |
| INSIGNIA PINS, ETC (DESCRIBE) Large SGT. Chevrons     |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Small SGT. Chevrons     |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Large Captain Bars      |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Small Captain Bars      |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Large Asst. Chief Stars |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Small Asst. Chief Stars |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Large Chief Stars       |                                                  |                     | NO BID | NO BID        | NO BID        |
| INSIGNIA PINS, ETC (DESCRIBE) Small Chief Stars       |                                                  |                     | NO BID | NO BID        | NO BID        |
| JACKET, SWAT                                          | MGS Field Jacket w/liner                         |                     | NO BID | NO BID        | NO BID        |
| JACKET, MOTOR                                         | TourMaster Flex LE Safety Jacket                 |                     | NO BID | NO BID        | NO BID        |
| MAG POUCH, SWAT                                       | Pro-Tech, Safariland, 5.11                       |                     | 13.88  | NOT TO EX. 3% | NOT TO EX. 3% |
| O.C. HOLDER, SWAT                                     | Safariland Tall OC holder                        |                     | 13.88  | NOT TO EX. 3% | NOT TO EX. 3% |
| PATCH, CLOTH STAR, CHIEF                              |                                                  |                     | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, ASST CHIEF                         |                                                  |                     | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, SGT                                |                                                  |                     | NO BID | NO BID        | NO BID        |
| PATCH, CLOTH STAR, POLICE OFFICER                     |                                                  |                     | NO BID | NO BID        | NO BID        |
| RADIO HOLDER, SWAT                                    | Protech                                          |                     | 19.44  | NOT TO EX. 3% | NOT TO EX. 3% |
| RAINGEAR, SWAT                                        | Poncho                                           |                     | NO BID | NO BID        | NO BID        |
| SHIRTS, CITIZEN VOLUNTEER, L-SLEEVE, WHITE, CLOTH     | Elbeco 801/877                                   |                     | NO BID | NO BID        | NO BID        |
| SHIRTS, CITIZEN VOLUNTEER, S-SLEEVE, WHITE, CLOTH     | Elbeco                                           |                     | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, L-SLEEVE, 100% WOOL                   | Elbeco                                           |                     | NO BID | NO BID        | NO BID        |
| SHIRTS, PATROL, S-SLEEVE, 100% WOOL                   | Elbeco                                           |                     | NO BID | NO BID        | NO BID        |
| SHIRTS, SWAT, COMBAT                                  | Proper Multicam                                  |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, MOTOR BRITCHES                              | Flying Cross                                     |                     | NO BID | NO BID        | NO BID        |
| TROUSERS, PATROL, 100% WOOL                           | Elbeco                                           |                     | NO BID | NO BID        | NO BID        |

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |        |        |        |
|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------|--------|--------|
| TROUSERS, SWAT TAC, BLK, BDU'S, SIZE-SPECIFIC | Proper Multicam                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | NO BID | NO BID | NO BID |
| UTILITY BAG, SWAT                             | 5.11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | NO BID | NO BID | NO BID |
| BADGE HOLDER, BFP AND ADMIN                   | Black leather, designed for use with a shield-type badge, with attached belt clip                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | 12     | 12.5   | 12.5   |
| BADGE MORNING BAND                            | shoulder to navel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | 2      | 2      | 2      |
| BELT, BDU FIRE                                | All black, with no contrasting colors or trim. Black or gunmetal-colored hardware                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | NO BID | NO BID | NO BID |
| CAP, DRESS MILPITAS FIRE                      | Traditional Bell Crown-style fire cap with appropriate fire cap piece<br><input type="checkbox"/> Approved Manufacturers: Bayly, Midway, Marlow White<br><input type="checkbox"/> Fire Chief<br><input type="checkbox"/> White vinyl top, white band with gold metallic strap, 5-crossed-bugle gold strap pins and gold bullion decorated on a black high gloss visor.<br><input type="checkbox"/> Deputy Chief<br><input type="checkbox"/> White vinyl top, black band with gold metallic strap 3-crossed-bugle gold strap pins and gold bullion decorated on a high gloss black visor.<br><input type="checkbox"/> Battalion Chief<br><input type="checkbox"/> White vinyl top, black band with gold metallic strap, 2-crossed-bugle gold strap pins and high gloss black visor.<br><input type="checkbox"/> Captain<br><input type="checkbox"/> White vinyl top, black band with silver metallic strap, 2-parallel-bugle silver strap pins and high gloss black visor<br><input type="checkbox"/> Engineer, Firefighter and Administration<br><input type="checkbox"/> Navy blue wool top and band with black patent leather strap, silver FD strap pins and high gloss visor |  | NO BID | NO BID | NO BID |
| COLLAR INSIGNIA CLASS "A" SHIRT               | <input type="checkbox"/> Chief Officers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | NO BID | NO BID | NO BID |
| COLLAR INSIGNIA COAT                          | <input type="checkbox"/> 1" collar insignia to be worn ¾" from front and bottom of the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | NO BID | NO BID | NO BID |
| DRESS JACKET OTHER PERSONNEL FIRE             | Flying Cross Model # X917B89-04, 100% Wool, style # 13754. U.S. Navy Officer-style double-breasted with (6) silver buttons designating appropriate rank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | NO BID | NO BID | NO BID |
| DRESS JACKET CHIEF OFFICERS FIRE              | Flying cross Model # X917B89-04, 100% Wool, style # 13754. U.S. Navy Officer-style double-breasted with (6) gold buttons designating appropriate rank                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | NO BID | NO BID | NO BID |
| DRESS SLACKS                                  | Flying Cross Model #SFFDTRSO2 100% Navy Blue Wool, standard belt loops and pockets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | NO BID | NO BID | NO BID |
|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | NO BID | NO BID | NO BID |
| HAT, BASEBALL                                 | Department logo                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | NO BID | NO BID | NO BID |
| HAT, COLD WEATHER CAP                         | Plain, navy, knit or fleece, cuffed or uncuffed, with approved Milpitas Fire Department logo embroidery to be forward facing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | NO BID | NO BID | NO BID |
| HAT, TILLEY                                   | Navy Tilley Endurable Hat Style #T-3 with approved Milpitas Fire Department logo embroidery                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | NO BID | NO BID | NO BID |
| JACKET, BDU FIRE                              | Matching set to BDU pants. Milpitas Fire Department patch on both shoulders 1" down from shoulder seam. Name tape over left pocket.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | NO BID | NO BID | NO BID |
| JACKET, FLEECE FIRE                           | Navy Blue. Fleece Jacket 5.11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | NO BID | NO BID | NO BID |



|                                       |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |        |        |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------|--------|--------|
| JACKET, STATION WORK JACKET FIRE      | Lion™ # 3134 or uniform committee approved equivalent, midnight blue, liner optional, all-weather, short-waist jacket, uniform patch shall be sewn 1" down from shoulder seam.                                                                                                                                                                                                                    |  | NO BID | NO BID | NO BID |
| SHIRTS, DRESS MILPITAS FIRE           | Flying Cross Style #35W54 □ Standard long-sleeve poly-cotton white dress shirt, plain collar, barrel cuff, military creases, pleated pocket and epaulets<br>□ No button down or tab-type collars<br>□ Patches on dress shirt                                                                                                                                                                      |  | NO BID | NO BID | NO BID |
| SHIRTS, FIRE                          | Wool: Flying Cross, dark blue, long or short sleeve                                                                                                                                                                                                                                                                                                                                               |  | NO BID | NO BID | NO BID |
| SHIRTS, JOB-SHIRT                     | MILPITAS FIRE 5.11 Tactical style # 72321 or Game Job Shirt style # 811<br>□ Navy, 11.6 oz. poly-cotton fleece, ¼ zip, side pockets, right chest radio pocket with Velcro, radio microphone pockets at both shoulders and pen pocket on left sleeve.<br>MFD text logo embroidered on left chest. Last name in all capital letters embroidered on right chest with Helvetica 7/8" font.            |  | NO BID | NO BID | NO BID |
| SLEEVE BRAID MILPITAS FIRE            | Gold, white or black Rices nylon braid article 7100 Stripes for respective ranks as follows:<br>□ Chief Five ½" Gold Braid Stripes (1½")<br>□ Deputy Chief Three ½" Gold Braid Stripes (1½")<br>□ Battalion Chief Two ½" Gold Braid Stripes (1½")<br>□ Captain Two ½" White Braid Stripes (1½")<br>□ Engineer Single Black Braid<br>□ Firefighter Single Black Braid<br>□ Administrative No Braid |  | NO BID | NO BID | NO BID |
| TIE CLASPS, MILPITAS FIRE             | Tie clasps must be appropriate for public display on dress uniform (Gold for chief officers; silver for all other personnel)                                                                                                                                                                                                                                                                      |  | NO BID | NO BID | NO BID |
| TIE, BLACK MILPITAS FIRE              | Black wool, cotton or Dacron, (1¼") minimum, (2½") maximum width. Clip-on type if assigned to immediate response, conventional type acceptable if not                                                                                                                                                                                                                                             |  | NO BID | NO BID | NO BID |
| TROUSERS, BDU FIRE                    | 5.11 Tactical TacLite Pro Pants or 5.11 Company Cargo Pants, Navy Blue                                                                                                                                                                                                                                                                                                                            |  | NO BID | NO BID | NO BID |
| <b>ALTERATIONS/REPAIRS</b>            |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Cut tails                             |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Dart back                             |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Hash marks                            |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Re-hem pants                          |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Remove hash marks                     |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Remove patches                        |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Sew patches - jacket                  |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Sew patches - shirt                   |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Shorten crotch                        |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Shorten sleeves                       |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Take in sides                         |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Take in sides & sleeves               |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Take in waist/let out waist           |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Zipper in customer's garments         |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| Custom Alterations                    | Per 1/2 hour                                                                                                                                                                                                                                                                                                                                                                                      |  | N/A    | N/A    | N/A    |
|                                       | Per hour                                                                                                                                                                                                                                                                                                                                                                                          |  | N/A    | N/A    | N/A    |
| * No charge for patches or star       |                                                                                                                                                                                                                                                                                                                                                                                                   |  | N/A    | N/A    | N/A    |
| * All uniforms must have employee ID# |                                                                                                                                                                                                                                                                                                                                                                                                   |  |        |        |        |



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                                                                     |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Side Letter Agreements between Milpitas Police Officers Association (MPOA) and City of Milpitas and Milpitas International Association of Firefighters Local 1699 (IAFF) and City of Milpitas Regarding Exchange of City Holiday from Lincoln's Birthday to César Chávez Day</b> |
| <b>Category:</b>       | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                    |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                                                                           |
| <b>Staff Contact:</b>  | Liz Brown, Human Resources Director, 408-586-3086                                                                                                                                                                                                                                   |
| <b>Recommendation:</b> | Approve the Side Letter Agreements between the City of Milpitas and (1) the Milpitas Police Officers Association (MPOA) and (2) the International Association of Firefighters (IAFF), regarding exchange of City Holiday from Lincoln's Birthday to César Chávez Day.               |

### **Background:**

The City observes two Presidential holidays in mid-February of each year, Lincoln's Birthday and Presidents' Day. Presidents' Day is an American holiday celebrated on the third Monday in February and is viewed as a day to celebrate all U.S. Presidents past and present. Effective July 1, 2019, the Mid-Management Confidential Group (MidCon), the Professional Technical Group (ProTech) and the Unrepresented Miscellaneous, Police and Fire Management exchanged the holiday of Lincoln's Birthday to César Chávez Day. The City has approached the remaining three (3) bargaining groups of the City, International Association of Firefighters (IAFF), Milpitas Police Officers Association (MPOA) and Milpitas Employees Association (MEA), to consider exchanging the paid holiday of President Lincoln's Birthday for César Chávez Day. César Chávez Day is a United States holiday that is observed on March 31 each year. This holiday celebrates the birthday of César Estrada Chávez and it serves as a tribute to his commitment to social justice, inclusiveness and respect for human dignity.

### **Analysis:**

The recently negotiated successor Memoranda of Understanding "MOUs" dated July 1, 2019 through June 30, 2023 for both MidCon and ProTech include the exchange of the recognized paid holiday of Lincoln's Birthday, which falls on February 12th each year, to César Chávez Day, which falls on March 31 each year.

The City met and conferred with IAFF and MPOA and they have agreed to exchange Lincoln's Birthday (February 12) to Cesar Chavez Day (March 31) as a City recognized holiday. The City and MEA are about to begin negotiations on the current Memorandum of Understanding and this topic will be addressed during those negotiations. In the interim, MEA employees will have a City holiday on February 12 in 2020 and a regular work day on March 31. City Hall will be open on for regular business on February 12 and closed on March 31, however, appropriate arrangements for supervision of MEA employees will be made for those employees working on March 31.

### **Fiscal Impact:**

There is no fiscal impact associated with exchanging the paid holiday of Lincoln's Birthday for César Chávez Day.

**California Environmental Quality Act:**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

**Recommendation:**

Approve the Side Letter Agreements between the City of Milpitas and (1) the Milpitas Police Officers Association (MPOA), and, (2) the International Association of Firefighters (IAFF) regarding exchange of City Holiday from Lincoln’s Birthday to César Chávez Day.

**Attachments:**

- 1) Side Letter Agreement Between Milpitas Police Officers Association (MPOA) and City of Milpitas Regarding Exchange of City Holiday from Lincoln’s Birthday to César Chávez Day
- 2) Side Letter Agreement Between International Association of Firefighters (IAFF) Local 1699 and City of Milpitas Regarding Exchange of City Holiday from Lincoln’s Birthday to César Chávez Day



City of Milpitas  
Side Letter Agreement Between  
International Firefighters Association "IAFF" 1699 and City of Milpitas  
Regarding Exchange of City Holiday from Lincoln's Birthday to César Chávez Day

Effective July 1, 2019 the City negotiated successor Memorandum of Understandings "MOU" with both Mid-Management and Confidential Unit "MidCon" and the Professional and Technical Group "ProTech" to exchange the recognized paid holiday of Lincoln's Birthday, which falls on February 12<sup>th</sup> each year, to César Chávez Day, which falls on March 31<sup>st</sup> each year and is a State holiday in California.

If you are in agreement to exchange the holidays, the normal holiday rules will apply per the IAFF MOU.

For the City of Milpitas:

  
Elizabeth C. Brown,  
Human Resources Director

January 10, 2020  
Date

  
Steven McHarris  
Interim City Manager

Date 4/13/2020

For the Union:

  
Jon Powers,  
President, (IAFF)

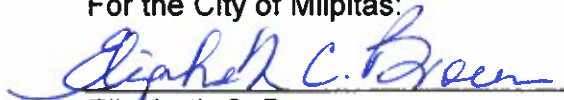
Date January 10, 2020

City of Milpitas  
Side Letter Agreement Between  
Milpitas Police Officers Association (MPOA) and City of Milpitas  
Regarding Exchange of City Holiday from Lincoln's Birthday to César Chávez Day

Effective July 1, 2019 the City negotiated successor Memorandum of Understandings "MOU" with both Mid-Management and Confidential Unit "MidCon" and the Professional and Technical Group "ProTech" to exchange the recognized paid holiday of Lincoln's Birthday, which falls on February 12<sup>th</sup> each year, to César Chávez Day, which falls on March 31<sup>st</sup> each year and is a State holiday in California.

If you are in agreement to exchange the holidays, the normal holiday rules will apply per the MPOA MOU Section 18.00.

For the City of Milpitas:



Elizabeth C. Brown,  
Human Resources Director



Steven McHarris  
Interim City Manager

For the Union:



Alex Prince,  
President (MPOA)

January 20, 2020  
Date

1/13/2020  
Date

1/10/2020  
Date



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                     |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas Regarding the Special Assignment Pay for 40-Hour Fire Captains</b>                                               |
| <b>Category:</b>       | Consent Calendar-Leadership and Support Services                                                                                                                                                                                    |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                           |
| <b>Staff Contact:</b>  | Liz Brown, 408-586-3086                                                                                                                                                                                                             |
| <b>Recommendation:</b> | Approve the Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas for 10% Special Assignment Pay applied to employees assigned to the Fire Captain 40 Hour Classification |

### **Background:**

The International Association of Firefighters, Local 1699 (IAFF) Section 38.03 of the Memorandum of Understanding (MOU) provides the City with discretion to establish special assignments for the classifications covered by the MOU for purposes of fire prevention, training, and administrative functions. In exercising this discretion, the City created a new job classification for a Fire Captain 40-Hour. IAFF and the City have agreed to set the special assignment pay to 10% above base pay for employees assigned to the Fire Captain 40-Hour classification.

### **Analysis:**

With approval of the City Council in Closed Session, a Side Letter was agreed upon between IAFF Local 1699 and the City to set a special assignment pay of 10% above base pay assigned to the Fire Captain 40 Hour indefinitely or as a temporary long-term appointment under Rule 7.05 of the personnel rules. Shorter-term assignments to cover the absence of the appointed incumbent in the Fire Captain 40 Hour assignment shall not receive such special assignment pay; however, other sorts of premium pay provided in the City's personnel rules or the MOU, such as out-of-class pay, may apply. The employee assigned to the Fire Captain 40 Hour role shall receive City-designated paid holidays (e.g. Memorial Day, Labor Day, etc.) as time off, and as such is not eligible for holiday-in-lieu pay applicable to other classifications or assignments that do not receive such time off. Lastly, it was agreed that the 10% special assignment pay will be considered pensionable compensation and will meet the requirements of the the Public Employee Retirement Law.

### **Fiscal Impact:**

The fiscal impact of appointing a 40-hour Captain at the top of the salary range receiving 10% special assignment pay effective immediately including related CalPERS contributions could be as much as \$11,000.00 for fiscal year 2019-2020 retroactive to Dec. 30, 2019 and \$24,720.00 for fiscal year 2020-2021. For the current fiscal year, this incremental cost will be absorbed within the Fire Department's budget. For Fiscal Year 2020-21, the additional cost will be incorporated in the development of next year's budget.

### **California Environmental Quality Act:**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

**Recommendation:**

Approve the Side Letter Agreement Between International Association of Firefighters, Local 1699 (IAFF) and City of Milpitas for 10% Special Assignment Pay applied to employees assigned to the Fire Captain 40 Hour Classification retroactive to December 30, 2019.

**Attachments:**

Side Letter Agreement Between IAFF, Local 1699, and City of Milpitas regarding 10% Special Assignment Pay applied to employees assigned to the Fire Captain 40 Hour Classification.

SIDE LETTER  
To  
MEMORANDUM OF UNDERSTANDING  
IAFF, Local 1699 and City of Milpitas  
Regarding 10% Special Assignment Pay applied to employees assigned to the  
Fire Captain 40 Hour Classification

International Association of Firefighters, Local 1699 ("the Association") and the City of Milpitas ("City") have entered into a memorandum of understanding effective from July 1, 2018 through June 30, 2022 ("the MOU").

As a side letter to that Agreement, and subject to approval by the City of Milpitas City Council at an upcoming public meeting, the Association and the City agree as follows:

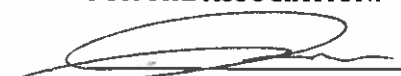
1. Section 38.03 of the MOU provides the City with discretion to establish various special assignments for the classifications covered by the MOU for purposes of Fire Prevention, Training, and administrative functions, without permanent appointments or promotions.
2. In exercise of this discretion, the City has created a "Fire Captain 40 hour" assignment that is currently assigned to a 5-day, 40-hour per week schedule, although this discretion may be later exercised to assign a 4-day, 10-hour per week schedule.
3. The City and the Association have agreed that special assignment pay of 10% above base pay shall apply to employees assigned to the Fire Captain 40 Hour indefinitely or as a temporary long-term appointment under Rule 7.05 of the personnel rules. Shorter-term assignments to cover the absence of the appointed incumbent in the Fire Captain 40 Hour assignment shall not receive such special assignment pay; however, other sorts of premium pay provided in the City's personnel rules or the MOU, such as out-of-class pay may apply.
4. The parties intend that the 10% special assignment pay under this Side Letter will be pensionable compensation and referred to as Fire Staff Premium Pay for payroll purposes (i.e. special compensation subject to CalPERS contributions and for which benefits determinations can include.)
5. The employee assigned to the Fire Captain 40 Hour role shall receive City-designated paid holidays (e.g. Memorial Day, Labor Day, etc.) as time off, and as such is not eligible for holiday-in-lieu pay applicable to other classifications or assignments that do not receive such time off.
6. Eligibility requirements (training, experience, education) for the Fire Captain 40 Hour assignment shall be determined in the discretion of the Fire Chief. All qualified employees who meet such eligibility criteria shall be eligible for the assignment. The current selection method will continue unless and until the City and the Association discuss a new selection method.

FOR THE CITY OF MILPITAS:

  
\_\_\_\_\_  
City Manager

Date: 1/13, 2020

FOR THE ASSOCIATION:

  
\_\_\_\_\_  
Association President

Date: January 9<sup>th</sup>, 2020

January 9, 2020



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Increase the Compensatory Time Off (CTO) maximum accrued time from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for calendar year 2020</b>                                                                                                                                                                                                                    |
| <b>Category:</b>       | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                                                                                                                                            |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Staff Contact:</b>  | Liz Brown, 408-586-3086                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Recommendation:</b> | Approve a Side Letter to amend the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020. |

### **Background:**

The Milpitas Police Officers Association (MPOA) Memorandum of Understanding "MOU" states that accrual of compensatory time off "CTO" shall be limited to 480 hours for sworn and 240 hours for non-sworn employees per calendar year. Any hours in excess of the limit shall be paid to the employee on the last day of the first pay period ending in January of each year i. MPOA is requesting that the City approve a one-year exception to allow the two non-sworn emergency response classifications of Communications Dispatcher and Communications Dispatcher Supervisor to carry-over up to 480 CTO hours in January 2020. Any hours in excess will be cashed out on the first pay period ending in January of 2021.

### **Analysis:**

The Fair Labor Standards Act (FLSA) established the legal limit of accrued compensatory time off as 480 hours for law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities; all other state and local government employees may accrue up to 240 hours. The term "emergency response activity" as used in section 7(o)(3)(A) of the FLSA includes dispatching of emergency vehicles and personnel, rescue work and ambulance services. Communications Dispatchers and Communications Dispatcher Supervisors, though not sworn personnel, fall under the purview of "emergency response activity" per the Fair Labor Standards Act. The request to amend section 17.06.1 of the MPOA MOU to temporarily increase the carryover CTO from 240 hours to 480 hours for the calendar year of January 2020 falls within the legal limits of the FLSA and aligns the CTO cap of Communications Dispatchers and Communications Dispatcher Supervisors with the emergency response personnel.

The revised MOU language will read:

17.06 Accrual: . Compensatory time off may be accrued by the employee throughout the year. For calendar year 2020 only, accrual of compensatory time off shall be limited to 480 hours for sworn and Communications Dispatchers and Communications Dispatcher Supervisors, 240 hours for non-sworn employees per calendar year. After Dec. 31, 2020, Communications Dispatchers and Communications Dispatcher Supervisors, shall be subject to the non-sworn 240-hour cap. However, the accrued hours may not exceed the maximum allowable on the last day of the first pay period ending in January of each year. Hours in excess of that

that date shall be paid to the employee on the following special pay out, and the employee's accrual bank shall be reduced accordingly.

Per the current MOU Language, current Communication Dispatchers and Communication Dispatch Supervisors will have the option to be paid out any excess CTO over 240 hours in the first full pay period following the approval of this exception, or they may bank up to 480 CTO hours in calendar year 2020 and will be cashed out any CTO hours in excess of 240 on the first pay period in ending in January 2021.

**Policy Alternatives:**

None

**Fiscal Impact:**

The fiscal impact of amending the agreement to allow Communications Dispatchers and Communications Dispatch Supervisors to bank up to 480 CTO hours this calendar year and cash out hours over 240 CTO hours in January 2021 would be approximately \$1,765.00.

**California Environmental Quality Act:**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(5) in that it is a government organizational or administrative activity that will not result in direct or indirect changes in the environment.

**Recommendation:**

Effective immediately, approve the attached Side Letter to amend the Memorandum of Understanding between the City of Milpitas and the Milpitas Police Officers Association Agreement dated January 1, 2017 – December 31, 2021 Section 17.06.1 Compensatory Time Off (CTO) allowing the maximum accrued CTO increase from 240 to 480 hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

**Attachments:**

Side Letter Agreement Between Milpitas Police Officers Association (MPOA) and City of Milpitas Regarding a one-year exception to amend the maximum accrued time increase from 240 to 480 Compensatory Time Off hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

City of Milpitas

Side Letter Agreement Between

Milpitas Police Officers Association (MPOA) and City of Milpitas

Amend the maximum accrued time increase from 240 to 480 Compensatory Time Off hours for Communications Dispatcher and Communications Dispatcher Supervisor for the calendar year 2020.

Recommended revised MOU Language Section 17.06.1 for the calendar year 2020.

Current Language:

17.06 Compensatory Time Off

17.06.1 Accrual: Compensatory time off may be accrued by the employee throughout the year. Accrual of compensatory time off shall be limited to 480 hours for sworn, 240 hours for non-sworn employees per calendar year. However, the accrued hours may not exceed the maximum allowable on the last day of the first pay period ending in January of each year. Hours in excess of that limit on that date shall be paid to the employee on the following special pay out, and the employee's accrual bank shall be reduced accordingly.

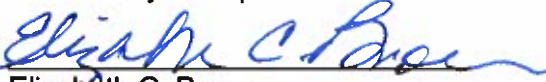
Revised Language for Calendar Year 2020:

Revise To:

17.06 Accrual: . Compensatory time off may be accrued by the employee throughout the year. For calendar year 2020 only, accrual of compensatory time off shall be limited to 480 hours for sworn and Communications Dispatchers and Communications Dispatcher Supervisors, 240 hours for non-sworn employees per calendar year. After Dec. 31, 2020, Communications Dispatchers and Communications Dispatcher Supervisors, shall be subject to the non-sworn 240-hour cap. However, the accrued hours may not exceed the maximum allowable on the last day of the first pay period ending in January of each year. Hours in excess of that limit on that date shall be paid to the employee on the following special pay out, and the employee's accrual bank shall be reduced accordingly.

All other CTO rules shall apply per the MPOA MOU Section 17.06 Compensatory Time Off.

For the City of Milpitas:

  
Elizabeth C. Brown,  
Human Resources Director

1/16/2020  
Date

  
Steven McHarris  
Interim City Manager

1/16/2020  
Date

For the Union:

  
Alex Prince,  
President (MPOA)

1/15/20  
Date

January 15, 2020





## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                                                                                                                        |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Not-To-Exceed contract amount of \$790,000 for Investment Services.                                                                                                                                                     |
| <b>Category:</b>       | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                                                                       |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                                                                                                                              |
| <b>Staff Contact:</b>  | Walter C. Rossmann, 408-586-3111                                                                                                                                                                                                                                                                                                       |
| <b>Recommendation:</b> | Approve and Authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Not-To-Exceed contract amount of \$790,000 with the first year of the contract in the amount of \$150,000, for Investment Services to manage the City's pooled portfolio, subject to the annual appropriation of funds. |

### **BACKGROUND:**

The City of Milpitas currently internally manages the investment of its pooled portfolio, which as of June 30, 2019 totaled approximately \$332 million. Of this amount, approximately \$89 million was invested with the State's Local Agency Investment Fund (LAIF) to meet the City's liquidity needs. The City currently has three approved brokers from which investments are made. Portfolio evaluation and reporting are currently performed using Sympro software. For the last decade, the investment of the pooled portfolio has been assigned as a collateral duty to the Finance Technician position. The duties of this position do not provide for effectively researching and analyzing investments which resulted in a dependence on brokers, treasury bonds, LAIF and cash and generated low yields in comparison to the appropriate benchmark. As of the last quarterly investment report, the City's investment pool earned 2.16%, while the performance benchmark of the 3-year Treasury Note earned 2.17% and LAIF earned 2.28%. The average yield for the last four quarters was 2.13% earning the City \$5.2 million in investment income.

As part of the adoption of the FY 2020-21 Budget, Council approved funding to outsource the management of the City's pooled cash portfolio.

### **ANALYSIS:**

On September 13, 2019 the Purchasing Division released a Request for Proposals (RFP) #2373 seeking proposals from qualified vendors with demonstrated experience in managing municipal investment portfolios and implementing a municipal investment policy.

The RFP was publicly noticed in accordance with the City's Municipal Code, advertised on the City's website and emailed to companies registered with the City via ProcureNow.com (the City's eProcurement system). Upon release, 76 firms received the solicitation notification and 15 firms downloaded the RFP documents. The Purchasing Division received two (2) proposals by 2:00 pm on the October 11, 2019 deadline in response to the RFP from PFM Asset Management, LLC and Chandler Asset Management, Inc.

The evaluation committee reviewed proposals based on the following criteria:

1. Cover Letter
2. Company Profile
3. Execution Plan
4. Personnel Assigned
5. Experience
6. References, and

## 7. Proposed Compensation

After an initial evaluation by three City staff members and one outside evaluator, who comprised the evaluation committee, both firms were invited to and attended an interview to establish their experience, approach, as well as risk and performance analysis in managing municipal investment portfolios. Onsite interviews were held at City Hall on November 7, 2019 and scoring was finalized on November 14, 2019 based on the interviews.

For Chandler, the top-rated firm, reference checks were performed from November 19-20, 2019 to further understand the firm's performance and user experience with references that Chandler included in its response to the RFP. References rated Chandler as an excellent, responsive and knowledgeable firm that assisted each City that served as a reference in increasing its investments. For one city, Chandler was able to increase the investment return by 150%. This was due to Chandler having a greater ability to focus on asset management and its greater knowledge of investing compared to an employee who was charged with these investments as additional duties to her/his job.

The table below shows the final evaluation scores with the recommended firm highlighted in green:

|                                    |                                  |                                        |
|------------------------------------|----------------------------------|----------------------------------------|
| <b>RFP NO: 2373</b>                | <b>PFM Asset Management, LLC</b> | <b>Chandler Asset Management, Inc.</b> |
| <b>Final RFP Evaluation Scores</b> | 83.75                            | 90.5                                   |

Chandler Asset Management, Inc. has a long-standing commitment and proven record of performance as an investment manager to the public sector. It was founded in 1988 and has kept paramount the common investment objectives of public agencies of safety of principal, liquidity, and above-market returns over an investment cycle. Their risk management practices and relationship-based approach to investment management have led to the firm's growth, working with 143 public agencies nationwide currently managing over \$17.5 billion in assets.

Chandler will work as a fiduciary on every aspect of the investment program including:

- investment policy development and review,
- cash flow analysis and forecasting, and
- portfolio optimization through the careful control of risk.

Chandler will implement investment strategies that meet the City's risk and return requirements as outlined in the Council approved investment policy, ensure sufficient cash liquidity, conduct education and training to staff, and provide comprehensive investment reporting. The City will maintain its relationship with the Bank of New York (BNY) as the City's cash custodian, ensuring that Chandler will never have direct access to any money in the City's investment account. All deposits and withdrawals from the investment account with BNY will still be initiated by City staff. Chandler will only have access to initiate trades to purchase and sell securities that will remain in the investment account with BNY.

Staff recommends the City Council approve Chandler Asset Management as the most qualified vendor. Once Council approves staff's recommendation, staff will transition the investment services to Chandler by March 31, 2020.

### **POLICY ALTERNATIVE(S):**

#### **Alternative 1: Do not outsource the management of the City's investment pool.**

Pros: The City would avoid paying annual fees estimated at \$150,000 based on the estimated amount of invested funds outside of LAIF.

Cons: The City would not take advantage of the expertise and know-how of an investment firm.

Reason for Not Recommending: To increase yields on the City's cash pool, the City would have to invest significantly in staff such as reclassify the Finance Technician position to a Financial Analyst position, de

more staff time for the investment function, allocate existing staff capacity from other duties for back-up duties, and train the primary and secondary position in a complex field. In turn, to offset Chandler Asset Management, Inc. annual estimated fee of \$150,000, the firm needs to raise the average annual yield by 5.0 basis points or 0.05 percentage point, which Chandler has achieved with other cities.

**FISCAL IMPACT:**

The City is heavily invested in LAIF. Therefore, staff anticipates that approximately \$50 million from the City’s LAIF accounts may be transferred to the portfolio of securities to be managed by Chandler, leaving about \$40 million for liquidity needs. With this shift, Chandler may manage approximately \$300 million in the first year of the contract for an estimated annual fee of \$150,000 per the tiered fee structure based on millions of dollars invested as shown below. The annual fee would average approximately 5.0 basis points (0.05 of 1%), but may average slightly higher or lower, depending on the amount ultimately managed. Chandler’s return goals will be to enhance the portfolio’s interest income as well as underlying market value. Given Chandler’s experience and record for generating risk-adjusted above market returns while maintaining safety and liquidity (the California Government Code-mandated objectives of the City’s investment program), staff recommends the award of contract.

**Fee Schedule**

| Assets Under Management   | Annual Asset Management Fee |
|---------------------------|-----------------------------|
| First \$50 million        | 0.08 of 1% (8 basis points) |
| Next \$75 million         | 0.06 of 1% (6 basis points) |
| Next \$125 million        | 0.04 of 1% (4 basis points) |
| Assets over \$250 million | 0.03 of 1% (3 basis points) |

Chandler calculates fees based on the average monthly balance of assets under their direct management. Fees are charged monthly in arrears. The fee schedule is firm for the entire five-year term of the agreement and the City will not be subject to any fee schedule increases during this period. Further, there are no separate or one-time fees associated with the investment management and advisory services provided. The proposed fee schedule is all-inclusive for the services that Chandler provides, including full time investment management, technological resources, onboarding and implementation, online access to the Chandler Client Portal, comprehensive reporting, meetings, personal visits, and educational offerings for staff as well as the treasury management support services.

To arrive at the not-to-exceed contract amount for the five-year contract, staff had to model possible future balances. The modeling assumes a 5% growth in the City’s cash pool in addition to up to \$50 million transferred to the portfolio of securities. Based on the tiered fee structure for assets under management, the estimated contract amount for the five-year contract is \$790,000.

| Contract Year            | Assets Under Management | Estimated Annual Contract Amount |
|--------------------------|-------------------------|----------------------------------|
| Year 1                   | \$ 300 million          | \$150,000                        |
| Year 2                   | \$ 313 million          | \$154,000                        |
| Year 3                   | \$ 326 million          | \$158,000                        |
| Year 4                   | \$ 340 million          | \$162,000                        |
| Year 5                   | \$ 354 million          | \$166,000                        |
| Total Five-Year Contract | Estimated Amount        | \$790,000                        |

**California Environmental Quality Act (CEQA):**

Not applicable.

**Recommendation:**

Approve and authorize the City Manager to Execute the Agreement with Chandler Asset Management for a Five-Year Not-To-Exceed contract amount of \$790,000 with the first year of the contract in the amount of \$150,000, for Investment Services to manage the City's pooled portfolio, subject to the annual appropriation of funds.

**Attachment:**

Professional Services Agreement with Chandler Asset Management

**PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE  
CITY OF MILPITAS AND CHANDLER ASSET MANAGEMENT**

This Agreement is made and entered into as of **December \_\_\_\_\_, 2019** (“Effective Date”) by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”), and **Chandler Asset Management**, a California Corporation with its principal place of business at **6225 Lusk Boulevard, San Diego, CA 92121** (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

**RECITALS**

- A. City is a public agency of the State of California and is in need of professional services for the following project:

**INVESTMENT SERVICES**

(hereinafter referred to as “the Project”).

- B. Consultant is duly licensed and has the necessary qualifications to provide such services.
- C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

**AGREEMENT**

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit A.

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit B.

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Seven-Hundred Ninety Thousand Dollars and Zero Cents (\$790,000)**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within thirty (30) days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement term and for four (4) years from the date of final payment under the Agreement for inspection by City.

5. Term.

The term of this Agreement shall be from **January \_\_\_\_, 2020** to **January \_\_\_\_, 2025** unless earlier terminated as provided herein. The City reserves the right to review the Consultant's performance at the end of each year and cancel all or part of the Agreement.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is One Thousand Dollars and Zero Cents (\$1,000.00) or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

16. Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

c. The Consultant understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas City Council. The Agreement may terminate without penalty, liability or expense of any kind to the City at the end of Agreement term. The City has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Consultant's assumption of risk of possible non-appropriation is a part of the consideration for the Agreement. This section controls against any and all other provisions of the Agreement.

17. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

18. Organization

Consultant shall assign **Carlos Oblites** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.



19. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

20. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, California 95035

Attn: Walter C. Rossmann, Director  
of Finance/Risk Manager

CONSULTANT:

Chandler Asset Management

7250 Redwood Boulevard, Suite 300

Novato, California 94945

Attn: Carlos Oblites, SVP, Portfolio Strategist

and shall be effective upon receipt thereof.

21. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

22. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

23. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

24. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

25. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

26. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

27. Time of Essence

Time is of the essence for each and every provision of this Agreement.

28. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

29. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

30. Wage Theft Prevention

a. Consultant, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Consultant or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

f. Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

**[SIGNATURES ON FOLLOWING PAGE]**

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF MILPITAS  
AND CHANDLER ASSET MANAGEMENT**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

**CITY OF MILPITAS**

*Approved By:*

\_\_\_\_\_  
Steven G. McHarris, Interim City Manager

\_\_\_\_\_  
Date

*Approved As To Form:*

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

*Approved:*

\_\_\_\_\_  
Walter C. Rossmann, Director of Finance/  
Risk Manager

**CHANDLER ASSET MANAGEMENT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
DIR Registration Number (If Applicable)

## EXHIBIT A

### Scope of Services

#### PROJECT OVERVIEW

The City of Milpitas currently internally manages the investment of its pooled portfolio, which as of June 30, 2019 totaled approximately \$332 million. Of this amount, approximately \$89 million was invested with the State's Local Agency Investment Fund (LAIF) to meet the City's liquidity needs. The City currently has three approved brokers from which investments are made. Portfolio evaluation and reporting are currently performed using Sympro software.

The City's current Investment Policy is reviewed and adopted annually typically at the first Council meeting of a fiscal year to ensure consistency with the overall objectives of safety, liquidity, and yield and its relevance to current law and financial and economic trends. An investment report is filed and submitted to the City Council quarterly.

Consultant will provide investment management services for the City's pooled portfolio in accordance with the City's Investment Policy, as may be amended from time to time, as further set forth below.

#### SCOPE OF SERVICES

Consultant understands and is uniquely qualified to meet and/or exceed all the expectations that the City has for its investment management, advisory, and service needs, and is committed to management of the City's portfolio as a separate managed account.

• **Investment Management Services.** Consultant will provide full-time investment management services for the City pursuant to the prudent expert standard of care required as a fiduciary. Consultant will develop City-specific objectives and constraints for each portfolio through a collaborative process with City staff. Consultant will work with the City's Director of Finance to evaluate and monitor investments in the portfolio within the scope of a comprehensive strategy to ensure safety, meet liquidity needs, and enhance return.

Consultant manages portfolios that are comprised of asset classes in the U.S. fixed income universe that align with the City's objectives of **safety**, **liquidity** and **return**. In California, these are assets that are permitted by California Government Code 53601 and 53635. The composition of Consultant's portfolios includes high quality, short-term investment-grade, U.S. dollar denominated securities including but not limited to:

- a. U.S. Treasuries,
- b. Federal agency enterprise obligations,
- c. municipal bonds,
- d. negotiable CDs,
- e. corporate notes,
- f. supranational securities,
- g. asset-backed securities,
- h. mortgage-backed securities, and
- i. commercial paper.

• **Investment Policy Review.** Consultant will conduct an extensive review of the City's Investment Policy, as well as consult with the City to understand and quantify investment objectives, risk profile, and expected outcomes. Once the investment policy is approved, it becomes the operating guideline for the portfolio. In addition, the Consultant will perform a formal review of the City's investment policy annually to ensure that it is updated to reflect the latest changes to California Government Code, as well as incorporate the City's objectives and cash flow needs that may change over time. Recommendations are meant to incorporate best practices that provide clarification, increase return potential, and improve risk management.

- **Cash Flow and Maturity Analysis.** The Consultant utilizes proprietary methods to conduct cash flow analysis and forecast cash requirements as an initial step and on an ongoing basis to effectively structure a portfolio that both ensures liquidity and provides the City with opportunities for enhanced returns. Consultant will communicate with the City about current and expected needs in order to maintain cash flow forecasts to manage liquidity, and structure securities in the portfolio to mature on known cash flow dates. Consultant will also identify funds available for longer-term investment in the City’s total return investment strategy to take advantage of the yield-curve and the potential for higher returns.

- **Socially Responsible Investments.** Consultant incorporates ESG factors into their fundamental credit research process, as these factors influence the underlying credit quality and longer-term outlook of a corporation. Integrating ESG factors in the credit analysis process is consistent with the underlying tenets of California Government Code – safety, liquidity, and return. While ESG issues evolve over time, Consultant’s Credit Committee is charged with ensuring the current and evolving factors are consistent with the current relative value of a given security compared to its peer group. For the City, the Consultant will not purchase securities of companies that receive more than 50% of their revenue from the sale or manufacture of tobacco, alcohol, or firearms.

From a Socially Responsible Investment (“SRI”) perspective, Consultant works closely with clients to identify the SRI issues they are looking to address on a case-by-case basis. Global Industry Classification Standards (GICS) and the Calvert Social Index are often utilized to create an SRI program that can be accurately tracked within the Consultant’s automated compliance system. Consultant also has the ability to exclude specific securities and issuers as part of an SRI program.

- **Best Execution, Settlement, and Documentation.** Consultant executes securities transactions on a transparent and highly competitive basis, in accordance with their commitment to best execution. As part of this process, the Consultant will seek a broad range of security broker-dealers that provide a high level of market liquidity and product inventory. Consultant will strive to find the best execution for each transaction, seeking multiple price quotations on all purchases and sales, a process which adds to the incremental net economic benefit and value added over time. Trade tickets documenting the Consultants process will be made available to City the same day that trades occur. The Consultants competitive bid process results in an incremental net financial advantage for the City over time.

- **Reconciliation and Settlement.** Consultant invests in best-in-class tools and technology to support the portfolio management process and simplify investment reporting and compliance. Consultant’s operations team performs daily reconciliations of cash balances and positions in all accounts. This is completed by comparing each account’s cash and security positions in Consultants PAM for Securities accounting system to the relative holdings maintained and provided by the City’s custodian bank. Consultant will work with a number of third-party custodians, including the City’s current provider, Bank of New York Mellon.

Consultant will assist the City in reviewing custodial and safekeeping arrangements. The Consultants Relationship Manager will review the City’s current custodial arrangement, including contractual arrangement, services provided, the City’s satisfaction with the services and their cost. Consultant will make recommendations for revisions in the City’s existing relationship and assist in selecting a new custodian that best facilitates the City’s needs.

- **Establish an appropriate performance benchmark.** Along with an overarching investment strategy designed to meet the City’s risk tolerance and return expectations, Consultant will identify an appropriate benchmark to measure portfolio outcomes. The benchmark should reflect the actual securities being purchased and the risks undertaken and should have a similar weighted average maturity and credit profile as the portfolio. The benchmark should also be the basis for discussion about factors contributing to incremental outperformance of the portfolio relative to the benchmark. Consultant will undergo a collaborative process with the City’s finance staff to select appropriate benchmarks for each of its portfolios.

- **Portfolio Accounting and Reporting.** Consultant will provide monthly reports that include a management summary of portfolio characteristics, performance and full accounting details. Reports may be structured to include the City’s investment accounts as well as its liquid funds in LAIF and cash vehicles. Consultant’s consolidation of the City’s accounts offers both a “broken-out” as well as an aggregated view of the City’s entire investment program for increased transparency and operational efficiency. This provides a rolled up or complete view of the City’s investment program. Reports as well as holdings, trade tickets, and historical data is available to the City via Consultant’s online reporting tool, the *Chandler Client Portal*. Monthly reports will be available no later than the third business day following month-end. The City will also receive

a quarterly report in a format designed to facilitate discussion between the Consultants designated engagement team and City staff.

Reports will be prepared in accordance with state law and the Governmental Accounting Standards Board (GASB) and will be compiled to meet the City's specific needs. Performance for your portfolio will be calculated and reported in compliance with the CFA Institute's Global Investment Performance Standards (GIPS®).

• **Attend meetings with City Staff and Council.** As an investment manager headquartered in California, Consultant will provide timely communication and practice excellent service delivery to the City in all of its contact with City staff. Carlos Oblites (located in the Bay Area), Christopher McCarry and other contacts from the designated team for the City will meet with the City at least quarterly to present the investment portfolio to the City's finance staff. Consultant understands that during any transition and initial period that follows, communication will be frequent in nature and will assist both teams to establish objectives, communication requirements and milestones for the engagement. After this initial period, the team assigned to the City maintains the flexibility to continue to meet as often as the City prefers and will also attend any ad hoc or special meetings and present on fixed income topics throughout the year. Consultant invites the City's staff to their headquarters for periodic meetings, trainings or for the purpose of conducting due diligence.

The Consultant is committed to keeping the City fully informed of local issues, investment strategies, market conditions and developments that are relevant to its investment program and that could potentially impact the City from a risk, opportunity, operational and statutory perspective. Consultant will meet with the City as frequently as they prefer, and the Consultants investment professionals will also be available by phone during business hours.

In addition, the Consultant will communicate regularly via email to the City with updates which include:

1. Weekly economic updates that provide a concise summary of economic and market news of the current week, key economic indicators, as well as topics for the next weeks' economic data releases. The update will be sent via email to City staff and interested parties each Friday;
2. Monthly newsletter that includes a market summary, treasury yield curve graph and monthly percent changes, as well as economic data and statistics; and
3. Ad hoc emails and communication such as Fed rate news, education pieces, white papers, technology and product updates.

• **Serve as a General Resource to the City's staff.** Consultant professionals serve as faculty and committee members for the Government Finance Officers Association (GFOA) and are active participants and sponsors of other national and regional associations that develop recommended best practices and training curricula for public agencies including:

1. the California Society of Municipal Finance Officers (CSMFO),
2. the California Municipal Treasurers Association (CMTA),
3. the California Debt and Investment Advisory Commission (CDIAC),
4. and the CFA Institute.

Consultant is a registered sponsor on the National Registry of CPE Sponsors, affirming its commitment to the delivery of high quality continuing professional education. The Consultant has developed educational materials on a wide range of investment topics, including:

1. risk,
2. duration,
3. benchmarking
4. and total return,
5. corporate credit analysis,
6. accounting and others.

Consultant will provide educational presentations based on best practices of public financial management. Learning opportunities can be scheduled in conjunction with regular portfolio reviews, or at other times more convenient for City staff.

• **Evaluate market risk and develop strategies that minimize the impact on the portfolio.** Consultants focus on managing downside risk is equally as important as the focus on an investment's upside potential and proves especially valuable for protecting the City's principal in a rising interest rate environment. The Consultants strategies add value in a framework of risk management throughout the investment process including the establishment of:

1. specific client objectives,
2. purchasing individual securities,
3. and the reinvestment of maturing bonds.

The Consultant will reduce exposure to market risk by diversifying the portfolio by issuer and security type and by establishing and maintaining a target portfolio duration that is consistent with the City's risk profile and investment objectives.

• **Provide assurance of portfolio compliance with applicable policies and laws.** Consultant utilizes Bloomberg AIM, a robust order management and portfolio compliance system to monitor and automate compliance review and report on compliance of the City's investments. Under Consultant's management engagement, the City will derive additional benefits through operational efficiencies and time-saving practices, the Consultant will use Bloomberg AIM as the single platform from trade origination through compliance review. Compliance will be monitored in the City's portfolio daily and reported formally in the monthly report.

• **Broker-Dealer Due Diligence.** The Consultants Investment Management Team will maintain an active, productive relationship with the broker-dealer community in order to promote an ongoing flow of market information and to execute trades for the City at competitive prices. Currently, there are approximately 45 broker-dealers on the Consultant's Approved List. The Consultant will consistently place several dealers in competition and continuously monitor and compare inventories and prices. The Consultant reviews the credentials and regulatory background of each broker-dealer firm and their employees with whom they trade using FINRA's online BrokerCheck System.

• **Additional Terms Agreement.** The **Additional Terms Specific to Investment Management Relationship**, Exhibit E, is incorporated into this agreement.



## EXHIBIT B

### Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials Agreement.

### PROPOSED COMPENSATION

1. There are no separate or one-time fees associated with the investment management and advisory services provided. Consultants proposed fee schedule is all-inclusive for the services to be provided, including:
  - a. full time investment management,
  - b. technological resources,
  - c. onboarding and implementation,
  - d. online access to the Chandler Client Portal,
  - e. comprehensive reporting, meetings, personal visits,
  - f. and educational offerings for City staff,
  - g. as well as the treasury management support services described in the scope of services.

Consultants fee schedule does not include charges that the City would incur for third party custodial services. Consultant does not charge fees on funds held in vehicles not directly under their management, including Local Government Investment Pools and internally managed liquid funds; however, Consultant is able to consolidate these funds in City reports.

2. The fee proposal based on Average Assets Under Management by tiers with a breakdown of fees will be:

#### Proposed Fee Schedule for City of Milpitas

| Assets Under Management   | Annual Asset Management Fee |
|---------------------------|-----------------------------|
| First \$50 million        | 0.08 of 1% (8 basis points) |
| Next \$75 million         | 0.06 of 1% (6 basis points) |
| Next \$125 million        | 0.04 of 1% (4 basis points) |
| Assets over \$250 million | 0.03 of 1% (3 basis points) |

The Consultant calculates fees based on the average balance of assets under their direct management (market value including accrued interest), they will fluctuate based on portfolio value. Fees are charged monthly in arrears and can be debited directly from the City's third-party custody account. Pricing is firm for the entire five-year term of the agreement, and the City will not be subject to any increases during this period.

3. There are no expense ratios of funds/portfolios.
4. There are no fees related to the transfer of assets and restrictions or costs related to termination of this contract.

| Contract Year | Assets Under Management | Estimated Annual Contract Amount |
|---------------|-------------------------|----------------------------------|
| Year 1        | \$ 300 million          | \$150,000                        |

|                                        |                |                  |
|----------------------------------------|----------------|------------------|
| Year 2                                 | \$ 313 million | \$154,000        |
| Year 3                                 | \$ 326 million | \$158,000        |
| Year 4                                 | \$ 340 million | \$162,000        |
| Year 5                                 | \$ 354 million | \$166,000        |
| <b>Total Five-Year Contract Amount</b> |                | <b>\$790,000</b> |

## EXHIBIT "D"

### INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor's or Consultant's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

#### **Commercial General Liability (CGL):**

     Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

  X   Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

     Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

#### **Automobile Liability:**

  X   Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

     Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

\_\_\_ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

**Professional Liability (Errors and Omissions):**

X Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

\_\_\_ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

\_\_\_ Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \_\_\_\_\_ per occurrence or claim, \_\_\_\_\_ aggregate

**Workers' Compensation Insurance:**

X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

**Contractor's or Consultant's Pollution Legal Liability:**

\_\_\_ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

**Cyber Liability Insurance**

\_\_\_ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

**Surety Bonds:**

Contractor shall provide the following Surety Bonds:

- ☐ Bid Bond
- ☐ Performance Bond
- ☐ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

**Other Insurance Provisions:**

The insurance policies are to contain, or be endorsed to contain the following provisions:

**X Additional Insured Status and Primary/Non-Contributory Language:**

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

**Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)**

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

**X Notice of Cancellation, Suspension or Otherwise Voiding Policies:**

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

**X Waiver of Subrogation:**

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

**Completed Operations**

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

#### THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

##### **Deductibles and Self-Insured Retentions (“SIR”):**

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

##### **Acceptability of Insurers:**

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A-:VII, unless otherwise acceptable to City.

##### **Claims Made Policies: (note - should be applicable only to professional liability, see below)**

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor’s Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not

contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

**Subcontractors:**

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

**Verification of Coverage:**

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

**Special Risks or Circumstances**

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

**Failure to Comply:**

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

**Applicability of Coverage:**

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

## EXHIBIT E

### Additional Terms Specific to Investment Management Relationship

1. Client Representative. In its capacity as investment manager, Chandler shall receive all instructions, directions and other communications on Client's behalf respecting Client's account from \_\_\_\_\_ (Representative). Chandler is hereby authorized to rely and act upon all such instructions, directions and communications from such Representative or any agent of such Representative.
2. Investment Policy. In investing and reinvesting Client's assets, Chandler shall comply with Client's Investment Policy, which is attached hereto as Exhibit F.
3. Authority of Chandler. Chandler is hereby granted full discretion to invest and reinvest all assets under its management in any type of security it deems appropriate, subject to the instructions given or guidelines set by Representative.
4. Electronic Delivery. From time to time, Chandler may be required to deliver certain documents to Client such as account information, notices and required disclosures. Client hereby consents to Chandler's use of electronic means, such as email, to make such delivery. This delivery may include notification of the availability of such document(s) on a website, and Client agrees that such notification will constitute "delivery". Client further agrees to provide Chandler with Client's email address(s) and to keep this information current at all times by promptly notifying Chandler of any change in email address(s).

Client email address(s): \_\_\_\_\_

5. Proxy Voting. Chandler will vote proxies on behalf of Client unless otherwise instructed. Chandler has adopted and implemented written policies and procedures and will provide Client with a description of the proxy voting procedures upon request. Chandler will provide information regarding how Clients' proxies were voted upon request. To request proxy policies or other information, please contact us by mail at the address provided, by calling 800-317-4747 or by emailing your request to [info@chandlerasset.com](mailto:info@chandlerasset.com).
6. Custody of Securities and Funds. Chandler shall not have custody or possession of the funds or securities that Client has placed under its management. Client shall appoint a custodian to take and have possession of its assets. Client recognizes the importance of comparing statements received from the appointed custodian to statements received from Chandler. Client recognizes that the fees expressed above do not include fees Client will incur for custodial services.
7. Valuation. Chandler will value securities held in portfolios managed by Chandler no less than monthly. Securities or investments in the portfolio will be valued in a manner determined in good faith by Chandler to reflect fair market value.
8. Investment Advice. Client recognizes that the opinions, recommendations and actions of Chandler will be based on information deemed by it to be reliable, but not guaranteed to or by it. Provided that Chandler acts in good faith, Client agrees that Chandler will not in any way be liable for any error in judgment or for any act or omission, except as may otherwise be provided for under the Federal Securities laws or other applicable laws.
9. Payment of Commissions. Chandler may place buy and sell orders with or through such brokers or dealers as it may select. It is the policy and practice of Chandler to strive for the best price and execution and for



commission and discounts which are competitive in relation to the value of the transaction and which comply with Section 28(e) of the Securities and Exchange Act. Nevertheless, it is understood that Chandler may pay a commission on transactions in excess of the amount another broker or dealer may charge, and that Chandler makes no warranty or representation regarding commissions paid on transactions hereunder.

10. Other Clients. It is further understood that Chandler may be acting in a similar capacity for other institutional and individual clients, and that investments and reinvestments for Client's portfolio may differ from those made or recommended with respect to other accounts and clients even though the investment objectives may be the same or similar. Accordingly, it is agreed that Chandler will have no obligation to purchase or sell for Client's account any securities which it may purchase or sell for other clients.
11. Confidential Relationship. All information and advice furnished by either party to the other shall be treated as confidential and shall not be disclosed to third parties except (i) as required by law, rule, or regulation, (ii) as requested by a regulatory authority, (iii) for disclosures by either party of information that has become public by means other than wrongful conduct by such party or its officers, employees, or other personnel, (iv) for disclosures by either party to its legal counsel, accountants, or other professional advisers, (v) as necessary for Chandler to carry out its responsibilities hereunder, or (vi) as otherwise expressly agreed by the parties.
12. Receipt of Brochure and Privacy Policy. Client hereby acknowledges receipt of the disclosure statement or "brochure" and "brochure supplement" also known as Part 2A and Part 2B of Form ADV, required to be delivered pursuant to Rule 204-3 of the Investment Advisers Act of 1940 (Brochure). Client further acknowledges receipt of Chandler's Privacy Policy, as required by Regulation S-P.

## EXHIBIT F

### City of Milpitas Investment Policy Effective July 1, 2019

#### **PURPOSE**

The purpose of this policy is to establish overall guidelines for the management and investment of the City of Milpitas (the City) unexpended funds under authority granted by the City Council. This policy is in compliance with the provisions of the California Government Code, Sections 16340, 16429.1-16429.4, and 53600-53686, the authority governing investments for municipal governments.

#### **INVESTMENT OBJECTIVES**

The primary objectives of this investment policy, in order of priority, are safety, liquidity, and yield:

- 1) **Safety** - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. This objective shall be accomplished by mitigating credit risk and market risk.
- 2) **Liquidity** - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This objective shall be accomplished by structuring the portfolio so that securities mature concurrently with anticipated needs. The portfolio shall consist largely of securities with active secondary or resale market. Furthermore, a portion of the portfolio may be placed in money market funds or Local Agency Investment Fund (LAIF) which offer same day liquidity for short term investment.
- 3) **Yield** - The investment portfolio is designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Nevertheless, investment performance shall be continually monitored and evaluated by the City Treasurer by comparison with other investment portfolio benchmark yields.

Additionally, investments are to be made that will bear in mind the responsibility of City government to its citizens. The following investment considerations, which enhance the quality of life, will be adhered to:

- **Divestment From Publicly-Traded Fossil Fuel Companies** - The City of Milpitas has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change. The City believes that its investments should support a future where all citizens can live healthy lives without the negative impacts of a warming environment. For the purposes of the Investment Policy, a "fossil fuel company" shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative's "Unburnable Carbon" report. Staff responsible for managing the City's investment portfolio are directed to divest all City investment funds held in fossil fuel companies once they reach their maturities and are prohibited from making any new investments in such companies.

#### **SCOPE**

The investment policy applies to all financial assets of the City of Milpitas as accounted for in the Comprehensive Annual Financial Report (CAFR), including but not limited to the funds listed below:

- General Fund
- Special Revenue Funds

- Capital Projects Funds
- Debt Service Fund
- Enterprise Funds
- Internal Service Fund
- Trust and Agency Funds
- Any new fund created by the City Council unless specifically exempted with the exception of the following:
  - 1) The City's Deferred Compensation Plan is excluded because it is managed by a third-party administrator and invested by individual plan participants.
  - 2) Proceeds of debt issuance shall be invested in accordance with the investment objectives of this policy. However, such proceeds are generally invested in accordance with permitted investment provisions of their specific bond indentures. If the City Treasurer determines that the matching of bond reserve fund with the maturity schedule of an individual bond issue is prudent, the investment policy authorizes extending beyond the five year maturity limitation as outlined in this document.

## **STANDARDS OF CARE**

- 1) **Prudence** - The City investment officials shall act as a fiduciary subject to the Prudent Investor Standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The City Treasurer and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.
- 2) **Ethics and Conflict of Interest** - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or could impair their ability to make impartial investment decisions. City employees involved in the investment process shall disclose to the City Manager any material financial interest in financial institutions that conduct business within the jurisdiction. They shall further disclose any large personal financial/investment positions that could affect the performance of the investment portfolio.
- 3) **Delegation of Authority** - Authority to manage the investment program is granted to the City Treasurer and derived from Section VI-1-3.04 of the City of Milpitas Municipal Code. Under the oversight of the City Treasurer, responsibility for the operation of the investment program may be delegated to the Finance Administration staff, who shall act in accordance with established written procedures and internal controls consistent with the investment policy. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the subordinate staff members. The system of internal controls includes separation of duties, custodial safekeeping, avoidance of physical delivery securities, development of wire transfer agreement, and clear delegation of authority to subordinate staff members.

# INVESTMENT GUIDELINES

## **SAFETY OF PRINCIPAL**

Safety of principal is the primary objective of The City. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker/dealer default or erosion of market value. The City shall seek to preserve principal by mitigating the two types of risk, credit risk and market risk:

**Credit risk**, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the City's capital base and cash flow.

**Market risk**, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average maturity of the City's investment portfolio to three years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

## **LIQUIDITY**

The City's financial portfolio shall be structured in a manner to ensure that the securities mature concurrent with anticipated cash demands. The portfolio should consist largely of securities with an active secondary or resale market to meet any unanticipated cash demands. A portion of the portfolio may be placed in money market funds or LAIF which offer same day liquidity for short term investment.

It is the full intent of the City to hold all investments until maturity to ensure the return of all invested principal. However, securities may be sold prior to maturity under the following circumstances:

- A security with declining credit may be sold early to minimize loss of principal,
- A security swap would improve the quality, yield, or target duration in the portfolio, or
- Liquidity needs of the portfolio require that the security be sold.

## **INVESTMENT PARAMETERS**

**1) Diversification** - The investment shall be diversified by:

- limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury and Federal Agency securities),
- limiting investment in securities that have higher credit risks,
- investing in securities with varying maturities, and
- continuously investing a portion of the portfolio in readily available funds such as LAIF or money market funds to ensure that appropriate liquidity is maintained in order to meet unanticipated cash demands.

**2) Maximum Maturities** - To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase. The intent to invest in securities beyond the five year maturity limitation shall be disclosed in writing to the City Council no less than 3 months prior to the investment. As a general rule, the weighted average maturity of the investment portfolio will not exceed three years. Reserve funds established by the issuance of bonds and other funds with longer-term investment horizons may be invested in securities exceeding five years if the maturity of such investments are made to coincide with the expected use of funds.

**3) Competitive Bidding** - It is the policy of the City to require competitive bidding for investment transactions that are not classified as "new issue" securities. For the purchase of non "new issue" securities and the sale of all securities, with the exception of U.S. Treasury securities, at least three bidders must be contacted.

Competitive bidding for security swaps is also recommended, however, it is understood that certain time constraints and broker portfolio limitations exist which would not accommodate the competitive bidding process. If time or portfolio constraining condition exists, the pricing of the swap should be verified to current market conditions and documented for auditing purposes.

### **PERFORMANCE EVALUATION/BENCHMARK**

- Investment performance is continually monitored and evaluated by The City Treasurer. Investment performance statistics and activity reports are prepared on a quarterly basis for presentation to the City Manager and City Council within 30 days of the end of the quarter.
- The investment portfolio benchmark yield shall be the 12 month average yield of the three-year U.S. Treasury note. This benchmark yield coincides with the City's intended weighted average maturity of three years.

### **SAFEKEEPING OF SECURITIES**

- To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or master repurchase agreement. All trades executed by a dealer will settle delivery vs. payment (DVP) through the City's safekeeping agent.
- Securities held in custody for the City shall be reviewed and verified quarterly by Finance staff who has not been assigned to the investment function.

### **INTERNAL CONTROL**

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits to be derived and that the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development of a wire transfer agreement with the lead bank and third party custodian

### **REPORTING**

- The City Treasurer shall review and render quarterly reports to the City Manager and City Council which shall include the par and dollar amount of the investment, the classification of the investment, the percentage of the total portfolio which each type of investment represents, the name of the institution or entity, the rate of interest, the maturity date, the current market value, and the source of the market value.
- Statement that the projected cash flow is adequate to meet expected obligations over the next six months.
- The weighted average maturity of the investment portfolio.
- The average weighted yield to maturity of the portfolio as compared to the applicable benchmark.
- Statement of compliance with the investment policy.
- The report is due within 30 days of the end of the quarter.
- The City Manager may, at his discretion, require this reporting on a monthly basis based upon market conditions.

## **QUALIFIED BROKER/DEALERS**

- The City shall transact business with financial institutions and security broker/dealers after careful review of their qualifications and creditworthiness. All dealers who desire to do business with the City shall provide the necessary information (e.g. audited financial statements, proof of state registration, proof of National Association of Securities Dealers certification, etc.) from which the City can determine their creditworthiness, the existence of any pending legal action against the firm or the individual broker as well as an understanding of the security markets that they service. The City Treasurer shall annually send a copy of the current investment policy to all financial institutions and broker/dealers approved to do business with the City. Confirmation of receipt of this policy shall be considered evidence that the dealer understands the City's investment policies and intends to sell the City only appropriate investments authorized by this investment policy.

## **COLLATERAL REQUIREMENTS**

Collateral is required for investments in non-negotiable certificates of deposit and repurchase agreements. In order to reduce market risk, the collateral level shall be at least 102% of market value of principal and accrued interest and marked-to-market weekly. Securities acceptable as collateral shall be the direct obligations of, or are fully guaranteed as to principal and interest by the United States or any agency of the United States.

## **AUTHORIZED INVESTMENTS**

Investment of City funds is governed by the California Government Code, Sections 16340, 16429.1-16429.4, and 53600-53686. Within the context of the limitations, the following investments are authorized, as further limited herein:

- 1) **United States Treasury Bills, Bonds, and Notes** or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio which can be invested in this category, though a five year maturity limitation is applicable.
- 2) **Federal Agency Obligations** - Obligations issued by the Federal Government agencies such as Government National Mortgage Association (GNMA), the Federal Farm Credit Bank (FFCB), the Federal Home Loan Bank (FHLB), the Federal National Mortgage Association (FNMA), the Student Loan Marketing Association (SLMA), and the Federal Home Loan Mortgage Corporation (FHLMC). There is no percentage limitation of the portfolio which can be invested in this category, although a five year maturity limitation is applicable.
- 3) **Bills of Exchange/Time Drafts**- Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Purchase of banker's acceptances may not exceed 180 days maturity or 40% of the cost value of the portfolio. Furthermore, no more than 30% of the cost value of the portfolio may be invested in the banker's acceptances of any one commercial bank.
- 4) **Commercial Paper** of the highest letter and number rating as provided by at least two nationally recognized statistical rating organizations, issued by general corporations organized and operating within the United States, having assets in excess of \$500,000,000 and having an "A" or better rating on their long term debentures as provided by at least two nationally recognized statistical rating organizations. Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 40% of the cost value of the portfolio for Pooled Funds and 25% of the cost value of the portfolio for Non-Pooled Funds.
- 5) **Negotiable Certificates of Deposit** issued by nationally or state chartered banks, state or federal savings institutions, or state-licensed branch of foreign banks. Purchases of negotiable certificates of deposit may not exceed 30% of the cost value of the portfolio. A maturity limitation of five years is applicable.

- 6) Repurchase Agreements** - Repurchase agreements may be made on any investment authorized by this investment policy. The maturity of the repurchase agreements shall not exceed one year. The market value of the securities used as collateral for the repurchase agreements shall be monitored by the investment staff weekly and shall not be allowed to fall below 102% of the value of the repurchase agreement. A Master Repurchase agreement is required between the City and the dealer for all repurchase agreements transacted.
- 7) Time Deposits** - Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. A maturity limitation of five years is applicable.
- 8) Medium-Term Corporate Notes** issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated "A" or better by at least two nationally recognized statistical rating organizations. Purchase of medium-term notes may not exceed 30% of the cost value of the portfolio and no more than 10% of the cost value of the portfolio may be invested in notes issued by one corporation. Commercial paper holdings should also be included when calculating the 10% limitation.
- 9) Local Agency Investment Fund (LAIF)** - a State of California managed investment pool may be used up to the maximum permitted by California State Law.
- 10) Money Market Funds** - Money Market funds invested in U.S. Government securities are permitted under this policy and under the California Government Code Section 53601. In order to be eligible for investment under this section, an investment objective of such a fund must be the maintenance of a price per share of \$1.00. Investment in such funds shall not exceed 20% of the City's total portfolio and no more than 10% of the City's total portfolio may be invested in any one money market fund. In addition, either one of the following criteria must be met:
- The fund shall have achieved a rating of "AAA" by at least two nationally recognized statistical rating organizations, or
  - The fund shall have retained an advisor who is registered or exempt from registration with the Security Exchange Commission with not less than five years' experience managing money market funds with assets under management in excess of five hundred million dollars (\$500,000,000).
- For both the LAIF and Money Market Funds investment, a thorough investigation of the investment pool is required on a continual basis. The types of investment and average maturity as reported by LAIF on their monthly investment reports and by the Money Market Mutual Funds on their semiannual reports will be examined closely to ensure that the criteria for qualifying these investment pools remain unchanged.
- 11) Security Swaps** - The City may take advantage of security swap opportunities to improve the overall quality, yield or target duration of the portfolio. A swap that improves the portfolio yield may be selected even if the transactions result in an accounting loss. Documentation for swaps will be included in the City's permanent investment file documents.
- 12) Ineligible Investments** - Ineligible investments are those that are not described herein, including but not limited to, common stocks, reverse repurchase agreements, inverse floaters, range notes, mortgage derived interest only strips, derivatives securities, or any security that could result in zero interest accrual.

**MAXIMUM INVESTMENT MATURITY AND PERCENTAGE**

The following matrix of maximum maturity and percentage limits, by instrument, are established for the City's total pooled funds portfolio:

| <b>Investment Type</b>              | <b>Maturity</b> | <b>Percentage</b>  |
|-------------------------------------|-----------------|--------------------|
| Repurchase Agreements               | 1 Year          | 0 to 100%          |
| Local Agency Investment Fund        | Upon Demand     | Up to State Limits |
| U.S. Treasury Bonds/Notes/Bills     | 5 Years         | 0 to 100%          |
| U.S. Government Agency Obligations  | 5 Years         | 0 to 100%          |
| Bankers' Acceptances                | 180 Days        | 0 to 40%           |
| Commercial Paper — Pooled Funds     | 270 Days        | 0 to 40%           |
| Commercial Paper — Non-Pooled Funds | 270 Days        | 0 to 25%           |
| Negotiable Certificates of Deposit  | 5 Years         | 0 to 30%           |
| Time Certificates of Deposit        | 5 Years         | 0 to 100%          |
| Medium-Term Corporate Notes         | 5 Years         | 0 to 30%           |
| Money Market Funds                  | Upon Demand     | 0 to 20%           |

**LEGISLATIVE CHANGES**

Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into the City's Investment Policy and supersede any and all previous applicable language.

**INTEREST EARNINGS**

All moneys earned and collected from investments authorized in this policy shall be allocated monthly to various fund accounts based on the cash balance in each fund as a percentage of the entire pooled portfolio.

**ANNUAL POLICY APPROVAL**

The City's investment policy shall be adopted by resolution of the City Council on an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.



## GLOSSARY OF TERMS

**Accrued Interest-** Interest earned but not yet received.

**Active Deposits-** Funds which are immediately required for disbursement.

**Amortization-** An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

**Arbitrage-** Transactions by which securities are bought and sold in different markets at the same time for the sake of the profit arising from a yield difference in the two markets.

**Asked Price-** The price a broker dealer offers to sell securities.

**Banker's Acceptance-** A high quality, short term money market instrument used to finance international trade. There has never been an instance of a failure to pay a banker's acceptance in full at its maturity date.

**Basis Point-** One basis point is one hundredth of one percent (.01). **Bid Price-**

The price a broker dealer offers to purchase securities.

**Bond-** A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

**Book Value-** The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

**Broker-** Someone who brings buyers and sellers together and is compensated for his/her service.

**Certificate of Deposit-** A deposit insured up to \$250,000 by the FDIC at a set rate for a specified period of time.

**Collateral-** Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

**Commercial Paper-** Short-term, negotiable unsecured promissory notes of corporations.

**Comprehensive Annual Financial Report (CAFR)-** The official annual financial report for the City, prepared in conformity with Generally Accepted Accounting Principles (GAAP).

**Coupon-** The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

**Credit Risk -** Defined as the risk of loss due to failure of the issuer of a security.

**Current Yield-** The interest paid on an investment expressed as a percentage of the current price of the security.

**Custodian-** A bank or other financial institution that keeps custody of stock certificates and other assets.

**Defeased Bond Issues-** Issues that have sufficient money to retire outstanding debt when due so that the agency is released from the contracts and covenants in the bond document.

**Delivery vs. Payment (DVP)-** Delivery of securities with a simultaneous exchange of money for the securities.

**Derivative-** Securities that are based on, or derived from, some underlying asset, reference date, or index.

**Discount-** The difference between the cost of a security and its value at maturity when quoted at lower than face value.

**Diversification-** Dividing investment funds among a variety of securities offering independent returns and risk profiles.

**Duration-** A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

**Fannie Mae-** Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

**Federal Reserve System-** The central bank of the U.S. which consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.

**Federal Deposit Insurance Corporation (FDIC)-** Insurance provided to customers of a subscribing bank which guarantees deposits to a set limit (currently \$250,000) per account.

**Fed Wire-** A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

**Freddie Mac-** Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

**Ginnie Mae-** Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

**Government Accounting Standards Board (GASB)-** A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

**Guaranteed Investment Contracts (GICS)-** An agreement acknowledging receipt of funds, for deposit, specifying terms for withdrawal, and guaranteeing a rate of interest to be paid.

**Inactive Deposits-** Funds not immediately needed for disbursement.

**Interest Rate-** The annual yield earned on an investment, expressed as a percentage.

**Investment Agreements-** An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

**Liquidity-** An asset that can easily and rapidly be converted into cash without significant loss of value.

**Local Agency Investment Fund (LAIF)-** A pooled investment vehicle for local agencies in California sponsored by the State of California and administered by the State Treasurer.

**Local Agency Investment Pool-** A pooled investment vehicle sponsored by a local agency or a group of local agencies for use by other local agencies.

**Market Risk-** Defined as market value fluctuations due to overall changes in the general level of interest rates.

**Market Value-** The price at which a security is trading and could presumably be purchased or sold.

**Maturity-** The date upon which the principal or stated value of an investment becomes due and payable.

**Modified Duration-** A measure of exposure to market risk of a security or a portfolio. It is the percent change in the price of a security (portfolio) or a 100 basis point change in the security's (portfolio's) yield.

**Mutual Funds-** An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments.

**Negotiable Certificate of Deposit-** A large denomination certificate of deposit which can be sold in the open market prior to maturity.

**New Issue-** Term used when a security is originally "brought" to market.

**Note-** A written promise to pay a specified amount to a certain entity on demand or on a specified date.

**Par Value-** The amount of principal which must be paid at maturity. Also referred to as the face amount of a bond, normally quoted in \$1,000 increments per bond.

**Perfected Delivery-** Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

**Portfolio-** Combined holding of more than one stock, bond, commodity, real estate investment, cash equivalent, or other asset. The purpose of a portfolio is to reduce risk by diversification.

**Primary Dealer-** A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

**Principal-** The face value or par value of a debt instrument, or the amount of capital invested in a given security.

**Prospectus-** A legal document that must be provided to any prospective purchaser of a new securities offering registered with the SEC that typically includes information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management, and certain certified financial statements (also known as an "official statement")

**Prudent Investor Standard-** A standard of conduct where a person acts with care, skill, prudence, and diligence when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing funds. The test of whether the standard is being met is if a prudent person acting in a similar situation would engage in similar conduct to ensure that investments safeguard principal and maintain liquidity.

**Purchase Date-** The date in which a security is purchased for settlement on that or a later date.

**Rate of Return-** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**Repurchase Agreement (REPO)-** A transaction where the seller agrees to buy back from the buyer (City) the securities at an agreed upon price on demand or at a specified date.

**Reverse Repurchase Agreement (REVERSE REPO)-** A transaction where the seller (City) agrees to buy back from the buyer the securities at an agreed upon price on demand or at a specified date.

**Risk-** Degree of uncertainty of return on an asset.

**Rule G-37 of the Securities Rulemaking Board-** Federal regulations to sever any connection between the making of political contributions and the awarding of municipal securities business.

**Safekeeping Service-** An arrangement under which a third party institution holds securities or valuables under safe, controlled conditions. A safekeeping arrangement is evidenced by a safekeeping receipt.

**Sallie Mae-** Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

**Secondary Market-** A market made for the purchase and sale of outstanding issues following the initial distribution.

**Securities and Exchange Commission (SEC)-** The federal agency responsible for supervising and regulating the securities industry.

**Settlement Date-** The date on which a trade is cleared by delivery of securities against funds.

**Tax and Revenue Anticipation Notes (TRANS)-** Notes issued in anticipation of receiving tax proceeds or other revenues at a future date.

**Time Certificate of Deposit-** A non-negotiable certificate of deposit which cannot be sold prior to maturity.

**Treasury Bills-** U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of \$10,000 in multiples of \$5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

**Trustee or trust company or trust department of a bank-** A financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bondholders in enforcing the terms of the bond contract.

**Underwriter-** A dealer which purchases a new issue of municipal securities for resale.

**U.S. Government Agencies-** Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency.

**U.S. Treasury Obligations-** Debt obligations of the United States Government sold by the Treasury Department in the forms of Bills, Notes, and Bonds. Bills are short-term obligations that mature in 1 year or less and are sold on the basis of a rate of discount. Notes are obligations which mature between 1 year and 10 years. Bonds are long-term obligations which generally mature in **10** years or more.

**Weighted Average Maturity (WAM)-** The average maturity of all the securities that comprise a portfolio that is typically expressed in days or years.

**Yield-** The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

**Yield to Maturity-** The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

**Yield Curve-** A graphic representation that shows the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity.



## CITY OF MILPITAS AGENDA REPORT (AR)

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>      | <b>Authorize and Approve Travel for Vice Mayor Bob Nuñez, Councilmember Carmen Montano, and Interim City Manager Steve McHarris.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Category:</b>        | Consent Calendar-Leadership and Support Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Meeting Date:</b>    | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Staff Contact:</b>   | Steve McHarris, 408-586-3059                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Recommendations:</b> | <ol style="list-style-type: none"><li>1. Authorize and Approve Travel for Vice Mayor Bob Nuñez, Councilmember Carmen Montano, and Interim City Manager Steve McHarris to attend the League of California Cities <i>New Mayors &amp; Council Members Academy</i> in Sacramento, California Scheduled on January 22 – 24, 2020, for a total combined estimated amount of \$5,800.</li><li>2. Authorize and Approve Travel for Interim City Manager Steve McHarris to attend the League of California Cities <i>City Managers Conference</i> in Napa, California Scheduled on February 5 – 7, 2020, for a total estimated amount up to \$1,500.</li></ol> |

### **Background:**

The League of California Cities holds its New Mayors and Council Members Academy each January in Sacramento, California. This highly attended annual academy is scheduled for January 22 – 24, 2020. The Vice Mayor, Councilmember and Interim City Manager's attendance at the New Mayors and Council Members Academy will allow them to engage with other elected and city officials. During this conference, attendees will have a chance to attend state-mandated trainings and will learn about a wide range of topics, such as land use planning, communications and civic engagement, and current and trending issues in legislature. The preliminary agenda is attached to this report.

The League of California Cities holds its City Manager Conference each February in a different California city. This highly attended annual conference will take place on January 22 – 24, 2020 in Napa, California. Most of the state's 482 cities are represented in the league and a wide range of educational sessions with topics such as housing, homelessness, rural economy, California pension, wireless communication, sustainability, and governance will be covered. The preliminary agenda is attached to this report.

**Analysis:** The City of Milpitas Travel and Expense Policy requires all travels for the elected officials and City Manager be approved by City Council. Council approval of this request will allow Vice Mayor Bob Nuñez, Councilmember Montano, and Interim City Manager McHarris to garner additional knowledge from other city's elected officials to share with their colleagues. Continued participation and attendance in league conferences is also a way to ensure that the Milpitas community is fully represented at the regional and state levels.

### **Fiscal Impact:**

The estimated expenses for the League of California Cities conference in Sacramento, including the registration fee, are \$1,800 for each attendee. To date, Vice Mayor Nuñez has a remaining balance of \$4,300; while Councilmember Montano has a remaining balance of \$3,800. Sufficient funds are available in the Individual Elected Official allocation of \$5,000 for Conferences / Meetings / Memberships to cover Vice Mayor Nuñez and Councilmember Montano's travel expenses.

The Sacramento conference estimated expenses, including the registration fee, are \$1,800; while the Napa conference expenses, including the registration fee, is estimated to be up to \$1,500. Sufficient funds are available in the City Manager's Office for Conferences/Meetings/Memberships to cover Interim City Manager's travel expenses.

**California Environmental Quality Act:** Not applicable

**Recommendations:**

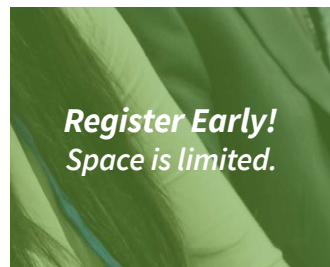
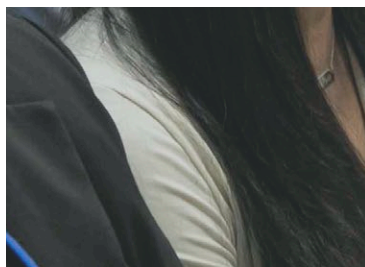
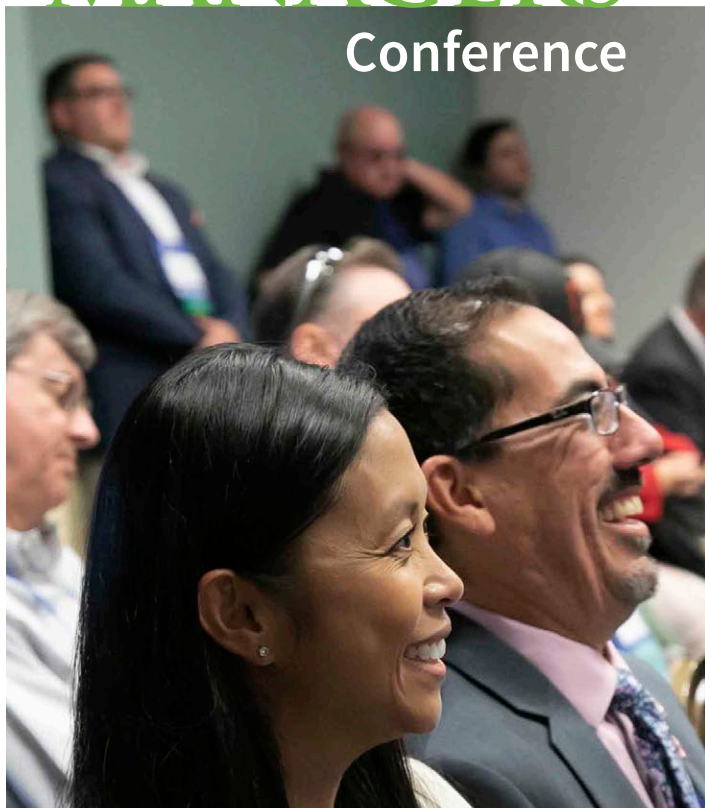
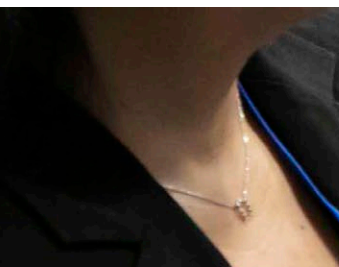
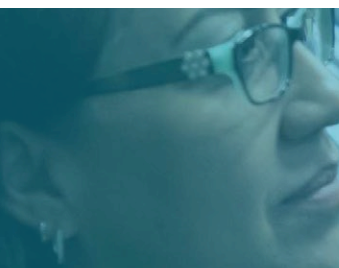
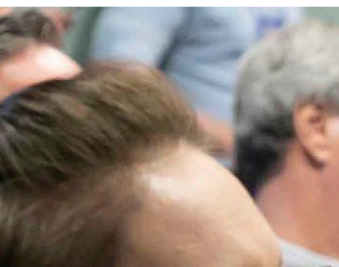
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2. Authorize and Approve Travel for Interim City Manager Steve McHarris to attend the League of California Cities *City Managers Conference* in Napa, California Scheduled on February 5 – 7, 2020, for a total estimated amount up to \$1,500.

**Attachments:**

Draft conference agenda for New Mayors and Council Members Academy  
Draft conference agenda for City Managers Conference  
Council budget tracking

# CITY MANAGERS

## Conference



***Register Early!***  
***Space is limited.***

**WEDNESDAY, FEBRUARY 5 – 7, 2020**

THE MERITAGE RESORT, NAPA, CALIF.

182

REGISTRATION AND HOUSING DEADLINE

Tuesday, January 7, 2020 | [www.cacities.org/events](http://www.cacities.org/events)

 Check out our mobile app

 [facebook.com/leagueofcacities](https://facebook.com/leagueofcacities)

 @CaCities



**Registration Open**

10:30 a.m. – 5:30 p.m.

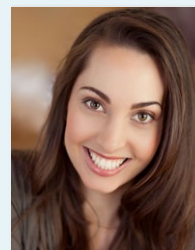
**OPENING GENERAL SESSION**

1:30 – 3:00 p.m.

**Department President Welcome & League Update**

Receive an update on League priorities and issues as well as Department news.

**OPENING KEYNOTE**



**Captivate: The Science of Leadership**

You make an impact on every person you interact with. How can you inspire people in your life? How can you make a positive impact on those around you? In this lively keynote, Vanessa Van Edwards will give you new tools to find and generate inspiration in your professional life. Vanessa's science backed research will give you actionable strategies you can use right away to work with colleagues, teams and peers. From body language to brain patterns, Vanessa will reveal the latest in leadership, communication, personality strengths and strategies, and then, most importantly, will turn the science into practical tips that you can start applying today. She will dive into the latest insights on how to improve professional charisma, how to make a memorable first impression, how to read facial expressions, and how to increase your impact, authentically.

*Vanessa Van Edwards is lead investigator at the Science of People—a human behavior research lab. She is the national bestselling author of Captivate: The Science of Succeeding With People, which has been translated into 14 languages. Her innovative work has been featured on CNN, NPR and Fast Company and Entrepreneur Magazine. Her YouTube videos have been seen by over 20 million people.*

For speaker information, go to  
[www.cacities.org/CityManagersEd](http://www.cacities.org/CityManagersEd)  
\*Sessions/Speakers are subject to change\*



## CONCURRENT SESSIONS

3:30 – 4:45 p.m.

### Public-Private Partnerships (P3s): How to Deliver Innovative, Local-Serving Projects

While public-private partnerships are often linked to major regional and local-serving infrastructure or real-estate based projects, P3s are not a “single deal structure.” These models are a continuum of private involvement in public projects and public investment in private projects. This panel will discuss P3s and the legal and practical considerations impacting how cities, private developers and private investment capital can collaborate on matters involving economic development to improve the communities where we live, work and play. Attend and learn about best practices and lessons learned on local-serving and forward-looking projects, presented in an engaging and lively format.

### #13Percent Update: the Rise of Women in City Management

A 2013 survey by the ICMA Task Force on Women in the Profession showed only 13

percent of all chief administrative officer (CAO) positions are filled by women. That survey sparked a hashtag called “#13Percent” to call out this statistic and encourage more upward mobility for women in local government management. This session will provide an update to that 2013 survey, and educate attendees on better recognizing barriers and biases that can impede progression on the climb to the top of the city management ladder.

### Housing Law Jeopardy

Between 2017 and today there have been numerous changes in law impacting how a city can and cannot control housing development. Using a Jeopardy Game show format, learn about recent changes in housing law, with a focus on legislative changes from 2019. This session will focus on Housing Element Law, No Net Loss, and the Housing Accountability Act, Inclusionary Housing, Density Bonus and the Housing Crisis Act of 2019.

### How to Prepare for a Blackout

When utility-initiated power shutoffs happen for days at a time, it can create chaos for even the strongest California communities. How can cities and counties work together to help our communities during these events? Attend this session and hear from Cal OES on how cities can be prepared, understand what the role the cities and counties play, and lessons learned from cities that have recently experienced these utility-initiated power shutoffs.

### Reception

5:00 – 6:00 p.m.



### Registration Open

8:00 a.m. – 4:00 p.m.

### Networking Breakfast

8:00 – 9:00 a.m.

## CONCURRENT SESSIONS

9:00 – 10:15 a.m.

### Regional Partnership: How to Address Homelessness Differently

In an effort to comply with a Federal Mandate as well as recent case law, the North Service Planning Area (North SPA), comprised of the cities of Anaheim, Brea, Buena Park, Cypress, Fullerton, La Habra, La Palma, Los Alamitos, Orange, Placentia, Villa Park, Stanton, and Yorba Linda have collaborated on a regional approach to address homelessness. Based on the local mandate by Federal Judge David Carter, these cities were required to work on a homeless housing plan, which includes creating Navigation Centers – one in Placentia and one in Buena Park. Learn how this unique collaboration began and the efforts involved in creating a comprehensive agreement to address homelessness differently.

### Anniversary Bell: Are We More Ethical 10 Years Later?

The ethical lapses that emerged from the City of Bell and other communities in the past ten years have highlighted the importance of promoting a high standard of ethics and integrity within the local government management profession. Join our panelists as they discuss the lessons learned from ethical lapses, how organizations have gotten better or worse, the challenges in promoting an ethical culture, and what ethical issues remain for cities today.

### Independent Contractors and CalPERS: How to Prepare, What to Avoid

CalPERS increasingly holds that independent contractors are common law “employees,” leaving employers liable for their “employee” retirement benefits. Recently, CalPERS attempted to adopt a “precedential decision” broadly restricting the use of independent contractors by public agencies. In this session, you’ll hear from policy and legal practitioners who have negotiated and litigated this issue before CalPERS. You’ll learn about applicable policy and legislative trends, how to spot when an independent contractor is at risk of being classified as an “employee,” what is at stake when CalPERS makes that determination and how to manage the resulting litigation.

### Visit with Sponsors Break

10:15 – 10:45 a.m.

For speaker information, go to [www.cacities.org/CityManagersEd](http://www.cacities.org/CityManagersEd)

\*Sessions/Speakers are subject to change\*





## CONCURRENT SESSIONS

10:45 a.m. – 12:00 p.m.

### Powerful Leadership: Effective Tips for Stellar City Managers

This program is designed to help City Managers grow and refine their skills to be effective, successful and productive managers. We will discuss the challenges supervisors are facing, including leadership, goal setting, effective communication, performance evaluations, ethics, discipline, and specific legal principles. Speakers will emphasize practice over theory.

### The Costing Mindset in Collective Bargaining

The framework of costing is critical to capturing labor costs related to collective bargaining. The ability to pay for current costs and benefits while evaluating additional or new costs via labor proposals requires comprehensive and complete costing. The costing mindset varies at each agency and in this session we will identify the types of costs that are important to focus on when creating a labor costing model, the assumption methodology used in costing, and provide costing perspectives from employers along with the reaction of labor to the costing process.



### Build & Support Your Rural Economy

Rural Economic Development is multi-faceted, including everything from affordable housing for workers to business support. For the cities in Mendocino County, entrepreneurial support and financing collaboration have created a thriving local business scene plus an Infill Affordable Housing for the local workforce. Local-led programs have helped small business owners understand and stay compliant with ADA regulations. Attend this session and learn about three programs tailored to the rural environment and learn how you can help your community thrive by supporting your small businesses and workers.

## GENERAL LUNCHEON

12:00 – 1:30 p.m.

Join your colleagues and celebrate your retirees, award winners and conference sponsors.

### Visit with Sponsors

1:30 – 2:00 p.m.

## AFTERNOON GENERAL SESSION

2:00 – 3:15 p.m.

### Straight from the Source: California's Pension System Today

Hear from a panel of experts, including CalPERS CEO Marcie Frost, on the latest developments affecting CalPERS, and outlook regarding the current pension climate.

For speaker information, go to [www.cacities.org/CityManagersEd](http://www.cacities.org/CityManagersEd)  
\*Sessions/Speakers are subject to change

## Visit with Sponsors Break

3:15 – 3:45 p.m.

## SPEED SESSIONS

3:45 – 5:00 p.m.

Decide whether to attend a talk, discuss topics with colleagues, or all of the above during the Thursday afternoon multi-session options.

3:45 - 4:10 p.m.

### Choose Your Own Discussion

Join your fellow city managers in a participant-oriented, networking session where discussion topics are chosen on-the-spot by you and your peers. Exchange information in an informal setting, find common ground, and discover different ideas and perspectives on a variety of current issues within the city manager profession.

### How Cities Can Protect Employees Through Workplace Violence Restraining Orders

Pursuant to California CCP section 527.8, employers including cities, may petition the court for TROs and injunctions on behalf of employees who have suffered either unlawful violence or credible threats of violence at the workplace. These TROs and injunctions are commonly referred to as workplace violence restraining orders. Given the rise in workplace violence, cities must know what WVROs are and how they can and should obtain them. The legislative intent behind the enactment of CCP Section 527.8, as well as real-life case studies of WVROs will be discussed.

### Multi-Housing Model in the City of Kerman (3:45 – 4:25 p.m.)

Explore how low-income housing set the standard for multi-housing in a city. Kerman has a model to learn from, working with a developer with tax credit experience who has built multiple low-income properties in middle income areas. It has the lowest crime rate in the city of Kerman and the developer offers an onsite after-school program through the city, at no cost to the residents. Come hear about this unique partnership.

4:10 - 4:30 p.m.

### Choose Your Own Discussion, Part 2

Second round of table discussions take place.

### Avoiding Liability for Falling Trees

Hear about the first published California decision that addresses whether a public entity is liable in inverse condemnation for damage caused by a falling tree. The speaker will also address how to maintain an urban forest to avoid liability, and review the difference between inverse condemnation and dangerous condition.



### American Canyon Housing Presentation (4:25 – 5:00 p.m.)

The city of American Canyon will tell the tale of their affordable housing project, including challenges, successes, and lessons learned.

### Cont. American Canyon Housing Presentation (4:25 – 5:00 p.m.)

### Evening On Your Own 5:00 p.m.

4:35 - 5:00 p.m.

### Choose Your Own Discussion, Part 3

Third round of table discussions take place.

### Regional Alignment of Wireless Communications

Understand the challenges presented by the FCC's Small Cell Order, the background and context in which the FCC is operating in their current rulemaking, and what city managers can do to address the challenges. Cases of how local municipalities are moving forward in the current regulatory environment will also be covered.



For speaker information, go to [www.cacities.org/CityManagersEd](http://www.cacities.org/CityManagersEd)

\*Sessions/Speakers are subject to change\*

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\*Sessions/Speakers are subject to change\*



## Registration Open

8:00 – 10:15 a.m.

## Networking Breakfast

8:00 – 9:00 a.m.

## CONCURRENT SESSIONS

8:45 – 10:00 a.m.

### Strategies for Dealing With Council-Manager Role Conflicts

The Cal-ICMA Survival Skills Project identified “role conflict” as a major challenge in many council-manager relationships. Whether it is councilmembers who wish to get directly involved in managerial decisions or a concern that the manager or staff are unfairly influencing policy, the topic of role conflict can present a significant challenge to city managers. This session will offer ideas regarding how these types of issues develop and will suggest strategies on how to deal with these challenges.



### Local Government Transformation in the 21st Century

Local governments weren’t designed to be as nimble and flexible as today’s changing technologies and community expectations demand. Public trust in government is down and the old government ways of bureaucratic silos filled with experts now seems archaic and irrelevant. Hear what Hayward, Napa, and San Rafael are doing about it and participate in a conversation about how your city is doing as a 21st century government. Learn the role of the city manager in organizational culture change and how to do it in your city.

## CLOSING KEYNOTE SESSION

10:15 – 11:30 a.m.

### Pitfalls to Avoid in the City Management Profession

When careers of City Managers go wrong, it isn’t easy to pinpoint the cause. But the damaging effects – both for the city manager and the community they serve – are undeniable. Join Trudy Sopp, Founder of The Centre for Organization Effectiveness, for an exploration of the complex set of variables that are often at play. Learn how to identify when you are approaching the intersection of structural factors, political/ environmental dynamics, and personal blind spots that lead to a bad ending of a good career.

**Adjourn**  
11:30 a.m.

## CITY MANAGERS CONFERENCE

### Registration Deadline: Tuesday, January 7, 2020

Registration is not complete until full payment is received. The League is unable to accept purchase orders.

- For online registration, go to [www.cacities.org/events](http://www.cacities.org/events) and select “City Managers Conference”.
- To request a mail-in registration form, contact [mdunn@cacities.org](mailto:mdunn@cacities.org).

**Registration must be received by the registration deadline. After this date, please register onsite if space is still available.**

### COSTS/FEES

Full conference registration includes admission to all sessions on Wednesday, Thursday, and Friday; admission to the Wednesday reception; admission to the Thursday breakfast and lunch; admission to the Friday breakfast; and access to all program materials.

|                                                                              |         |
|------------------------------------------------------------------------------|---------|
| Full: Member-city City/County Managers, Assistant City/County Managers ..... | \$725   |
| Full: MMANC/MMASC Members .....                                              | \$575   |
| Full: All Others .....                                                       | \$850   |
| Full: Non-Member City .....                                                  | \$1,725 |
| One Day: City/County Managers, Assistant City/County Managers .....          | \$360   |
| One Day: MMANC/MMASC Members .....                                           | \$285   |
| One Day: All Others .....                                                    | \$435   |
| One Day: Non-Member City .....                                               | \$1,360 |
| Guest (Wednesday Reception only) .....                                       | \$50    |

*The guest fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to Wednesday’s networking reception only. There is no refund for the cancellation of a guest registration. It is not advisable to use city funds to register a guest.*

### CANCELLATIONS

**Refunds of rate paid, minus \$75 processing charge,** will be made for cancellations submitted in writing to [mdunn@cacities.org](mailto:mdunn@cacities.org) and received by the **registration and housing deadline**. There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or dietary requests, please contact our Conference Registrar at [mdunn@cacities.org](mailto:mdunn@cacities.org) by the Registration Deadline.

### CONFERENCE LOCATION

#### The Meritage Resort

875 Bordeaux Way, Napa, CA 94558

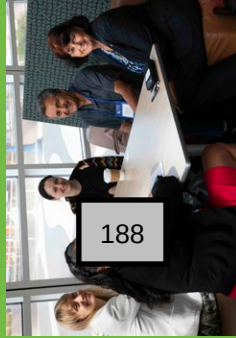
**PLEASE NOTE:** The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The information shared between the League and the hotel(s) will be limited to your first name, last name and dates/length of stay in the hotel.



1400 K Street, Suite 400  
Sacramento, CA 95814  
[www.cacities.org](http://www.cacities.org)

# Join us for the 2020 City Managers Conference

For speaker information, go to [www.cacities.org/CityManagersEd](http://www.cacities.org/CityManagersEd)



# NEW MAYORS AND COUNCIL MEMBERS

## Academy



***Register Early!***  
*Space is limited.*

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 @CaCities

**JANUARY 22–24, 2020**  
HYATT REGENCY SACRAMENTO

REGISTRATION AND HOUSING DEADLINE  
Tuesday, December 31, 2019 | [www.cacities.org/events](http://www.cacities.org/events)

189





# NEW MAYORS & COUNCIL MEMBERS ACADEMY

## SCHEDULE AT A GLANCE

### | WEDNESDAY, JANUARY 22 |

- 7:00 a.m. – 5:00 p.m. .... Registration Open
- 8:00 – 10:00 a.m. .... Harassment Prevention Training for Supervisors and Officials (AB 1661)
- 10:15 a.m. – 12:15 p.m. .... Educational Sessions
- 12:15 – 1:15p.m. .... Networking Luncheon
- 1:15 – 5:00 p.m. .... Educational Sessions
- 5:30 – 6:30 p.m. .... Networking Reception

### | THURSDAY, JANUARY 23 |

- 7:00 a.m. – 5:00 p.m. .... Registration Open
- 7:30 – 8:30 a.m. .... Networking Breakfast
- 8:30 a.m. – 12:00 p.m. .... Educational Sessions
- 12:00 – 1:15p.m. .... Luncheon: Inquiring Minds Want To Know
- 1:15 – 5:00 p.m. .... Educational Sessions

### | FRIDAY, JANUARY 24 |

- 7:30 – 11:00 a.m. .... Registration Open
- 7:30 – 9:00 a.m. .... Networking Breakfast & Late Breaking Session
- 9:30 – 11:30 a.m. .... Understanding Public Service Ethics Laws and Principles (AB 1234)

For speaker information, go to [www.cacities.org/MayorsCouncilEd](http://www.cacities.org/MayorsCouncilEd)  
\*Sessions/Speakers are subject to change\*



## STATE MANDATED TRAININGS

Training to meet state requirements on specific ethics laws and principles and workplace harassment prevention, discrimination and retaliation will be offered. Sign-in will begin 30 minutes prior to the session and you must be present for the full two hours to receive the certification of attendance. Entry will be prohibited once session begins. (Planned with the Institute for Local Government).

The Institute for Local Government is a State Bar of California minimum continuing legal education (MCLE) approved provider and certifies this activity meets the standards for MCLE credit by the State Bar of California in the total amount of 2 hours (general credits). Provider #13881

For speaker information, go to [www.cacities.org/MayorsCouncilEd](http://www.cacities.org/MayorsCouncilEd)  
\*Sessions/Speakers are subject to change\*



## Harassment Prevention Training for Supervisors and Officials (AB 1661)

Wednesday, January 22, 8:00 – 10:00 a.m.

This informational and interactive workplace harassment prevention training will focus on current and emerging issues resulting from the #MeToo movement, and teach officials and supervisors how to identify, prevent, and properly respond to workplace harassment, discrimination, retaliation, and abusive conduct in order to avoid personal and agency liability in compliance with AB 1825/2053/1661 and SB 396.

## Understanding Public Service Ethics Laws and Principles (AB 1234)

Friday, January 24, 9:30 - 11:30 a.m.

State law requires elected and appointed officials to receive two hours of training in specified ethics laws and principles every two years. Newly elected and appointed officials must receive this training within one year of becoming a public servant. Join a panel of experts as they help navigate the ethics laws and principles.



## EDUCATIONAL SESSIONS

### City of Dysfunction Junction — How to Conduct an Effective and Respectful Council Meeting

Enjoy a popular and hilarious skit, contrasting the wrong and the right ways to conduct your city council meetings.

### Effective Advocacy & Key City Issues

Meet the League of California Cities' legislative team, and learn about the legislative goals, legislative calendar, and trending issues in the legislature. Lobbyists will also share ideas for establishing practical skills to develop persuasive arguments and testimony that will serve your city's interests.

### Your Legal Powers and Obligations

You were elected to make things happen in your city. Learn the breadth, as well as the limitations of your powers as a city official. Acquire a basic understanding of the legal authorities and restrictions under which cities and city officials operate, with a focus on the Brown Act.

### Financial Responsibilities and City Revenues

This session will address your responsibilities as elected officials in exercising fiduciary accountability and transparency in open government. Discuss the local government financial cycle, elected official financial oversight duties, and state and local funding relationships. The importance of structurally balanced budget tips for setting city council goals, and the need for financial policies will be addressed.

For speaker information, go to [www.cacities.org/MayorsCouncilEd](http://www.cacities.org/MayorsCouncilEd)  
\*Sessions/Speakers are subject to change\*

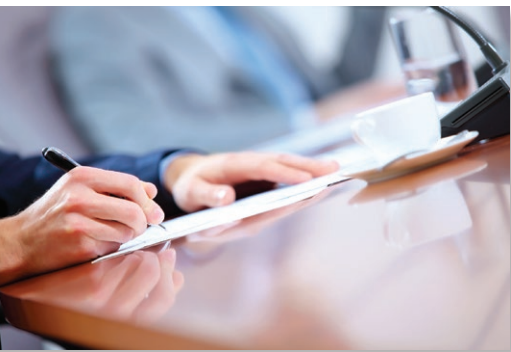
## EDUCATIONAL SESSIONS, *Continued*

### Policy Role in Land Use Planning

Land use planning is one of the most important aspects of a city official's responsibilities because of the long-term impacts it can have on a community's environment, economic vitality and the physical health of its residents. Learn about tools and processes in land use planning such as the general plan, zoning, and the California Environmental Quality Act (CEQA), as well as the role of regional agencies and the state. This knowledge will help you foster a solid working relationship with your city's planning commission and planning staff.

### Your League and How To Use It

As a city official, you are the League. Its success, along with your own, depends on your involvement and leadership. Receive an introduction to the services of the League of California Cities, how you can access them, and how you can become involved.



For speaker information, go to [www.cacities.org/MayorsCouncilEd](http://www.cacities.org/MayorsCouncilEd)  
\*Sessions/Speakers are subject to change\*

### Inquiring Minds Want to Know

Have a question that you are afraid to ask in a public meeting, or feel that you should already know the answer to? Join us in a safe and friendly environment to receive answers to your most pondered questions, and hear questions from your colleagues.

### Relationship between City Council and City Management

As an elected official, there will be various competing values and priorities that drive you and your colleagues within your city. Your success on the council requires an effective relationship with your city manager, city attorney and staff, where everyone's values are respected and represented. Learn how to work together while cultivating each of your diverse roles.

### Communications and Civic Engagement

With constant advancements in social media over the last several years, it can be hard to keep up with the "do's and don'ts" of every platform. There is a wide variety of almost immediate online informational sources, and elected officials need to be quick on their feet with the necessary skills to proactively manage public perceptions about local governmental affairs. Discover what cities should be doing to communicate with their constituents in the 21st century, and the rules that elected officials need to follow.

## Registration & Housing Deadline: Tuesday, December 31, 2019

### STEP 1: REGISTER FOR THE CONFERENCE

- Registration is not complete until full payment is received. The League is unable to accept purchase orders.
- For online registration, go to [www.cacities.org/events](http://www.cacities.org/events) and select "New Mayors and Council Members Academy".
- To request a mail-in registration form, contact [mdunn@cacities.org](mailto:mdunn@cacities.org).

**Registration must be received by the registration & housing deadline. After this date, you will need to register onsite if space is still available.**

### COSTS/FEES

**Full registration** includes electronic access to all program materials, admission to all sessions, two breakfasts, two lunches, and the Wednesday evening networking reception.

#### Full Conference

|                                                            |        |
|------------------------------------------------------------|--------|
| Elected Officials and City Staff .....                     | \$625  |
| Non-Member City Elected Officials and City Staff.....      | \$1625 |
| Guest/Spouse Reception Only Registration (Wednesday) ..... | \$35   |

*The guest / spouse fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to Wednesday's networking reception only. There is no refund for the cancellation of a guest / spouse registration. It is not advisable to use city funds to register a guest/spouse.*

### CANCELLATIONS

**Refunds of rate paid, minus \$75 processing charge**, will be made for cancellations submitted in writing to [mdunn@cacities.org](mailto:mdunn@cacities.org) and received by the **registration & housing deadline**. There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or dietary requests, please contact our Conference Registrar at [mdunn@cacities.org](mailto:mdunn@cacities.org) by the Registration & Housing Deadline.

### STEP 2: RESERVE A HOTEL ROOM

#### Hotel Information & Reservations

A limited number of hotel rooms are available for conference attendees. All attendees must register for the conference prior to reserving a hotel room. Once registration is complete, you will be directed to the housing reservations page. Hotel reservation changes, date modifications, early check-out, or cancellations made prior to the **registration & housing deadline** must be done through the online reservation link you received when registering for the conference. Use your confirmation/acknowledgement number to access your reservation to make changes. Once the registration & housing deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that any hotel cancellations after the housing deadline has passed may incur a financial penalty or a minimum one-night room charge or attrition fees.

### January 22 – 24, 2020, Sacramento

#### Hyatt Regency Sacramento

1209 L Street, Sacramento, CA 95814

Hotel Rate (*per night*): \$193 – Single/Double Occupancy (*plus tax and fees*)

Valet parking: \$29 per day / Self-parking: \$20 per day (*subject to change*)

**PLEASE NOTE:** The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to them when you make your hotel reservation for the conference or meeting. The information shared between the League and hotel(s) will be limited to your first name, last name and dates/length of stay in the hotel.



1400 K Street, Suite 400  
Sacramento, CA 95814  
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## Join us for the 2020 New Mayors & Council Members Academy

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## Travel and Training FY 19-20 Budget Tracking for Council

| Mayor Tran |                                                                   |                                      |             |                         |
|------------|-------------------------------------------------------------------|--------------------------------------|-------------|-------------------------|
|            | Training/Travel Event                                             | FY19-20 Amount<br>Expended/Estimated | Total<br>\$ | Remaining Balance<br>\$ |
|            |                                                                   |                                      | 26.92       | 4,973.08                |
| 1          | Annual Conference of Mayors, Hawaii (FY19-20 expense only - Uber) | \$ 26.92                             |             |                         |
|            |                                                                   |                                      |             |                         |

| Vice Mayor Nuñez |                                                                                          |                                      |             |                         |
|------------------|------------------------------------------------------------------------------------------|--------------------------------------|-------------|-------------------------|
|                  | Training/Travel Event                                                                    | FY19-20 Amount<br>Expended/Estimated | Total<br>\$ | Remaining Balance<br>\$ |
|                  |                                                                                          |                                      | 695.95      | 4,304.05                |
| 1                | SPUR Seminar - Sunnyvale's Cityline Takes Shape                                          | \$ 10.00                             |             |                         |
| 2                | League of California Cities 2019 Annual Conference & Expo in Long Beach from 10/16-10/19 | \$ 570.95                            |             |                         |
| 3                | The Future of Downtown San Jose (SVBJJ)                                                  | \$ 115.00                            |             |                         |
|                  |                                                                                          |                                      |             |                         |

| Councilmember Dominguez |                                                                                                                        |                                      |             |                         |
|-------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------|-------------------------|
|                         | Training/Travel Event                                                                                                  | FY19-20 Amount<br>Expended/Estimated | Total<br>\$ | Remaining Balance<br>\$ |
|                         |                                                                                                                        |                                      | 1,632.60    | 3,367.40                |
| 1                       | SVO Study Mission Trip to Nashville, TN from 9/3/19 - 9/6/19 (FY19-20 expense only - Southwest Airlines Flight Change) | \$ 512.96                            |             |                         |
| 2                       | League of California Cities 2019 Annual Conference & Expo in Long Beach from 10/16-10/19                               | \$ 1,119.64                          |             |                         |
|                         |                                                                                                                        |                                      |             |                         |

| Councilmember Montano |                                                                                          |                                      |             |                         |
|-----------------------|------------------------------------------------------------------------------------------|--------------------------------------|-------------|-------------------------|
|                       | Training/Travel Event                                                                    | FY19-20 Amount<br>Expended/Estimated | Total<br>\$ | Remaining Balance<br>\$ |
|                       |                                                                                          |                                      | 1,169.64    | 3,830.36                |
| 1                     | 2019 Annual Sustainable Groundwater Planning in CA Conference - Lodging                  | \$ 747.15                            |             |                         |
| 2                     | League of California Cities 2019 Annual Conference & Expo in Long Beach from 10/16-10/19 | \$ 1,119.64                          |             |                         |
| 3                     | Law Seminars International - Public Records Act                                          | \$ 50.00                             |             |                         |
|                       |                                                                                          |                                      |             |                         |

| Councilmember Phan |                                                                                          |                                      |             |                         |
|--------------------|------------------------------------------------------------------------------------------|--------------------------------------|-------------|-------------------------|
|                    | Training/Travel Event                                                                    | FY19-20 Amount<br>Expended/Estimated | Total<br>\$ | Remaining Balance<br>\$ |
|                    |                                                                                          |                                      | 1,204.64    | 3,795.36                |
| 1                  | League of California Cities 2019 Annual Conference & Expo in Long Beach from 10/16-10/19 | \$ 1,204.64                          |             |                         |
|                    |                                                                                          |                                      |             |                         |





## CITY OF MILPITAS AGENDA REPORT (AR)

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>      | <b>Conduct a Public Hearing and Adopt a Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program in compliance with the California Environmental Quality Act; Approving a General Plan Amendment, Planned Unit Development, Site Development Permit, and Vesting Tentative Map to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 detached accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units; and, Introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District</b>                                                                                                                                                                                                                                    |
| <b>Category:</b>        | Public Hearings-Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Meeting Date:</b>    | 1/21/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Staff Contact:</b>   | Adrienne Smith, Associate Planner, 408-586-3287                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Recommendations:</b> | <ol style="list-style-type: none"> <li>1) Conduct a public hearing and move to close the hearing following comments.</li> <li>2) Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act; Approving the revised project including General Plan Amendment (GP18-0001), Planned Unit Development (PD18-0001), Site Development Permit (SD18-0015), and Vesting Tentative Map (MT18-0003) to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (designated as below-market-rate), and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; and, Allowing an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15% of units on the site as below-market-rate units.</li> <li>3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District.</li> </ol> |

### **Background:**

On November 18, 2018, Robson Homes applied for a set of entitlements to allow development of a residential subdivision with 36 two-story, single-family homes, and 10 accessory dwelling units (ADUs), on a 4.88-acre site located at 1005 North Park Victoria Drive in northern Milpitas. The site is currently undeveloped except for one vacant, fire-damaged home at the southeast corner of the site on North Park Victoria Avenue.

On August 28, 2019, the Planning Commission held a public hearing on the proposed development and unanimously approved (5-0), Commissioners Mandal and Tao abstained) staff's recommendation to adopt a resolution recommending that the City Council approve the above application requests.

On November 5, 2019, City Council held a public hearing on the proposed development and direct Planning Department staff to work with Robson Homes to incorporate four affordable housing units on site. On December 11, 2019 the Planning Commission heard the revised project and approved it unanimously (5-0).

The revised application includes the following:

1. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
2. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
3. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
4. Site Development Permit SD18-0015: To allow a 38-unit single family home development including 34 market-rate housing units, four affordable housing units (paired homes), and ten accessory dwelling units on the 4.88-acre site; and
5. Vesting Tentative Map P-MT18-0003: To establish 38 single-family home lots and to record site easements.

### **Analysis:**

#### **General Plan Amendment**

The proposed General Plan amendment will change the land use designation of the project site from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD), thereby increasing the density range from 3-5 dwelling units/acre to a density range of 6-15 dwelling units/acre. Aside from the change in density, the project is otherwise consistent with the Guiding Principles and Policies of the General Plan. The General Plan amendment is in the public interest because it will enable infill development to occur on a vacant 4.88-acre lot with 34 single-family, market rate homes, four affordable homes and 10 ADUs in an area that is already served by City infrastructure. The scale and layout of the new subdivision will complement and complete the existing neighborhood, and the proposed project will significantly enhance pedestrian and traffic safety by widening and completing local streets surrounding the site and adding new sidewalks, parking, and landscape strips. The project will also include the demolition of a fire-damaged home that has been vacant and abandoned at the southeast corner of the property for many years. The Planning Commission Staff Report (Attachment C) provides additional detailed analysis of the project's conformance with the General Plan and Climate Action Plan (CAP).

#### **Zoning Amendment**

The requested Zoning amendment will amend the zoning map from Single-Family Residential (R1-6) to Single-Family Residential (R1-3). This amendment would reduce the required minimum lot size from 6,000 square feet to 3,000 square feet to accommodate the project's market rate home lot sizes, which range from 3,540 - 5,787 square feet.

The proposed zoning amendment would result in a gradual transition in minimum lot sizes between the two neighboring subdivisions. The Fox Hollow subdivision that borders the southern end of the project site is zoned R1-4 and requires a minimum lot size of 4,000 square feet, while the neighboring subdivision to the north and west is zoned R1-6 and requires a minimum lot size of 6,000 square feet. By comparison, the proposed project's 34 market rate home lots have an average lot size of approximately 4,415 square feet. In addition, the proposed density of 7.8 dwelling units per gross acre conforms to the permitted density of one dwelling unit/lot and 3-15 dwelling units per gross acre, which is the same across all R1 zoning districts. The Planning Commission Staff Report (Attachment C) provides detailed analysis of the project's conformance with the Zoning Ordinance.

#### **Planned Unit Development**

Pursuant to MMC Section XI-10-54.07, the applicant has requested a Planned Unit Development (PUD) permit to accommodate reduced setbacks from the minimum standards required by the R1-3 zoning designation to accommodate some of the more narrow market rate home and affordable home lots. The PUD also accommodates the four smaller affordable home lots that range in size from 2,500 – 2,677 square feet. Infill development projects such as this one often present unique site planning challenges and developing the site as a PUD will allow the efficient use of land and provision of suitable private yards and public improvements such as streets, sidewalks and landscape strips. The Planning Commission Staff Report (Attachment C) provides additional information regarding the Planned Unit Development permit for the proposed project.

### Site Development Permit

The proposed development, including 34 single family, market rate homes, four below-market rate homes and 10 accessory dwelling units (ADUs), would be located on a 4.88-acre site in northern Milpitas in an area consisting primarily of residential and commercial uses. The project site slopes downward from the southeastern corner (approximately 14 to 18 feet) and is currently vacant except for an abandoned, fire-damaged home at the southeast corner of the property (opposite the intersection of North Park Victoria and Country Club Drive) for many years. The existing house will be demolished to accommodate the proposed new development, and the proposed project will include the widening and completion of all streets adjacent to the site, including Creed Street, Ranking Drive, and portions of North Park Victoria Drive.

Pursuant to Milpitas Municipal Code Section XI-10-57.03(F), findings have been made for project consistency with the Milpitas General Plan and Zoning Ordinance. The proposed layout of the site and design of proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development. Specifically, the project's site design is outward-facing to the surrounding residential community and integrates seamlessly with the existing neighborhood. The Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of nearby homes and the larger community.

The proposed site plan meets all City development standards for building height, parking and vehicle circulation, pedestrian amenities, parks and open space, storm water management, and landscaping. As noted, the project site is in an urban area served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. The Planning Commission Staff Report (Attachment C) provides additional detailed analysis and findings for approval of the Site Development Permit.

### Vesting Tentative Map

As set forth in the Resolution, the project's form, content and dedications of the proposed tract map are consistent with the provisions of Milpitas Municipal Code Section XI-1-4 (Tentative Maps).

The design of the project does not conflict with existing public easements for access through or use of the property. This subdivision will require the vacation of a sanitary sewer pipeline and easement along the rear of Lots 1 through 7 along the southern edge of the development, but a new pipeline will be located within the new private street as a replacement. The developer will dedicate new street right-of-way for the widening of Creed Street, Rankin Drive, and North Park Victoria Drive, and Public Service and Utility Easements (PSUEs) will be dedicated along adjacent public street frontages and interior private streets.

Pursuant to Milpitas Municipal Code Section XI-1-20.01, findings have been made for project consistency with the Milpitas General Plan and Zoning Ordinance. Specifically, the Vesting Tentative Map is consistent with the proposed General Plan land use designation of SMD and relevant density range of 6-15 dwelling units/acre. The project site is surrounded by properties designated for single-family residential development and would have a compatible density of 7.8 dwelling units per acre. The Planning Commission Staff Report (Attachment C) provides additional detailed analysis and findings for approval of the Vesting Tentative Map.

### Affordable Housing

Pursuant to MMC Section XII-3.00, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to provide 15 percent of the total number of dwelling units (5.1 units) within the development as below-market-rate units, unless approved for an exception as set forth in MMC Section XII-1-4.00. All exceptions require City Council approval.

The applicant proposes to construct four affordable "paired" units located on the new private street extending from Blalock Street. The affordable units will be targeted to moderate-income households. According to MMC Section XII-3.04, all affordable units shall reflect the range of numbers of bedrooms provided in the project as a whole and shall not be distinguished by exterior design, construction, or materials. Affordable units may be of smaller size and have fewer amenities than the market rate units in the project and shall be reasonably dispersed throughout the project. Like the market rate units, the proposed paired units are located on individual lots, have four bedrooms, and share similar architectural style.

The applicant further proposes to pay the current in-lieu fee of \$33 per square foot to satisfy the requirement for an additional 1.1 affordable units on the site. The new net residential living area is estimated at 109,600

square feet; therefore, the estimated in-lieu fee is \$780,250.71. This fee is subject to change and will be officially calculated once the building permit application confirms the net area of new residential living space.

Prior to City Council approval to the requested exception, affirmative findings to the following must be made:

1. The exception requested exceeds the minimum affordable requirements; and

*Analysis: Analysis: The applicant proposes to construct four affordable housing on site, as well as pay the remaining 1.1-unit equivalent affordable in-lieu fee. In addition to providing the units and the fee, the applicant will provide ten ADUs within the project, and these smaller studio units will be affordable by design. The California Department of Housing and Community Development (HCD) identifies ADUs as a valuable tool in providing affordable housing to couples, small families, friends, young people, and seniors. ADUs can also be a source of income for homeowners, allow flexible living arrangements for families, and provide as much living space as many newly-built apartments and condominiums. ADUs can also allow seniors to age in place as they require more care over time. ADUs may not be used for short-term rentals (STRs) of less than 30 days (Gov. Code Section 65852.2). Staff recommends that the City Council finds that the requested exception exceeds the minimum requirements of the City's Affordable Housing Ordinance.*

2. The community benefits exceed the project benefits.

*Analysis: The proposed project is the first residential development of its kind in Milpitas to include purpose-built ADUs as part of the overall project design. As discussed in the previous finding, ADUs provide a myriad of benefits to residents, including the provision of incremental housing density while maintaining a residential character and suitability for family life. Overall, the project will demonstrate how a concentrated number of ADUs can be seamlessly integrated and appropriately scaled to a single-family home neighborhood. The project's ADUs will also directly support the goals set by the State of California and City of Milpitas to increase the number of ADUs in local communities. Paired with the potential financial and social community benefits associated with ADUs, staff recommends that City Council finds that the community benefits exceed the project benefits.*

#### Additional Minor Project Updates

In addition to affordable housing revisions to the project, there are two other minor updates to note:

- The publicly accessible “tot lot” park with a play structure located at Creed Street and Rankin Drive, was reviewed and approved by the Parks Recreation & Cultural Resources Commission on January 6, 2020.
- Parkland fees were adjusted to account for the net addition of two more homes to the site, as well as a lower estimated ADU population density of three persons per unit versus 3.75 persons per unit projected for the single-family homes and to account for the parkland credit for the “tot lot”.

#### Policy Alternatives:

**Alternative 1: Approve the original site plan for the project with 36 single-family homes (market-rate), ten accessory dwelling units, and the payment of in-lieu fees to satisfy the City's Affordable Housing Ordinance requirement for 5.1 affordable units (15% of total units) on the project site.**

**Pros:** The applicant would develop a vacant lot into a new residential subdivision with 36 single-family homes on individual lots, and the City's Affordable Housing Fund would receive an approximate in-lieu fee of \$3.4 million to apply to future affordable housing initiatives at its discretion.

**Cons:** No affordable housing units would be provided on the site, and the City would forego the benefits of having additional affordable housing units.

**Reasons not recommended:** The applicant agreed to modify the project to include four affordable units on the project site and pay fees in lieu of the other 1.1 affordable units needed to meet the 15% requirement of the Affordable Housing Ordinance. Reverting to the original site plan and project scope would require further public meetings, modifications to the CEQA study, and additional delays to the entitlement process.



## **Alternative 2: Deny the application.**

**Pros:** The property owner could submit an entirely new project that includes the required 5.1 affordable units (15% of total units) on the project site. Alternatively, the property owner could submit a project that exceeds the required minimum of 15 affordable units and take advantage of State and local density bonus laws to build at a significantly higher density than is currently proposed. More affordable housing units on the site would help alleviate the current housing crisis in the area and provide new housing options for Milpitas residents.

**Cons:** Denial of the project would delay development of the site – possibly for years – and leave a vacant, unimproved piece of land, with an abandoned, fire-damaged home in place and an incomplete neighborhood. The City would not benefit from development of a vacant property, including higher land valuation and tax revenue, and the neighborhood would not benefit from various infrastructure and landscape improvements associated with the project.

**Reason not recommended:** The proposed project will benefit the City and the adjacent neighborhood by completing streets and other infrastructure, including a new publicly accessible “tot lot” park. The applicant and the City have conducted extensive public outreach to inform residents about the proposed project. If the project is denied, the City would lose the opportunity to gain 34 single-family homes (market-rate), four paired homes (below-market-rate), and 10 affordable-by-design ADUs. The City would also forego an estimated in-lieu fee of \$780,250.71 to benefit the Affordable Housing Fund.

### **Fiscal Impact:**

The project will have a net neutral fiscal impact to the City, as the applicant will pay all required development fees to the City. The development fees will include a one-time payment of approximately \$780,250.71 to the City’s Affordable Housing Fund.

### **California Environmental Quality Act:**

The City prepared an environmental assessment (EA19-0003) for this project in accordance with the California Environmental Quality Act (CEQA). On the basis of the Initial Study (IS), LSA has concluded that the project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration (MND).

On August 9, 2019, the City provided a notice of intent to adopt an MND to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was available for public review from 08/09/2019 through 09/09/2019.

The final IS/MND was presented for City Council adoption at its November 5, 2019 meeting; however, given the changes to the site plan, the IS/MND was updated. On December 5, 2019, the City provided notice of its intent to adopt the updated MND to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was available for public review from December 5, 2019 through December 27, 2019. The revised IS/MND received no comments.

### **Recommendations:**

- 1) Conduct a public hearing and move to close the hearing following comments.
- 2) Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program in compliance with the California Environmental Quality Act; Approving General Plan Amendment (GP18-0001), Planned Unit Development (PD18-0001), Site Development Permit (SD18-0015), and Vesting Tentative Map (MT18-0003) to allow development of a residential subdivision with 34 single-family homes (market-rate), four paired homes (below-market-rate), and 10 accessory dwelling units on a 4.88-acre site located at 1005 North Park Victoria Drive; and, approving an exception to the Affordable Housing Ordinance to allow the payment of fees in lieu of providing a full 15 percent of affordable units on the site.
- 3) Move to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the subject site from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District.

**Attachments:**

- A: Resolution
- B: Ordinance 38.838 to allow rezoning from R1-6 to R1-3 (for Introduction)
- C: Planning Commission Staff Report (dated December 11, 2019)
- D: Planning Commission Resolution no. 19-033
- E: Final Initial Study/Mitigated Negative Declaration (Draft IS/MND)
- F: Mitigation Monitoring and Reporting Program (MMRP)
- G: Project Plans

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, VESTING TENTATIVE MAP MT18-0003, AND ENVIRONMENTAL ASSESSMENT EA19-0003 TO ALLOW DEVELOPMENT OF A RESIDENTIAL SUBDIVISION WITH 34 SINGLE-FAMILY HOMES (MARKET-RATE), 4 PAIRED HOMES (BELOW-MARKET-RATE), AND 10 ACCESSORY DWELLING UNITS ON A 4.88-ACRE SITE LOCATED AT 1005 NORTH PARK VICTORIA DRIVE AND MAKING FINDINGS PURSUANT TO SECTION XII-1.00, *et seq.* OF THE MILPITAS MUNICIPAL CODE AND CEQA FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15070 *et seq.***

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 *et seq.*) (collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed project described below; and

**WHEREAS**, on November 18, 2018, Robson Homes (the “Applicant”) originally submitted an application to the City of Milpitas for the approvals necessary to develop a 36-unit single-family home development, including 10 accessory dwelling units (ADUs), at 1005 North Park Victoria Drive, which was subsequently revised to allow development of a 38-unit residential development with 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 ADUs. The project (the “Project”) thus consists of and requires:

- a. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
- b. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
- c. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
- d. Site Development Permit SD18-0015: To allow a 38-unit residential development, including 34 single-family housing units (market-rate), 4 paired housing units (below-market-rate), and 10 accessory dwelling units on the 4.88-acre site; and Vesting Tentative Map P-MT18-0003: To establish 38 lots and to record site easements; and
- e. Environmental Assessment EA19-0003: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

**WHEREAS**, the Planning Department completed an environmental assessment No. EA19-0003 for the Project in accordance with CEQA, an Initial Study was conducted and based on the study a Mitigated Negative Declaration was prepared, the Planning Commission recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration; and

**WHEREAS**, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the applications for a General Plan Amendment, Zoning Amendment and Planned Unit Development the City Council is the highest review authority for the Project, and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

**WHEREAS**, on December 11, 2019, the Planning Commission held a duly-noticed public hearing, during which meeting the Planning Commission considered General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 for 1005 North Park Victoria Drive heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, by adoption of Resolution No. 19-033, the Planning Commission recommended the City Council approve General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No.

PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003; and

**WHEREAS**, the documents and other materials which constitute the record of proceedings upon which the City Council bases the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

**WHEREAS**, on January 21, 2020, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the Environmental Assessment No. EA19-0003, as well as General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003 for 1005 North Park Victoria Drive, heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

#### **SECTION 1. Recitals**

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 incorporated herein by reference.

#### **SECTION 2. California Environmental Quality Act Findings**

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to conform to the requirements of CEQA, the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed Project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the Project. The IS/MND was available for public review from 08/09/2019 through 09/09/2019. Also, in conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring on the measures the City hereby has either required or made a condition of approval to the Project to mitigate or avoid significant environmental effects.

#### **SECTION 3. General Plan Amendment Findings (Section XI-1-57.02)**

The City Council makes the following findings based on the evidence in the public record in support of General Plan Amendment No. GP18-0001:

- A. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The requested General Plan amendment will change the land use designation of the Project site from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD) thereby increasing the density range from 3-5 dwelling units/acre to a density range of 6-15 dwelling units/acre. Aside from the change in density, the Project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

- B. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed Project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the Project has been subject to CEQA review through the preparation of an IS/MND. The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

#### **SECTION 4. Zoning Maps Amendment Findings (XI-1-57.02)**

The City Council makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA18-0003:

*A. The proposed amendment is consistent with the General Plan.*

As discussed above, the proposed amendment is generally consistent with the Milpitas General Plan and the Project will be fully consistent if granted an amendment from land use designation SFL to SMD to allow for a slightly increased dwelling unit/acre density. The Project is otherwise consistent with the Guiding Principles and Policies of the General Plan, such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

*B. The proposed amendment will not adversely affect the public health, safety and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed Project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the Project has been subject to CEQA review through the preparation of an IS/MND. The MND has prescribed mitigation measures, such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

#### **SECTION 5. Planned Unit Development Findings (XI-1-57.07)**

The City Council makes the following findings based on the evidence in the public record in support of Planned Unit Development No. PD18-0001:

*A. Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

*B. Overall, the Project offers 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 detached ADUs with various associated social and financial benefits to the public. The Planned Unit Development (PUD) allows for effective integration of the 4 below-market-rate homes by accommodating the “paired” nature of the homes and the reduced side and rear setbacks from typical R1-3 standards. The Project will also be a demonstration of how ADUs can be integrated into a neighborhood of single-family market rate homes. Further, the Project will be efficiently sited in a way that is respectful to the character of the existing neighborhood and will incorporate a vacant lot and complete the neighborhood. The proposed Planned Unit Development is consistent with the Milpitas General Plan.*

The proposed PUD is generally consistent with the Milpitas General Plan and the Project will be fully consistent if granted the requested land use designation amendment from SFL to SMD. The Project is otherwise consistent with the Guiding Principles and Policies of the General Plan, such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

- C. *The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy that are not mitigated to acceptable levels.*

The Project's site layout seeks to effectively integrate into the existing neighborhood by offering two-story home heights and mirroring the existing home orientations along Creed Street and Rankin Drive. Further, the Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The Project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

#### **SECTION 6. Site Development Permit Findings (Section XI-10-57.03(F)(1))**

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD18-0015:

- A. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project's site design is outward looking and seeks to effectively integrate into the existing neighborhood. The Project consists of 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 ADUs and associated site amenities on a 4.88-acre site. The Spanish/Craftsman-style architectural design of homes in the subdivision visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The Project, as proposed, will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

- B. *The Project is consistent with the Milpitas Zoning Ordinance.*

The Project is generally consistent with the development standards pursuant to the Single Family Residential (R1) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of the Zoning Maps Amendment to adjust the property from R1-6 to R1-3 and if granted the alternative setbacks proposed in the request for the PUD. See the Zoning Maps Amendment and PUD discussions above for further detail.

**Table 1:**  
**Summary of R1-3 Development Standards**

| <b>Standard<br/>(R1-3 (PUD))</b>            | <b>Required</b>                                  | <b>Proposed</b>                                                           | <b>Complies?</b>           |
|---------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------|----------------------------|
| <b>Min Lot Area</b>                         | 3,000 square feet                                | 3,540 - 5,787 sq. ft. (market rate)<br>2,500 – 2,677 sq. ft. (affordable) | Y<br>Y – with approved PUD |
| <b>Min Lot Width</b>                        | 30 feet                                          | 40.4 feet – 55 feet (market rate)<br>20 – 30 feet (affordable)            | Y<br>Y – with approved PUD |
| <b>Lot Density<br/>(Min/Max)</b>            | 1 dwelling unit/lot and 3-15<br>units/gross acre | 1 dwelling unit/lot and<br>7.8 units/gross acre                           | Y                          |
| <b>Front Yard<br/>Setback</b>               | 20 feet                                          | 6.8 feet – 15 feet (market rate)<br>12.3 feet (affordable)                | Y – with approved PUD      |
| <b>Side Yard Setback<br/>(Interior) Min</b> | One side 5 feet                                  | 4 feet – 8.1 feet (market rate)<br>0 feet – 8.7 (affordable)              | Y – with approved PUD      |
| <b>Street Side Yard<br/>Setback Min</b>     | 10 feet                                          | 6 feet – 15.4 feet (all homes)                                            | Y – with approved PUD      |

|                                                  |                                                                                  |                                                                     |                              |
|--------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------|
| <b>Rear Yard Setback,<br/>Min (two stories+)</b> | 20 feet                                                                          | 12 feet – 25 feet (market rate)<br>14 feet – 24.3 feet (affordable) | Y – <i>with approved PUD</i> |
| <b>Lot Coverage</b>                              | No more than 50% of the<br>front width of the front yard<br>setback may be paved | 50% or less                                                         | Y                            |

*C. The Project is consistent with the Milpitas General Plan.*

The Project is generally consistent with the development standards pursuant to the Single-Family Low Density (SFL) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of a General Plan Amendment to Single-Family Medium Density (SMD). See General Plan consistency discussion set out above in support of issuing the General Plan Amendment and the Vesting Tentative Map.

**SECTION 7. Vesting Tentative Map Findings (Section XI-1-20.01)**

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT18-0003:

*D. The tentative subdivision map is consistent with the General Plan.*

The Project applicant is requesting a General Plan Amendment from SFL to SMD. The intent of this designation is to provide medium-density, single-family housing at a density range of 6-15 dwelling units/acre. As this Project proposes 7.4 dwelling units/acre, if granted the General Plan amendment, it is consistent with both the intended land use of the General Plan and the relevant density requirement.

*E. None of the conditions identified in California Government Code Section 66474 exist, to wit:*

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

As set forth in Finding 1 above, the map proposes the development of the site into a 38-unit residential subdivision with 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 ADUs at a density of 7.8 dwelling units/acre. If granted the General Plan amendment, the proposed map is consistent with the intended SMD land use of the General Plan and the relevant density requirement. The Project site is not located within a Specific Plan area.

- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 6-15 dwelling units per acre as permitted by the General Plan amendment from SFL to SMD. The proposed density is 7.8 dwelling units per acre. The Project site does not fall within a specific plan area.

- 3. That the site is not physically suitable for the type of development.*

The site is surrounded by properties designated for single-family and hillside residential development under the City's General Plan. The Project's proposed single-family homes are well-suited to the site and surrounding neighborhood context.

- 4. That the site is not physically suitable for the proposed density of development.*

If granted the General Plan amendment from SFL to SMD, the site is physically suitable for development at the proposed density of 7.8 dwelling units per acre. The site gradually slopes from the southeast corner

of the lot and as planned will be directly connected to the existing adjacent streets (Creed Street, Rankin Drive and South Park Victoria Drive).

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project, including the subdivision and its associated improvements, has been subject to environmental review under CEQA through the preparation of an IS/MND. Based on the Initial Study, it has been determined that although the Project could have a significant effect on the environment, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring. Additionally, the proposed Project is an infill development in an existing urban area and is not anticipated to cause damage to the habitats of fish or wildlife.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The Project, including the subdivision and its associated improvements, has been subject to CEQA review through the preparation of an IS/MND. The MND did not find that the Project would be likely to cause serious public health problems and further, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision will not conflict with existing public easements for access through or use of the property. This subdivision does propose the vacation of a sanitary sewer pipeline and easement along the rear of Lots 1 through 7 along the southern edge of the development, but a new pipeline located within the new private street will be provided to replace it. Street right-of-way for the widening of the adjacent three public streets will be dedicated, and Public Service and Utility Easements (PSUEs) will be dedicated along the adjacent public street frontages and interior private streets.

## **SECTION 8. Affordable Housing Ordinance (Section XII-1-4.00)**

The City Council approves the Applicant's request to provide 4 affordable housing units on site and an exception from the requirement to construct the remaining 1.1 units affordable housing units as part of the Project as required by the Milpitas Municipal Code Section XII-1-00, *et seq.* The Applicant has demonstrated that the Project qualifies for such an exception based upon the following findings based on the evidence in the public record for the affordable housing exception request:

- A. *The exception requested exceeds the minimum affordable requirements; and*

Analysis: The applicant proposes to construct 4 affordable housing on site, as well as pay the remaining 1.1-unit equivalent affordable in-lieu fee. In addition to providing the units and the fee, the applicant will provide 10 ADUs within the Project, and these smaller studio units will be affordable by design. The California Department of Housing and Community Development (HCD) identifies ADUs as a valuable tool in providing affordable housing to couples, small families, friends, young people, and seniors. ADUs can also be a source of income for homeowners, allow flexible living arrangements for families, and provide as much living space as many newly-built apartments and condominiums. ADUs can also allow seniors to age in place as they require more care over time. Staff recommends that the requested exception exceeds the minimum requirements of the City's Affordable Housing Ordinance.

- B. *The community benefits exceed the project benefits.*

Analysis: The proposed Project is the first residential development of its kind in Milpitas to include purpose-built ADUs as part of the overall project design. As discussed in the previous finding, ADUs provide a myriad of benefits



to residents, including the provision of incremental housing density while maintaining a residential character and suitability for family life. Overall, the Project will demonstrate how a concentrated number of ADUs can be seamlessly integrated and appropriately scaled to a single-family home neighborhood. The Project's ADUs will also directly support the goals set by the State of California and City of Milpitas to increase the number of ADUs in local communities. Paired with the potential financial and social community benefits associated with ADUs, staff recommends that the community benefits exceed the Project benefits.

#### **SECTION 9. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

#### **SECTION 10. City Council Approval**

The City Council hereby approves General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 (subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit 1**), based on the above findings.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

## EXHIBIT '1'

### CONDITIONS OF APPROVAL 1005 NORTH PARK VICTORIA DRIVE ROBSON HOMES SINGLE-FAMILY DEVELOPMENT

GENERAL PLAN AMENDMENT NO. GP18-0001  
ZONING AMENDMENT NO. ZA18-0003  
PLANNED UNIT DEVELOPMENT NO. PD18-0001  
SITE DEVELOPMENT PERMIT NO. SD18-0015  
VESTING TENTATIVE MAP NO. MT18-0003

### GENERAL CONDITIONS

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. **GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, and VESTING TENTATIVE MAP MT18-0003** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.
2. CEQA Compliance: The Permittee shall comply with each and every mitigation measure identified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the 1005 North Park Victoria Project ("Project") and approved by the City Council together with the Permit. The MMRP document is wholly incorporated herein by reference.
3. Effective Date: Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council adopted this Resolution, with the effective date of the Permit as stated in Section 11 of the Resolution.
4. Acceptance of Permit: Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
  - a. Acceptance of this Permit by Permittee; and
  - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
5. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
  - 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.
6. Time Extension: Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
7. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as

applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

8. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
9. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**
10. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**
11. Compliance with Laws: The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CAO/P/E/B)**
12. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT16-0003, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.
13. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.
14. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.
15. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.
16. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**
17. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and approval by the Fire Department. **(F)**

18. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the plans dated July 10, 2019 and approved by the City Council on , 2019, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee 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 or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

#### **PLANNING CONDITIONS**

19. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance. All street tree species must adhere to Milpitas Municipal Code Section X-2-3.02 - Approved Street Tree List.
20. Parks and Open Space: The “Tot Lot” park located at the corner of Creed Street and Rankin Drive and all landscaped areas not located on individually owned single-family lots must remain publicly-accessible in perpetuity.
21. Pedestrian Access: Pedestrian access to North Park Victoria Drive, located at the southeast corner of the property must be maintained by the development’s Homeowner’s Association and remain publicly-accessible in perpetuity.
22. Architecture: Permittee shall submit updated Project Architecture depicted on the Building Elevations sheets to the Planning Department and obtain approval from the Planning Director or Designee prior to Building Permit submittal. Any deviations from approved Project Architecture shall be approved at the sole discretion of the Director of Planning or his/her approved designee.
23. Street Lights: Permittee shall provide street lighting along all street frontages subject to the review and approval of the Planning Department. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans.
24. Parking: Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:
- a. RESIDENT: A minimum of three off-street parking spaces must be provided for each market-rate home and two off-street parking spaces for each affordable home.
  - b. GUEST: A minimum of 23 guest spaces are to be provided along the internal private street.
25. Public Art Requirement: Permittee shall comply with the City’s Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance.
26. Affordable Housing Requirement: Permittee shall comply with the City’s Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. Permittee is requesting to build four affordable units on site and an exception to the remaining 1.1 units as set forth in Milpitas Municipal Code Section XI-1-4.00. In accordance with the Affordable Housing Ordinance, the City Council has sole discretion over granting an exception to the requirement for on-site affordable units, including the payment of in-lieu fees.
27. Planned Unit Development: Prior to building permit issuance, Permittee must provide a general development plan showing the use, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses as well as any restrictions to altering the structures including:
- a. Prohibition on further physical expansion of any of the habitable structures and prohibition of the conversion of existing living space into additional bedrooms unless approval is obtained via a Planned Unit Development Permit Amendment subject to City Council approval.

#### **ENGINEERING CONDITIONS**

### **PRIOR TO CONSTRUCTION PLAN SUBMITTALS**

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. (E)*

28. Modifications: The Site Development Plan dated 8/9/2019 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
29. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; and procure sufficient service frequency.
30. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
31. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along North Park Victoria Drive (NPVD), Creed Street, and Rankin Drive that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
32. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
33. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be per the current City fee schedule.
34. The project site is within a seismic hazard area as indicated on the official Earthquake Fault or Seismic Hazard Zone maps, released by the State Geologist. In accordance with State law, the project geotechnical engineer must prepare a seismic hazard report which must be reviewed and approved by the City and filed with the State Geologist. The project improvements and building construction shall conform to the recommendations of the seismic hazard report. City consultant peer review of project geotechnical report to the satisfaction of the City Engineer is required prior to building permit issuance.
35. Submit to, and obtain approval from the Land Development Engineering Section the following:
  - a. Preliminary Grading Plan refinement to account for new retaining walls - Note that retaining wall foundations shall not encroach within the City easements or street right-of-way.
  - b. Preliminary Grading Plan refinements to account for overland flow drainage releases, including high storm runoff flows (e.g., Q(100) )
  - c. Preliminary Utility Plan refinements to confirm required utility crossing clearances
  - d. Clarify the Stormwater Treatment Plan & Details to account for the high groundwater table elevation, and public storm system HGL
  - e. The stormwater storage vaults shall be designed to support all imposed loads, including but not limited to loading from the adjacent roadway, retaining walls and buildings. Note that modification to the Lot B or Lot C boundary geometry possibly necessitated by the need for use of an alternate vault system may require going back to Council to modify the VTM approval, and additional conditions may apply.

### **PRIOR TO FINAL MAP APPROVAL/RECORDATION**

*The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

36. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, and all other public easements deemed necessary for the project.
37. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
38. Relinquish Abutter's Rights: Permittee shall relinquish abutter's rights along NPVD along the new Private Street terminus.
39. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.
40. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
41. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the Planning Commission and City guidelines.
42. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.
43. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
44. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement, and private common areas.
45. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).
46. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2005-1, and agree to pay the special taxes levied by the CFD 2005-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee 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. This condition of approval is non-severable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding.

#### **PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE**

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

47. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
  - a. Milpitas Design Guidelines: (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
  - b. Standard details and specifications: (<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>);

- c. Americans with Disabilities Act (ADA) requirements, where applicable.
48. Sanitary Sewer Calculations: Permittee shall submit a completed “Sewer Needs Questionnaire” form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
49. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
50. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
51. Utilities: Permittee shall obtain approval of all utility engineering and design to ensure that any proposed public utility relocations on the project site, as well as within the public right-of-way, are acceptable to the City for perpetual operation/repair/ maintenance of City utilities and to optimize utility right-of-way management.
52. Utility Protection: All existing public utilities shall be protected in place, or 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.
53. Backflow Devices: All backflow devices shall be located outside of city easements throughout the site.
54. Water meters (residential): Landscape water meters, defined as dedicated water service meters, shall be installed for all residential (including single family) irrigated landscapes of 2,500 square feet or greater. A privately owned meter or sub-meter is only allowed upon approval of the City Engineer.
55. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
- a) Installation of separate water service tap and meter for each of the following services: residential, irrigation, and fire.
  - b) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for residential.
  - c) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
  - d) The required extent of improvements (i.e., new tie-in paving, and/or grinding and overlay as applicable to street centerline) along the project fronting streets and associated conforms shall be determined to the satisfaction of the City.
  - e) Installation of new street tree wells along the project frontage. The locations, spacing of tree wells and tree species shall be in compliance with applicable City standards and details.
  - f) Install two radar speed feedback signs (locations to be determined later) on the project frontage along NPVD
  - g) Provide public street lighting per IESNA standards with minimum illumination of 0.1 foot-candle and uniformity ratio (avg/min) of six to one.
  - h) Permittee shall loop the water system by extending the water main fronting lots 1 through 8 and connect it to the water main on N. Park Victoria Dr. for water quality purposes as well as public safety pertaining firefighting.
  - i) Permittee shall abandon the existing sanitary sewer main which runs behind the proposed lots, number 1 through 8 per City’s Abandonment Notes and to the City’s satisfaction. This main shall be capped and filled at nearest existing manhole downstream which is located behind a property west of lot 1, eastward to the existing manhole at the southwestern corner of Country Club Dr. and N. Park Victoria Dr. intersection.

- j) Permittee shall ensure that utility appurtenances are not located within concrete collars, and/or beneath curb and gutters.
56. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
57. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
58. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
59. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.
60. Pothole Encroachment Permit: Due to multiple new utility service connections on the adjacent public streets and public utility easements, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

#### **PRIOR TO BUILDING PERMIT ISSUANCE**

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

61. City consultant peer review of the project geotechnical reports and tentative map plan revisions as deemed appropriate by the City Engineer are required.
62. Final Map Recordation: Permittee shall record the final map.
63. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
64. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure 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).
65. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.
66. Water Supply and Force Majeure. The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
67. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
68. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.



69. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following 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.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

70. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. 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 Department for approval by the Engineering Department prior to inspection by the Building Department.

71. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

- a. Parkland:
  1. The project is required to dedicate 0.86 acres of parkland, equivalent to \$2,394,542.40 fees-in-lieu.
  2. The applicant will receive credit for 0.36 acres of private recreation space on site. Upon demonstration of provision of this private recreation space to the satisfaction of the Direction of Planning or his/her designee, the total acreage/fees provided are 0.5 acres/\$1,393,920.00.

|                                                                                         |                                                                                  |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Project Unit Count                                                                      | 48                                                                               |
| Project Population Estimate                                                             | 173                                                                              |
| Parkland Requirement                                                                    | 5 acres/1,000 people or equivalent fees-in-lieu. Currently \$2,787,840 per acre. |
| PARKLAND ACREAGE DUE/FEE EQUIVALENT                                                     | 0.86 acres/\$2,394,542.40                                                        |
| Less Private Recreation Acreage Credit (40% Max.) and Provided Public Park (0.02 acres) | 0.36 acres/\$1,003,622.40                                                        |
| TOTAL ACREAGE/FEEES PROVIDED                                                            | 0.50 acres/\$1,393,920.00                                                        |

- b. Storm water connection fee at \$16,771/acre for residential and \$21,562/acre for commercial.
- c. Water connection fee at \$1,164/unit for residential and \$5.97/gpd for commercial, based upon increased water usage.
- d. Sewer connection fee at \$1,406/unit for residential and \$8.52/gpd for commercial, based upon increased average wastewater flow.
- e. Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
- f. Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
- g. 2.5% of applicable fees in accordance with City Resolution No. 7590 as Permitting Automation Fee.
- h. FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

## DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

72. Dewatering. If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
73. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
74. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public rights-of-way or public easements.
75. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector and notify affected property owners/tenants when cut-in tee(s) is/are required.

#### **PRIOR TO FIRST OCCUPANCY**

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

76. Completion of Public Improvements: Permittee shall complete all public improvements along the NPVD, Creed Street and Rankin Drive project frontages and conforms, including but not limited to curb, gutter, sidewalk, paving, landscaping, signing and stripping, public storm drain, sanitary sewer, water main improvements, paving, street lighting and related improvements, including the relocation of adjacent street lights necessitated by the new curb line and conforms, as shown on approved Tentative Map and associated Conditions of Approval.
77. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
78. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
79. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

#### **FIRE SAFETY CONDITIONS**

*The plans approved by City Council are **not** building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider the plan set approved by City Council as final building plans approved by the Fire Department. Building plans **must** be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction. Note, Jan. 01, 2020, new CA Building Codes go into effect.*

80. Technical Assistance: To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or reports. (CFC Section 104.7.2)
81. Electronic documents: The Fire Code Official may require electronic base documents for all construction documents and operational permits. The Fire Code Official shall designate the software base format for the electronic documents. (CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9)

82. Fire Department Access: Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. (CFC Section 503)

- a. Minimum Number of Fire Apparatus Access Points: A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760 m2) shall be provided with at least two means of fire apparatus access for each structure. (International Fire Code, Section D104.1, adopted and amended by MMC V-300-2.143)

Site as proposed, meets the requirement for (2) points of access.

- b. Turning Radius: Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (center). (CFC Section 503.2.4)
- c. Fire Apparatus Clearance: Fire apparatus access roads shall provide a minimum clear width of 20 feet. (CFC Section 503.2.1)
- d. Fire Apparatus Clearance at Hydrants: Fire apparatus roads shall provide not less than 26' clear width at hydrant locations. (CFC Appendix D, Section D103.1)
- e. Timing of Installation and Serviceability of Fire Protection Elements: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). (CFC Section 501.4)

- f. Fire Apparatus Access: Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.
- g. Adjacent Access Rights: No source of access from lands adjoining a property to be developed shall be considered fire apparatus access roads, unless there is obtained the irrevocable and unobstructed rights and recorded as an ingress/egress access easement with the Country of Santa Clara. (CFC Section 503.7, added by MMC V-300-2.48)
- h. Fire Access Road Materials and Load Bearing Requirements: Fire access roads shall be paved (concrete and/or asphalt cement, or other concrete type pavement approved by the Fire Dept.). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division for specifications. (CFC Section 503.2.3)
- i. Obstruction of Fire Access: Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. (CFC Section 503.4)
- j. Marking of Fire Access Roads: The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". (CFC Section 503.3.)

Minimum marking shall be pole signage and red curb with “FIRE LANE – CVC 22500.1” stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

- k. Site Design Changes: The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.
83. Fire Protection Water Supply (hydrants, on-site and public): An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted.
- a. Water System Calculations: Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. (CFC Section 507)
- The minimum water flow at the worst-case hydrant outlet within the private system shall be not less than 1,500 gpm.
- b. Fire Hydrant Location: The location and quantity of hydrants will be evaluation during the construction permit process. This applies to the on-site private streets as well as to the public streets. (CFC Section 507.5)
  - c. Private Hydrant Requirements: Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. (CFC Section 507.5.7, added by MMC V-300-2.54. )
  - d. No Parking in Front of Hydrants: No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514
84. Access Control Devices: When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.51
85. Premises Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. (CFC Section 505)
- The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9
86. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.52
87. Building/Structure Requirements:
- a. Automatic Fire Sprinklers: The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 D Standards (minimum requirements). (CFC Section 903.3)
  - b. Sprinkler Drainage: All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Storm Water Pollution Regulations
  - c. Sprinkler Design: Hydraulic design for the automatic fire sprinkler system shall provide a minimum of 20% safety margin. (CFC Section 903.3.5.6, MMC V-300-2.68)

- d. One sprinkler design: One sprinkler design system is not permitted. (CFC Section 903.3.1.4, MMC V-300-2.64)
88. Plan Submittal: Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. (CFC Section 901.2)

## **BUILDING CONDITIONS**

### **ARCHITECTURAL**

89. Applicable codes shall be 2016 California Residential Code (CRC), California Mechanical Code (CMC), California Electrical Code (CEC), California Plumbing Code (CPC), Green Building Standards Code (CalGreen), California Energy Code (CEnC) and 2017 Milpitas Municipal Code (MMC).
90. Unless there will be no legal property lines between each single-family residence or duplex buildings, the buildings shall not be considered one building for the determination of required wall and opening protection and roof covering requirements per CBC sec. 705.3. If there will be no legal property lines between individual buildings and they are considered as portions of “one building” and when it contains more than two dwelling units, the building cannot be classified as Group R-3 occupancy but shall be classified as Group R-2 occupancy.
91. All new dwellings shall be fire-sprinklered as per CRC sec. R313.2.
92. Fire-sprinklered structures shall be located 3 feet minimum from property line and non-sprinklered structures located 5 feet minimum from the property line per CRC, Table R302.1 or exterior walls shall be one-hour fire-resistive construction.
93. Projections (eaves) shall not extend less than 24” to the property line. Projections (eaves) shall be one-hour rated on the underside in the area where projections (eaves) is 24” or less from property line as per CRC Table 302.1.
94. In enclosed private garages attached to R occupancies, provide 1 sq. ft. of ventilation area located at the lower 12” of garage wall. Said ventilation areas shall be directly communicable with the exterior but shall not be installed where protection of openings is required as per MMC sec. II-3.5-2.03.
95. Minimum class “B” roofing is required at hillside construction per MMC sec. II-3.5-2.06.
96. In addition to smoke alarms required by CRC sec. R314, provide carbon monoxide alarms as per sec. R315.
97. Sidewalks shall be minimum 48” wide as per CBC sec. 11B-403.5.1 exception 3 and provided with accessible curb cuts and detectable warnings as per CBC sec. 11B-406.
98. Structural members exposed to weather shall be naturally durable or preservative-treated wood per CRC section R317.
99. All structures and their elements located in the hillside area shall be designed for a minimum wind speed (Vasd) of 95 mph and exposure C as per MMC sec. II-3-2.09.
100. All structures located in the hillside shall conform to minimum requirements of CBC sec. 2308.7.5 as per MMC sec. II-3-2.09.
101. Projects for all structures located in the hillside area must be prepared and designed by Civil, Structural Engineer or Architect licensed in the State of California per City Policy BDP-BLG09.
102. Provide structural design and details for all detached structures and their footings over 120 square feet and decks exceeding 200 square feet that are over 30” above grade, attached to the dwelling and/or serve the required exit as per MMC sec. II-1-17.03.
103. The buildings shall comply with solar ready requirements per CEnC 110.10.

104. No mechanical duct shall penetrate exterior walls unless approved by Planning Division.
105. New dwelling unit shall comply with the electric vehicle charging requirements to facilitate future installation and use of EV chargers per CEnC sec. 4.106.4.
106. Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall comply with City Policy No. BDP-BLG40: [http://www.ci.milpitas.ca.gov/\\_pdfs/BLG40\\_RequirementsforConstructionofBalconies.pdf](http://www.ci.milpitas.ca.gov/_pdfs/BLG40_RequirementsforConstructionofBalconies.pdf)

#### **CIVIL**

107. A soil report shall be provided when applying for grading, site improvement and building permit.
108. Paving shall comply with MMC section II-13-18. Pervious paving and turf blocks shall meet minimum TI requirement of 3.5.
109. All non-structural flat concrete work shall be as per MMC sec. II-13-17.05.
110. Grading and erosion control plan shall be submitted when applying for grading permit as per MMC sec. II-13-10 and shall be prepared by a licensed Civil Engineer.
111. Site must be recently surveyed for the verification of the slopes. Signature of Surveyor or Engineer must show date of survey.
112. All downspouts shall be directed to the landscaped areas and per soils report recommendations. Discharging into the street or City storm system is not permitted. Alternate method of discharge shall be approved by the Building and Safety Department and Engineering Department.
113. Drainage shall not be directed toward adjacent property lines.
114. Prior to issuance of building permit, all easements including private storm drain easement through adjacent parcels shall be recorded. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained as per MMC sections II-13-10 and II-13-11.

#### **LEGEND**

**P = Planning Department**

**B = Building Department**

**E = Engineering Department**

**F = Fire Department**

**CAO = City Attorney's Office**

**ALL = All Reviewing Departments**

#### **NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

#### **AGREEMENT**

*Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: \_\_\_\_\_  
Signature of Permittee

**REGULAR**

**NUMBER: 38.838**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE ZONING CODE CONTAINED IN TITLE XI, CHAPTER 10, SECTION 3.03 OF THE MILPITAS MUNICIPAL CODE TO ALLOW A ZONING DESIGNATION CHANGE OF CERTAIN PARCELS WITHIN THE ZONING MAP**

**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

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney



## **RECITALS AND FINDINGS:**

**WHEREAS**, on November 18, 2018, Robson Homes (the “Applicant”) submitted an application to the City of Milpitas for the approvals necessary to develop a 36-unit single-family residential subdivision, including 10 accessory dwelling units (ADUs), at 1005 North Park Victoria Drive (the “Project”).

**WHEREAS**, the Applicant submitted a revised application to develop a 38-unit single-family residential subdivision with 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 accessory dwelling units (ADUs) at 1005 North Park Victoria Drive. The Project thus consists of and requires:

- a. General Plan Amendment No. GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD) for the properties identified as APN (029-04-040); and
- b. Zoning Amendment No. P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3) for the properties identified as APN (029-04-040); and
- c. Planned Unit Development No. P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
- d. Site Development Permit No. SD18-0015: To allow a 38-unit residential subdivision with 34 single-family homes (market-rate), 4 paired homes (below-market-rate), and 10 accessory dwelling units (ADUs) on a 4.88-acre site; and
- e. Vesting Tentative Map No. P-MT18-0003: To establish 38 single-family home lots and to record site easements; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (Collectively, “CEQA”), the City of Milpitas is the lead agency for the proposed Project described above; and

**WHEREAS**, General Plan (GP) Amendment No. GP18-0001 proposes an amendment within the City of Milpitas General Plan map to allow a change of the GP designation of the Project site from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD) of the Project properties. Such proposed Amendment has been initiated by resolution for approval by the City Council, separate from this Ordinance; and

**WHEREAS**, Zoning Amendment No. ZA18-0003 proposes an amendment within the City of Milpitas Zoning Map to allow a change of designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3) of the Project properties, which has been initiated by this Ordinance; and

**WHEREAS**, on August 28, 2019, the Planning Commission held a duly-noticed public hearing on the subject application, considered evidence presented by City staff, the Applicant, and other interested parties and recommended the City Council approve the proposed amendments; and

**WHEREAS**, on November 5, 2019, the City Council held a duly-noticed public hearing on the proposed action, considered evidence presented by City staff and other interested parties, and directed staff to work with the Applicant to incorporate four affordable housing units on site; and

**WHEREAS**, in response to the City Council's request, the Applicant submitted revised plans to the Planning Department with four affordable housing units included on the Project site; and

**WHEREAS**, on December 11, 2019, the Planning Commission held a duly-noticed public hearing on the revised plans for the subject application, considered evidence presented by City staff, the Applicant, and other interested parties and recommended the City Council approve the proposed amendments; and

**WHEREAS**, on January 21, 2020, the City Council held a duly-noticed public hearing on the proposed action, and considered evidence presented by City staff and other interested parties; and

**WHEREAS**, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council finds the Zoning Code Amendment set forth herein to be consistent with the General Plan, and specifically with guiding principles and policies 2.a-G-3 (*Provide for a variety of housing types and densities that meet the needs of individuals and families*), because the Project includes both larger single-family homes and smaller ADUs to meet the housing needs of both families and individuals, and 2.a I-2 (*Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas*), because the proposed Project is an infill development located on a vacant parcel of land and will not require the further extension of any additional City-provided urban services into outlying areas, and 2.a-I-17 (*Foster community pride and growth through beautification of existing and future development*), because the development proposes to beautify a vacant parcel of land by building a new subdivision of homes of quality design and craftsmanship, and 2.a-I-119 (*Use zoning for new residential developments to encourage a variety and mix in housing types and cost*), because the Project proposes both single-family homes and ten smaller-scaled studio-style accessory dwelling units (ADUs), which provides neighborhood diversity in housing type and cost, and 3.d-I-9 (*Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding civic, recreation, education, work, and retail center*), because the proposed Project includes the construction of new sidewalks on both sides of the new internal private street and a new sidewalk running the eastern, northern and western boundaries of the Project site and will also retain the existing southbound bike lane on North Park Victoria Drive, and 3.d-I-12 (*Design streets to include detached sidewalks with planting strips or wider, attached sidewalks with tree-wells to encourage pedestrian use and safety, as well as to remove barriers and increase accessibility*), because the proposed Project includes a new sidewalk running the eastern boundary of the site along North Park Victoria Drive including an outer planting strip for increased pedestrian safety, and the Project also includes pedestrian connectivity to North Park Victoria Drive via a footpath located at the southeast corner of the site; and

**WHEREAS**, per Milpitas Municipal Code § XI-10-57.02(G)(3), the City Council likewise finds that the Zoning Code Amendment set forth herein will not adversely affect the public health, safety and welfare, in that the Project will not adversely affect the public health, safety and welfare. The Project was analyzed by City staff and conditioned in a manner that will protect the residents and community from adverse impacts. Such analysis includes a thorough review to ensure the Project can be served by existing infrastructure, including public utilities and services. Further, as designed, the proposed Project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the Project has been subject to CEQA review through the preparation of an Initial Study (IS) and Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.; and

**WHEREAS**, the City Council finds that with the adoption of Zoning Code Amendment No. ZA18-0003 and General Plan Amendment No. GP18-0001, the Zoning Code and the General Plan will be internally consistent; and

**WHEREAS**, prior to taking action on this Ordinance, the City Council has taken separate action by resolution to adopt the Initial Study/MND and approve and adopt the Mitigation Monitoring and Reporting Program (MMRP) and impose it as a condition of Project approval.

**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, SECTION 3.03**

Title XI, Chapter 10, Section 3.03 (“Zoning Map”), Table XI-10-6.04-1 of the Milpitas Municipal Code is hereby amended, as attached hereto in **Exhibit 1**.

## **SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The adoption of this Ordinance is under the authority of an Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.) and the regulations and policies of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed Project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the project. In further conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring on the measures the City hereby has either required or made a condition of approval to the Project to mitigate or avoid significant environmental effects. The City Council considered the IS/MND prior to rendering a decision on the Project. Based on its independent review and consideration, the City Council hereby finds that the IS/MND complies with the requirements of CEQA and adopts the conclusions in the IS/MND on the basis of the evidence and reasoning set forth therein.

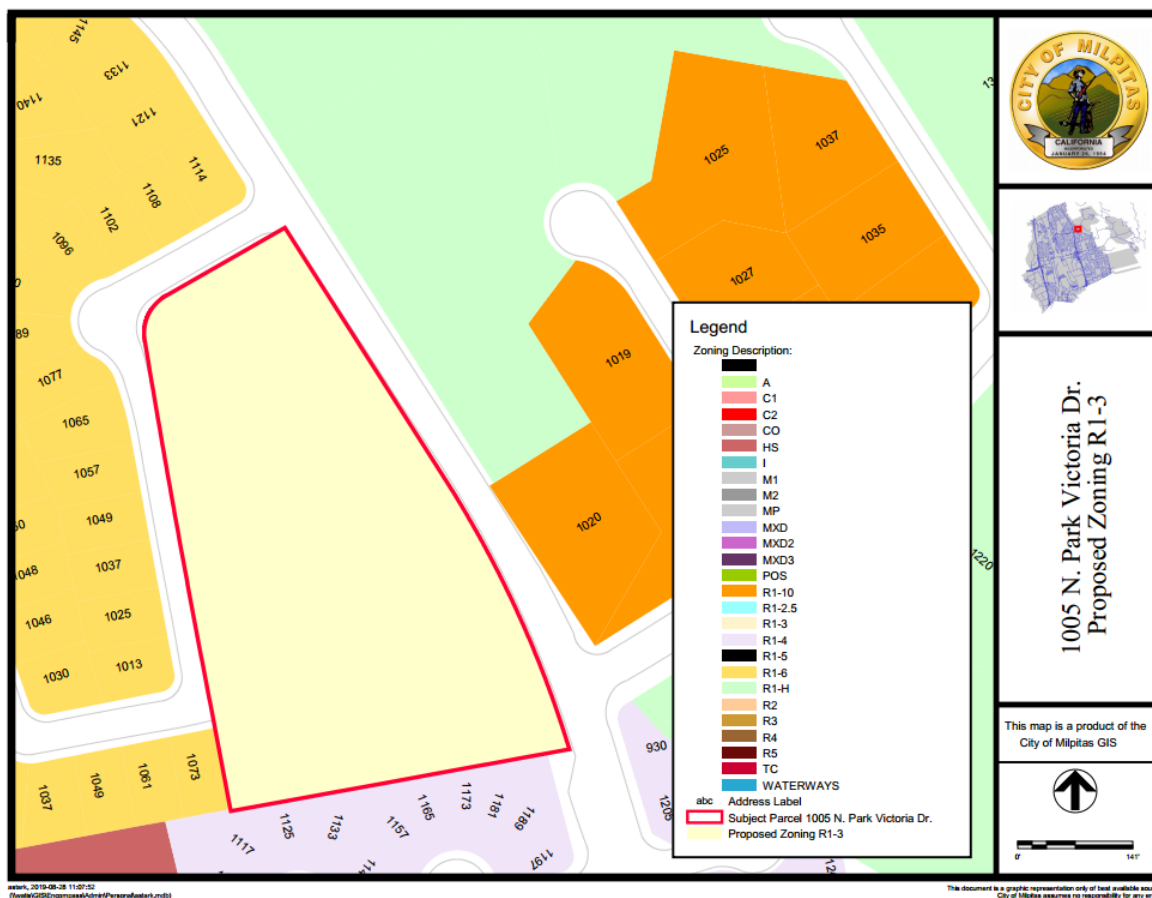
## **SECTION 4. SEVERABILITY**

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

## **SECTION 5. 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

### Exhibit 1: Zoning Map





## MILPITAS PLANNING COMMISSION STAFF REPORT

December 11, 2019

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**APPLICATION:**

**ROBSON HOMES SINGLE-FAMILY DEVELOPMENT – 1005 NORTH PARK VICTORIA DRIVE – GP18-0001, ZA18-0003, PD18-0001, SD18-0015, MT18-0003, EA19-0003.** Revisions to a Planned Unit Development, Site Development Permit, Vesting Tentative Map, and Environmental Assessment, for a previously considered residential subdivision that now includes four on-site affordable housing units as directed by the City Council. The overall project is a single-family residential subdivision with 34 market-rate housing units, four affordable housing units and ten accessory dwelling units (ADUs) located on individual lots on an approximately 4.88-acre parcel at 1005 North Park Victoria Drive.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission open and close the public hearing, consider the Draft Initial Study/Mitigated Negative Declaration in accordance with CEQA, and adopt Resolution 19-033 recommending approval of the above applications to the Milpitas City Council, subject to the Conditions of Approval.**

**PROJECT LOCATION:**

*Addresses and Assessor's*

*Parcel Number (APN):*

*Area of City:*

1005 North Park Victoria Drive (029-04-040)

North of Jacklin Road, on the West side of North Park Victoria Drive

**PEOPLE:**

*Project Applicant:*

Richard Yee, Project Manager  
Robson Homes, San Jose CA

*Consultant(s):*

Architect: *Robert Hidey Architects*, San Ramon, CA  
Civil Engineer: *Civil Engineering Associates*, San Jose, CA  
Landscape Architect: *Design Focus Landscape Architecture & Construction*, Ben Lomand, CA

*Property/Business Owner:*

Cymer Inc., Los Gatos CA

*Project Planner:*

Adrienne Smith, Associate Planner

**LAND USE:**

*General Plan Designation:* Single-Family Low Density (SFL)

*Zoning District:* Single-Family Residential (R1-6)

**ENVIRONMENTAL:** Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA).

**EXECUTIVE SUMMARY**

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The application includes six entitlement requests to allow the future development of a residential subdivision with 34 market-rate single-family housing units, four affordable housing units (paired homes), and ten accessory dwelling units as follows:

1. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
2. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
3. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
4. Site Development Permit SD18-0015: To allow a 38-unit single family home development including 34 market-rate housing units, four affordable housing units (paired homes), and ten accessory dwelling units on the 4.88-acre site; and
5. Vesting Tentative Map P-MT18-0003: To establish 38 lots and to record site easements; and
6. Environmental Assessment EA19-0003: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

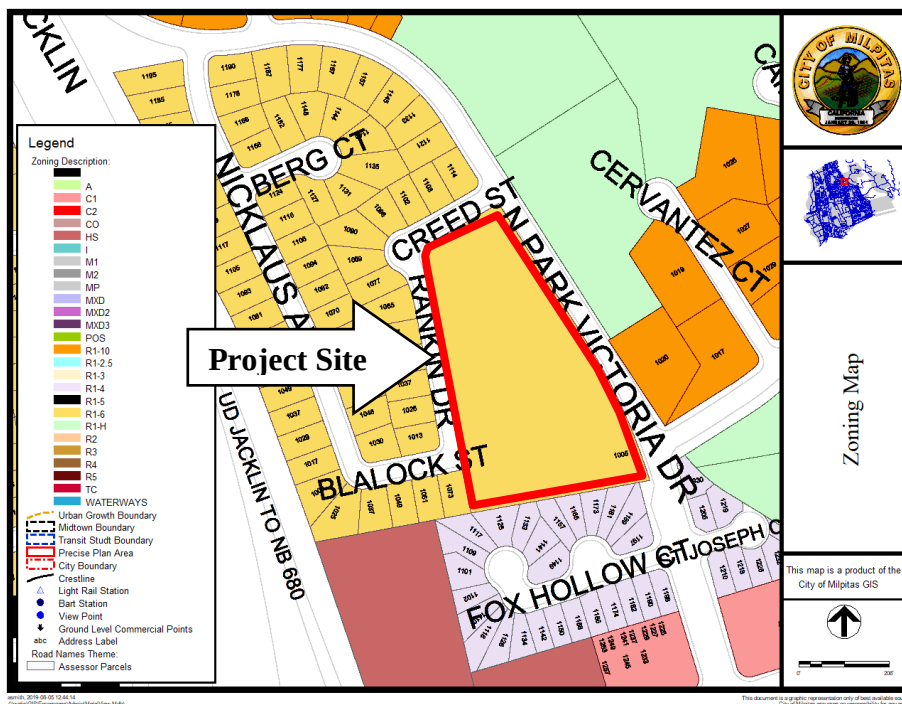
Staff has reviewed the requests outlined above and found them to be in compliance with the policies, standards, and processes outlined in the City of Milpitas General Plan, Zoning Ordinance and Municipal Code. The balance of this report provides specific details regarding each of these requests.

Staff recommends that the Planning Commission open and close the public hearing, consider the Initial Study and Mitigated Negative Declaration, and adopt Resolution No. 19-033, recommending approval of the above applications to the Milpitas City Council, subject to the conditions of approval included in at Exhibit 1 of the above-referenced resolution.

## Map 1 Project Location



## Map 2 Zoning Map



## **BACKGROUND**

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### ***History***

On November 18, 2018, Robson Homes originally applied for the above-referenced General Plan and zoning amendments as well as a Planned Unit Development, Site Development permit, Vesting Tentative Map and an Environmental Assessment to allow development of a residential subdivision with 36 market-rate single-family homes and ten accessory dwelling units (ADUs).

At its August 28, 2019, meeting, the Planning Commission reviewed the project as originally proposed, held a public hearing, adopted Resolution 19-026, and recommended approval of the project to City Council. On November 5, 2019, City Council heard the project and considered the Planning Commission's recommendation for approval. After receiving public comment and discussing the project, the Council directed Planning Department staff to work with the project applicant, Robson Homes, to reconsider the site plan and incorporate four affordable units.

Since the site plan has been substantively altered to accommodate the four affordable units, and several more minor changes have been made to the project as summarized below, the Planning Commission must once again consider the project and make a new recommendation to the City Council.

### ***Project Updates***

The project has been altered to accommodate the following changes:

- The site plan was amended to reduce the number of market-rate homes from 36 to 34.
- The site plan was also amended to divide two of the larger lots into four smaller lots to accommodate four additional single-family affordable housing units.
- The corner lot at Creed Street and Rankin Drive, which formerly served exclusively as a bioretention area, has been partially redesigned to include a small publicly accessible "Tot Lot" park with a play structure.
- Window placement on plan types 1A and 2C were slightly revised to address the privacy concerns of two neighbors.
- The floor plans of the ADUs were slightly modified by removing a half bedroom wall to become a true studio layout.
- Parkland fees were adjusted to account for the net addition of two more homes to the site, as well as a lower estimated ADU population density of 3 persons per unit versus 3.75 persons per unit projected for the single-family homes and to account for the parkland credit for the "Tot Lot".

## **PROJECT DESCRIPTION**

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### ***Overview***

The project applicant requests approval of a General Plan Amendment, Zoning Amendment, Planned Unit Development, Site Development Permit, Vesting Tentative Map, and Environmental Assessment for the future development of a residential subdivision with 34 two-story, single-family housing units ranging in floor areas of approximately 2,500-2,900 square



feet and four affordable housing units with floor areas of approximately 1,580 square feet. All homes will be located on individual lots on an approximately 4.88-acre parcel. Ten of the lots will include ADUs, approximately 485 square feet in size, located above detached two-car garages. The project includes 24 on-street guest parking spaces and approximately 78,500 square feet of landscaped area. The scope of work includes associated landscaping and open space, parking, circulation, and infrastructure improvements, as well as demolition of the abandoned single-family home located at the southeast corner of the property.

### ***Location and Context***

The proposed project would be located on an approximately 4.88-gross acre site located in northern Milpitas in an area consisting primarily of residential and commercial uses. The property is currently zoned as Single-Family Residential (R1-6). The project site is bounded by Creed Street to the north, North Park Victoria Drive to the east, residential uses to the south, and Rankin Drive and residential uses to the west.

The project site, which gradually slopes downward from the southeastern corner approximately 14 to 18 feet, is vacant except for an abandoned, fire-damaged single-story house and associated improvements at the southeast corner. The existing house will be demolished to accommodate the proposed new development. Table 1 below summarizes the project site's land use designation and surrounding uses:

**Table 1: Surrounding Zoning and Land Uses**

|                     | <b>General Plan</b>                                                                          | <b>Zoning</b>                                                                               | <b>Existing Uses</b>                  |
|---------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------|
| <b>Subject Site</b> | Single-Family Low Density (SFL)<br><i>With amendment:</i> Single-Family Medium Density (SMD) | Single-Family Residential (R1-6)<br><i>With amendment:</i> Single-Family Residential (R1-3) | Residential/Vacant Land               |
| <b>North</b>        | Single-Family Low Density (SFL)                                                              | Single-Family Residential (R1-6)                                                            | Single-Family Residential             |
| <b>South</b>        | Single-Family Medium Density (SMD)                                                           | Single-Family Residential (R1-4)                                                            | Single-Family Residential             |
| <b>East</b>         | Hillside/Single-Family Low Density (SFL)                                                     | Single-Family Residential –Hillside (R1-H) and Single-Family Residential (R1-10)            | Vacant Land/Single-Family Residential |
| <b>West</b>         | Single-Family Low Density (SFL)                                                              | Single-Family Residential (R1-6)                                                            | Single-Family Residential             |

Please see Maps 1 and 2 above for additional details.

## PROJECT ANALYSIS

### ***General Plan and Zoning Conformance***

#### General Plan Conformance

The current General Plan land use designation for the project site is Single-Family Low Density (SFL), which allows 3-5 housing units per gross acre. The applicant is requesting a General Plan Amendment to Single-Family Medium Density (SMD), which allows 6-15 housing units per gross acre, because the project proposes a density of 7.8 housing units per gross acre and exceeds the density of the SFL land use designation. The proposed project is in conformance with the following applicable policies and standards in the City's General Plan:

**Table 2: General Plan Consistency**

| <b>Guiding Principal/Policy</b>                                                                                                                                                                                                                                                      | <b>Conformance</b>                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>2.a-G-3</i></b> <i>Provide for a variety of housing types and densities that meet the needs of individuals and families.</i>                                                                                                                                                   | <b>Consistent.</b> The project includes both larger single-family homes and smaller ADUs to meet the housing needs of both families and individuals.                                                                                                                                                                          |
| <b><i>2.a I-2</i></b> <i>Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.</i>                                                                                 | <b>Consistent.</b> The proposed project is an infill development located on a vacant parcel of land and will not require the further extension of any additional City-provided urban services into outlying areas.                                                                                                            |
| <b><i>2.a-I-17</i></b> <i>Foster community pride and growth through beautification of existing and future development.</i>                                                                                                                                                           | <b>Consistent.</b> The development proposes to beautify a vacant parcel of land by building a new subdivision of homes of quality design and craftsmanship.                                                                                                                                                                   |
| <b><i>2.a-I-119</i></b> <i>Use zoning for new residential developments to encourage a variety and mix in housing types and costs.</i>                                                                                                                                                | <b>Consistent.</b> The project proposes both single-family homes and ten studio-style accessory dwelling units (ADUs), which provides diversity in housing type and cost.                                                                                                                                                     |
| <b><i>3.d-I-9</i></b> <i>Require developers to make new projects as bicycle and pedestrian “friendly” as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding civic, recreation, education, work, and retail centers.</i> | <b>Consistent.</b> The proposed project includes the construction of new sidewalks on both sides of the new internal private street and a new sidewalk running the eastern, northern and western boundaries of the project site. The project will also retain the existing southbound bike lane on North Park Victoria Drive. |
| <b><i>3.d-I-12</i></b> <i>Design streets to include detached sidewalks with planting strips or wider, attached sidewalks with tree-wells to encourage pedestrian use and safety, as well as to remove barriers and increase</i>                                                      | <b>Consistent.</b> The proposed project includes a new sidewalk and landscape strip along North Park Victoria Drive. The project also includes pedestrian connectivity to North Park Victoria Drive via a footpath located at                                                                                                 |

|                       |                                   |
|-----------------------|-----------------------------------|
| <i>accessibility.</i> | the southeast corner of the site. |
|-----------------------|-----------------------------------|

The SMD designation states that all housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Developments with densities ranging from 7-10 units per acre may be approved only if proposals are found to be consistent with policies and programs of the General Plan and compatible with the surrounding neighborhood.

The General Plan designations of the surrounding properties are Hillside, SFL and SMD. Specifically, the Fox Hollow subdivision that borders the southern end of the project site is designated as SMD. The proposed General Plan amendment would then be a matter of extending an already existing land use designation northward and would result in housing unit density consistency between the two subdivisions.

### Zoning Conformance

The project site is currently zoned Single-Family Residential (R1-6). The purpose and intent of the R1 zone is to stabilize and protect the residential characteristics of the zoning district and to promote and encourage a suitable environment for family life. The applicant seeks a minor zoning map amendment from R1-6 to R1-3 to allow a reduced minimum lot size to accommodate the market-rate homes. Since the minimum lot size for the R1-6 zone is 6,000 square feet and the smallest proposed lot in the project subdivision is 3,500 square feet, the R1-3 lot minimum of 3,000 square feet will accommodate the project's range of lot sizes. The affordable homes will also be located on individual lots ranging in size from 2,500 square feet to 2,700 square feet. These 4 lots that do not confirm to the requested R1-3 lot minimum will be covered under the Planned Unit Development (PUD) standards.

The surrounding property zoning designations range from R1-4 to R1-10. Specifically, the Fox Hollow subdivision that borders the southern end of the project site is zoned R1-4, and requires a lot size minimum of 4,000 square feet. In application, the proposed project zoning map amendment would result in a gradual transition in minimum lot sizes between the two subdivisions.

For the purpose of calculating dwelling unit density, only the proposed 38 homes (not the ADUs) have been counted which amount to a proposed density of 7.8 dwelling units per gross acre. Even though the requested zoning map amendment would change the zoning designation R1-6 to R1-3, the permitted dwelling unit density is the same across all R1 zoning: One dwelling unit/lot and 3-15 dwelling units per gross acre. At a proposed 7.8 dwelling units per acre, the project conforms to the zoning ordinance. The project's adherence to additional development standards is discussed in Table 3.

The proposed zoning maps amendment is referenced in the attached draft Resolution 19-033, however, staff anticipate this amendment will be adopted by ordinance. The ordinance will be substantially the same in substance as that reflected in draft Resolution 19-033, but will be embodied in an ordinance format that will be presented to Milpitas City Council for consideration.

### Planned Unit Development

The purpose of the Planned Unit Development (PUD) is to allow diversification and flexibility in the relationships of various buildings, structures, land uses, open spaces and other features associated with large mixed-use development. PUDs encourage flexibility of site planning and

land uses to create desirable environments that otherwise may not be achieved under conventional zoning requirements for large developments.

The applicant requests PUD zoning to accommodate reduced setbacks from the minimum standards required by the R1-3 zoning designation. Infill development projects often present unique site planning challenges. Since the project is on an irregular-shaped lot, development of the site as a PUD will allow the efficient use of land and the provision of sufficient private yard space and public improvements such as streets, sidewalks and landscape strips. The requested reduced setbacks and the reduced lots sizes for the affordable homes do not apply to all lots in all cases, but mainly to those lots irregular in shape due to particular site conditions such as street curvature.

As a project condition of approval, the applicant will provide a detailed description of required minimum setbacks and any other applicable requirements to ensure that over time, the lots and homes adhere to the intent of the development design.

**Table 3: Summary of R1-3 Development Standards**

| <b>Standard (R1-3 (PUD))</b>                           | <b>Required</b>                               | <b>Proposed</b>                                                                   | <b>Complies?</b>           |
|--------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------|----------------------------|
| <b>Lot Area Minimum</b>                                | 3,000                                         | 3,540 - 5,787 square feet (market rate)<br>2,500 – 2,677 square feet (affordable) | Y<br>Y – with approved PUD |
| <b>Lot Width Min</b>                                   | 30 feet                                       | 40.4 feet – 55 feet (market rate)<br>20 – 30 feet (affordable)                    | Y<br>Y – with approved PUD |
| <b>Lot Density (Min/Max)</b>                           | 1 dwelling unit/lot and 3-15 units/gross acre | 1 dwelling unit/lot and 7.8 units/gross acre                                      | Y                          |
| <b>Front Yard Setback</b>                              | 20 feet                                       | 6.8 feet – 15 feet (market rate)<br>12.3 feet (affordable)                        | Y – with approved PUD      |
| <b>Side Yard Setback (Interior) Min</b>                | One side 5 feet                               | 4 feet – 8.1 feet (market rate)<br>0 feet – 8.7 (affordable)                      | Y – with approved PUD      |
| <b>Street Side Yard Setback Min</b>                    | 10 feet                                       | 6 feet – 15.4 feet (all homes)                                                    | Y – with approved PUD      |
| <b>Rear Yard Setback, Min (two stories or greater)</b> | 20 feet                                       | 12 feet – 25 feet (market rate)<br>14 feet – 24.3 feet (affordable)               | Y – with approved PUD      |

|                     |                                                                            |             |   |
|---------------------|----------------------------------------------------------------------------|-------------|---|
| <b>Lot Coverage</b> | No more than 50% of the front width of the front yard setback may be paved | 50% or less | Y |
|---------------------|----------------------------------------------------------------------------|-------------|---|

#### Subdivision Ordinance

The project's form, content and dedications of the proposed tract map are consistent with the provisions in Title XI, Chapter 1, Section 4 of the City's Municipal Code, as set forth in the attached Resolution 19-026. Vesting Tentative Maps require approval of a Resolution by the Planning Commission recommending final approval by the City Council.

#### ***Proposed Project Details***

The Planning Commission may use the following information in making a recommendation to the City Council:

#### Parking

The Milpitas Zoning Ordinance requires three off-street parking spaces for a four-bedroom home. As noted in Table 4 below, all the market rate residences include a two-car garage and one to two private driveway spaces depending on the home. Each of the four affordable homes include a one-car garage and one private driveway space, which results in a deficit of one parking space per home (four total); however, with the excess guest parking space and the new public parking spaces, there is sufficient parking across the project site. Per State Bill 1069, dedicated parking is not required for accessory dwelling units (ADUs) located within one-half mile of public transit. The project site meets this exemption, as it is located 0.2 miles away from a bus stop at North Park Victoria Drive and Daniel Court.

The project requires guest parking spaces calculated at 20% of the total required minimum 114 parking spaces for the development, which amounts to 23 spaces. The project is proposing 24 on-street guest spaces overall throughout the development, which will be clearly identified by site signage and subject to management by the development's homeowner's association. The project will also include 31 on-street public parking spaces, including seven spaces on Rankin Drive, three spaces on Creed Street and 21 spaces in the area adjacent to the existing southbound bike lane along North Park Victoria Drive.

#### Traffic and Pedestrian Circulation

The project site is currently undeveloped and no interior vehicular access is available. However, North Park Victoria Drive provides access to the eastern edge of the project site, and Creed Street and Rankin Drive provide access to the northern and western edges, respectively. Access into the proposed development is provided at two points, one of which is located along Rankin Drive and the other at the intersection of Rankin Drive and Blalock Street. A private interior street will provide automobile access to the majority of the residential units, with the exception of three units in the northern portion of the project site that would be accessed from Creed Street, and five units along the western border of the project site accessed from Rankin Drive.

The project proposes sidewalks on both sides of the proposed internal private street and a new sidewalk along North Park Victoria Drive. Homeowners not fronting on North Park Victoria Drive will have safe and easy access to the North Park Victoria Drive sidewalk via a pedestrian gate located at the base of the internal private street at the southeast corner of the development.

The on-street parking and associated design features along North Park Victoria Drive will not affect the existing southbound bike lane. This proposed design is consistent with the existing street design on North Park Victoria north of the project site, which also allows for vehicular parking adjacent to the bike lane.

**Table 4: Project Compliance with Parking**

| <b>Standard</b>                      | <b>Required</b>                                                                        | <b>Proposed</b>                                                                                           | <b>Complies?</b>               |
|--------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Parking (Single-Family Homes)</b> | 3 off-street spaces for each 4 bedroom home and 1 space for each additional bedroom    | 2 garage spaces and 1-2 driveway spaces (market rate)<br>1 garage space and 1 driveway space (affordable) | Y<br><br>Y – with approved PUD |
| <b>Parking (ADUs)</b>                | Exempt according to state law if located with one-half mile of any public transit stop | Exempt – Bus stop located 0.2 miles away at North Park Victoria Drive and Daniel Court                    | Y                              |
| <b>Parking (Guest)</b>               | Projects with private garages – 20% of the total required                              | 23 required and 24 provided                                                                               | Y                              |

#### Parks and Open Space

All new developments located outside of the Transit Area Specific Plan or Midtown Specific Plan areas must provide 5.0 acres of parkland for every 1,000 persons or payment of fees-in-lieu, as permitted by Article 3, Section 66477 of the Subdivision Map Act and as codified by the City of Milpitas at Milpitas Municipal Code Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). The subdivision of land involving fifty lots or less, land dedication is not required.

The parkland requirement is based upon the project’s total population density and the estimated value of parkland in the City of Milpitas (currently \$2,787,840 per acre). The anticipated population density for this project is 3.75 persons per unit per market rate and affordable home and 3.0 persons per accessory dwelling unit (ADU), resulting in an estimated population of 173 persons. Based on this population estimate, the project is required to provide 0.86 acres of parkland, equivalent to approximately \$2,394,542.40.

Private open space including yards, setbacks and other open acres shall be credited against the parkland requirement up to a maximum of 40%. Since the proposed project includes approximately 59,094 square feet/1.36 acres of private open space in the form of private yards, the applicant is able to max out the 40% private open space credit.

The project includes a 927 square foot publicly-accessible “Tot Lot” park, which is also credited against the parkland requirement. The park is located at the corner of Creed Street and Rankin Drive on the perimeter of the neighborhood. The park, accessible via footpath from the Rankin Drive sidewalk, includes a play structure intended for children aged five to twelve years old and has a capacity for 25-30 children. The park area also includes a bench for seating, and bark/mulch for ground cover. The remaining green space surrounding the park is a dedicated landscaped bioretention area separated by a 6” curb and is not a part of the park.

The park was scheduled to be reviewed by the Parks, Recreation and Cultural Resources Commission (PRCRC), an advisory body to City Council, at its December 2, 2019 meeting; however, the meeting was cancelled due to a lack of quorum. The park will be placed on the agenda for the PRCRC's next scheduled meeting on January 6, 2020.

The project intends to meet the remaining parkland requirement through the payment of the parkland in-lieu fee, as outlined in Table 5 below.

**Table 5: Summary of Adherence to Parkland Requirements**

|                                                                                         |                                                                                  |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Project Unit Count                                                                      | 48                                                                               |
| Project Population Estimate                                                             | 173                                                                              |
| Parkland Requirement                                                                    | 5 acres/1,000 people or equivalent fees-in-lieu. Currently \$2,787,840 per acre. |
| <b>PARKLAND ACREAGE DUE/FEE EQUIVALENT</b>                                              | <b>0.86 acres/\$2,394,542.40</b>                                                 |
| Less Private Recreation Acreage Credit (40% Max.) and Provided Public Park (0.02 acres) | 0.36 acres/\$1,003,622.40                                                        |
| <b>TOTAL ACREAGE/FEEES PROVIDED</b>                                                     | <b>0.50 acres/\$1,393,920.00</b>                                                 |

#### Landscape & Open Space Design

Each of the residential uses on the project site includes private backyards and in total provides approximately 59,094 square feet of private open space in the form of private individual yards. Additionally, the proposed project includes a total of 78,624 square feet of landscaped area, including 5,007 square feet across three bioretention areas. Six mature trees currently standing on the property will be removed and a total of 94 trees will be planted. All proposed street tree species adhere to section X-2-3.02 - Approved Street Tree List of the Milpitas Municipal Code. Detailed landscape plans are shown on Sheets L1.1 through L4.1 of the Project Plans (See Attachment B).

#### Design and Architecture

The project applicant characterizes the site design and architecture of the project as reflective of the surrounding landscape and is respectful of the character of the existing neighboring homes. Complementary to the scale of the existing neighborhood, the 34 market rate homes are two stories and feature two-car garages. The four affordable units are also two stories and "paired" in that they are located on individual lots and have separate exterior walls but share an attached roof. The site design is outward looking, with 18 of the homes fronting onto the existing neighborhood streets of Creed Street, Rankin Drive and North Park Victoria Drive. This orientation maximizes the integration of the new homes into the existing neighborhood and offers an attractive residential street frontage along North Park Victoria Drive. Further, the garages for the ten homes proposed to front onto North Park Victoria Drive are detached and oriented toward the rear of the lots with access from the internal street, thus maintaining safety and minimizing potential traffic conflicts.



Streetscape - Eastern View from Rankin Drive

The architecture of the homes includes a mixture of Spanish and Craftsman-styles featuring concrete tile roofs and facades in varying earth tone colors. The facades consist of varying combinations of stucco, board and battens, brick veneer and hardie siding. Some homes feature small second level balconies. The applicant offers further diversity in window and door types and materials, exterior light fixtures, window awnings and other architectural elements.

Each home will consist of four bedrooms – one on the ground floor and three on the second floor. The ten accessory dwelling units (ADUs) will be situated above the detached garages and offer studio-style floor plans with a combined bedroom/kitchen/living area and separate bathroom.

#### Grading

The proposed project will demolish the existing vacant structure and all surface pavements on the project site. The maximum depth of excavation for building pad elevations would be one to two feet from the existing grade and the maximum depth of utility trenching would be approximately 15 feet. It is anticipated that a total of 4,608 cubic yards of soil would be cut and 6,320 cubic yards would be used for fill, and therefore approximately 1,711 cubic yards of fill would be imported to the site.

#### Utilities

The project site is located in an urban area that is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

**Water** – Water service is provided by the City of Milpitas. The proposed project would include the installation of new water lines on the site that would connect to the existing 8-inch main located within Rankin Drive and Blalock Street.

**Wastewater** – The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line within the existing streets that surround the project site on the north, east, and west sides.



A new 12-inch line will be installed within the private street areas of the north-facing properties along the southernmost private street. The existing 12-inch line that runs along the southern border of the project site will be abandoned and a new 12-inch line installed.

*Stormwater* – The project proposes approximately 2.68 acres (55 percent) of impervious surfaces and approximately 1.92 acres (45 percent) of pervious surfaces, consisting of landscaped areas with lawns, shrubs, and trees. Additionally, for hydromodification purposes, the proposed project includes 27 underground storage vaults for stormwater runoff under the bioretention areas, each of which holds approximately 915 cubic feet of water. A 15-inch stormwater main would connect the proposed storage vaults to the existing storm drain within Rankin Drive.

*Electricity and Gas* – The proposed project would include connections to the existing PG&E electricity and gas lines that run adjacent to the project site.

#### Climate Action Plan

The City of Milpitas adopted a Climate Action Plan (CAP) in 2013 and established Greenhouse Gas (GHG) reduction goals, policies and actions for new and existing development projects. The CAP identifies six main Action Areas with specific GHG reduction Measures, including energy, water, transportation and land use, solid waste, and off-road equipment. The proposed project is consistent with a number of CAP measures, for example, those associated with the Transportation and Land Use Action Area. The project infills an existing vacant lot already served by public transit, City services and commercial services and contributes to the City's Complete Streets goals by constructing new sidewalks throughout the project and providing shading and pedestrian safety via landscape strips. Implementation of the proposed project would not significantly increase population, vehicle trips, or vehicle miles traveled. As such, the project is in conformance with the City's Climate Action Plan.

#### Development Fees

In addition to the parkland in-lieu fee, the development is subject to the following fees, payable at the time of building permit:

##### *Public Art Fee*

The Project will comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. This fee is currently set at one-half of one percent of building development costs. The proposed project will pay the fee based on the construction valuation at the building permit issuance.

##### *Affordable Housing Ordinance*

Pursuant to MMC Section XII-1-3.00, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to construct fifteen (15) percent of the total number of dwelling units within the development as affordable units, unless subject to an exception set forth in XI-1-4.00. All exceptions require City Council approval.

The applicant may request exceptions that include payment of fees in-lieu of the provision of affordable units on the site. To satisfy the ordinance, the project must include 5.1 affordable units on site. The applicant has requested to construct four affordable units on site and satisfy the remaining 1.1 units in the form of an in-lieu fee. The affordable housing fee is currently set at \$33 per square foot. The new net residential living area is estimated at 109,622 square feet, therefore, the estimated in-lieu fee is \$780,250.71. This fee is subject to change and will be

officially calculated once the net new residential living area space is finalized and the building permit application is approved.

Prior to City Council approval to the requested partial in-lieu fee payment, affirmative findings to the following must be made:

1. *The exception requested exceeds the minimum affordable requirements; and*

Analysis: The applicant proposes to construct four affordable housing on site, as well as pay the remaining 1.1-unit equivalent affordable in-lieu fee. In addition to providing the units and the fee, the applicant will provide ten ADUs within the project, and these smaller studio units will be affordable by design. The California Department of Housing and Community Development (HCD) identifies ADUs as a valuable tool in providing affordable housing to couples, small families, friends, young people, and seniors. ADUs can also be a source of income for homeowners, allow flexible living arrangements for families, and provide as much living space as many newly-built apartments and condominiums. ADUs can also allow seniors to age in place as they require more care over time. Staff recommends that the requested exception exceeds the minimum requirements of the City's Affordable Housing Ordinance.

2. *The community benefits exceed the project benefits.*

Analysis: The proposed project is the first residential development of its kind in Milpitas to include purpose-built ADUs as part of the overall project design. As discussed in the previous finding, ADUs provide a myriad of benefits to residents, including the provision of incremental housing density while maintaining a residential character and suitability for family life. Overall, the project will demonstrate how a concentrated number of ADUs can be seamlessly integrated and appropriately scaled to a single-family home neighborhood. The project's ADUs will also directly support the goals set by the State of California and City of Milpitas to increase the number of ADUs in local communities. Paired with the potential financial and social community benefits associated with ADUs, staff recommends that the community benefits exceed the project benefits.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

### ***General Plan Amendment***

To approve the General Plan Amendment, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-57.02:

1. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The requested General Plan amendment will change the land use designation of the project site from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD) thereby increasing the density range from 3-5 dwelling units/acre to a density range of 6-15 dwelling units/acre. Aside from the change in density, the project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

2. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the project has been subject to CEQA review through the preparation of an Initial Study (IS) and Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

### ***Zoning Maps Amendment***

To approve an amendment to the zoning map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-57.02:

1. *The proposed amendment is consistent with the General Plan.*

As discussed above, the proposed amendment is generally consistent with the Milpitas General Plan and the project will be fully consistent if granted an amendment from land use designation SFL to SMD to allow for a slightly increased dwelling unit/acre density. The project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

2. *The proposed amendment will not adversely affect the public health, safety and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the project has been subject to CEQA review through the preparation of an Initial Study (IS) and Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

### ***Planned Unit Development***

To approve a Planned Unit Development the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-57.07:

1. *Development of the site under the provisions of the Planned Unit Development (PUD) will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*

Overall, the project offers 34 market rate, single-family homes, four affordable homes and ten purpose-built accessory dwelling units (ADUs) with various associated social and financial benefits to the public. The PUD allows for effective integration of the four

affordable homes by accommodating the “paired” nature of the homes and the reduced side and rear setbacks from typical R1-3 standards. The project will also be a demonstration of how ADUs can be integrated into a neighborhood of single-family market rate homes. Further, the project will be efficiently sited in a way that is respectful to the character of the existing neighborhood and will incorporate a vacant lot and complete the neighborhood.

*2. The proposed Planned Unit Development is consistent with the Milpitas General Plan.*

The proposed PUD is generally consistent with the Milpitas General Plan and the project will be fully consistent if granted the requested land use designation amendment from SFL to SMD. The project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

*3. The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy that are not mitigated to acceptable levels.*

The project’s site layout seeks to effectively integrate into the existing neighborhood by offering two-story home heights and mirroring the existing home orientations along Creed Street and Rankin Drive. Further, the Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

***Vesting Tentative Map***

To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

*1. The tentative subdivision map is consistent with the General Plan.*

The project applicant is requesting a General Plan Amendment from SFL to SMD. The intent of this designation is to provide medium-density, single-family housing at a density range of 6-15 dwelling units/acre. As this project proposes 7.8 dwelling units/acre, if granted the General Plan amendment, it is consistent with both the intended land use of the General Plan and the relevant density requirement.

*2. None of the conditions identified in California Government Code Section 66474 exist, to wit:*

*A. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

As set forth in Finding 1 above, the map proposes the development of the site into 34 market rate homes, four affordable homes and ten accessory dwelling units (ADUs) at a density of 7.8 dwelling units/acre. If granted the General Plan amendment, the

proposed map is consistent with the intended SMD land use of the General Plan and the relevant density requirement. The project site does not fall within a specific plan area.

*B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 6-15 dwelling units per acre as permitted by the General Plan amendment from SFL to SMD. The proposed density is 7.8 dwelling units per acre. The project site does not fall within a specific plan area.

*C. That the site is not physically suitable for the type of development.*

The site is surrounded by properties designated for single-family and hillside residential development under the City's General Plan. The project's proposed single-family homes are well-suited to the site and surrounding neighborhood context.

*D. That the site is not physically suitable for the proposed density of development.*

If granted the General Plan amendment from SFL to SMD, the site is physically suitable for development at the proposed density of 7.8 dwelling units per acre. The site gradually slopes from the southeast corner of the lot and as planned will be directly connected to the existing adjacent streets (Creed Street, Rankin Drive and South Park Victoria Drive).

*E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project, including the subdivision and its associated improvements, has been subject to environmental review under CEQA through the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND). On the basis of the initial study, it has been determined that although the project could have a significant effect on the environment, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring. Additionally, the proposed project is an infill development in an existing urban area and is not anticipated to cause damage to the habitats of fish or wildlife.

*F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The project, including the subdivision and its associated improvements, has been subject to CEQA review through the preparation of an IS/MND. The MND did not find that the project would be likely to cause serious public health problems and further, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring.

*G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision will not conflict with existing public easements for access through or use of the property. This subdivision does propose the vacation of a sanitary sewer pipeline and easement along the rear of Lots 1 through 7 along the southern edge of the development, but a new pipeline located within the new private street will be provided to replace it. Street right-of-way for the widening of the adjacent three public streets will be dedicated, and Public Service and Utility Easements (PSUEs) will be dedicated along the adjacent public street frontages and interior private streets.

### ***Site Development Permit***

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F):

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.*

The project's site design is outward looking and seeks to effectively integrate into the existing neighborhood. The project consists of 34 market rate homes, four affordable homes and ten accessory dwelling units (ADUs) and associated site amenities on a 4.88-acre site. The building's Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The project is generally consistent with the development standards pursuant to the Single Family Residential (R1) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of the Zoning Maps Amendment to adjust the property from R1-6 to R1-3 and if granted the alternative setbacks proposed in the request for the Planned Unit Development (PUD). See the Zoning Maps Amendment and PUD discussions above for further detail.

3. *The project is consistent with the Milpitas General Plan.*

See General Plan consistency discussion set out above in support of issuing the General Plan Amendment and the Vesting Tentative Map.

### **ENVIRONMENTAL REVIEW**

The City prepared an environmental assessment (EA19-0003) for this project in accordance with the California Environmental Quality Act (CEQA). On the basis of the Initial Study (IS), LSA has concluded that the project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration (MND).

On August 9, 2019, the City provided a notice of intent to adopt an MND to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND was available for public review from 08/09/2019 through 09/09/2019.

The final IS/MND was presented for City Council adoption at its November 5, 2019 meeting; however, given the changes to the site plan, the IS/MND was updated. On December 5, 2019, the City provided a notice of intent to adopt an MND to the public, responsible agencies, trustee agencies and the County Clerk. The IS/MND is available for public review from 12/5/2019 through 12/27/2019.

### **PUBLIC COMMENT/OUTREACH**

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The applicant lead community outreach sessions on various occasions starting in 2016. Approximately 400 households were invited to drop-in community sessions held on August 24, 2016, May 14, 2019, June 19, 2019 and September 19, 2019. On at least one occasion in 2016, the applicant also knocked on the doors of neighbors bordering all sides of the project site.

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on November 29, 2019. In addition, notices were sent to all owners and occupants within 1000 feet of the project site. A public notice was also posted at the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and at City Hall. At the time of publishing this report, the City has received one public comment from a resident expressing concern about the possible increase in project-generated traffic.

### **RECOMMENDATION**

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Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing;
3. Consider the Initial Study and Mitigated Negative Declaration in accordance with CEQA Guidelines, as stated; and

Adopt Resolution 19-033 recommending that the Milpitas City Council approve the General Plan Amendment (GP18-0001), Zoning Map Amendment (ZA18-0003), Planned Unit Development (PD18-0001), Site Development Permit SD18-0015, Vesting Tentative Map (MT18-0003), and Environmental Assessment (EA19-0003) to allow the development of a 38-unit single-family residential subdivision with 34 market-rate housing units, four affordable housing units, ten accessory dwelling units, and associated site improvements on a 4.88-acre parcel located at 1005 North Park Victoria Drive.

### **ATTACHMENTS**

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A: Resolution 19-033

B: Revised Project Plans

C: Draft Zoning Map Amendment Ordinance

**RESOLUTION NO. 19-033**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN  
AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT  
DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, VESTING  
TENTATIVE MAP MT18-0003, and ENVIRONMENTAL ASSESSMENT EA19-0003 TO  
ALLOW DEVELOPMENT OF A RESIDENTIAL SUBDIVISION WITH 36 SINGLE-FAMILY  
HOMES AND TEN ACCESSORY DWELLING UNITS ON A 4.88 ACRE SITE LOCATED AT  
1005 NORTH PARK VICTORIA DRIVE AND MAKING FINDINGS PURSUANT TO SECTION  
XII-1.00, *et seq.* OF THE MILPITAS MUNICIPAL CODE AND CEQA FINDINGS PURSUANT  
TO CEQA GUIDELINES SECTION 15070 *et seq.***

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 *et seq.*) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

**WHEREAS**, on November 18, 2018, Robson Homes (the "Applicant") originally submitted an application to the City of Milpitas for the approvals necessary to allow development of a residential subdivision with 36 single-family homes and ten accessory dwelling units located at 1005 North Park Victoria Drive, which was subsequently revised to allow development of a residential development with 34 market rate single-family homes, four affordable single-family homes and ten accessory dwelling units. The project (the "Project") thus consists of and requires:

- a. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
- b. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
- c. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
- d. Site Development Permit SD18-0015: To allow a 38-unit single family home development, including 34 market-rate housing units, four affordable housing units (paired homes), and ten accessory dwelling units on the 4.88-acre site; and
- e. Vesting Tentative Map P-MT18-0003: To establish 38 single-family home lots and to record site easements; and
- f. Environmental Assessment EA19-0003: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

**WHEREAS**, the Planning Department completed an environmental assessment for the project, and, based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA), including, without limitation, CEQA Guidelines sections 15070 *et seq.* On December 5, 2019 the City provided a notice of intent to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies and the county clerk. The IS/MND is available for public review from 12/05/2019 through 12/27/2019 and is available for public review and inspection at City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California; and



**WHEREAS**, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project, together with Conditions of Approval, including without limitation, mitigation measures identified in the IS/MND and the Mitigation Monitoring and Reporting Program adopted herein, will not have a significant effect on the environment; and

**WHEREAS**, the Planning Commission considered the proposed IS/MND prior to making any decision on the Project; and

**WHEREAS**, the Planning Commission makes and accepts as its own the findings set forth in Exhibit 2 to Exhibit A attached hereto;

**WHEREAS**, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the applications for General Plan Amendment, Zoning Amendment and Planned Unit Development pursuant to Milpitas Municipal Code Section XI-1-4.03, the City Council is the highest review authority for the Project and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

**WHEREAS**, the Planning Commission has reviewed the draft "Resolution of the City Council of the City of Milpitas Approving General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 for 1005 North Park Victoria Drive," attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, on December 11, 2019, the Planning Commission held a duly-noticed public hearing, during which meeting the Planning Commission discussed the Exhibits listed above, heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, the documents and other materials which constitute the record of proceedings upon which the Planning Commission bases the recommendation and the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

**WHEREAS**, the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence before it as a whole.

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

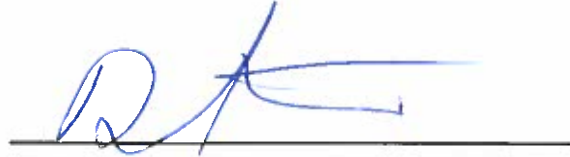
1. The recitals set forth above are adopted as further findings of the Planning Commission.

2. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.) and the regulations and policies of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the project. The IS/MND is available for public review from 12/5/2019 through 12/27/2019. Also in conformance with CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring

on the measures the City hereby has either required or made a condition of approval to the project to mitigate or avoid significant environmental effects.

3. Having likewise reviewed and considered the documents attached hereto and incorporated herein as **Exhibit A**, and having adopted the findings set forth therein as its own, the Planning Commission recommends the City Council approve and adopt **Exhibit A**, subject to any minor technical or clerical revisions that may be necessary or appropriate.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Milpitas on December 11, 2019:



Chair

**TO WIT:**

**I HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on December 11, 2019 and carried by the following roll call vote:

| COMMISSIONER     | AYES | NOES | ABSENT | ABSTAIN |
|------------------|------|------|--------|---------|
| Ricky Ablaza     | X    |      |        |         |
| Tim Alcorn       | X    |      |        |         |
| Evelyn Chua      | X    |      |        |         |
| Bill Chuan       | X    |      |        |         |
| Sudhir Mandal    |      |      |        | X       |
| Demetress Morris | X    |      |        |         |
| Steve Tao        |      |      | X      |         |

**EXHIBIT 'A'**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, VESTING TENTATIVE MAP MT18-0003, and ENVIRONMENTAL ASSESSMENT EA19-0003 TO ALLOW DEVELOPMENT OF A RESIDENTIAL SUBDIVISION WITH 36 SINGLE-FAMILY HOMES AND TEN ACCESSORY DWELLING UNITS ON A 4.88 ACRE SITE LOCATED AT 1005 NORTH PARK VICTORIA DRIVE AND MAKING FINDINGS PURSUANT TO SECTION XII-1.00, *et seq.* OF THE MILPITAS MUNICIPAL CODE AND CEQA FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15070 *et seq.***

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 *et seq.*) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

**WHEREAS**, On November 18, 2018, Robson Homes (the "Applicant") originally submitted an application to the City of Milpitas for the approvals necessary to develop a 36-unit single-family home development including ten accessory dwelling units (ADUs) at 1005 North Park Victoria Drive, which was subsequently revised to allow development of a residential development with 34 market rate single-family homes, four affordable single-family homes and ten ADUs. The project (the "Project") thus consists of and requires:

- a. General Plan Amendment GP18-0001: To change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD); and
- b. Zoning Amendment P-ZA18-0003: To amend the zoning maps to change the property zoning designation from Single-Family Residential (R1-6) to Single-Family Residential (R1-3); and
- c. Planned Unit Development P-PD18-0001: To allow for variation from the standard development standards of the Municipal Zoning Code and permit a Planned Unit Development; and
- d. Site Development Permit SD18-0015: To allow a 38-unit single family home development, including 34 market-rate housing units, four affordable housing units (paired homes), and ten accessory dwelling units on the 4.88-acre site; and Vesting Tentative Map P-MT18-0003: To establish 38 single-family home lots and to record site easements; and
- e. Environmental Assessment EA19-0003: To review and assess all requested entitlements for consistency with the California Environment Quality Act (CEQA).

**WHEREAS**, the Planning Department completed an environmental assessment No. EA19-0003 for the Project in accordance with CEQA, an Initial Study was conducted and based on the study a Mitigated Negative Declaration was prepared, the Planning Commission recommended that the City Council adopt the Initial Study/Mitigated Negative Declaration; and

**WHEREAS**, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the applications for a General Plan Amendment, Zoning Amendment and Planned Unit

Development the City Council is the highest review authority for the Project, and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

**WHEREAS**, on December 11, 2019, the Planning Commission held a duly-noticed public hearing, during which meeting the Planning Commission considered General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, and Environmental Assessment No. EA19-0003 for 1005 North Park Victoria Drive heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, by adoption of Resolution No. 19-033, the Planning Commission recommended the City Council approve General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, And Environmental Assessment No. EA19-0003; and

**WHEREAS**, the documents and other materials which constitute the record of proceedings upon which the City Council bases the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

**WHEREAS**, on \_\_\_\_\_, 2020, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the Environmental Assessment No. EA19-0003, as well as General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003 for 1005 North Park Victoria Drive, heard a presentation from staff, and had the opportunity hear from members of the public; and

**WHEREAS**, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

#### **SECTION 1. Recitals**

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 incorporated herein by reference.

#### **SECTION 2. California Environmental Quality Act Findings**

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.) and the regulations and policies of the City of Milpitas. The purpose of this IS/MND is, among other things, to provide objective information regarding the environmental consequences of the proposed project to the decision makers and the public and to identify measures to substantially lessen or avoid significant adverse environmental effects of the project. The IS/MND is available for public review from 08/09/2019 through 09/09/2019. Also in conformance with

CEQA, the City has prepared a Mitigation Monitoring and Reporting Program for reporting or monitoring on the measures the City hereby has either required or made a condition of approval to the project to mitigate or avoid significant environmental effects.

### **SECTION 3. General Plan Amendment Findings (Section XI-1-57.02)**

The City Council makes the following findings based on the evidence in the public record in support of General Plan Amendment No. GP18-0001:

- A. The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The requested General Plan amendment will change the land use designation of the project site from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD) thereby increasing the density range from 3-5 dwelling units/acre to a density range of 6-15 dwelling units/acre. Aside from the change in density, the project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

- B. The proposed amendment will not adversely affect the public health, safety, and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the project has been subject to CEQA review through the preparation of an Initial Study (IS) and Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

### **SECTION 4. Zoning Maps Amendment Findings (XI-1-57.02)**

The City Council makes the following findings based on the evidence in the public record in support of Zoning Amendment No. ZA18-0003:

- A. The proposed amendment is consistent with the General Plan.*

As discussed above, the proposed amendment is generally consistent with the Milpitas General Plan and the project will be fully consistent if granted an amendment from land use designation SFL to SMD to allow for a slightly increased dwelling unit/acre density. The project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

- B. The proposed amendment will not adversely affect the public health, safety and welfare.*

The scale and layout of the subdivision will effectively integrate into the existing neighborhood and provide a suitable environment for family life. As designed, the proposed project is sensitive to pedestrian and traffic safety through effective traffic and circulation design. Additionally, the

project has been subject to CEQA review through the preparation of an Initial Study (IS) and Mitigated Negative Declaration (MND). The MND has prescribed mitigation measures such as NOI-1 which requires management of equipment noise during construction and AIR-1 which requires the installation of HVAC systems with a control efficiency to remove a minimum level of air particulate that will prevent any public health problems from occurring.

#### **SECTION 5.Planned Unit Development Findings (XI-1-57.07)**

The City Council makes the following findings based on the evidence in the public record in support of Planned Unit Development No. PD18-0001:

- A. Development of the site under the provisions of the Planned Unit Development will result in public benefit not otherwise attainable by application of the regulations of general zoning districts.*
- B. Overall, the project offers 34 market rate, single-family homes, four affordable homes and ten purpose-built accessory dwelling units (ADUs) with various associated social and financial benefits to the public. The PUD allows for effective integration of the four affordable homes by accommodating the “paired” nature of the homes and the reduced side and rear setbacks from typical R1-3 standards. The project will also be a demonstration of how ADUs can be integrated into a neighborhood of single-family market rate homes. Further, the project will be efficiently sited in a way that is respectful to the character of the existing neighborhood and will incorporate a vacant lot and complete the neighborhood. The proposed Planned Unit Development is consistent with the Milpitas General Plan.*

The proposed PUD is generally consistent with the Milpitas General Plan and the project will be fully consistent if granted the requested land use designation amendment from SFL to SMD. The project is otherwise consistent with the Guiding Principles and Policies of the General Plan such as providing infill development of land already serviced by City infrastructure and providing a variety and mix in housing types and costs.

- C. The proposed development will be in harmony with the character of the surrounding neighborhood and will have no adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy that are not mitigated to acceptable levels.*

The project’s site layout seeks to effectively integrate into the existing neighborhood by offering two-story home heights and mirroring the existing home orientations along Creed Street and Rankin Drive. Further, the Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

#### **SECTION 6.Site Development Permit Findings (Section XI-10-57.03(F)(1))**

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD18-0015:

- A. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project's site design is outward looking and seeks to effectively integrate into the existing neighborhood. The project consists of 34 market rate homes, four affordable homes and ten accessory dwelling units (ADUs) and associated site amenities on a 4.88-acre site. The building's Spanish/Craftsman-style architectural design visually relates to the surrounding landscape and respects the character of the existing neighboring homes. The project as built will further strengthen the identity of the existing neighborhood and achieve compatibility and aesthetic harmony with the nearby hillside landscape.

*B. The Project is consistent with the Milpitas Zoning Ordinance.*

The project is generally consistent with the development standards pursuant to the Single Family Residential (R1) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of the Zoning Maps Amendment to adjust the property from R1-6 to R1-3 and if granted the alternative setbacks proposed in the request for the Planned Unit Development (PUD). See the Zoning Maps Amendment and PUD discussions above for further detail.

**Table 1:  
Summary of R1-3 Development Standards**

| <b>Standard (R1-3 (PUD))</b>                           | <b>Required</b>                               | <b>Proposed</b>                                                                   | <b>Complies?</b>           |
|--------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------|----------------------------|
| <b>Lot Area Minimum</b>                                | 3,000                                         | 3,540 - 5,787 square feet (market rate)<br>2,500 – 2,677 square feet (affordable) | Y<br>Y – with approved PUD |
| <b>Lot Width Min</b>                                   | 30 feet                                       | 40.4 feet – 55 feet (market rate)<br>20 – 30 feet (affordable)                    | Y<br>Y – with approved PUD |
| <b>Lot Density (Min/Max)</b>                           | 1 dwelling unit/lot and 3-15 units/gross acre | 1 dwelling unit/lot and 7.8 units/gross acre                                      | Y                          |
| <b>Front Yard Setback</b>                              | 20 feet                                       | 6.8 feet – 15 feet (market rate)<br>12.3 feet (affordable)                        | Y – with approved PUD      |
| <b>Side Yard Setback (Interior) Min</b>                | One side 5 feet                               | 4 feet – 8.1 feet (market rate)<br>0 feet – 8.7 (affordable)                      | Y – with approved PUD      |
| <b>Street Side Yard Setback Min</b>                    | 10 feet                                       | 6 feet – 15.4 feet (all homes)                                                    | Y – with approved PUD      |
| <b>Rear Yard Setback, Min (two stories or greater)</b> | 20 feet                                       | 12 feet – 25 feet (market rate)<br>14 feet – 24.3 feet (affordable)               | Y – with approved PUD      |

|                     |                                                                            |             |   |
|---------------------|----------------------------------------------------------------------------|-------------|---|
| <b>Lot Coverage</b> | No more than 50% of the front width of the front yard setback may be paved | 50% or less | Y |
|---------------------|----------------------------------------------------------------------------|-------------|---|



*C. The Project is consistent with the Milpitas General Plan.*

The project is generally consistent with the development standards pursuant to the Single Family Low Density (SFL) Zone of the Milpitas Zoning Ordinance and will be fully consistent if granted approval of a General Plan Amendment to Single-Family Medium Density (SMD). See General Plan consistency discussion set out above in support of issuing the General Plan Amendment and the Vesting Tentative Map.

**SECTION 7. Vesting Tentative Map Findings (Section XI-1-20.01)**

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT18-0003:

*D. The tentative subdivision map is consistent with the General Plan.*

The project applicant is requesting a General Plan Amendment from SFL to SMD. The intent of this designation is to provide medium-density, single-family housing at a density range of 6-15 dwelling units/acre. As this project proposes 7.4 dwelling units/acre, if granted the General Plan amendment, it is consistent with both the intended land use of the General Plan and the relevant density requirement.

*E. None of the conditions identified in California Government Code Section 66474 exist, to wit:*

- 1. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

As set forth in Finding 1 above, the map proposes the development of the site into 34 market rate homes, four affordable homes and ten accessory dwelling units (ADUs) at a density of 7.8 dwelling units/acre. If granted the General Plan amendment, the proposed map is consistent with the intended SMD land use of the General Plan and the relevant density requirement. The project site does not fall within a specific plan area.

- 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 6-15 dwelling units per acre as permitted by the General Plan amendment from SFL to SMD. The proposed density is 7.8 dwelling units per acre. The project site does not fall within a specific plan area.

- 3. That the site is not physically suitable for the type of development.*

The site is surrounded by properties designated for single-family and hillside residential development under the City's General Plan. The project's proposed single-family homes are well-suited to the site and surrounding neighborhood context.

- 4. That the site is not physically suitable for the proposed density of development.*

If granted the General Plan amendment from SFL to SMD, the site is physically suitable for development at the proposed density of 7.8 dwelling units per acre. The site gradually slopes from the southeast corner of the lot and as planned will be directly

connected to the existing adjacent streets (Creed Street, Rankin Drive and South Park Victoria Drive).

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project, including the subdivision and its associated improvements, has been subject to environmental review under CEQA through the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND). On the basis of the initial study, it has been determined that although the project could have a significant effect on the environment, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring. Additionally, the proposed project is an infill development in an existing urban area and is not anticipated to cause damage to the habitats of fish or wildlife.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The project, including the subdivision and its associated improvements, has been subject to CEQA review through the preparation of an IS/MND. The MND did not find that the project would be likely to cause serious public health problems and further, the prescribed mitigation measures of the MND will prevent any significant environmental effects from occurring.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision will not conflict with existing public easements for access through or use of the property. This subdivision does propose the vacation of a sanitary sewer pipeline and easement along the rear of Lots 1 through 7 along the southern edge of the development, but a new pipeline located within the new private street will be provided to replace it. Street right-of-way for the widening of the adjacent three public streets will be dedicated, and Public Service and Utility Easements (PSUEs) will be dedicated along the adjacent public street frontages and interior private streets.

#### **SECTION 8. Affordable Housing Ordinance (Section XII-1-4.00)**

The City Council approves the Applicant's request to provide four affordable housing units on site and an exception from the requirement to construct the remaining 1.1 units affordable housing units as part of the Project as required by the Milpitas Municipal Code Section XII-1-00, *et seq.* The Applicant has demonstrated that the Project qualifies for such an exception based upon the following findings based on the evidence in the public record for the affordable housing exception request:

- A. *The exception requested exceeds the minimum affordable requirements; and*

Analysis: The applicant proposes to construct four affordable housing on site, as well as pay the remaining 1.1-unit equivalent affordable in-lieu fee. In addition to providing the units and the

fee, the applicant will provide ten ADUs within the project, and these smaller studio units will be affordable by design. The California Department of Housing and Community Development (HCD) identifies ADUs as a valuable tool in providing affordable housing to couples, small families, friends, young people, and seniors. ADUs can also be a source of income for homeowners, allow flexible living arrangements for families, and provide as much living space as many newly-built apartments and condominiums. ADUs can also allow seniors to age in place as they require more care over time. Staff recommends that the requested exception exceeds the minimum requirements of the City's Affordable Housing Ordinance.

*B. The community benefits exceed the project benefits.*

Analysis: The proposed project is the first residential development of its kind in Milpitas to include purpose-built ADUs as part of the overall project design. As discussed in the previous finding, ADUs provide a myriad of benefits to residents, including the provision of incremental housing density while maintaining a residential character and suitability for family life. Overall, the project will demonstrate how a concentrated number of ADUs can be seamlessly integrated and appropriately scaled to a single-family home neighborhood. The project's ADUs will also directly support the goals set by the State of California and City of Milpitas to increase the number of ADUs in local communities. Paired with the potential financial and social community benefits associated with ADUs, staff recommends that the community benefits exceed the project benefits.

**SECTION 9. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

**SECTION 10. City Council Approval**

The City Council hereby approves General Plan Amendment No. GP18-0001, Zoning Amendment No. ZA18-0003, Planned Unit Development No. PD18-0001, Site Development Permit No. SD18-0015, Vesting Tentative Map No. MT18-0003, And Environmental Assessment No. EA19-0003 (subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit 1**), based on the above findings.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary Lavelle, City Clerk

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

APPROVED:

Rich Tran, Mayor

## **EXHIBIT '1'**

### **CONDITIONS OF APPROVAL 1005 NORTH PARK VICTORIA DRIVE ROBSON HOMES SINGLE-FAMILY DEVELOPMENT**

**GENERAL PLAN AMENDMENT NO. GP18-0001  
ZONING AMENDMENT NO. ZA18-0003  
PLANNED UNIT DEVELOPMENT NO. PD18-0001  
SITE DEVELOPMENT PERMIT NO. SD18-0015  
VESTING TENTATIVE MAP NO. MT18-0003**

### **GENERAL CONDITIONS**

1. **General Compliance:** The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. **GENERAL PLAN AMENDMENT GP18-0001, ZONING AMENDMENT ZA18-0003, PLANNED UNIT DEVELOPMENT PD18-0001, SITE DEVELOPMENT PERMIT SD18-0015, and VESTING TENTATIVE MAP MT18-0003** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.
2. **CEQA Compliance:** The Permittee shall comply with each and every mitigation measure identified in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the 1005 North Park Victoria Project ("Project") and approved by the City Council together with the Permit. The MMRP document is wholly incorporated herein by reference.
3. **Effective Date:** Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council adopted this Resolution, with the effective date of the Permit as stated in Section 11 of the Resolution.
4. **Acceptance of Permit:** Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
  - a. Acceptance of this Permit by Permittee; and
  - b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
5. **Permit Expiration:** Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the Project:
  - 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.

6. Time Extension: Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
7. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**
8. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).
9. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**
10. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**
11. Compliance with Laws: The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CAO/P/E/B)**
12. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including, but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Permittee, City and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to Vesting Tentative Map No. MT16-0003, and the balance of the Permit shall be unaffected by Government Code Section 66474.9.

13. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.
14. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.
15. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.
16. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. (P)
17. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and approval by the Fire Department. (F)
18. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the plans dated July 10, 2019 and approved by the City Council on , 2019, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee 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 or City Council, as applicable, in accordance with the Milpitas Zoning Code. (P)

#### PLANNING CONDITIONS

19. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance. All street tree species must adhere to Milpitas Municipal Code Section X-2-3.02 - Approved Street Tree List.
20. Parks and Open Space: The "Tot Lot" park located at the corner of Creed Street and Rankin Drive and all landscaped areas not located on individually owned single-family lots must remain publicly-accessible in perpetuity.
21. Pedestrian Gate: The pedestrian gate providing access to North Park Victoria Drive, located at the southeast corner of the property must be maintained by the development's Homeowner's Association and remain publicly-accessible in perpetuity.
22. Architecture: Permittee shall submit updated Project Architecture depicted on the Building Elevations sheets to the Planning Department and obtain approval from the Planning Director or Designee prior to Building Permit submittal. Any deviations from approved Project Architecture shall be approved at the sole discretion of the Director of Planning or his/her approved designee.
23. Street Lights: Permittee shall provide street lighting along all street frontages subject to the review and approval of the Planning Department. Permittee shall likewise install pedestrian scale lights along

all public and private street frontages. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans.

24. **Parking:** Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:
  - a. **RESIDENT:** A minimum of three off-street parking spaces must be provided for each market-rate home and two off-street parking spaces for each affordable home.
  - b. **GUEST:** A minimum of 23 guest spaces are to be provided along the internal private street.
25. **Public Art Requirement:** Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance.
26. **Affordable Housing Requirement:** Permittee shall comply with the City's Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. Permittee is requesting to build four affordable units on site and an exception to the remaining 1.1 units as set forth in Milpitas Municipal Code Section XI-1-4.00. In accordance with the Affordable Housing Ordinance, the City Council has sole discretion over granting an exception to the requirement for on-site affordable units, including the payment of in-lieu fees.
27. **Planned Unit Development:** Prior to building permit issuance, Permittee must provide a general development plan showing the use, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses as well as any restrictions to altering the structures including:
  - a. Prohibition on further physical expansion of any of the habitable structures and prohibition of the conversion of existing living space into additional bedrooms unless approval is obtained via a Planned Unit Development Permit Amendment subject to City Council approval.

## **ENGINEERING CONDITIONS**

### **PRIOR TO CONSTRUCTION PLAN SUBMITTALS**

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met. (E)*

28. **Modifications:** The Site Development Plan dated 8/9/2019 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.
29. **Solid Waste and Recycling Handling Plan:** Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off



and property management responsibility for bin management and litter control; and procure sufficient service frequency.

30. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.
31. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along North Park Victoria Drive (NPVD), Creed Street, and Rankin Drive that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.
32. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.
33. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be per the current City fee schedule.
34. The project site is within a seismic hazard area as indicated on the official Earthquake Fault or Seismic Hazard Zone maps, released by the State Geologist. In accordance with State law, the project geotechnical engineer must prepare a seismic hazard report which must be reviewed and approved by the City and filed with the State Geologist. The project improvements and building construction shall conform to the recommendations of the seismic hazard report. City consultant peer review of project geotechnical report to the satisfaction of the City Engineer is required prior to building permit issuance.
35. Submit to, and obtain approval from the Land Development Engineering Section the following:
  - a. Preliminary Grading Plan refinement to account for new retaining walls - Note that retaining wall foundations shall not encroach within the City easements or street right-of-way.
  - b. Preliminary Grading Plan refinements to account for overland flow drainage releases, including high storm runoff flows (e.g., Q(100) )
  - c. Preliminary Utility Plan refinements to confirm required utility crossing clearances
  - d. Clarify the Stormwater Treatment Plan & Details to account for the high groundwater table elevation, and public storm system HGL
  - e. The stormwater storage vaults shall be designed to support all imposed loads, including but not limited to loading from the adjacent roadway, retaining walls and buildings. Note that modification to the Lot B or Lot C boundary geometry possibly necessitated by the need for use of an alternate vault system may require going back to Council to modify the VTM approval, and additional conditions may apply.

#### **PRIOR TO FINAL MAP APPROVAL/RECORDATION**

*The following conditions shall be addressed during the final map plan check process and shall be met **prior to** any final approval/recordation (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

36. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, and all other public easements deemed necessary for the project.

37. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.
38. Relinquish Abutter's Rights: Permittee shall relinquish abutter's rights along NPVD along the new Private Street terminus.
39. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.
40. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.
41. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the Planning Commission and City guidelines.
42. Utility Company Approval: Permittee shall obtain approval letters from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.
43. Demolition of Existing Building: Permittee shall demolish existing buildings/facilities that are in conflict with the new property lines.
44. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement, and private common areas.
45. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).
46. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2005-1, and agree to pay the special taxes levied by the CFD 2005-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee 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. This condition of approval is non-severable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding.

**PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE**

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

47. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:

- a. Milpitas Design Guidelines:  
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/>);
  - b. Standard details and specifications:  
(<http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/>);
  - c. Americans with Disabilities Act (ADA) requirements, where applicable.
48. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
49. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.
50. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.
51. Utilities: Permittee shall obtain approval of all utility engineering and design to ensure that any proposed public utility relocations on the project site, as well as within the public right-of-way, are acceptable to the City for perpetual operation/repair/ maintenance of City utilities and to optimize utility right-of-way management.
52. Utility Protection: All existing public utilities shall be protected in place, or 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.
53. Backflow Devices: All backflow devices shall be located outside of city easements throughout the site.
54. Water meters (residential): Landscape water meters, defined as dedicated water service meters, shall be installed for all residential (including single family) irrigated landscapes of 2,500 square feet or greater. A privately owned meter or sub-meter is only allowed upon approval of the City Engineer.
55. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
- a) Installation of separate water service tap and meter for each of the following services: residential, irrigation, and fire.
  - b) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for residential.

- c) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
  - d) The required extent of improvements (i.e., new tie-in paving, and/or grinding and overlay as applicable to street centerline) along the project fronting streets and associated conforms shall be determined to the satisfaction of the City.
  - e) Installation of new street tree wells along the project frontage. The locations, spacing of tree wells and tree species shall be in compliance with applicable City standards and details.
  - f) Install two radar speed feedback signs (locations to be determined later) on the project frontage along NPVD
  - g) Provide public street lighting per IESNA standards with minimum illumination of 0.1 foot-candle and uniformity ratio (avg/min) of six to one.
  - h) Permittee shall loop the water system by extending the water main fronting lots 1 through 8 and connect it to the water main on N. Park Victoria Dr. for water quality purposes as well as public safety pertaining firefighting.
  - i) Permittee shall abandon the existing sanitary sewer main which runs behind the proposed lots, number 1 through 8 per City's Abandonment Notes and to the City's satisfaction. This main shall be capped and filled at nearest existing manhole downstream which is located behind a property west of lot 1, eastward to the existing manhole at the southwestern corner of Country Club Dr. and N. Park Victoria Dr. intersection.
  - j) Permittee shall ensure that utility appurtenances are not located within concrete collars, and/or beneath curb and gutters.
56. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.
57. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.
58. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.
59. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.
60. Pothole Encroachment Permit: Due to multiple new utility service connections on the adjacent public streets and public utility easements, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

#### **PRIOR TO BUILDING PERMIT ISSUANCE**

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer. (E)*

61. City consultant peer review of the project geotechnical reports and tentative map plan revisions as deemed appropriate by the City Engineer are required.
62. Final Map Recordation: Permittee shall record the final map.
63. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.
64. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure 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).
65. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.
66. Water Supply and Force Majeure. The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.
67. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.
68. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.
69. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following 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.

Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

70. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. 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 Department for approval by the Engineering Department prior to inspection by the Building Department.

71. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.

a. Parkland:

1. The project is required to dedicate 0.86 acres of parkland, equivalent to \$2,394,542.40 fees-in-lieu.
2. The applicant will receive credit for 0.36 acres of private recreation space on site. Upon demonstration of provision of this private recreation space to the satisfaction of the Direction of Planning or his/her designee, the total acreage/fees provided are 0.5 acres/\$1,393,920.00.

|                                                                                         |                                                                                  |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Project Unit Count                                                                      | 48                                                                               |
| Project Population Estimate                                                             | 173                                                                              |
| Parkland Requirement                                                                    | 5 acres/1,000 people or equivalent fees-in-lieu. Currently \$2,787,840 per acre. |
| PARKLAND ACREAGE DUE/FEE EQUIVALENT                                                     | 0.86 acres/\$2,394,542.40                                                        |
| Less Private Recreation Acreage Credit (40% Max.) and Provided Public Park (0.02 acres) | 0.36 acres/\$1,003,622.40                                                        |
| TOTAL ACREAGE/FEES PROVIDED                                                             | 0.50 acres/\$1,393,920.00                                                        |

- b. Storm water connection fee at \$16,771/acre for residential and \$21,562/acre for commercial.
- c. Water connection fee at \$1,164/unit for residential and \$5.97/gpd for commercial, based upon increased water usage.
- d. Sewer connection fee at \$1,406/unit for residential and \$8.52/gpd for commercial, based upon increased average wastewater flow.
- e. Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
- f. Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
- g. 2.5% of applicable fees in accordance with City Resolution No. 7590 as Permitting Automation Fee.
- h. FEMA Flood Zone Designation Letter fee in the amount of \$100.00 each.

**DURING CONSTRUCTION**

*The following conditions shall be complied with at all times during the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer. (E)*

72. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.
73. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.
74. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.
75. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

#### **PRIOR TO FIRST OCCUPANCY**

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

76. Completion of Public Improvements: Permittee shall complete all public improvements along the NPVD, Creed Street and Rankin Drive project frontages and conforms, including but not limited to curb, gutter, sidewalk, paving, landscaping, signing and stripping, public storm drain, sanitary sewer, water main improvements, paving, street lighting and related improvements, including the relocation of adjacent street lights necessitated by the new curb line and conforms, as shown on approved Tentative Map and associated Conditions of Approval.
77. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.
78. Record Drawings: Permittee shall submit record drawings in AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.
79. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

#### **FIRE SAFETY CONDITIONS**

*The plans approved by City Council are **not** building plans and have not been reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). Do not consider the plan set approved by City Council as final building plans approved by the Fire Department. Building plans **must** be submitted for review and approval before construction is to commence. The following notes are a general list of the applicable code requirements (2016) and are provided to assist with the building permit process. Please note that these are not all inclusive. All applicable Building, Fire and Municipal Code requirements must be met in advance of any building permit approvals or related construction. Note, Jan. 01, 2020, new CA Building Codes go into effect.*

80. Technical Assistance: To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or reports. (CFC Section 104.7.2)
81. Electronic documents: The Fire Code Official may require electronic base documents for all construction documents and operational permits. The Fire Code Official shall designate the software base format for the electronic documents. (CFC Section 105.4.2.2, added by MMC Section V-300-2.11, and CFC Section 102.9)
82. Fire Department Access: Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. (CFC Section 503)
- a. Minimum Number of Fire Apparatus Access Points: A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760 m<sup>2</sup>) shall be provided with at least two means of fire apparatus access for each structure. (International Fire Code, Section D104.1, adopted and amended by MMC V-300-2.143)

Site as proposed, meets the (2) points of access requirements.

- b. Turning Radius: Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (center). (CFC Section 503.2.4)
- c. Fire Apparatus Clearance: Fire apparatus access roads shall provide a minimum clear width of 20 feet. (CFC Section 503.2.1)
- d. Fire Apparatus Clearance at Hydrants: Fire apparatus roads shall provide not less than 26' clear width at hydrant locations. (CFC Appendix D, Section D103.1)
- e. Timing of Installation and Serviceability of Fire Protection Elements: When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). (CFC Section 501.4)
- f. Fire Apparatus Access: Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.
- g. Adjacent Access Rights: No source of access from lands adjoining a property to be developed shall be considered fire apparatus access roads, unless there is obtained the irrevocable and unobstructed rights and recorded as an ingress/egress access easement with the Country of Santa Clara. (CFC Section 503.7, added by MMC V-300-2.48)



h. Fire Access Road Materials and Load Bearing Requirements: Fire access roads shall be paved (concrete and/or asphalt cement, or other concrete type pavement approved by the Fire Dept.). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division for specifications. (CFC Section 503.2.3)

i. Obstruction of Fire Access: Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. (CFC Section 503.4)

j. Marking of Fire Access Roads: The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". (CFC Section 503.3.)

Minimum marking shall be pole signage and red curb with "FIRE LANE – CVC 22500.1" stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

k. Site Design Changes: The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

83. Fire Protection Water Supply (hydrants, on-site and public): An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted.

a. Water System Calculations: Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. (CFC Section 507)

The minimum water flow at the worst case hydrant outlet within the private system shall be not less than 1,500 gpm.

b. Fire Hydrant Location: The location and quantity of hydrants will be evaluation during the construction permit process. This applies to the on-site private streets as well as to the public streets. (CFC Section 507.5)

- c. Private Hydrant Requirements: Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. (CFC Section 507.5.7, added by MMC V-300-2.54. )
  - d. No Parking in Front of Hydrants: No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514
84. Access Control Devices: When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.51
85. Premises Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. (CFC Section 505)
- The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9
86. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.52
87. Building/Structure Requirements:
- a. Automatic Fire Sprinklers: The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 D Standards (minimum requirements). (CFC Section 903.3)
  - b. Sprinkler Drainage: All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Storm Water Pollution Regulations
  - c. Sprinkler Design: Hydraulic design for the automatic fire sprinkler system shall provide a minimum of 20% safety margin. (CFC Section 903.3.5.6, MMC V-300-2.68)
  - d. One sprinkler design: One sprinkler design system is not permitted. (CFC Section 903.3.1.4, MMC V-300-2.64)
88. Plan Submittal: Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. (CFC Section 901.2)

## BUILDING CONDITIONS

### ARCHITECTURAL

89. Applicable codes shall be 2016 California Residential Code (CRC), California Mechanical Code (CMC), California Electrical Code (CEC), California Plumbing Code (CPC), Green Building Standards Code (CalGreen), California Energy Code (CEnc) and 2017 Milpitas Municipal Code (MMC).
90. Unless there will be no legal property lines between each single family residence or duplex buildings, the buildings shall not be considered one building for the determination of required wall and opening protection and roof covering requirements per CBC sec. 705.3. If there will be no legal property lines between individual buildings and they are considered as portions of "one building" and when it contains more than two dwelling units, the building cannot be classified as Group R-3 occupancy but shall be classified as Group R-2 occupancy.
91. All new dwellings shall be fire-sprinklered as per CRC sec. R313.2.
92. Fire-sprinklered structures shall be located 3 feet minimum from property line and non-sprinklered structures located 5 feet minimum from the property line per CRC, Table R302.1 or exterior walls shall be one-hour fire-resistive construction.
93. Projections (eaves) shall not extend less than 24" to the property line. Projections (eaves) shall be one-hour rated on the underside in the area where projections (eaves) is 24" or less from property line as per CRC Table 302.1.
94. In enclosed private garages attached to R occupancies, provide 1 sq. ft. of ventilation area located at the lower 12" of garage wall. Said ventilation areas shall be directly communicable with the exterior, but shall not be installed where protection of openings is required as per MMC sec. II-3.5-2.03.
95. Minimum class "B" roofing is required at hillside construction per MMC sec. II-3.5-2.06.
96. In addition to smoke alarms required by CRC sec. R314, provide carbon monoxide alarms as per sec. R315.
97. Sidewalks shall be minimum 48" wide as per CBC sec. 11B-403.5.1 exception 3 and provided with accessible curb cuts and detectable warnings as per CBC sec. 11B-406.
98. Structural members exposed to weather shall be naturally durable or preservative-treated wood per CRC section R317.
99. All structures and their elements located in the hillside area shall be designed for a minimum wind speed (Vasd) of 95 mph and exposure C as per MMC sec. II-3-2.09.
100. All structures located in the hillside shall conform to minimum requirements of CBC sec. 2308.7.5 as per MMC sec. II-3-2.09.
101. Projects for all structures located in the hillside area must be prepared and designed by Civil, Structural Engineer or Architect licensed in the State of California per City Policy BDP-BLG09.

102. Provide structural design and details for all detached structures and their footings over 120 square feet and decks exceeding 200 square feet that are over 30" above grade, attached to the dwelling and/or serve the required exit as per MMC sec. II-1-17.03.
103. The buildings shall comply with solar ready requirements per CEnC 110.10.
104. No mechanical duct shall penetrate exterior walls unless approved by Planning Division.
105. New dwelling unit shall comply with the electric vehicle charging requirements to facilitate future installation and use of EV chargers per CEnC sec. 4.106.4.
106. Balconies, landings, decks, stairs and similar floor projections exposed to the weather shall comply with City Policy No. BDP-BLG40:  
[http://www.ci.milpitas.ca.gov/\\_pdfs/BLG40\\_RequirementsforConstructionofBalconies.pdf](http://www.ci.milpitas.ca.gov/_pdfs/BLG40_RequirementsforConstructionofBalconies.pdf)

### **CIVIL**

107. A soil report shall be provided when applying for grading, site improvement and building permit.
108. Paving shall comply with MMC section II-13-18. Pervious paving and turf blocks shall meet minimum TI requirement of 3.5.
109. All non-structural flat concrete work shall be as per MMC sec. II-13-17.05.
110. Grading and erosion control plan shall be submitted when applying for grading permit as per MMC sec. II-13-10 and shall be prepared by a licensed Civil Engineer.
111. Site must be recently surveyed for the verification of the slopes. Signature of Surveyor or Engineer must show date of survey.
112. All downspouts shall be directed to the landscaped areas and per soils report recommendations. Discharging into the street or City storm system is not permitted. Alternate method of discharge shall be approved by the Building and Safety Department and Engineering Department.
113. Drainage shall not be directed toward adjacent property lines.
114. Prior to issuance of building permit, all easements including private storm drain easement through adjacent parcels shall be recorded. The developer shall include interim erosion control provisions and schedules in the construction plans for areas, which will not have permanent erosion control features installed (such as landscaping) prior to any occupancy so that erosion and sediment control can be sustained as per MMC sections II-13-10 and II-13-11.

### **LEGEND**

**P = Planning Department**  
**B = Building Department**  
**E = Engineering Department**  
**F = Fire Department**  
**CAO = City Attorney's Office**  
**ALL = All Reviewing Departments**

### **NOTICE OF RIGHT TO PROTEST**

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

### **AGREEMENT**

*Permittee/Property Owner*

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: \_\_\_\_\_  
Signature of Permittee

**REVISED  
PUBLIC REVIEW DRAFT**

**1005 NORTH PARK VICTORIA DRIVE PROJECT  
INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

**MILPITAS, CALIFORNIA**



December 2019

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## **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE 1005 NORTH PARK VICTORIA DRIVE PROJECT**

**NOTICE IS HEREBY GIVEN** that the City of Milpitas (City) has completed an Initial Study/Mitigated Negative Declaration for the proposed 1005 North Park Victoria Drive Project in accordance with the California Environmental Quality Act.

**Project Location:** The approximately 4.88-acre project site is located at 1005 North Park Victoria Drive in the City of Milpitas in Santa Clara County. The project site is located in northern Milpitas, in an area consisting primarily of residential and commercial uses. The project site is bounded by Creed Street to the north, North Park Victoria Drive to the east, residential uses to the south, and residential uses and Rankin Drive to the west.

**Proposed Project:** The proposed project involves the demolition of the existing residential structure on the project site and the construction of 34 new single-family homes, 10 of which would include accessory dwelling units, and 4 paired units, for a total of 48 residential units. The proposed project would include a General Plan Amendment to change the land use designation from Single-Family Low Density (SFL) to Single-Family Medium Density (SMD), and a Rezone from Single-Family Residential, R1-6 to R1-3 to allow development of the proposed project.

**Findings:** A previous version of the project that would have included development of 46 residential units was evaluated in a Draft Initial Study/Mitigated Negative Declaration (IS/MND) circulated on August 9, 2019. However, the Final IS/MND was not adopted by the City. The Initial Study prepared by the City was undertaken for the purpose of deciding whether the revised project may have a significant effect on the environment. On the basis of the Initial Study, City staff has concluded that the revised project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration. The project site is not on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5.

**Public Review:** Copies of the IS/MND are on file and available for review at the City of Milpitas, Planning Department, 455 East Calaveras Boulevard, Milpitas, CA, 95035. Written comments will be accepted from December 5, 2019 to December 27, 2019. Comments from all Responsible Agencies and interested parties are requested. Any person wishing to comment on the Draft IS/MND must submit written comments to the following:

Adrienne Smith  
455 East Calaveras Boulevard  
Milpitas, CA 95035  
408-586-3287  
asmith@ci.milpitas.ca.gov



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**REVISED  
PUBLIC REVIEW DRAFT**

**1005 NORTH PARK VICTORIA DRIVE PROJECT  
INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION**

**MILPITAS, CALIFORNIA**

Submitted to:

Adrienne Smith, Associate Planner  
City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, California 95035

Prepared by:

LSA  
157 Park Place  
Pt. Richmond, California 94801  
510.236.6810

Project No. MLP1901



December 2019

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## TABLE OF CONTENTS

|                                                            |            |
|------------------------------------------------------------|------------|
| <b>1.0 PROJECT INFORMATION .....</b>                       | <b>1-1</b> |
| <b>2.0 PROJECT DESCRIPTION .....</b>                       | <b>2-1</b> |
| 2.1 PROJECT SITE .....                                     | 2-1        |
| 2.2 PROPOSED PROJECT .....                                 | 2-2        |
| 2.3 PROJECT APPROVALS .....                                | 2-12       |
| <b>3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....</b> | <b>3-1</b> |
| 3.1 DETERMINATION .....                                    | 3-1        |
| <b>4.0 CEQA ENVIRONMENTAL CHECKLIST .....</b>              | <b>4-1</b> |
| 4.1 Aesthetics .....                                       | 4-1        |
| 4.2 Agriculture and Forestry Resources .....               | 4-4        |
| 4.3 Air Quality .....                                      | 4-6        |
| 4.4 Biological Resources.....                              | 4-16       |
| 4.5 Cultural Resources .....                               | 4-25       |
| 4.6 Energy.....                                            | 4-28       |
| 4.7 Geology and Soils .....                                | 4-31       |
| 4.8 Greenhouse Gas Emissions .....                         | 4-36       |
| 4.9 Hazards and Hazardous Materials .....                  | 4-46       |
| 4.10 Hydrology and Water Quality .....                     | 4-49       |
| 4.11 Land Use and Planning .....                           | 4-54       |
| 4.12 Mineral Resources.....                                | 4-56       |
| 4.13 Noise.....                                            | 4-57       |
| 4.14 Population and Housing .....                          | 4-72       |
| 4.15 Public Services.....                                  | 4-73       |
| 4.16 Recreation .....                                      | 4-76       |
| 4.17 Transportation .....                                  | 4-77       |
| 4.18 Tribal Cultural Resources .....                       | 4-93       |
| 4.19 Utilities and Service Systems.....                    | 4-95       |
| 4.20 Wildfire.....                                         | 4-99       |
| 4.21 Mandatory Findings of Significance .....              | 4-101      |
| <b>5.0 LIST OF PREPARERS .....</b>                         | <b>5-1</b> |
| <b>6.0 REFERENCES.....</b>                                 | <b>6-1</b> |

## APPENDICES

*[Located on compact disc on the inside back cover of this document]*

- A: CALEEMOD OUTPUT SHEETS
- B: CLIMATE ACTION PLAN DEVELOPMENT CHECKLIST
- C: PHASE I ENVIRONMENTAL SITE ASSESSMENT
- D: NOISE MEASUREMENT FIELDWORK SHEETS
- E: FHWA NOISE MODEL PRINTOUTS
- F: INTERIOR NOISE CALCULATION
- G: TRAFFIC OPERATIONS REPORT
- H: TRIP GENERATION UPDATE

## FIGURES AND TABLES

### FIGURES

|                                                                               |      |
|-------------------------------------------------------------------------------|------|
| Figure 2-1: Project Location and Regional Vicinity Map .....                  | 2-3  |
| Figure 2-2: Aerial Photograph of Project Site and Surrounding Land Uses ..... | 2-4  |
| Figure 2-3: Conceptual Site Plan .....                                        | 2-5  |
| Figure 2-4: Conceptual Building Elevations – Attached Garage .....            | 2-6  |
| Figure 2-5: Conceptual Building Elevations – Detached Garage and ADU .....    | 2-7  |
| Figure 2-6: Conceptual Building Elevations – Detached Garage and ADU .....    | 2-8  |
| Figure 2-7: Conceptual Building Elevations -- Paired Units.....               | 2-9  |
| Figure 4-1: Noise Monitoring Locations.....                                   | 4-62 |
| Figure 4-2: Project Trip Distribution and Assignment.....                     | 4-82 |
| Figure 4-3: Existing Traffic Volumes.....                                     | 4-83 |
| Figure 4-4: Existing Plus Project Traffic Volumes.....                        | 4-84 |
| Figure 4-5: Cumulative No Project Traffic Volumes.....                        | 4-88 |
| Figure 4-6: Cumulative With Project Traffic Volumes .....                     | 4-89 |

### TABLES

|                                                                                             |      |
|---------------------------------------------------------------------------------------------|------|
| Table 2.A: Potential Permits and Approvals .....                                            | 2-13 |
| Table 4.A: Project Construction Emissions in Pounds Per Day .....                           | 4-10 |
| Table 4.B: Project Operational Emissions .....                                              | 4-12 |
| Table 4.C: Special-Status Species Evaluated .....                                           | 4-18 |
| Table 4.D: Estimated Annual Energy Use of Proposed Project.....                             | 4-29 |
| Table 4.E: Consistency with the City’s Climate Action Plan Measures .....                   | 4-40 |
| Table 4.F: City of Milpitas Noise Compatibility Standards.....                              | 4-59 |
| Table 4.G: Long-Term and Short-Term Ambient Noise Level Measurements .....                  | 4-61 |
| Table 4.H: Existing Traffic Noise Levels.....                                               | 4-61 |
| Table 4.I: Typical Construction Equipment Noise Levels .....                                | 4-64 |
| Table 4.J: Existing Traffic Noise Levels Without and With Project.....                      | 4-67 |
| Table 4.K: Cumulative Traffic Noise Levels Without and With Project.....                    | 4-67 |
| Table 4.L: Summary of On-Site Traffic Noise Levels from I-680 .....                         | 4-68 |
| Table 4.M: Vibration Source Amplitudes for Construction Equipment.....                      | 4-70 |
| Table 4.N: Signalized Intersection Level of Service Definitions Based on Control Delay..... | 4-79 |
| Table 4.O: Unsignalized Intersection Level of Service Definitions Based on Delay .....      | 4-80 |
| Table 4.P: Project Trip Generation Estimates .....                                          | 4-80 |
| Table 4.Q: Existing Plus Project Level of Service Summary .....                             | 4-81 |
| Table 4.R: Cumulative Plus Project Level of Service Summary .....                           | 4-86 |

## LIST OF ABBREVIATIONS AND ACRONYMS

|                           |                                                              |
|---------------------------|--------------------------------------------------------------|
| $\mu\text{g}/\text{m}^3$  | micrograms per cubic meter                                   |
| $\mu\text{in}/\text{sec}$ | microinches per second                                       |
| AB                        | Assembly Bill                                                |
| ADU                       | accessory dwelling unit                                      |
| APN                       | Assessor's Parcel Number                                     |
| BAAQMD                    | Bay Area Air Quality Management District                     |
| Basin Plan                | Water Quality Control Plan                                   |
| BMP                       | Best Management Practices                                    |
| CalEEMod                  | California Emissions Estimator Model                         |
| CALGreen                  | California Green Building Standards Code                     |
| CAP                       | Climate Action Plan                                          |
| CARB                      | California Air Resource Board                                |
| CBC                       | California Building Code                                     |
| CDFW                      | California Department of Fish and Wildlife                   |
| CEC                       | California Energy Commission                                 |
| CEQA                      | California Environmental Quality Act                         |
| CESA                      | California Endangered Species Act                            |
| $\text{CH}_4$             | Methane                                                      |
| City                      | City of Milpitas                                             |
| Clean Air Plan            | Bay Area Air Quality Management District 2017 Clean Air Plan |
| CMP                       | Congestion Management Program                                |
| CNDDDB                    | California Natural Diversity Database                        |
| CNEL                      | Community Noise Equivalent Level                             |

---

|                   |                                              |
|-------------------|----------------------------------------------|
| CNPS              | California Native Plant Society              |
| CO                | carbon monoxide                              |
| CO <sub>2</sub>   | Carbon dioxide                               |
| CO <sub>2</sub> e | CO <sub>2</sub> equivalents                  |
| CRPR              | California Rare Plant Rank                   |
| dB                | decibel                                      |
| dBA               | A-weighted (sound level) decibels            |
| EOP               | Santa Clara County Emergency Operations Plan |
| ESA               | Federal Endangered Species Act               |
| FHWA              | Federal Highway Administration               |
| Fire Department   | City of Milpitas Fire Department             |
| FTA               | Federal Transit Administration               |
| GHG               | Greenhouse gas                               |
| GWh               | gigawatt hours                               |
| GWP               | Global Warming Potential                     |
| HCM               | Highway Capacity Manual                      |
| HFCs              | Hydrofluorocarbons                           |
| HVAC              | heating, ventilation, and air condition      |
| I-680             | Interstate 680                               |
| I-880             | Interstate 880                               |
| in/sec            | inches per second                            |
| IPCC              | Intergovernmental Panel on Climate Change    |
| IS/MND            | Initial Study/Mitigated Negative Declaration |
| ITE               | Institute of Transportation Engineers        |

|                  |                                                                                  |
|------------------|----------------------------------------------------------------------------------|
| kWh              | kilowatt hours                                                                   |
| L <sub>dn</sub>  | day-night average level                                                          |
| L <sub>eq</sub>  | equivalent continuous sound level                                                |
| LID              | Low Impact Development                                                           |
| L <sub>max</sub> | Maximum instantaneous noise level                                                |
| LOS              | Level of Service                                                                 |
| L <sub>v</sub>   | velocity in decibels                                                             |
| MERV             | Minimum Efficiency Reporting Value                                               |
| mgd              | million gallons per day                                                          |
| MLD              | Most Likely Descendant                                                           |
| mpg              | miles per gallon                                                                 |
| MRP              | San Francisco Bay Regional Water Quality Control Board Municipal Regional Permit |
| MT               | metric tons                                                                      |
| MUSD             | Milpitas Unified School District                                                 |
| N <sub>2</sub> O | Nitrous oxide                                                                    |
| NAHC             | California Native American Heritage Commission                                   |
| NO <sub>2</sub>  | nitrogen dioxide                                                                 |
| NO <sub>x</sub>  | Nitrogen oxide                                                                   |
| NPDES            | National Pollutant Discharge Elimination System                                  |
| NWIC             | Northwest Information Center                                                     |
| O <sub>3</sub>   | ozone                                                                            |
| Pb               | lead                                                                             |
| PFCs             | Perfluorocarbons                                                                 |
| PG&E             | Pacific Gas & Electric                                                           |



---

|                   |                                                              |
|-------------------|--------------------------------------------------------------|
| PM                | particulate matter                                           |
| PM <sub>10</sub>  | respirable particulate matter                                |
| PM <sub>2.5</sub> | fine particulate matter                                      |
| Police Department | City of Milpitas Police Department                           |
| POTWs             | publicly-owned treatment works                               |
| PPV               | peak particle velocity                                       |
| project           | 1005 North Park Victoria Drive Project                       |
| R1-3              | Single-Family Residential (Zoning)                           |
| R1-6              | Single-Family Residential (Zoning)                           |
| RMS               | root-mean-square                                             |
| ROG               | Reactive organic gases                                       |
| SB                | Senate Bill                                                  |
| SBWR              | City of San José South Bay Water Recycling                   |
| SCP               | Stormwater Control Plan                                      |
| SCV HCP           | Santa Clara Valley Habitat Plan                              |
| SCVURPPP          | Santa Clara Valley Urban Runoff Pollution Prevention Program |
| SCVWD             | Santa Clara Valley Water District                            |
| SF <sub>6</sub>   | Sulfur Hexafluoride                                          |
| SFL               | Single-Family Low Density (General Plan Designation)         |
| SFPUC             | San Francisco Public Utilities Commission                    |
| SO <sub>2</sub>   | sulfur dioxide                                               |
| SRA               | State responsibility area                                    |
| SSSC              | side-street-stop-controlled (intersections)                  |
| STC               | Sound Transmission Class                                     |

|               |                                                                                   |
|---------------|-----------------------------------------------------------------------------------|
| SWITRS        | Statewide Integrated Traffic Records System                                       |
| SWPPP         | Storm Water Pollution Prevention Plan                                             |
| TACs          | toxic air contaminants                                                            |
| Traffic Study | Traffic Operations Report                                                         |
| UCMP          | University of California Museum of Paleontology                                   |
| USGS          | United States Geological Survey                                                   |
| UWMP          | Urban Water Management Plan                                                       |
| V/C           | demand-to-capacity ratio (traffic)                                                |
| VdB           | vibration velocity in decibels                                                    |
| VMT           | vehicle miles traveled                                                            |
| VTP           | Santa Clara Valley Transportation Authority Countywide Valley Transportation Plan |
| Water Board   | San Francisco Bay Regional Water Quality Control Board                            |
| WPCP          | San José/Santa Clara Water Pollution Control Plant                                |
| ZE            | zero emission                                                                     |

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## 1.0 PROJECT INFORMATION

This Initial Study/Draft Mitigated Negative Declaration (Draft IS/MND) evaluates the potential impacts associated with the proposed development of 48 residential units at 1005 North Park Victoria Drive in the City of Milpitas. A previous version of the project that would have included development of 46 residential units was evaluated in a Draft IS/MND circulated on August 9, 2019. Comments on the August Draft IS/MND were received and a Response to Comments (RTC) Memorandum, dated October 18, 2019 was prepared. Together, the August Draft IS/MND and October RTC Memorandum were considered the Final IS/MND. However, the Final IS/MND was not adopted by the City of Milpitas. This Draft IS/MND evaluates the current version of the proposed project, considers the comments received on the August Draft IS/MND and replaces and supersedes the October Final IS/MND. After public review of this Draft IS/MND, a new RTC Memorandum will be prepared to respond to comments (if required) and a revised Final IS/MND will be considered for adoption by City of Milpitas decision-makers.

**1. Project Title:**

1005 North Park Victoria Drive Project

**2. Lead Agency Name and Address:**

City of Milpitas  
Planning Department  
455 East Calaveras Boulevard  
Milpitas, California 95035

**3. Contact Person and Phone Number:**

Adrienne Smith, (408) 586-3287

**4. Project Location:**

1005 North Park Victoria Drive, Milpitas, California 95035

**5. Project Sponsor's Name and Address:**

Robson Homes  
2185 The Alameda, Suite 150  
San José, California 95126

**6. General Plan Designation:**

Single-Family Low Density (SFL)

**7. Zoning:**

Single-Family Residential (R1-6)

**8. Description of Project:**

The proposed project involves the demolition of the existing residential structure on the project site and the construction of 34 new single-family homes, 10 of which would include accessory dwelling units (ADUs), and 4 paired units (for a total of 48 residential units). The proposed project would include a General Plan Amendment to change the land use designation from SFL to Single-Family Medium Density, and a Rezone from R1-6 to R1-3 (Single-Family Residential) to allow development of the proposed project.

See Section 2.0, Project Description of this Initial Study, for a full project description.

**9. Surrounding Land Uses and Setting:**

The project site is located in a developed area of the City of Milpitas and is surrounded by residential and commercial uses and vacant parcels. The site is bounded by Creed Street to the north, North Park Victoria Drive to the east, residential uses to the south, and Rankin Drive to the west.

**10. Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):**

City of Milpitas Fire Department, Santa Clara Valley Water District, Pacific Gas & Electric

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

California Native American tribes traditionally and culturally affiliated with the project site and area were notified of the proposed project on May 16, 2019. The City did not receive any requests for consultation during the 30-day notification period. Therefore, the City considers the AB 52 consultation process to be concluded.

## 2.0 PROJECT DESCRIPTION

The following describes the proposed 1005 North Park Victoria Drive Project (project) that is the subject of this Initial Study/Mitigated Negative Declaration (IS/MND) prepared pursuant to the California Environmental Quality Act (CEQA). The proposed project would result in the construction of 34 new single-family homes, 10 ADUs, and 4 paired units (a total of 48 units) on the project site. The City of Milpitas (City) is the lead agency for review of the proposed project under CEQA.

### 2.1 PROJECT SITE

The following section describes the project location, existing conditions, surrounding land uses, and the regulatory setting.

#### 2.1.1 Project Location

The approximately 4.88-acre project site is located at 1005 North Park Victoria Drive in the City of Milpitas in Santa Clara County (Assessor's Parcel Number [APN] 029-04-040). The project site is located in northern Milpitas in an area consisting primarily of residential and commercial uses. The project site is bounded by Creed Street to the north, North Park Victoria Drive to the east, residential uses to the south, and residential uses and Rankin Drive to the west.

Regional vehicular access to the project site is provided by Interstate 680 (I-680), located just west of the project site. The nearest on/off ramps to I-680 are located at Jacklin Road. Bus stops located along Jacklin Road and North Park Victoria provide transit service to the project site. Figure 2-1 shows the regional and local context of the project site. Figure 2-2 depicts an aerial photograph of the project site and surrounding land uses.

#### 2.1.2 Existing Conditions

The project site, which generally slopes downward from the southeastern corner approximately 14 to 18 feet, is largely vacant except for an abandoned single-story house and associated improvements in the southeast corner. Vegetation on the project site consists of grasses and scattered shrubs, as well as six mature trees.

#### 2.1.3 Surrounding Land Uses

As shown in Figure 2-2, the project site is generally surrounded by residential and commercial uses and vacant parcels. To the north the project site is bounded by Creed Street, across which are residential uses. Across North Park Victoria Drive to the east are residential uses and vacant land, as well as Country Club Drive. South of the residential uses that border the site are Fox Hollow Court, residential uses, and commercial uses. West of Rankin Drive are additional residential uses and Nicklaus Avenue, further west of which is I-680.

#### 2.1.4 Circulation and Access

The project site is currently vacant and no interior vehicular access is available. However, North Park Victoria Drive provides access to the eastern edge of the project site, and Creed Street and Rankin Drive provide access to the northern and western edges, respectively.

### 2.1.5 Regulatory Setting

The City of Milpitas General Plan Land Use Map designates the project site as Single-Family Low Density (SFL).<sup>1</sup> This land use is intended to provide for individually-owned housing units, either on separate lots or as part of a clustered Planned Unit Development, with single-unit detached residences being the typical housing type. The City of Milpitas Zoning Map identifies the project site as Single-Family Residential (R1-6).<sup>2</sup> Single-family residences are permitted in the R1-6 zone with density of 3 to 15 units per gross acre.

## 2.2 PROPOSED PROJECT

The proposed project involves the demolition of the existing residential structure on the project site and the construction of 34 new single-family homes, 10 of which would include accessory dwelling units (ADUs), and 4 paired units, for a total of 48 residential units. The proposed project would include a General Plan Amendment to change the land use designation from SFL to Single-Family Medium Density, and a Rezone from R1-6 to R1-3 (Single-Family Residential) to allow development of the proposed project. Individual components of the proposed project are discussed below.

### 2.2.1 Building Program

As previously discussed, the proposed project would result in the construction of a total of 34 single-family four-bedroom residential units on the project site, each of which would be two stories and include a two-car garage. The single-family residential units would range in size from approximately 2,500 to 2,900 square feet and would be located on individual lots that would average approximately 4,300 square feet in size. Figure 2-3 shows the conceptual site plan for the proposed project.

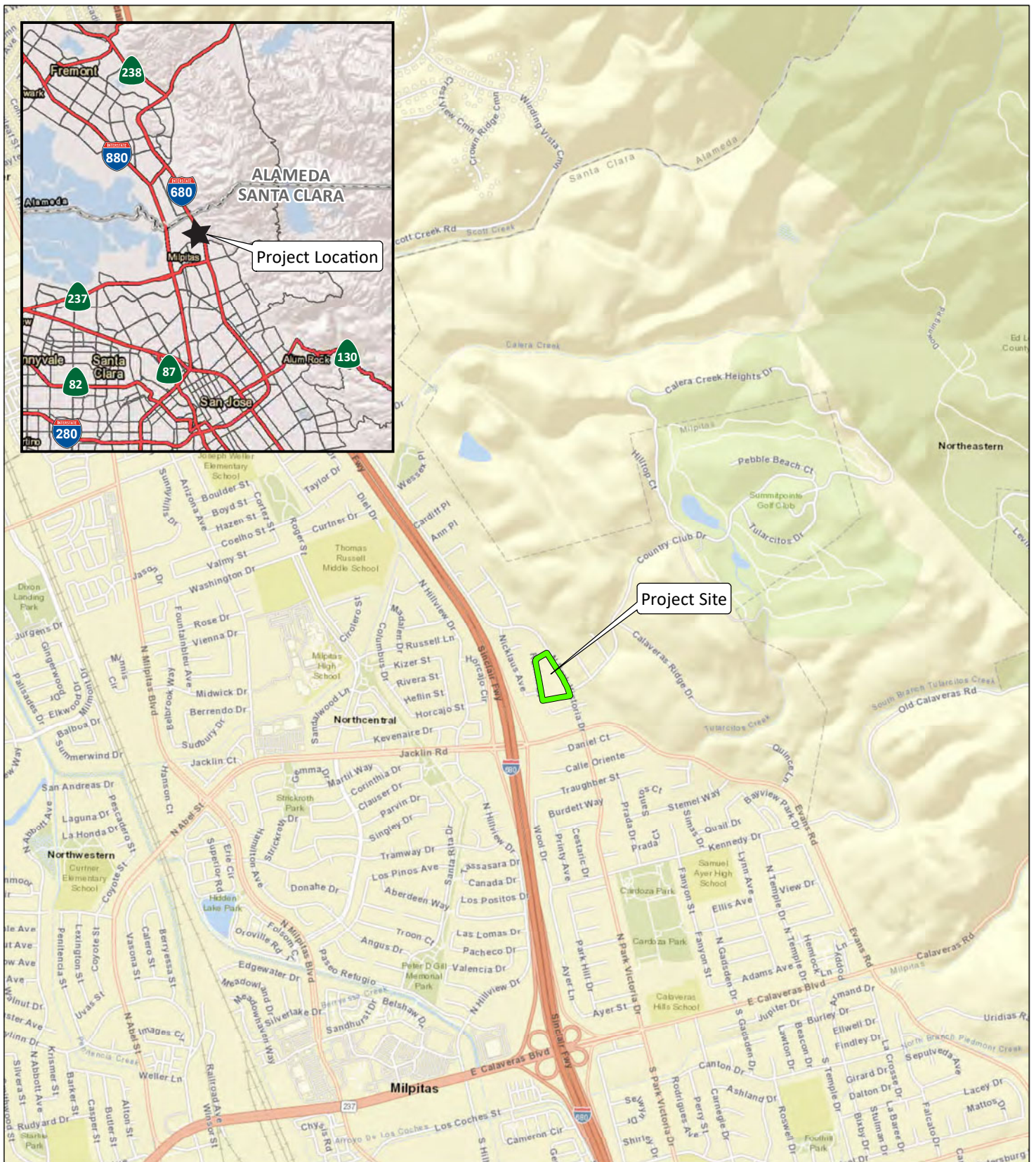
As mentioned above, 10 of the single-family units would include ADUs above detached garages. As shown in Figure 2-3, these units would be located along the eastern edge of the project site, with the main residential units fronting to North Park Victoria Drive and the ADUs and garages would be accessed at the rear of the units from a private internal driveway. The ADUs would be studios approximately 485 square feet in size. The remaining 24 units would include attached garages. Typical building elevations representing the units with attached garages are shown in Figure 2-4. Figure 2-5 and Figure 2-6 show typical building elevations representing the units with detached garages and ADUs.

The proposed project would also include 4 paired units in the southeast corner of the project site. The paired units would be two-stories in height and include garages in each unit. The paired units would each include four bedrooms and would be approximately 1,587 square feet in size. Figure 2-7 shows typical building elevations for the paired units.

<sup>1</sup> Milpitas, City of, 2012. General Plan Land Use Map, Figure 2-1. Available online at: [www.ci.milpitas.ca.gov/pdfs/plan\\_map\\_general\\_plan\\_land\\_use.pdf](http://www.ci.milpitas.ca.gov/pdfs/plan_map_general_plan_land_use.pdf) (accessed April 25, 2019). October.

<sup>2</sup> Milpitas, City of, 2015. Zoning Map. January.





LSA

LEGEND

Project Site - (4.82 ac)



0 1000 2000  
FEET

SOURCE: ESRI World Street Map (4/2019)

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FIGURE 2-1







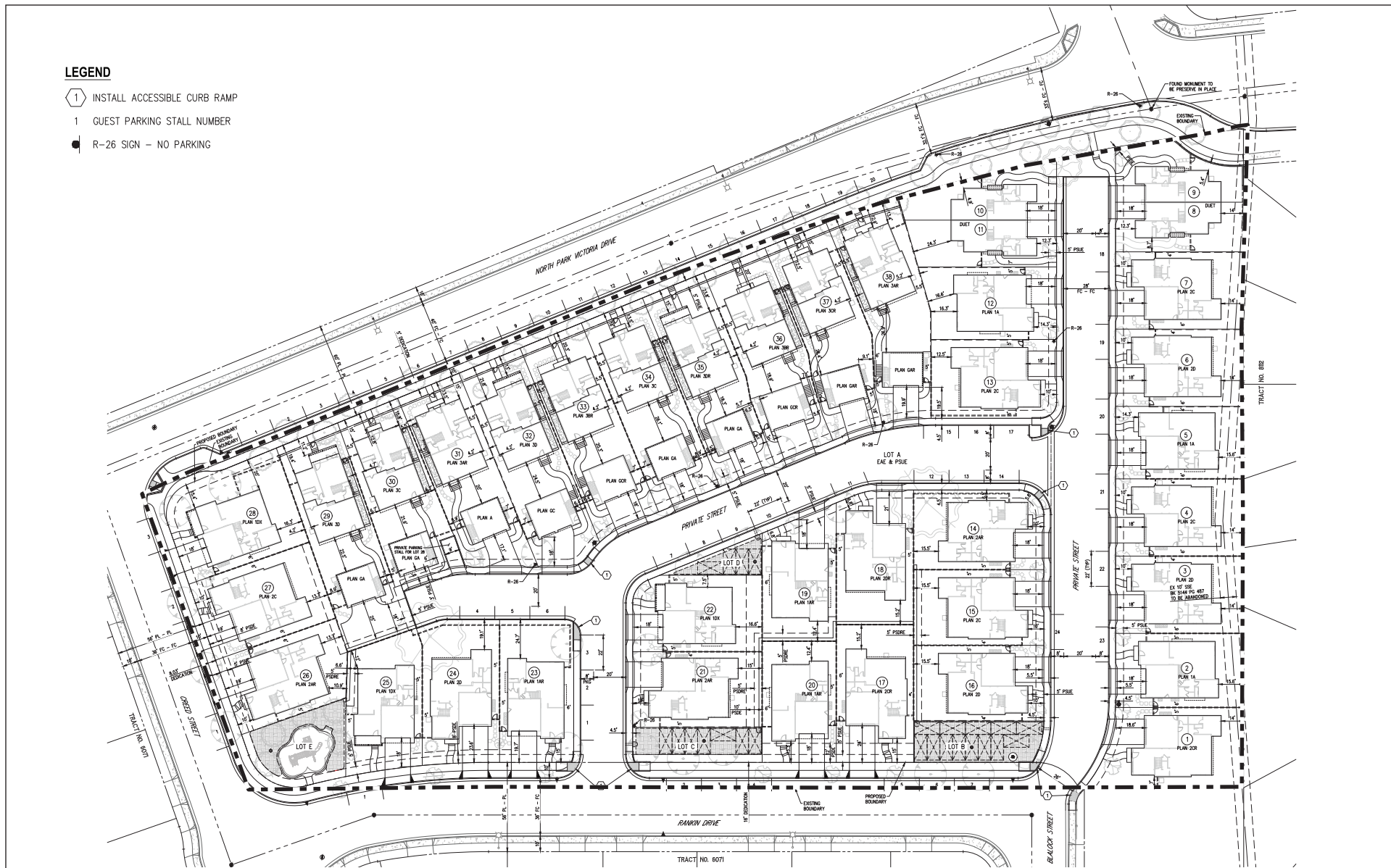
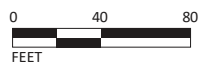


FIGURE 2-3

LSA



Project Site

SOURCE: CIVIL ENGINEERING ASSOCIATES, NOVEMBER 2019.

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FIGURE 2-4

LSA

NOT TO SCALE

SOURCE: ROBERT HIDEY ARCHITECTS, NOVEMBER 2019.

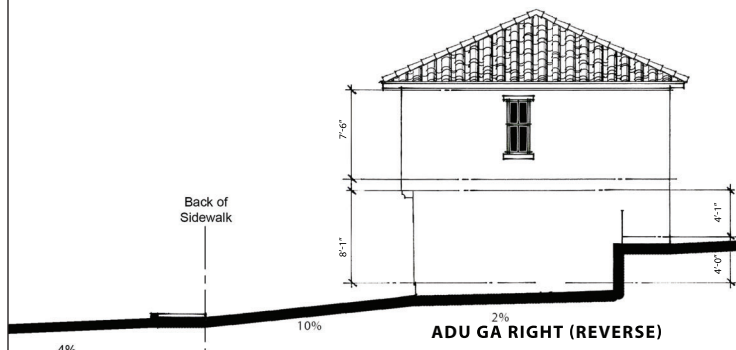
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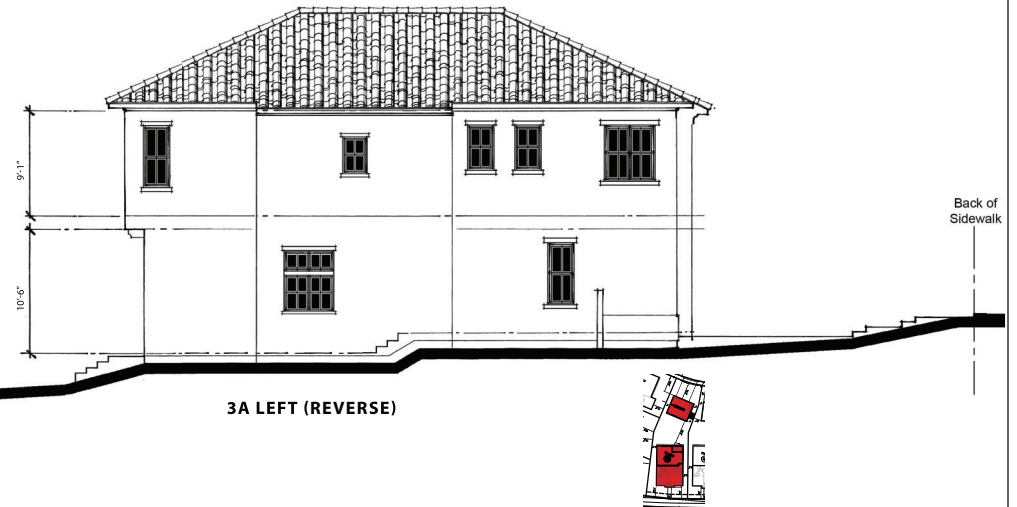
3A REAR (REVERSE)



3A FRONT (REVERSE)  
SCHEME 4



ADU GA RIGHT (REVERSE)



3A LEFT (REVERSE)

LSA

FIGURE 2-5

NOT TO SCALE

SOURCE: RHA ROBERT HIDEY ARCHITECTS, NOVEMBER 2019.

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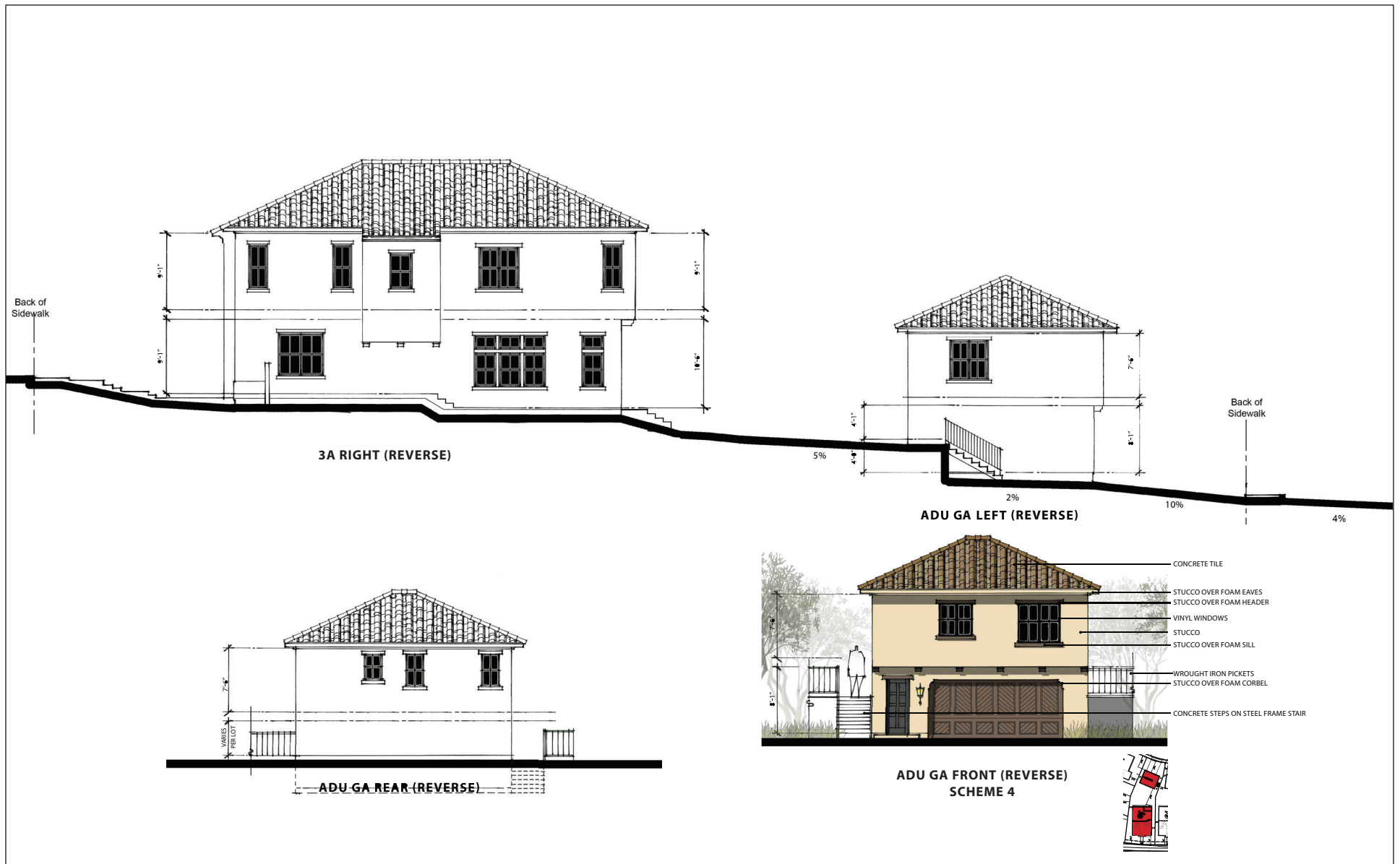


FIGURE 2-6

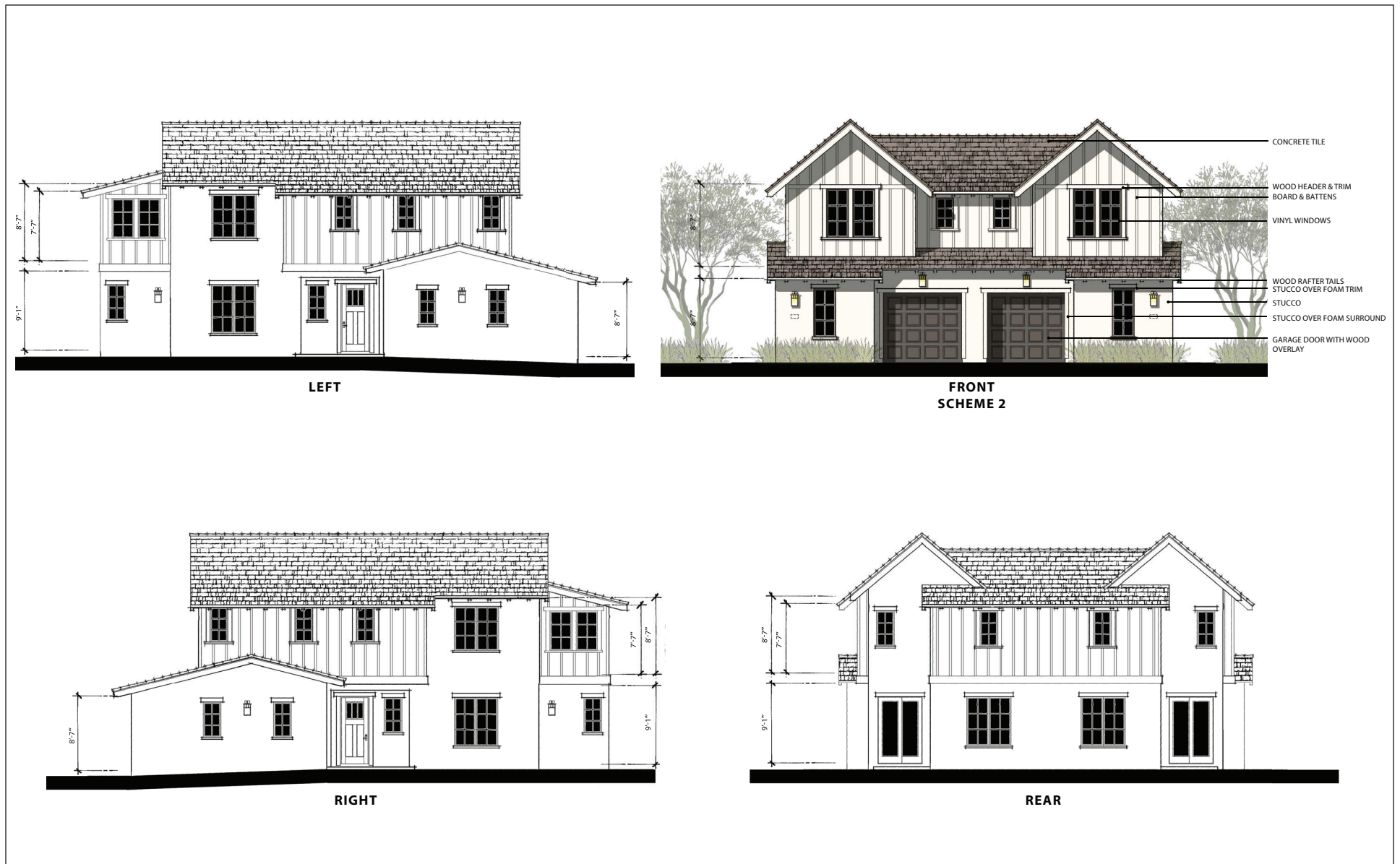
LSA

NOT TO SCALE

SOURCE: RHA ROBERT HIDEY ARCHITECTS, NOVEMBER 2019.

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LSA

FIGURE 2-7

NOT TO SCALE

SOURCE: RHA ROBERT HIDEY ARCHITECTS, NOVEMBER 2019.

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### 2.2.2 Open Space and Landscaping

Each of the residential uses on the project site would include private backyards that would be an average of 1,641 square feet. In total, the proposed project would provide 59,094 square feet of private open space. In addition, the proposed project would include a total of 78,624 square feet of landscaped area, including 5,007 square feet of bioretention space. A total of 78 trees would be planted as part of the proposed project.

### 2.2.3 Access, Circulation, and Parking

As shown on Figure 2-3, access to the project site would be provided at two points, one of which would be located along Rankin Drive and the other at the intersection of Rankin Drive and Blalock Street. An interior street would provide automobile access to the majority of the residential units, with the exception of three units in the northern portion of the project site that would be accessed from Creed Street, and five units along the western border of the project site that would be accessed from Rankin Drive. As noted above, each of the residential units included in the proposed project would include a two-car parking garage.

### 2.2.4 Utilities and Infrastructure

The project site is located in an urban area that is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

#### 2.2.4.1 Water

Water service is provided by the City of Milpitas. The proposed project would include the installation of new water lines on the site that would connect to the existing 8-inch main located within Rankin Drive and Blalock Street.

#### 2.2.4.2 Wastewater

The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line within the existing streets that surround the project site on the north, east, and west sides. A new 12-inch line would be installed within the private street areas of the north-facing properties along the southernmost private street. The existing 12-inch line that runs along the southern border of the project site would be abandoned and a new 12-inch line would be installed. The proposed project would also include a connection to the 8-inch line within Rankin Drive.

#### 2.2.4.3 Stormwater

The existing building, paving, concrete and other impervious surfaces account for approximately 0.06 acres (1.3 percent) of the 4.88-acre site. The remaining 4.82 acres on the project site is covered by pervious surfaces consisting of grasses. There is currently no stormwater infrastructure within the site, however, surface flows on the project site, if any, would generally flow in a northwestern direction towards an existing catch basin within Rankin Drive. Connecting to an existing 15-inch storm drain, the existing catch basin eventually flows to a 36-inch main located southwest of the project site.



Upon construction of the proposed project, approximately 2.68 acres (55 percent) of the project site would be covered by impervious surfaces and approximately 1.92 acres (45 percent) would be covered by pervious surfaces, consisting of landscaped areas with lawns, shrubs, and trees. Additionally, for hydromodification purposes, the proposed project would include 27 underground storage vaults for stormwater runoff under the bioretention areas, each of which would hold approximately 915 cubic feet of water. A 15-inch stormwater main would connect the proposed storage vaults to the existing storm drain within Rankin Drive.

#### 2.2.4.4 Electricity and Gas

The proposed project would include connections to the existing electricity and natural gas lines that run adjacent to the project site.

#### 2.2.5 Demolition and Construction

The proposed project would result in the demolition of the existing building and all surface pavements on the project site. The maximum depth of excavation for building pads elevations would be 1 to 2 feet from the existing grade and the maximum depth of utility trenching would be approximately 15 feet. It is anticipated that a total of 4,608 cubic yards of soils would be cut and 6,320 cubic yards would be used for fill, and therefore approximately 1,711 cubic yards of fill would be imported to the site in a total of 172 truck trips. Construction of the proposed project is anticipated to begin in Spring 2020 and would occur over an approximately 18-month to 24-month period.

### 2.3 PROJECT APPROVALS

As noted above, the proposed project would require a General Plan Amendment and Rezoning. In addition, Section XI-10-57.03 of the City's Municipal Code identifies the purpose and need for Site Development Permits. As noted in Section XI-10-57.03(A)(1), the Site Development Permit process provides for the review of physical improvements to a site that require consideration due to their scale, proximity to environmentally sensitive resource areas, or unique design features. Per Section XI-10-57.03(C)(1)(a) of the City's Municipal Code, development of the proposed project would require a Site Development Permit because it involves the construction of a new building. Per Section XI-10-54.07, a Planned Unit Development approval, and concurrent Tentative Map approval, would be required in order to rezone the project site to Planned Unit Development.

While the City is the CEQA Lead Agency for the proposed project, other agencies also have discretionary authority related to the project and approvals, or serve as a responsible and/or trustee agency in connection to the proposed project. A list of these agencies and potential permits and approvals that may be required is provided in Table 2.A.

**Table 2.A: Potential Permits and Approvals**

| <b>Lead Agency</b>                        | <b>Permits/Approvals</b>                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Milpitas                          | <ul style="list-style-type: none"> <li>• Adoption of the IS/MND for the 1005 North Park Victoria Project</li> <li>• General Plan Amendment</li> <li>• Rezone</li> <li>• Site Development Permit</li> <li>• Planned Unit Development Permit</li> <li>• Environmental Assessment Permit</li> <li>• Tentative Map Approval</li> </ul> |
| <b>Other Agencies</b>                     |                                                                                                                                                                                                                                                                                                                                    |
| City of Milpitas Fire Department          | <ul style="list-style-type: none"> <li>• Review/Approve fire truck access and site fire flow design</li> </ul>                                                                                                                                                                                                                     |
| Santa Clara Valley Water District (SCVWD) | <ul style="list-style-type: none"> <li>• Connection to water system</li> <li>• Connection to wastewater system</li> </ul>                                                                                                                                                                                                          |
| Pacific Gas & Electric (PG&E)             | <ul style="list-style-type: none"> <li>• Reconnection of electricity/natural gas service</li> </ul>                                                                                                                                                                                                                                |

Source: LSA (2019).

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### 3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

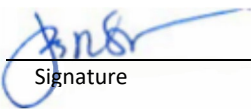
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist in Chapter 3.0.

- |                                                    |                                                             |                                                             |
|----------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------|
| <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"/> Energy                             |
| <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                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

### 3.1 DETERMINATION

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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

December 5, 2019

Date

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## 4.0 CEQA ENVIRONMENTAL CHECKLIST

### 4.1 AESTHETICS

|                                                                                                                                                                                                                                                                                                                                                                               | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Except as provided in Public Resources Code Section 21099, would the project:                                                                                                                                                                                                                                                                                                 |                                      |                                                             |                                     |                          |
| a. Have a substantial adverse effect on a scenic vista?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                                                                                                                                                                                                                                         | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/> |

#### a. *Would the project have a substantial effect on a scenic vista? (Less-Than-Significant Impact)*

Scenic vistas in Milpitas are generally available from the hills to the east, including Ed Levin Park and adjacent areas. These areas are generally accessed by East Calaveras Boulevard, which is designated as a scenic connector from the City limits to the west to Evans Road, at which point it is designated as a scenic corridor until it terminates within Ed Levin Park. Public views of scenic resources, including the southern part of San Francisco Bay and associated baylands, and urbanized areas, including all of Milpitas, Mountain View, and northern San José, are primarily available from this area. There is also a scenic area on the eastern border of Milpitas along the Coyote Creek corridor.<sup>3</sup> The project site is not located in an area considered to be within view of a scenic vista. In addition, development of the proposed project would not obscure any views of scenic vistas from surrounding public vantage points. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and this impact would be less than significant.

#### b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Less-Than-Significant Impact)*

The proposed project is not located within the vicinity of any State scenic highways. Interstate 680 (I-680), from Mission Boulevard in the City of Fremont to the Contra Costa County line, is listed as an Eligible State Scenic Highway but not an officially designated State scenic highway and is located

<sup>3</sup> Milpitas, City of, 2015. *Milpitas General Plan*. April.

approximately 7.4 miles north of the project site in the City of Fremont.<sup>4</sup> Given this distance, the proposed project would not be visible from this scenic roadway. Interstate 880 (I-880) and I-680 both run north-south through Milpitas, and are designated Scenic Connectors in the City's General Plan, indicating that they provide access to Scenic Corridors or distant views but do not necessarily traverse an area of scenic value. Lands abutting Scenic Connectors are not subject to Scenic Corridor land use guidelines. As such, the proposed project would have no impact on scenic resources located within view of a State scenic highway.

*c. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Less-Than-Significant Impact)*

The project site is located within an urbanized area. As noted in Section 2.0, Project Description, the project site is located within the R1-6 zoning district. However, the proposed project would include a rezone of the project site from R1-6 to R1-3. Single-family residential units are a permitted use within the R1-3 district, which has a maximum density of 3 to 15 units per gross acre and a maximum height for principal buildings of 30 feet and 15 feet for accessory buildings. The proposed project would have a density of 7.8 dwelling units per gross acre, and a maximum building height of approximately 22 feet.

As also noted in Section 2.0, Project Description, a Site Development Permit would also be required for the proposed project, which would provide for the review of the physical improvements to the project site, including the overall building scale, massing, and design to ensure compatibility and compliance with City requirements governing scenic quality. In addition, the proposed project would be required to submit a landscaping plan in compliance with the City's Landscape Ordinance.<sup>5</sup>

Therefore, because a Site Development Permit, and landscape plan would be required to allow development of the proposed building and site-specific review of the proposed building would be required as part of this process, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality, and this impact would be less than significant.

*d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less-Than-Significant with Mitigation Incorporated)*

The project site is located in an urban area with a variety of existing light sources including street lights, interior and exterior building lighting, and light associated with traffic on nearby roadways, including I-680 and North Park Victoria Drive. Development of the proposed project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior lighting at the individual residential units and lighting associated with additional

<sup>4</sup> California, State of, 2011. Department of Transportation. California Scenic Highway System. Website: [www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways) (accessed May 15, 2019).

<sup>5</sup> Milpitas, City of, 2015. *Ordinance No. 238.4*. December 18.

vehicular traffic to and from the project site. The City's Zoning Ordinance includes the following policies related to outdoor lighting that would be applicable to the proposed project:

- **Section XI-10-54.17 – Lighting Exterior.** Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. Fixtures shall be appropriate in terms of height, style, design, scale and wattage to the use of the property. Fixtures shall be spaced appropriately to maximize pedestrian safety.

To ensure that the proposed project complies with City requirements and that the proposed project's final design avoids all excess light and glare, implementation of Mitigation Measure AES-1, below, would be required to ensure that potentially significant light and glare impacts are reduced to less-than-significant levels.

**Mitigation Measure AES-1:** Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project design and building materials shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with Sections XI-10-45.15-3 of the City's Zoning Ordinance and the proposed lighting plan shall be reviewed and approved by the City's Planning Division prior to issuance of a building permit.



## 4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

|                                                                                                                                                                                                                                                                                            | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                                                                                         |                                      |                                                             |                                    |                                     |
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e. 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?                                                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

- a. *Would the project 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? (No Impact)*

The project site is largely vacant except for an abandoned single-story house and associated improvements in the southeast corner. The project site is classified as "Grazing Land" by the State Department of Conservation and is largely surrounded by lands classified as "Urban and Built-Up Land".<sup>6</sup> Therefore, the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to another use, and no impact would occur.

<sup>6</sup> California Department of Conservation, 2016. Division of Land Use Resource Protection. California Important Farmland Finder. Website: [maps.conservation.ca.gov/dlrp/ciff](https://maps.conservation.ca.gov/dlrp/ciff) (accessed March 19, 2019).

*b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)*

The project site is designated as SFL on the City's General Plan Land Use Map<sup>7</sup> and is within the R-1-6 zoning district.<sup>8</sup> The project site is not under a Williamson Act contract.<sup>9</sup> Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract and no impact would occur.

*c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? (No Impact)*

The project site is largely vacant except for an abandoned single-story house and associated improvements in the southeast corner and is surrounded by other residential uses. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor would it result in the loss of forest land or conversion of forest land to non-forest uses. As such, no impact to forest land or timberland would occur.

*d. Would the project result in the loss of forest land or conversion of forestland to non-forest use? (No Impact)*

Please refer to Section 4.2.c. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses.

*e. Would the project 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? (No Impact)*

Please refer to Sections 4.2.a. and 4.2.c. The project site is located in an existing urban environment and would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

<sup>7</sup> Milpitas, City of, 2012, op. cit.

<sup>8</sup> Milpitas, City of, 2015. Zoning Map. January.

<sup>9</sup> California Department of Conservation, 2016. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Santa Clara County Williamson Act Lands (map). Available online at: [ftp.consrv.ca.gov/pub/dlrp/WA/SantaClara\\_15\\_16\\_WA.pdf](ftp.consrv.ca.gov/pub/dlrp/WA/SantaClara_15_16_WA.pdf) (accessed February 15, 2019).

### 4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

|                                                                                                                                                                                                   | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                                                                                                |                                      |                                                             |                                     |                          |
| a. Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. 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? | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/> |
| c. Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?                                                                                 | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

The project site is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. In Milpitas, and the rest of the air basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), and lead (Pb) have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State non-attainment status for ozone and particulate matter standards. The BAAQMD is classified as non-attainment for the federal ozone 8-hour standard and non-attainment for the federal PM<sub>2.5</sub> 24-hour standard.

**a. *Would the project conflict with or obstruct implementation of the applicable air quality plan? (Less-Than-Significant Impact)***

The applicable air quality plan is the BAAQMD 2017 Clean Air Plan (Clean Air Plan),<sup>10</sup> which was adopted on April 19, 2017. The Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: (1) supports the goals of the

<sup>10</sup> Bay Area Air Quality Management District, 2017. *Clean Air Plan*. April 19.

Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

**Clean Air Plan Goals.** The primary goals of the Bay Area Clean Air Plan are to: attain air quality standards; reduce population exposure and protect public health in the Bay Area; and reduce greenhouse gas emissions and protect climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards thresholds were established to help protect public health. As discussed in Section 3.3.b, implementation of the proposed project would result in less-than-significant operation-period emissions and, with implementation of Mitigation Measure AIR-1, the project would result in less-than-significant construction-period emissions. Therefore, the project would not conflict with the Clean Air Plan goals.

**Clean Air Plan Control Measures.** The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-Greenhouse Gas (GHG) Pollutants Measures.

***Stationary Source Control Measures.*** The stationary source measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by the BAAQMD's Permit and Inspection programs. Since the project would not include any stationary sources of emissions, the Stationary Source Measures of the Clean Air Plan are not applicable to the project.

***Transportation Control Measures.*** The BAAQMD identifies Transportation Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, toxic air contaminants (TACs), and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment. The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide pedestrian and bicyclist amenities, including sidewalks, crosswalks, bicycle lanes, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles. Therefore, the project would promote the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled and would increase the use of alternate means of transportation.

***Energy Control Measures.*** The Clean Air Plan also includes Energy Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the energy control measures of the Clean Air Plan are not applicable to the project.

**Building Control Measures.** The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes, to facilitate adoption of best GHG control practices and policies. The proposed project would be required to comply with the latest California Green Building Standards Code (CALGreen) standards. Therefore, the Building Control Measures of the Clean Air Plan are not applicable to the project.

**Agriculture Control Measures.** The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the project.

**Natural and Working Lands Control Measures.** The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to ordinances that promote urban-tree plantings. Since the project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the project.

**Waste Management Control Measures.** The Waste Management Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

**Water Control Measures.** The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly-owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the project.

**Super GHG Control Measures.** The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the project.

**Clean Air Plan Implementation.** As discussed above, the proposed project would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures. Therefore, the project would not disrupt or hinder implementation of a control measure from the Clean Air Plan and this impact would be less than significant.

*b. Would the project 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? (Less-Than-Significant with Mitigation Incorporated)*

Both State and federal governments have established health-based Ambient Air Quality Standards for six criteria air pollutants: CO, ozone (O<sub>3</sub>), NO<sub>2</sub>, SO<sub>2</sub>, Pb, and suspended particulate matter (PM). These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. As identified above, the BAAQMD is under State non-attainment status for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards. The Air Basin is also classified as non-attainment for both the federal ozone 8-hour standard and the federal PM<sub>2.5</sub> 24-hour standard.

Air quality standards for the proposed project are regulated by the BAAQMD CEQA Air Quality Guidelines. According to the BAAQMD CEQA Air Quality Guidelines, to meet air quality standards for operational-related criteria air pollutant and air precursor impacts, the project must not:

- Contribute to CO concentrations exceeding the State ambient air quality standards;
- Generate average daily construction emissions of reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>) or PM<sub>2.5</sub> greater than 54 pounds per day or PM<sub>10</sub> exhaust emissions greater than 82 pounds per day; or
- Generate average operational emissions of ROG, NO<sub>x</sub> or PM<sub>2.5</sub> of greater than 10 tons per year or 54 pounds per day or PM<sub>10</sub> emissions greater than 15 tons per year or 82 pounds per day.

The following sections describe the proposed project's construction- and operation-related air quality impacts and CO impacts.

**Construction Emissions.** During construction, short-term degradation of air quality may occur due to the release of particulate matter emissions (i.e., fugitive dust) generated by demolition, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO<sub>x</sub>, ROG, directly-emitted particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), and TACs, such as diesel exhaust particulate matter.

Site preparation and project construction would involve demolition, grading, paving, and other activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM<sub>10</sub> emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM<sub>10</sub> emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions (PM<sub>10</sub>). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM<sub>10</sub> emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO<sub>2</sub>, NO<sub>x</sub>, ROG and some soot particulate (PM<sub>2.5</sub> and PM<sub>10</sub>) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the project using the California Emissions Estimator Model (CalEEMod) version 2016.3.2, consistent with BAAQMD recommendations. The proposed project would include the demolition of the existing approximately 2,300-square-foot building and would include a total of 172 truck trips to import approximately 1,711 cubic yards of soil, which were added to the CalEEMod analysis. Project construction would commence spring 2020 and would occur for approximately 1.5 to 2 years. To be conservative, this analysis assumes a construction duration of approximately 1.5 years. Construction-related emissions are presented in Table 4.A. CalEEMod output sheets are included in Appendix A.

**Table 4.A: Project Construction Emissions in Pounds Per Day**

| Project Construction    | ROG  | NO <sub>x</sub> | Exhaust PM <sub>10</sub> | Fugitive Dust PM <sub>10</sub> | Exhaust PM <sub>2.5</sub> | Fugitive Dust PM <sub>2.5</sub> |
|-------------------------|------|-----------------|--------------------------|--------------------------------|---------------------------|---------------------------------|
| Average Daily Emissions | 3.6  | 14.7            | 0.8                      | 1.5                            | 0.7                       | 0.8                             |
| BAAQMD Thresholds       | 54.0 | 54.0            | 54.0                     | BMP                            | 82.0                      | BMP                             |
| Exceed Threshold?       | No   | No              | No                       | No                             | No                        | No                              |

Source: LSA (December 2019).

BMP = best management practices

As shown in Table 4.A, construction emissions associated with the project would be less than significant for ROG, NO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> exhaust emissions. The BAAQMD requires the implementation of the BAAQMD's Basic Construction Mitigation Measures (best management practices) to reduce construction fugitive dust impacts to a less-than-significant level as follows:

**Mitigation Measure AIR-1:** In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:

- 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 tracked-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.
- 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 [CCR]). 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.
- A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

**Operational Emissions.** Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project.

PM<sub>10</sub> emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM<sub>10</sub> occurs when vehicle tires pulverize small rocks and pavement and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy source emissions result from activities in buildings for which electricity and natural gas are used. The quantity of emissions is the product of usage intensity (i.e., the amount of electricity or natural gas) and the emission factor of the fuel source. Major sources of energy demand include building mechanical systems, such as heating and air conditioning, lighting, and plug-in electronics, such as refrigerators or computers. Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources, like renewable energy, producing fewer emissions than conventional sources.



Typically, area source emissions consist of direct sources of air emissions located at the project site, including architectural coatings and the use of landscape maintenance equipment. Area source emissions associated with the project would include emissions from the use of landscaping equipment and the use of consumer products.

Emission estimates for operation of the project were calculated using CalEEMod. Model results are shown in Table 4.B. Trip generation rates for the project were based on the project's trip generation estimate, as identified in the Traffic Operations Report (Traffic Study)<sup>11</sup> and updated Trip Generation Memorandum prepared for the proposed project.<sup>12</sup> Based on the Traffic Study, the proposed project would generate approximately 432 average daily trips.

The primary emissions associated with the project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the project; emissions are released in other areas of the Air Basin. The daily emissions associated with project operational trip generation, energy, and area sources are identified in Table 4.B for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The results shown in Table 4.B indicate the project would not exceed the significance criteria for daily ROG, NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub> emissions; therefore, the proposed project would not have a significant effect on regional air quality and mitigation would not be required. This impact would be less than significant.

**Table 4.B: Project Operational Emissions**

|                          | ROG        | NO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
|--------------------------|------------|-----------------|------------------|-------------------|
| <b>Pounds Per Day</b>    |            |                 |                  |                   |
| Area Source Emissions    | 2.2        | 0.6             | 0.1              | 0.1               |
| Energy Source Emissions  | <0.1       | 0.3             | <0.1             | <0.1              |
| Mobile Source Emissions  | 0.7        | 3.0             | 2.0              | 0.5               |
| <b>Total Emissions</b>   | <b>2.9</b> | <b>3.9</b>      | <b>2.1</b>       | <b>0.6</b>        |
| BAAQMD Thresholds        | 54.0       | 54.0            | 82.0             | 54.0              |
| <b>Exceed Threshold?</b> | <b>No</b>  | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| <b>Tons Per Year</b>     |            |                 |                  |                   |
| Area Source Emissions    | 0.3        | <0.1            | <0.1             | <0.1              |
| Energy Source Emissions  | <0.1       | 0.1             | <0.1             | <0.1              |
| Mobile Source Emissions  | 0.1        | 0.5             | 0.3              | 0.1               |
| <b>Total Emissions</b>   | <b>0.5</b> | <b>0.6</b>      | <b>0.4</b>       | <b>0.1</b>        |
| BAAQMD Thresholds        | 10.0       | 10.0            | 15.0             | 10.0              |
| <b>Exceed Threshold?</b> | <b>No</b>  | <b>No</b>       | <b>No</b>        | <b>No</b>         |

Source: LSA (December 2019).

**Localized CO Impacts.** Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. The BAAQMD

<sup>11</sup> Hexagon Transportation Consultants, 2019. *Traffic Operations Report for 1005 North Park Victoria Drive Single Family Residences*. September 20.

<sup>12</sup> Hexagon Transportation Consultants, Inc., 2019. *Updated Project Description for the Proposed 1005 North Park Victoria Drive Residences*. November 27.

2017 CEQA Guidelines include recommended methodologies for quantifying concentrations of localized CO levels for proposed transportation projects. A screening level analysis using guidance from the BAAQMD CEQA Guidelines was performed to determine the impacts of the project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the Santa Clara Valley Transportation Authority Countywide Valley Transportation Plan (VTP). The VTP is a countywide long-range transportation plan for Santa Clara County. According to the Traffic Study,<sup>13</sup> the proposed project would generate approximately 26 AM peak hour trips and 16 PM peak hour trips; therefore, the project's contribution to peak hour traffic volumes at intersections in the vicinity of the project site would be well below 44,000 vehicles per hour. Therefore, the proposed project would not result in localized CO concentrations that exceed State or federal standards and this impact would be less than significant.

*c. Would the project expose sensitive receptors to substantial pollutant concentrations? (Less-Than-Significant Impact)*

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient PM<sub>2.5</sub> increase greater than 0.3 micrograms per cubic meter (µg/m<sup>3</sup>).

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<sup>13</sup> Ibid.

A significant cumulative impact would occur if the project in combination with other projects located within a 1,000-foot radius of the project site would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient  $\text{PM}_{2.5}$  increase greater than  $0.8 \mu\text{g}/\text{m}^3$  on an annual average basis. Impacts from substantial pollutant concentrations are discussed below.

Construction of the proposed project may expose nearby sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement the BAAQMD Basic Construction Mitigation Measures. With implementation of the Basic Construction Mitigation Measures, project construction emissions would be below BAAQMD significance thresholds. Once the project is constructed, the project would not be a source of substantial emissions.

High volume roadways in the project vicinity could expose future residents on the project site to TACs. While the impacts of the existing environment on a project are not considered to be significant effects under CEQA, an analysis of potential exposure of future residents of the site to substantial pollutant concentrations is provided for informational purposes. The project site is located approximately 510 feet east of I-680. Based on the BAAQMD Highway Screening Analysis Tool, the proposed project would be exposed to an inhalation cancer risk of 15.761 in 1 million, which would exceed the threshold of 10 in 1 million. The maximum chronic Hazard Index would be 0.015 and the maximum acute Hazard Index would be 0.012, which would both be below the BAAQMD significance threshold of 1.0. The tool also indicates that the maximum  $\text{PM}_{2.5}$  concentration would be  $0.121 \mu\text{g}/\text{m}^3$ , which is also below the BAAQMD significance threshold of  $0.3 \mu\text{g}/\text{m}^3$ . Therefore, there would be potential health risks associated with traffic on nearby I-680 to a less-than-significant level. Therefore, the following condition of approval is recommended to be incorporated into the proposed project design.

**Project-Specific Recommended Condition of Approval AIR-1:** The following measures shall be required to reduce TACs and particulate matter indoors to a level sufficient to achieve compliance with BAAQMD health risk thresholds:

- The project applicant shall provide an heating, ventilation, and air conditioning (HVAC) system with a control efficiency sufficient to result in a reduction of a minimum 75.0 percent of particulates of 2.5 microns or less, such as Minimum Efficiency Reporting Value (MERV)-12 filters or greater, for indoor air filtration systems. The ventilation system shall be certified to achieve the stated performance effectiveness from indoor areas.
- The project applicant shall locate all air intakes as far away from I-680 as feasible.
- The project applicant shall disclose to potential occupants of the project that the proximity of the project site to the freeway could result in increased long-term health risks. The disclosure shall indicate the specifications for the installed air filtration system.

Implementation of Project-Specific Recommended Condition of Approval AIR-1 would reduce the inhalation cancer risk of 3.94 in 1 million, which would be below the BAAQMD cancer risk threshold of 10 in one million. Therefore, with implementation of Project-Specific Recommended Condition of Approval AIR-1, traffic on I-680 would not expose future residents of the project site to health risk levels that would exceed the criteria established by the BAAQMD.

Therefore, with implementation of Project-Specific Recommended Condition of Approval AIR-1, sensitive receptors would not expected to be exposed to substantial pollutant concentrations during project construction or operation, and potential impacts would be considered less than significant with mitigation incorporated.

*d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Less-Than-Significant Impact)*

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, objectionable odors affecting a substantial number of people would not occur as a result of the project and this impact would be less than significant.

#### 4.4 BIOLOGICAL RESOURCES

|                                                                                                                                                                                                                                                                                                                  | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                                                                                                               |                                      |                                                             |                                     |                                     |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. 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"/> |
| c. Have a substantial adverse effect on state or federally protected wetlands (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"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                                                               | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f. 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

*a. Would the project 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? (Less-Than-Significant Impact)*

A field survey of the project site was conducted by a qualified biologist on April 23, 2019. Prior to conducting the survey, LSA searched the California Natural Diversity Database (CNDDDB)<sup>14</sup> for occurrence records of special-status species in the project region. The CNDDDB search was conducted for an area with a 2-mile radius centered on the project site.

<sup>14</sup> California Department of Fish and Wildlife, 2019. *California Natural Diversity Database, Commercial Version, April 22, 2019*. California Department of Fish and Wildlife, Biogeographic Data Branch, Sacramento, California.

In addition, LSA searched the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants<sup>15</sup> for occurrence records of special-status plants within the United States Geological Survey (USGS) 7.5 minute Milpitas Quad within which the project site is located. The one quad (Milpitas Quad) search was considered acceptable due to the small size, urban setting, and uniform and highly disturbed habitat of the project site. Field observations including all plant and animal species observed on the project site were recorded in a field notebook. Habitats and trees on the project site were documented with digital photography.

Vegetation on the project site is dominated by dense stands of ruderal growth (2 to 3 feet in height) dominated by non-native grasses including wild oat (*Avena* sp.), rip-gut brome (*Bromus diandrus*), rye grass (*Festuca perennis*), Mediterranean barley (*Hordeum marinum*), and forbs including field mustard (*Brassica rapa*), and radish (*Raphanus sativus*). Non-native trees present on the project site include single silver dollar gum (*Eucalyptus polyanthemos*), red iron bark (*E. sideroxylon*), and scattered walnut (*Juglans* sp.) and plum trees (*Prunus* sp.). A small coast live oak (*Quercus agrifolia*), a native tree species, is also growing adjacent to the house. No wetlands, ponds, creeks or ditches were observed on the site.

Soils on the project site include Alt-Altamont complex 15 to 20 percent slopes, a clay to silty clay soil; Urbanland-Cropley complex 0 to 2 percent slopes, a clay to sandy clay loam soil; and Urbanland-Cropley complex 2 to 9 percent slopes, a clay to sandy clay loam soil.<sup>16</sup> These soils are non-hydric and are not alkaline and ponding does not occur.

Wildlife observed on the project site included Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Spinus psaltria*), red-winged blackbird (*Agelaius phoeniceus*), and California ground squirrel (*Otospermophilus beecheyi*). All of these species are common in rural/urban interface habitats in the Bay Area.

Special-status species are defined as follows:

- Species that are listed, formally proposed for listing, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA);
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Plant species on California Rare Plant Rank (CRPR) Lists 1A, 1B, and 2 in the CNPS Inventory of Rare and Endangered Plants;
- Animal species designated as Species of Special Concern or Fully Protected by the California Department of Fish and Wildlife (CDFW);

<sup>15</sup> California Native Plant Society, 2019. Rare Plant Program, Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website: [www.rareplants.cnps.org](http://www.rareplants.cnps.org) (accessed April 25, 2019).

<sup>16</sup> United States Department of Agriculture. Web Soil Survey (website). Website: [websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx) (accessed May 3, 2019).

- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines; and
- Species considered being a taxon of special concern by the relevant local agencies.

Based on the results of the database searches, observed habitat conditions and LSA's knowledge of biological resources in Santa Clara County, LSA identified 17 special-status species (12 plants and 5 animals) as potentially occurring in the project vicinity (Table 4.C). As described in Table 4.C, none of these species are likely to occur on the project site due to the lack of suitable habitat and/or on-going habitat disturbance through annual disking. Therefore, the proposed project would not have a substantial adverse effect on any special-status plant or wildlife species.

**Table 4.C: Special-Status Species Evaluated**

| Species/Common and Scientific Name                                             | Status* (Fed/State/Other) | Habitat Requirements                                                                                                              | Analysis                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plants</b>                                                                  |                           |                                                                                                                                   |                                                                                                                                                                                                                    |
| Alkali milk-vetch<br><i>Astragalus tener</i> var. <i>tener</i>                 | --/--1B                   | Playas, valley and foothill grassland, and vernal pools on adobe clay soils. Annual herb, blooms March to June.                   | There is a single CNDDDB record within 2 miles of the project site; however, suitable habitat (i.e., playa and vernal pool, adobe clay soils) is not present on the project site and this species would not occur. |
| Brittlescale<br><i>Atriplex depressa</i>                                       | --/--1B                   | Alkaline, clay soils in chenopod scrub, meadows and seeps, playas, grassland, vernal pools. Annual herb, blooms April to October. | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but alkaline soils and associated mesic habitats such as seeps and vernal pools not present on the project site. This species would not occur.    |
| Lesser saltscale<br><i>Atriplex minuscule</i>                                  |                           | Alkaline, sandy soils in chenopod scrub, playas, grassland. Annual herb, blooms May to October.                                   | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but alkaline soils are absent. This species would not occur.                                                                                      |
| Congdon's tarplant<br><i>Centromadia parryi</i> ssp. <i>congonii</i>           | --/--1B                   | Valley and foothill grassland on alkaline soils. Annual herb, blooms May through October.                                         | There is a single CNDDDB record within 2 miles of the project site; however, grasslands on alkaline soils are not present on the project site. This species would not occur.                                       |
| Point Reyes bird's beak<br><i>Cordylanthus maritimus</i> ssp. <i>palustris</i> | --/--1B                   | Coastal salt marshes and swamps. Annual herb (hemiparasitic). Blooms June through October.                                        | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of salt marshes and swamps preclude the presence of this species on the project site. This species would not occur.                   |

**Table 4.C: Special-Status Species Evaluated**

| Species/Common and Scientific Name                                        | Status* (Fed/State/Other) | Habitat Requirements                                                                                                                                        | Analysis                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| San Joaquin spearscale<br><i>Extriplex joaquinana</i>                     | --/--1B                   | Chenopod scrub, meadows, seeps, and playas in valley and foothill grassland on alkaline soils. Annual herb, blooms April through October.                   | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but suitable habitats, including alkaline soils, do not occur on the project site. This species would not occur.                                                                              |
| Hoover's button-celery<br><i>Eryngium aristulatum</i> var. <i>hooveri</i> | --/--1B                   | Vernal pools. Annual/perennial herb, blooms primarily in July sometimes in June or August.                                                                  | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of vernal pools preclude the presence of this species on the project site. This species would not occur.                                                                          |
| Contra Costa goldfields<br><i>Lasthenia conjugens</i>                     | FE/--/1B                  | Mesic areas in cismontane woodland, playas (alkaline), grassland, and vernal pools. Annual herb, blooms March through June.                                 | Occurrences known within the USGS Milpitas Quad (CNPS 2019), but absence of mesic and alkaline condition preclude the presence of this species on the project site. This species would not occur.                                                              |
| Prostrate vernal pool navarretia<br><i>Navarretia prostrata</i>           | --/--1B                   | Mesic areas in coastal scrub, meadows and seeps, grassland with alkaline soils, vernal pools. Annual herb, blooms April through July.                       | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of mesic and alkaline condition preclude the presence of this species on the project site. This species would not occur.                                                          |
| California alkali grass<br><i>Puccinellia simplex</i>                     | --/--1B                   | Alkaline, vernal mesic; sinks, flats, and lake margins, chenopod scrub, meadows and seeps, grasslands, vernal pools. Annual herb, blooms March through May. | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of mesic and alkaline condition preclude the presence of this species on the project site. This species would not occur.                                                          |
| California seablite<br><i>Suaeda californica</i>                          | FE/--/1B                  | Coast salt marshes and swamps. Perennial evergreen shrub, blooms July through October.                                                                      | This perennial evergreen shrub was not observed on the project site. Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of salt marsh/swamp preclude the presence of this species on the project site. This species would not occur. |
| Saline clover<br><i>Trifolium hydrophilum</i>                             | --/--1B                   | Marshes and swamps, mesic grassland, vernal pools. Annual herb, blooms April through June.                                                                  | Occurrences are known within the USGS Milpitas Quad (CNPS 2019), but absence of mesic and habitat/condition preclude the presence of this species on the project site. This species would not occur.                                                           |



Table 4.C: Special-Status Species Evaluated

| Species/Common and Scientific Name                                      | Status* (Fed/State/Other) | Habitat Requirements                                                                                                                                                                                                                                                                               | Analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Animals</b>                                                          |                           |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| California tiger salamander<br><i>Ambystoma californiense</i>           | FT/ST/--                  | Breeds in temporary pools (e.g., vernal pools) and ponds and occupies rodent burrows in grasslands, open valley oak and coast live oak woodland, and grassland chaparral mosaic. These salamanders migrate from their underground retreats to breeding ponds during periods of heavy winter rains. | There is a CNDDDB occurrence 1.7 miles to the northeast of the project site. The maximum documented dispersal distance from breeding ponds is 1.3 miles and studies have shown that juveniles and adults routinely move 0.62 miles. Due to the lack of aquatic features on or within known dispersal distance (1.3 miles) to the project site that provide suitable breeding habitat preclude the presence of this species on the project site. Additionally, the annual disking, limited presence of ground squirrel burrows, and urban setting greatly reduce the suitability of the site as upland habitat. This species would not occur. |
| Alameda striped racer<br><i>Masticophis lateralis euryxanthus</i>       | FT/ST/--                  | This species occurs in coastal scrub, chaparral, often with rocky outcrops, and grassland adjacent to these habitats.                                                                                                                                                                              | Coastal scrub, chaparral, and/or rock outcrops are not present on or adjacent to the project site and the surrounding area is primarily residential housing and roadways. This species would not occur.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Western yellow-billed cuckoo<br><i>Coccyzus americanus occidentalis</i> | FT/SE/--                  | Neotropical migrant, nests in well-developed riparian woodland dominated by cottonwoods and willows.                                                                                                                                                                                               | This species formerly nested in Santa Clara County <sup>17</sup> and there is a historical record from 1899 within 2 miles of the project site. However, this species is now considered extirpated from the County and suitable habitat is not present on or adjacent to the project site. This species would not occur.                                                                                                                                                                                                                                                                                                                     |

<sup>17</sup> Bousman, W.C., 2007. *Breeding Bird Atlas of Santa Clara County*. Santa Clara Audubon Society, Cupertino, California.

**Table 4.C: Special-Status Species Evaluated**

| Species/Common and Scientific Name                             | Status* (Fed/State/Other) | Habitat Requirements                                                                                                                                                                                                                                                                                                                   | Analysis                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Burrowing owl<br><i>Athene cunicularia</i>                     | --/--/SSC                 | Open, dry annual grasslands; deserts and scrublands with mammal burrows (e.g., ground squirrels) for nest sites and retreats and adjacent habitat supporting large insects and/or small mammal populations for foraging. Areas supporting of dense/tall ruderal growth or grasses are not suitable nesting habitat for burrowing owls. | Burrowing owls are resident in northwestern Santa Clara County <sup>18</sup> ; however, there are no CNDDDB records within two miles of the project site and they would be unlikely to nest or forage on the project site due to dense ruderal vegetation cover. The project site is within the Potential Burrowing Owl Nesting/ Overwintering Habitat Depending on Site Specific Conditions.                                       |
| Tricolored blackbird<br><i>Agelaius tricolor</i>               | --/ST/SSC                 | Nests colonially in marshes, but will also use dense stands of tall weedy vegetation, including blackberry, in upland areas near open accessible water for nesting. Nesting colonies require abundant populations of large insects in nearby grassland or agricultural landscapes.                                                     | This species is known to have nested in the Milpitas area <sup>19</sup> ; however, the project site does not support suitable nesting habitat for this species and adjacent areas, including roadways, residential development, and disked fields does not provide suitable foraging habitat. In addition, an accessible source of open water is not located nearby. The tricolored blackbird would not occur as a nesting species. |
| Salt-marsh Harvest Mouse<br><i>Reithrodontomys raviventris</i> | FE/SE/--                  | Saltmarsh often dominated by pickleweed ( <i>Salicornia</i> sp.) and adjacent fringing uplands.                                                                                                                                                                                                                                        | The project site does not support saltmarsh and is not adjacent to saltmarsh, therefore this species would not occur.                                                                                                                                                                                                                                                                                                               |

\*Status: Federal = Federal Listed Endangered (FE), Federal Listed Threatened (FT); State = State Listed Endangered (SE), State Listed Threatened (ST); other = California Rare Plant Rank (1B, 2B), California Department of Fish and Wildlife Special Animals List (SSC).

**b. Would the project 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? (No Impact)**

The CDFW tracks the occurrences of natural plant communities that are of limited distribution Statewide or within a county or region and are often vulnerable to environmental effects of projects. In the CDFW's Natural Communities List,<sup>20</sup> vegetation alliances with State rarity rankings of

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> California Department of Fish and Wildlife, 2018. California Natural Communities List. Website: [nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline) (accessed June 12, 2019).

S1–S3 are considered “highly imperiled” and project impacts to “high-quality occurrences” of these alliances could be considered significant under CEQA. Most types of wetlands and riparian communities are also considered special-status natural communities due to their limited distribution in California. The project site does not support riparian habitat or any other sensitive natural communities. Therefore, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community, and no impact would occur.

- c. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (No Impact)*

There are no jurisdictional features on the project site as indicated by the lack of wetland indicators including hydric soils, hydrology, and plants typical of wetland habitats. Therefore, no impact related to federally protected wetlands would occur.

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Less-Than-Significant with Mitigation Incorporated)*

The project site is located in a suburban landscape, surrounded on three sides by residential development and a roadway. The project site is not located within any natural habitat or landscape feature (i.e., undeveloped drainage or ridgeline) that would facilitate regional wildlife movement. Mid-sized urban mammal species such as striped skunks (*Mephitis mephitis*) likely use the project site for local movement and foraging; however, based on the location of the project site it is not expected to be important for local or regional wildlife movement. No wildlife nursery sites are located on or adjacent to the project site; however, four singing male red-winged blackbirds were observed on the project indicating that nesting by native and migratory birds is likely. No raptor nests were observed in the trees on the project site or in areas adjacent to the project site.

Trees and areas of tall grass on the project site provide potential nesting habitat for various native bird species protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, including the Anna’s hummingbird, house finch, and red-winged blackbird observed on the project site during the field survey.

Therefore, if the vegetation clearing and/or construction activities are scheduled during the nesting bird season (February 1 through August 31), active nests (i.e., nests containing viable eggs or young) of native birds could be impacted directly through the destruction of nests, mortality of young, and removal of habitat. Indirect impacts may occur through noise and disturbance generated by construction activities that result in nest abandonment. Implementation of Mitigation Measure BIO-1, described below, would ensure significant impacts to nesting birds during construction are reduced by limiting construction to the period outside of the nesting season or requiring pre-construction nesting bird surveys.

**Mitigation Measure BIO-1:** To the extent feasible, vegetation removal shall be conducted during the non-nesting season for birds (i.e., between September 1 and January 31). If vegetation removal occurs during the nesting season (February 1 to August 31), suitable nesting habitat within the project site shall be surveyed by a qualified biologist (biologist) no more than 14 days prior to ground disturbing/vegetation removal activities and again within 2 days (48 hours) of such activities. Areas outside the project site shall not be surveyed for active nests unless nests are visible from the project site.

If an active nest is found, the biologist shall identify a no-work buffer around the nest until the young have fledged or the nest has otherwise become inactive. The minimum buffer should be 25 feet, but this distance may be modified due to site-specific conditions. Buffer distances for bird nests would be site specific and an appropriate distance, as determined by the biologist. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward project personnel, standing up from a brooding position, and/or flying away from the nest. The biologist shall have the authority to stop project activities if a bird exhibits abnormal behavior that may cause reproductive failure such as nest abandonment and loss of eggs and/or young until an appropriate buffer is established.

The qualified biologist shall monitor at least weekly the behavior of the adult and young birds, when present, at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged and have completely left the nest site and are no longer being fed by the parents, as determined by the qualified biologist.

If necessary, the biologist shall consult with CDFW regarding appropriate action to comply with the California Fish and Game Code. If a lapse in project-related work of 7 days or longer occurs, another focused nest survey shall be required before project work resumes.

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less-Than-Significant with Mitigation Incorporated)*

The proposed project would likely require the removal of several trees. The City of Milpitas regulates the removal of trees; heritage and protected trees are specified in the City of Milpitas Tree Preservation Ordinance and a permit is required to remove such trees.

A heritage tree is defined as:

- An outstanding specimen or grove of a desirable species;
- One of the largest or oldest trees or grove of trees in Milpitas; or

- A tree or grove of trees possessing distinctive form, size, age, location and/or historical significance.

It is illegal to prune or remove a heritage tree without first consulting the Planning Department and obtaining a permit. None of the trees present on the project site meet the City's definition of a heritage trees.

A protected tree is defined as:

- Residential Lots: all trees which have a 56-inch or greater circumference of any trunk measured 4.5 feet from the ground.
- Commercial/Industrial Lots: all trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground.
- Zoning/Subdivision: All trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground.
- Vacant Lots (Undeveloped): All trees which have a 3-inch or greater circumference of any trunk measured 4.5 feet from the ground.

All the trees on the property are 3-inches or greater in circumference at 4.5 feet above ground. Therefore, because the project site is a vacant lot, each tree would be protected and require a tree removal permit. Implementation of Mitigation Measure BIO-2 would ensure that this impact would be less-than-significant.

**Mitigation Measure BIO-2:** Prior to the issuance of a demolition or grading permit, the Planning Director, or designated Planning Department staff person, shall confirm that the project applicant has obtained a tree removal permit for any tree to be removed from the project site and has complied with the City of Milpitas Tree Preservation Ordinance.

*f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Less-Than-Significant Impact)*

The project site is not located within the Santa Clara Valley Habitat Plan (SCV HCP) area. The site is within the expanded study area boundary for burrowing owl conservation and in an area delineated as having a high potential to increase burrowing owl nesting population. However, as noted in Table 4.C above, the dense coverage of non-native grasses, scarcity of California ground squirrels, and the on-going annual disking make it unlikely that nesting or wintering burrowing owls would occur on the project site. Therefore, the proposed project would not conflict with the provisions of the SCV HCP, and this impact would be less than significant.

## 4.5 CULTURAL RESOURCES

|                                                                                                               | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                            |                                      |                                                             |                                     |                          |
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?      | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/> |
| c. Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### *a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Less-Than-Significant with Mitigation Incorporated)*

For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources), it generally must be 50 years or older. Under CEQA, historical resources can include precontact (i.e., Native American) archaeological deposits, historic-period archaeological deposits, historic buildings, and historic districts.

To identify historical resources on the project site, the following tasks were completed: (1) a records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System;<sup>21</sup> (2) relevant literature and historical maps were reviewed to assess the potential for buried historic-period and precontact Native American archaeological deposits; and (3) an archaeologist surveyed the project site to identify surface evidence of archaeological deposits. The results of these tasks are described in greater detail in a letter report of findings prepared for the project and are summarized below.<sup>22</sup>

No built-environment historical resources are at the project site. The City has determined that the circa 1966 single-family residence at the property neither qualifies for listing in the California Register of Historical Resources, nor qualifies for the local Cultural Resources Register.

No archaeological historical resources were identified at the project site. Furthermore, the potential to unearth buried precontact and historic-period archaeological deposits is low as the Pleistocene-age surface of the project site was formed at a time prior to human habitation of the region, and historical maps and aerial photographs do not indicate use of the property until circa 1940. Although no archaeological deposits that qualify as historical resources were identified at the project site, the potential for such resources cannot be discounted. If significant archaeological deposits were unearthed during project construction, a substantial adverse change in the significance of a historical resource would occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired pursuant to CEQA Guidelines Section

<sup>21</sup> The NWIC is an affiliate of the State of California Office of Historic Preservation and is the official State repository of cultural resources records and reports for Santa Clara County.

<sup>22</sup> Jones, E. Timothy, 2019. *Archaeological Assessment for the 1005 North Park Victoria Project, Milpitas, Santa Clara County, California*. LSA, Point Richmond, California. May 13.

15064.5(b)(1). With implementation of the following mitigation measure, potential impacts to archaeological historical resources would be reduced to a less-than-significant level.

**Mitigation Measure CULT-1:** Should an archaeological deposit be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.

The applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits and shall verify that the following directive has been included in the appropriate contract documents:

*"The subsurface of the construction site may be sensitive for Native American archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Contractor acknowledges and understands that excavation or removal of archaeological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."*

Work stoppage in the event of an archaeological discovery would ensure that: (1) if archaeological cultural resources are identified during excavation, these would be evaluated, documented, and studied in accordance with standard archaeological practice; and (2) archaeological deposits and human remains would be treated in accordance with appropriate State codes and regulations. As such, implementation of the above mitigation measures would reduce the project's potential impacts to archaeological historical resources to a less-than-significant level.

***b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Less-Than-Significant with Mitigation Incorporated)***

Pursuant to CEQA Guidelines Section 15064.5(c)(1), "When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource." Those archaeological sites that do not qualify as historical resources shall be assessed to determine if they



qualify as “unique archaeological resources” pursuant to California Public Resource Code Section 21083.2. Archaeological deposits identified during project construction would be treated by the City and applicant—in consultation with a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archeology—in accordance with Mitigation Measure CULT-1. With implementation of this mitigation measure, the project’s potential impacts on archaeological resources would be less than significant.

*c. Would the project disturb any humans remains, including those interred outside of formal cemeteries? (Less-Than-Significant Impact)*

There are no known human remains at the project site. In the event that human remains are identified during project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, as appropriate.

Section 7050.5 of the California Health and Safety Code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the California Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Section 5097.98 of the Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code Section 7050.5, shall immediately notify those persons (i.e., the MLD) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site. With these regulations in place, no impact on human remains is anticipated, and no mitigation is necessary.



## 4.6 ENERGY

|                                                                                                                                                                                    | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                                                                                 |                                      |                                                             |                                     |                          |
| a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?                                                                                      | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? (Less-Than-Significant Impact)*

The proposed project would increase the demand for electricity, natural gas, and gasoline. The discussion and analysis provided below is based on data included in the CalEEMod output, which is included in Appendix A.

**Construction-Period Energy Use.** The anticipated construction schedule assumes that the proposed project would be built over 1.5 to 2 years. The proposed project would require grading, site preparation, and building activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for demolition and grading activities, and construction of the residences. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during project construction, the project would restrict equipment idling times to 5 minutes or less and would require construction workers to shut off idle equipment, as required by Mitigation Measure AIR-1. In addition, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be less than significant.

**Operational Energy Use.** Energy use consumed by the proposed project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. Energy and natural gas consumption was estimated for the project using default energy intensities by building type in CalEEMod. In addition, the proposed buildings would be constructed to CALGreen standards, which was included in CalEEMod inputs. Electricity and natural gas usage estimates associated with the proposed project are shown in Table 4.D. In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in approximately 928,734 vehicle miles traveled (VMT) per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and

SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.0 mpg in 2015.<sup>23</sup> Therefore, using the USEPA fuel economy estimates for 2015, the proposed project would result in the consumption of approximately 42,215 gallons of gasoline per year. Table 4.D, below, shows the estimated potential increased electricity and natural gas demand associated with the proposed project.

**Table 4.D: Estimated Annual Energy Use of Proposed Project**

| Land Use                  | Electricity Use<br>(kWh per year) | Natural Gas Use<br>(therms per year) | Gasoline<br>(gallons per year) |
|---------------------------|-----------------------------------|--------------------------------------|--------------------------------|
| Single Family Residential | 307,442                           | 11,047                               | 35,061                         |
| ADUs                      | 43,488                            | 1,020                                | 7,154                          |
| <b>Total</b>              | <b>350,930</b>                    | <b>12,067</b>                        | <b>42,215</b>                  |

Source: LSA (December 2019).

As shown in Table 4.D, the estimated potential increased electricity demand associated with the proposed project is 350,930 kilowatt-hours (kWh) per year. In 2018, California consumed approximately 281,120 gigawatt-hours (GWh) or 281,120,193,430 kWh.<sup>24</sup> Of this total, Santa Clara County consumed 16,668 GWh or 16,668,160,600 kWh.<sup>25</sup> Therefore, electricity demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total electricity demand.

The estimated potential increased natural gas demand associated with the proposed project is 12,067 therms per year, as shown in Table 4.D. In 2018, California consumed approximately 12,638 million therms or 12,638,157,740 therms, while Santa Clara County consumed approximately 440 million therms or approximately 440,030,822 therms.<sup>26</sup> Therefore, natural gas demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total natural gas demand.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. As shown above in Table 4.D, vehicle trips associated with the proposed project would consume approximately 42,215 gallons of gasoline per year. In 2015, vehicles in California consumed approximately 15.1 billion gallons of gasoline.<sup>27</sup> Therefore, gasoline demand generated by vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in California.

<sup>23</sup> U.S. Department of Transportation, 2017. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: [www.bts.gov/archive/publications/national\\_transportation\\_statistics/table\\_04\\_23](http://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23) (accessed June 12, 2019).

<sup>24</sup> California Energy Commission, 2018. Energy Consumption Data Management Service. Electricity Consumption by County. Website: [www.ecdms.energy.ca.gov/elecbycounty.aspx](http://www.ecdms.energy.ca.gov/elecbycounty.aspx) (accessed December 3, 2019).

<sup>25</sup> Ibid.

<sup>26</sup> California Energy Commission, 2018. Energy Consumption Data Management Service. Gas Consumption by County. Website: [www.ecdms.energy.ca.gov/gasbycounty.aspx](http://www.ecdms.energy.ca.gov/gasbycounty.aspx) (accessed December 3, 2019).

<sup>27</sup> California Energy Commission, 2017. California Gasoline Data, Facts, and Statistics. Website: [www.energy.ca.gov/almanac/transportation\\_data/gasoline](http://www.energy.ca.gov/almanac/transportation_data/gasoline) (accessed June 12, 2019).

The proposed project would be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Construction and operation period impacts related to consumption of energy resources would be less than significant.

*b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Less-Than-Significant Impact)*

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission (ZE) vehicles and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The CEC is in the process of adopting the 2019 Integrated Energy Policy Report.<sup>28</sup> The 2019 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2019 Integrated Energy Policy Report covers a broad range of topics, including implementation of Senate Bill 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to Senate Bill 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report. Thus, as shown above, the project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and not result in any irreversible or irretrievable commitments of energy. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and this impact would be less than significant.

<sup>28</sup> California Energy Commission, 2019. *2019 Integrated Energy Policy Report*. California Energy Commission. Docket # 19-IEPR-01.

## 4.7 GEOLOGY AND SOILS

|                                                                                                                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                                                                                     |                                      |                                                             |                                     |                                     |
| a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                                                                         |                                      |                                                             |                                     |                                     |
| i. Rupture of a known earthquake fault, as delineated 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"/>            |
| ii. Strong seismic ground shaking?                                                                                                                                                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii. Seismic-related ground failure, including liquefaction?                                                                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. Landslides?                                                                                                                                                                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. 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"/>            |

Unless otherwise noted, the following analysis is based on the Geotechnical Investigation prepared for the proposed project by Geo-Logic Associates dated May 17, 2018.<sup>29</sup>

*a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

*i. Rupture of a known earthquake fault, as delineated 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. (Less-Than-Significant Impact)*

Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the last 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of

<sup>29</sup> Geo-Logic Associates, 2018. *Geotechnical Investigation for Residential Development at 1005 North Park Victoria, Milpitas, California*. May 17.

development within the delineated area. A portion of the site is located within an Earthquake Fault Zone established for the Crosley fault (the southern-most extension on the Hayward fault). A fault investigation in 2015 found that no visible offset or deformation that may be indicators of Holocene (active) faulting on the project site were present, and that the project site can be regarded as clear of any fault that would need to be addressed under the Alquist Priolo Special Studies Act.<sup>30,31</sup> Therefore, the proposed project would not directly or indirectly cause substantial adverse effects related to fault rupture, and this impact would be less than significant.

*ii. Strong seismic ground shaking? (Less-Than-Significant Impact)*

The project site is located in the San Francisco Bay Area, a region of intense seismic activity. Ground shaking is likely to occur within the life of the project as a result of future earthquakes. The Crosley fault is located approximately 100 to 800 feet east of the project site, and the Hayward fault is located approximately 0.3 mile northeast of the project site. Other active faults within the area that are likely to produce large earthquakes include the Calaveras, located 4.5 miles northeast, Monte Vista-Shannon, located 13.5 miles southwest, San Andreas, located 17 miles southwest, and San Gregorio, located 30 miles southwest. Due to the location of the project site in a seismically active area, strong seismic ground shaking at the site is highly probable during the life of the project. The intensity of ground shaking would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Conformance with the California Building Code (CBC) would ensure potential impacts associated with strong seismic ground shaking would be reduced to a less-than-significant level.

*iii. Seismic-related ground failure, including liquefaction? (Less-Than-Significant Impact)*

Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. During ground shaking, these soils lose strength and acquire “mobility” sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (i.e., silt and clay) may also liquefy. Based on results of soil testing, the project site appears to have a low potential for soil liquefaction. In addition, compliance with the CBC would ensure impacts related to liquefaction would be less than significant.

*iv. Landslides? (Less-Than-Significant Impact)*

The upslope area to the east of the project site appears to consist of a series of nested, coalescing landslides. Although there is no evidence that landslides exist on the project site, the alluvial fan deposits on the site may be acting as a buttress to the landslides upslope of the site.

<sup>30</sup> Geo-Logic Associates, 2015. *Alquist Priolo Special Studies Zone Investigation for 1005 North Park Victoria Drive, Milpitas, California*. August 18.

<sup>31</sup> Norfleet Consultants, 2015. *Review of Alquist Priolo Special Studies Zone Investigation for 1005 North Park Victoria Drive, Milpitas, California*. August 19.

The proposed project would implement recommendations included in the Geotechnical Investigation, which would include permanent cuts being minimized and balancing cut and fill conditions where permanent cuts are necessary. Therefore, the potential of the proposed project to exposure people or structures to risk as a result of landslides would be less than significant.

*b. Would the project result in substantial soil erosion or the loss of topsoil? (Less-Than-Significant Impact)*

Topsoil is defined as the upper part of the soil profile that is relatively rich in humus and is technically known as the A-horizon of the soil profile.<sup>32</sup> Grading and earthmoving during project construction has the potential to result in erosion and loss of topsoil. Exposed soils could be entrained in stormwater runoff and transported off the project site. However, this impact would be reduced to a less-than-significant level through compliance with water quality control measures, which include preparation of a Stormwater Pollution Prevention Plan (SWPPP) (refer to Section 4.10, Hydrology and Water Quality). Although designed primarily to protect stormwater quality, the SWPPP would incorporate Best Management Practices (BMPs) to minimize erosion. Additional details regarding the SWPPP are provided in Section 4.10, Hydrology and Water Quality of this Initial Study.

*c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less-Than-Significant Impact)*

As discussed in Section 4.7.a, site soils would not be subject to lateral spreading or liquefaction, but could be subject to landslides. However, compliance with the recommendations contained in the Geotechnical Investigation and compliance with the requirements of the CBC would ensure that potential risks to people and structures as a result of liquefaction would be reduced to a less-than-significant level. Therefore, the proposed project would not result in impacts associated with unstable geologic conditions.

*d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (Less-Than-Significant Impact)*

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. Testing at the project site indicates that soils on the project site have high expansion potential. The Geotechnical Investigation recommends that the upper 30 inches of soil below design grade in the proposed building and concrete slab-on-grade areas should be moisture conditioned with controlled compaction and the building foundations and concrete slabs-on-grade should be constructed on a 12-inch minimum thick layer of "non-expansive" fill. In addition, adherence to the CBC requirements

<sup>32</sup> California State Mining and Geology Board, 2014. Surface Mining Reclamation Act Regulations. California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

would further ensure that geotechnical design of the proposed project would further reduce potential impacts related to expansive soils to a less-than-significant level. Therefore, because the proposed project would implement the recommendations of the Geotechnical Investigation and comply with CBC requirements, this impact would be less than significant.

*e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (No Impact)*

The proposed project would connect to the City's wastewater conveyance system. On-site treatment and disposal of wastewater is not proposed for the project; therefore, the proposed project would have no impacts associated with soils incapable of supporting alternative wastewater disposal systems.

*f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less-Than-Significant Impact)*

Although no paleontological resources or unique geological features are known to exist within or near the project site, according to the locality search through the University of California Museum of Paleontology (UCMP) at the University of California, Berkeley, there are 10 known localities from Pleistocene deposits within Santa Clara County which have produced 34 specimens of vertebrates and invertebrates. Therefore, the possibility of accidental discovery of paleontological resources during project construction cannot be discounted. Therefore, implementation of Mitigation Measure GEO-1, described below, would reduce potential impacts to paleontological resources to a less-than-significant level.

**Mitigation Measure GEO-1:** Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.



The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:

*“The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”*



## 4.8 GREENHOUSE GAS EMISSIONS

|                                                                                                                                  | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                               |                                      |                                                             |                                     |                          |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less-Than-Significant with Mitigation Incorporated)*

GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO<sub>2</sub>);
- Methane (CH<sub>4</sub>);
- Nitrous oxide (N<sub>2</sub>O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur Hexafluoride (SF<sub>6</sub>).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as CO<sub>2</sub>, methane, and N<sub>2</sub>O, some gases, like HFCs, PFCs, and SF<sub>6</sub> are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation

and length of time that the gas remains in the atmosphere (“atmospheric lifetime”). The GWP of each gas is measured relative to CO<sub>2</sub>, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO<sub>2</sub> over a specified time period. GHG emissions are typically measured in terms of pounds or tons of “CO<sub>2</sub> equivalents” (CO<sub>2</sub>e).

This section describes the proposed project’s construction- and operational-related GHG emissions and contribution to global climate change. The BAAQMD has not addressed emission thresholds for construction in their CEQA Guidelines; however, the BAAQMD encourages quantification and disclosure. Thus, construction emissions are discussed in this section.

**Construction Activities.** Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. Furthermore, CH<sub>4</sub> is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that construction of the proposed project would generate approximately 503 metric tons of CO<sub>2</sub>e. Implementation of Mitigation Measure AIR-1 would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. Therefore, project construction impacts associated with GHG emissions would be less than significant.

**Operational Emissions.** Section 15064.4 of the CEQA Guidelines states that: “A lead agency should make a good-faith effort, based to the extent possible, on scientific and factual data, to describe, calculate or estimate the amount of GHG emissions resulting from a project.” In performing that analysis, the lead agency has discretion to determine whether to use a model or other methodology to quantify GHG emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting, whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project, and the extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

According to the BAAQMD CEQA Guidelines, if a project is consistent with an adopted qualified GHG Reduction Strategy that meets the standards, it can be presumed that the project will not have significant GHG emission impacts. This approach is consistent with the State CEQA Guidelines, Section 15183.5, and will be used in this analysis.

The City of Milpitas' Climate Action Plan (CAP) was adopted on May 7, 2013.<sup>33</sup> The City of Milpitas CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy and is designed to streamline environmental review of future development projects in the City consistent with CEQA Guidelines Section 15183.5(b) and the BAAQMD CEQA Air Quality Guidelines. The CAP identifies measures to achieve a reduction of 93,940 metric tons (MT) per year of CO<sub>2</sub>e, including a reduction of 13,950 MTCO<sub>2</sub>e that would be achieved through State-mandated measures. With implementation of the CAP and existing measures, the City's GHG emissions are expected to be 16.2 percent below 2005 levels by the year 2020.

The CAP identifies six main Action Areas with specific GHG reductions, including energy, water, transportation and land use, solid waste, and off-road equipment. For each measure the CAP specifies GHG reductions, City departments responsible for implementation, performance metrics, regional partners, additional resources, and co-benefits.

Long-term operation of the proposed project would generate GHG emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include project-generated vehicle trips associated with trips to the proposed project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site, and other sources. As identified above, the City of Milpitas' CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy. Therefore, the project's GHG emissions would not be considered a significant impact if the project would be consistent with the City's CAP. Appendix C: Development Checklist of the City's CAP was developed to assist project applicants and City staff to determine whether a proposed project complies with the CAP and contains applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's CAP. The proposed project's consistency with these measures is included in Table 4.E below.

As demonstrated in Table 4.E, the proposed project's consistency with many of the CAP measures would be determined by design decisions that are currently not evident from the conceptual plans evaluated for the environmental analysis in this report. Implementation of Mitigation Measure GHG-1 would require the proposed project to include the applicable measures, as identified in Appendix B.

<sup>33</sup> Milpitas, City of, 2013. *City of Milpitas Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 7.

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**Table 4.E: Consistency with the City's Climate Action Plan Measures**

| Measure                                           | Action                                                                                                                                                                                             | Applicability                                                                                                                                                                                                                                                                                                                       | Compliance                        |
|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Energy Measures</b>                            |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                   |
| Measure 1.3: Discretionary Project Review         | Apply the City's Climate Action Plan Development Checklist (Appendix C) as part of the City's discretionary project review process.                                                                | The project applicant filled out City's Climate Action Plan Development Checklist (Appendix C), which is included in Appendix B.                                                                                                                                                                                                    | Yes                               |
| Measure 1.5: Urban Cooling                        | Achieve urban cooling through voluntary and mandatory standards for new development and additions.                                                                                                 | Each of the residential uses on the project site would include private backyards and private open space. In addition, the proposed project would include a total of 78,624 square feet of landscaped area, including 5,007 square feet of bioretention space. A total of 78 trees would be planted as part of the proposed project. | Yes                               |
| Measure 1.8: Online Energy Monitoring             | Encourage participation in online energy monitoring programs as utilities develop and deploy online systems.                                                                                       | With implementation of Mitigation Measure GHG-1, the proposed project would install Energy Star appliances.                                                                                                                                                                                                                         | Yes with Mitigation Measure GHG-1 |
| Measure 2.1: Energy Efficiency in New Development | Encourage new development and remodels to exceed minimum building standards for energy efficiency and continue implementation of the adopted Green Building Ordinance.                             | The proposed project would be consistent with current CALGreen standards.                                                                                                                                                                                                                                                           | Yes                               |
| Measure 3.1: Renewable Energy in New Development  | Adopt new standards to require renewable energy in new development and encourage renewable energy facilities through the discretionary process.                                                    | With implementation of Mitigation Measure GHG-1, the proposed project would install on-site renewable energy, such as solar panels.                                                                                                                                                                                                 | Yes with Mitigation Measure GHG-1 |
| <b>Water</b>                                      |                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                   |
| Measure 4.1: Tiered Water Rates                   | Continue water conservation efforts outlined in the Urban Water Management Plan and expand tiered water rate structures to apply to nonresidential customers in addition to residential customers. | With implementation of Mitigation Measure GHG-1, the proposed project would use water-efficient irrigation systems and use reclaimed water, when available.                                                                                                                                                                         | Yes with Mitigation Measure GHG-1 |
| Measure 4.2: Recycled Water                       | Work with regional partners to encourage expansion of recycled water infrastructure.                                                                                                               | With implementation of Mitigation Measure GHG-1, the proposed project would use water-efficient irrigation systems and use reclaimed water, when available.                                                                                                                                                                         | Yes with Mitigation Measure GHG-1 |

**Table 4.E: Consistency with the City's Climate Action Plan Measures**

| Measure                                             | Action                                                                                                                                                                                                                                               | Applicability                                                                                                                                                                                                                                                                                                                                                                                                                                     | Compliance                        |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Transportation and Land Use</b>                  |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   |
| Measure 5.1: Increased Densities                    | Continue to promote the increase of density and mixed uses in key opportunity areas, including the Midtown Specific Plan, Transit Area Specific Plan, and Town Center areas.                                                                         | The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles.                                                                                                                                                                                                                                                         | Yes                               |
| Measure 5.3: Open Space                             | Expand City parks and open spaces.                                                                                                                                                                                                                   | Each of the residential uses on the project site would include private backyards that would be an average of 1,641 square feet. In total, the proposed project would provide 59,094 square feet of private open space. In addition, the proposed project would include a total of 78,624 square feet of landscaped area, including 5,007 square feet of bioretention space. A total of 78 trees would be planted as part of the proposed project. | Yes                               |
| Measure 6.3: Dense and Centralized Development      | Promote dense development in central locations and along transportation corridors.                                                                                                                                                                   | The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles.                                                                                                                                                                                                                                                         | Yes                               |
| Measure 7.2: Complete Streets                       | Initiate a rigorous Citywide complete streets program to foster pedestrian and bicycle activity throughout the community.                                                                                                                            | The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, crosswalks, bicycle lanes, shading, and landscaping.                                                                                                                                                                                                                                                                                                  | Yes                               |
| Measure 7.3: Bikeways Master Plan Infrastructure    | Implement and maintain the facilities and infrastructure improvements identified in the Bikeways Master Plan to achieve high levels of bicycle and pedestrian activity.                                                                              | The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, crosswalks, bicycle lanes, shading, and landscaping.                                                                                                                                                                                                                                                                                                  | Yes                               |
| Measure 8.1: Transportation Demand Management       | Adopt and phase a Citywide transportation demand management ordinance by 2015, building on recommendations of the transit area specific plan, and establish a funding mechanism to pay for the costs of the program.                                 | The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, crosswalks, bicycle lanes, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles.                     | Yes                               |
| Measure 10.4: Residential Electric Vehicle Charging | Facilitate plug-in hybrid and electric vehicle charging stations for homes by promoting funding opportunities and streamlining permit procedures, including establishing maximum time frames for permit processing and simplified permit procedures. | With implementation of Mitigation Measure GHG-1, the proposed project would provide plug-in hybrid and electric vehicle home charging stations.                                                                                                                                                                                                                                                                                                   | Yes with Mitigation Measure GHG-1 |

**Table 4.E: Consistency with the City's Climate Action Plan Measures**

| Measure                                              | Action                                                                                                                       | Applicability                                                                                                                                                                    | Compliance                        |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Solid Waste</b>                                   |                                                                                                                              |                                                                                                                                                                                  |                                   |
| Measure 11.1: Waste Diversion                        | Work with regional partners to increase the diversion of solid waste to 75 percent as required under Assembly Bill (AB) 341. | The proposed project would comply with AB 341.                                                                                                                                   | Yes                               |
| <b>Off-Road Equipment</b>                            |                                                                                                                              |                                                                                                                                                                                  |                                   |
| Measure 12.1: Lawn and Garden Equipment              | Support a community-wide transition to cleaner outdoor lawn and garden equipment.                                            | With implementation of Mitigation Measure GHG-1, the proposed project would provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment. | Yes with Mitigation Measure GHG-1 |
| Measure 12.2: Construction Best Management Practices | Encourage construction projects to comply with BAAQMD performance-based best management practices.                           | With implementation of Mitigation Measure AIR-1, the proposed project would implement the BAAQMD's Basic Construction Mitigation Measures.                                       | Yes with Mitigation Measure AIR-1 |

Source: City of Milpitas (2013) and LSA (May 2019).

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**Mitigation Measure GHG-1:** The project applicant shall demonstrate compliance with the applicable measures to the City Planning Division prior to the issuance of a building permit. The following measures are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Install Energy Star appliances.
- Install on-site renewable energy, such as solar panels.
- Use water-efficient irrigation systems and use reclaimed water, when available.
- Provide plug-in hybrid and electric vehicle home charging stations.
- Provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.

Mitigation Measure GHG-1 would result in the implementation of applicable measures included in the CAP that are applicable to the project to reduce GHG emissions. Overall, the mitigated project would implement GHG reduction measures in compliance with the CAP and, therefore, would not be a significant source of GHG emissions. Therefore, the project's impacts would be less than significant.

*b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Less-Than-Significant Impact)*

California's major initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the State legislature on August 31, 2006. This effort aims at reducing GHG emissions to 1990 levels by 2020. In response to AB 32, California began to address climate change by employing a comprehensive, long-term approach to cut the State's GHG emissions to 1990 levels by 2020 and to maintain and continue reductions post 2020. The proposed project was analyzed for consistency with the goals of AB 32 and the AB 32 Scoping Plan. The Scoping Plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation fee to fund the program.

In addition, Senate Bill (SB) 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in Executive Order B-30-15. SB 32 builds on AB 32 and keeps us on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels, consistent with an Intergovernmental Panel on Climate Change (IPCC) analysis of the global emissions trajectory that would stabilize atmospheric GHG concentrations at 450 parts per million CO<sub>2</sub>e and reduce the likelihood of catastrophic impacts from climate change.

The companion bill to SB 32, AB 197, provides additional direction to the California Air Resource Board (CARB) in the following areas related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are

collected by CARB was posted in December 2016. The measures applicable to the proposed project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. The proposed project would be consistent with current CALGreen standards, regarding energy conservation and green building standards. Therefore, the proposed project would comply with applicable energy measures.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. As noted above, the project would be required to comply with the latest CALGreen standards, which include a variety of different measures, including reduction of wastewater and water use. In addition, the proposed project would be required to comply with the City's water efficient landscape ordinance. Therefore, the proposed project would not conflict with any of the water conservation and efficiency measures.

The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. The second phase of Pavley standards will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. Specific regional emission targets for transportation emissions would not directly apply to the proposed project. However, vehicles traveling to the project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program. Therefore, the proposed project would not conflict with the identified transportation and motor vehicle measures.

The proposed project would develop new residences that would locate residents near existing residential and commercial uses, reducing the demand for travel by single occupancy vehicles. The proposed project would provide pedestrian and bicyclist amenities, including sidewalks, crosswalks, bicycle lanes, shading, and landscaping which would also help to reduce the demand for travel by single occupancy vehicles.

Therefore, the proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs and this impact would be less than significant.

## 4.9 HAZARDS AND HAZARDOUS MATERIALS

|                                                                                                                                                                                                                                                                                   | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                                                                                |                                      |                                                             |                                     |                                     |
| a. 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. 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"/> |
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

The following discussion is based on the findings from the Phase I Environmental Site Assessment<sup>34</sup> (Phase I ESA) prepared for the project site. A copy of the Phase I ESA is included in Appendix C of this report.

*a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less-Than-Significant Impact)*

Although small quantities of commercially-available hazardous materials could be used during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. Therefore, development of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

<sup>34</sup> Ramboll US Corporation, 2018. *Phase I Environmental Site Assessment for 1005 North Park Victoria Drive*. January 16.

*b. Would the project 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? (Less-Than-Significant Impact)*

There are two main ways that the public and/or the environment could be affected by the release of hazardous materials from the project site, including: (1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project; or (2) exposing workers and/or the public to hazardous building materials (e.g., lead paint, asbestos) during demolition of existing structures.

As described above, small quantities of common hazardous materials would be used at the project site during construction and operation of the proposed project. Improper use, storage, or handling could result in a release of hazardous materials into the environment which could pose a risk to construction workers and the public. However, the City would be required to comply with existing government regulations in its use and disposal of these materials, and such materials would not be used in sufficient strength or quantity to create a substantial risk to human or environmental health.

The Phase I ESA prepared for the project site did not identify any potential Recognized Environmental Conditions in connection with potential unrestricted residential use on the project site. The Phase I ESA did identify former agricultural uses on the project site until approximately 1978, which indicates that pesticides may have been used at the site. One soil sample at the project site included concentrations slightly above the residential screening level for pesticides. However, the low concentration and localized presence of the pesticide at one sampling location is not considered a concern for the project site.

Therefore, the proposed project would have a less-than-significant impact related to the release of hazardous materials into the environment during both the construction and operational periods.

*c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less-Than-Significant Impact)*

There are no public schools located within 0.25 mile of the project site. However, the Global Village Montessori Preschool, a private pre-school, is located approximately 0.17 mile to the south. As noted in Section 4.9.a, development of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. As noted in Section 4.9.b, construction activities would not create a hazard to the public and environment through reasonably foreseeable upset and accident conditions, and this impact would be less than significant.

*d. Would the project 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? (No Impact)*

As noted in the Phase I ESA, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and no impact would occur.

- e. *Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (Less-Than-Significant Impact)*

The project site is located approximately 5.2 miles northeast of the San José International Airport. The project site is not located within the Airport Safety Zones or Airport Influence Area of the San José International Airport.<sup>35</sup> Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area due to the proximity of an airport.

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Less-Than-Significant Impact)*

The City of Milpitas Fire Department (Fire Department) Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, respond to and recover from natural and technological disasters. In addition, the County of Santa Clara Office of Emergency Services coordinates county-wide emergency response efforts including the preparation and implementation of the County of Santa Clara Emergency Operations Plan (EOP).<sup>36</sup> However, the EOP does not address specific responses, scenarios, hazards, or threats, within Milpitas. In addition, the EOP does not indicate the emergency evacuation routes within Santa Clara County. Because the proposed project would not alter or block adjacent roadways, implementation of the proposed project would not be expected to impair the function of nearby emergency evacuation routes. Therefore, the proposed project would have a less-than-significant impact on implementation of an adopted emergency response plan or emergency evacuation plan.

- g. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Less-Than-Significant Impact)*

The project site is in an urban area and is not within or adjacent to a wildland fire hazard area.<sup>37</sup> Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires.

<sup>35</sup> Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Santa Clara County, Norma Y. Mineta San José International Airport*. May 25.

<sup>36</sup> Santa Clara, County of, 2017. *Emergency Operations Plan*. January.

<sup>37</sup> California Department of Forestry and Fire Protection, 2008. Santa Clara County, Very High Fire Hazard Severity Zones in Local Responsibility Area. October 8.

#### 4.10 HYDROLOGY AND WATER QUALITY

|                                                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                     |                                      |                                                             |                                     |                                     |
| a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?                                                                              | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| i. Result in substantial erosion or siltation on- or off-site;                                                                                                                                                         | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;                                                                                             | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or                             | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| iv. Impede or redirect flood flows?                                                                                                                                                                                    | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?                                                                                                | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                         | <input type="checkbox"/>            | <input type="checkbox"/>            |

*a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Less-Than-Significant with Mitigation Incorporated)*

The State Water Resources Control Board and nine Regional Water Quality Control Boards regulate water quality of surface water and groundwater bodies throughout California. In the Bay Area, including the project site, the San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for implementation the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses for waterways and water bodies within the region.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program (established through the federal Clean Water Act). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES Program is administered by the Water Board. According to the water quality control plans of the Water Board, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The proposed project is

approximately 4.88 acres and, as such, would be required to comply with the Construction General Permit.

The proposed project would be subject to the Water Board's Municipal Regional Permit (MRP), implemented in November 2015 by Order R2-2015-0049. Provision C.3 of the MRP requires new development and redevelopment projects that would replace more than 10,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the C.3 requirements, the preparation and submittal of a Stormwater Control Plan (SCP) would be required for the project site. The purpose of an SCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include Low Impact Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource, rather than a waste product. The proposed project would also be required to prepare a Stormwater Facility Operation and Maintenance Plan to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

The City of Milpitas is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which provides stormwater management for the area including the project site.

As previously discussed, the 4.88-acre project site is currently developed and includes a total of 0.06 acres (1.3 percent) of impervious surfaces. Upon construction of the proposed project, approximately 2.68 acres (55 percent) of the project site would be covered by impervious surfaces and approximately 1.92 acres (45 percent) would be covered by pervious surfaces.

Construction activities associated with the proposed project would cause disturbance of soil during excavation work, which could adversely impact water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during development. Although surface runoff from the site would likely decrease with the proposed project (due to the proposed stormwater treatment measures), runoff from the proposed landscaped areas may contain residual pesticides and nutrients (associated with landscaping) and sediment and trace metals (associated with atmospheric deposition) during operation of the project. Operation of the proposed project could incrementally contribute to the long-term degradation of runoff water quality and as a result, adversely affect water quality in the receiving waters and San Francisco Bay. The proposed project would be considered a "regulated project" under the MRP, indicating that the State Water Resources Control Board has determined the size and nature of the project has the potential to discharge a significant pollutant load to stormwater runoff and receiving waters. Therefore, the potential discharges associated with the proposed project are considered to be a potentially significant impact.

Implementation of the following two mitigation measures would ensure that the proposed project complies with the Water Board's water quality standards by reducing the potential construction- and operation-period impacts to water quality to a less-than-significant level.



**Mitigation Measure HYD-1:** Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000-DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities.

The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.

**Mitigation Measure HYD-2:** The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:

- An inventory and accounting of existing and proposed impervious areas.
- LID design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.
- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.
- A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project.



- b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Less-Than-Significant Impact)*

A new 12-inch water line would be installed within the private street areas of the north-facing properties along the southernmost private street. The existing 12-inch line that runs along the southern border of the project site would be abandoned and a new 12-inch line would be installed. The proposed project would also include a connection to the 8-inch line within Rankin Drive. Although no use of groundwater is proposed for the proposed project, some dewatering may be required during construction. Any dewatering activities would be expected to be temporary in nature. Therefore, the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge.

- c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site; ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv. Impede or redirect flood flows? (Less-Than-Significant with Mitigation Incorporated)*

The proposed project would not alter the course of a stream or river. The project site is located in a developed area and would not substantially alter the existing drainage patterns in a manner that would result in substantial erosion or siltation on- or off-site, result in on- or off-site flooding, or redirect or impede floods flows. Furthermore, compliance with construction- and operation phase stormwater requirements (Mitigation Measures HYD-1 and HYD-2) would further ensure that development of the project would not result in substantial changes to the rate or amount of surface runoff from the site as compared to existing conditions and this impact would be less than significant.

- d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (Less-Than-Significant Impact)*

The project site is not located within a 100-year flood hazard zone as mapped by FEMA and is not located within a mapped dam failure inundation area.<sup>38</sup> There are no levees protecting the site from flooding and as a result, no risk of failure. The project site and surrounding areas are generally level and would not be subject to mudflows.

<sup>38</sup> Federal Emergency Management Agency, 2014. FEMA Flood Map Service Center (map). Website: [msc.fema.gov/portal/search#searchresultsanchor](https://msc.fema.gov/portal/search#searchresultsanchor) (June 7, 2019).

The project site is not located within a mapped tsunami area for Milpitas<sup>39</sup> and no seismically induced seiche waves have been documented in the San Francisco Bay throughout history.<sup>40</sup> Therefore, this impact would be less than significant.

*e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less-Than-Significant with Mitigation Incorporated)*

As noted in Section 4.10.a, implementation of Mitigation Measures HYD-1 and HYD-2 would require preparation and implementation of both a SWPPP and SCP, and would ensure that the proposed project would have a less-than-significant impact related to stormwater runoff. Therefore, the proposed project would not obstruct implementation of a water quality control plan or sustainable groundwater management plan.

<sup>39</sup> California, State of, 2009. *California Emergency Management Agency. Tsunami Inundation Map for Emergency Planning: Milpitas Quadrangle*. July 31.

<sup>40</sup> Association of Bay Area Governments and Metropolitan Transportation Commission, 2013. *Plan Bay Area*. July 18.

#### 4.11 LAND USE AND PLANNING

|                                                                                                                                                                                        | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                                                                                     |                                      |                                                             |                                     |                          |
| a. Physically divide an established community?                                                                                                                                         | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*a. Would the project physically divide an established community? (Less-Than-Significant Impact)*

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one side of the community to another; similarly, such construction may also impair travel to areas outside the community.

The project site is located in an urban area in the City of Milpitas and is surrounded by residential and open space uses, as well as existing rights-of-way. The proposed project would include the development of the project site with residential uses. The proposed project would not require the construction of any new infrastructure that would divide an established community, and would not remove any means access. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. This impact would be less than significant.

*b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Less-Than-Significant Impact)*

The City of Milpitas General Plan Land Use Map designates the project site as SFL and the City's Zoning Map identifies the project site as R1-6. As noted in Section 2.0, Project Description, the proposed project would include a General Plan Amendment to change the land use designation from SFL to Single-Family Medium Density and a Rezone from R1-6 to R1-3. In addition, the proposed project would also require a site development permit, planned unit development permit, environmental assessment permit, and a tentative map permit.

It should be noted that according to CEQA, policy conflicts do not, in and of themselves, constitute a significant environmental impact. Policy conflicts are considered to be environmental impacts only when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this Initial Study under specific topical sections. The proposed project would not result in any direct physical impacts that cannot be mitigated to a less-than-significant level.

As a result of the proposed General Plan Amendment and Rezone, the proposed project would not conflict with any applicable land use plans, policies, or regulations that were adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant.

#### 4.12 MINERAL RESOURCES

|                                                                                                                                                                       | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                    |                                      |                                                             |                                    |                                     |
| a. 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"/> |
| b. 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"/> |

*a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (No Impact)*

The project site is located within an urban area on a previously developed site and there are no known mineral resources within the vicinity of the project site that would be of value to the region or to the State. The City of Milpitas General Plan identifies four area designated by the State Geologist as containing Regionally Significant Construction Aggregate Resources.<sup>41</sup> However, each of these mineral resource areas are located in the foothills outside City limits. As such, development of the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State, and there would be no impact related to the availability of mineral resources.

*b. Would the project 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? (No Impact)*

Refer to Section 4.12. a. The proposed project would not result in the loss of availability of any known locally important mineral resource recovery site. Therefore, no impact related to the availability of a mineral resources recovery site would occur.

<sup>41</sup> Milpitas, City of, 2015. General Plan Open Space & Environmental Conservation Element. Available online at: [www.ci.milpitas.ca.gov/pdfs/plan\\_plan\\_general\\_chapter4.pdf](http://www.ci.milpitas.ca.gov/pdfs/plan_plan_general_chapter4.pdf) (accessed June 7, 2019).

#### 4.13 NOISE

|                                                                                                                                                                                                                                                                                                         | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project result in:                                                                                                                                                                                                                                                                            |                                      |                                                             |                                     |                          |
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project 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"/> |
| b. Generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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 checked="" type="checkbox"/> | <input type="checkbox"/> |

The following provides an overview of the characteristics of sound and the regulatory framework that applies to noise within the vicinity of the project site. The existing noise environment in and around the project site is also described.

**Characteristics of Sound.** Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a ten-fold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements which better represent how humans are more sensitive to sound at night. As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level ( $L_{eq}$ ) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the  $L_{eq}$ , the community noise equivalent level (CNEL), and the day-night average level ( $L_{dn}$ ) based on dBA.  $L_{dn}$ , sometimes denoted as DNL, represents the time varying noise over a 24-hour period, with a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours).

$L_{dn}$  is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours of 7:00 p.m. to 10:00 p.m.

**Regulatory Framework.** The City addresses noise in the Noise Element of the General Plan and in Chapter 213 of the City's Municipal Code (Noise Ordinance). The Noise Element of the City's General Plan provides an understanding of existing and future noise conditions within the City, establishes a basis for evaluating potential noise impacts on future development, and includes policy statements to guide public and private planning to attain and maintain acceptable noise levels. The City's Noise Compatibility Standards are shown in Table 4.F. As shown in Table 4.F, the "normally acceptable" noise level for single-family residential uses is 60 dBA  $L_{dn}$ , with a "conditionally acceptable" range between 55 dBA and 70 dBA. The "normally unacceptable" noise level is between 70 dBA and 75 dBA  $L_{dn}$ . Additionally, the following Implementation Policies from the City's General Plan would be applicable to the proposed project:

- Policy 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.
- Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the proposed use.
- Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- Policy 6-I-7: Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.
- Policy 6-I-12: New noise-producing facilities introduced near sensitive land uses which may increase noise levels in excess of "acceptable" levels will be evaluated for impact prior to approval; adequate mitigation at the noise source will be required to protect noise-sensitive land uses.
- Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

Chapter 213 of the City's Municipal Code prohibits construction activities outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and on holidays except during emergencies. The noise ordinance also contains residential zone regulations in Section V-213-3(a). The residential zone regulations stipulate that it is unlawful for any person in any residential zone to make or cause any disturbing noise, such as amplified music, horns, or yelling, that increases the ambient noise level by 3 dB or to greater than 65 dB, whichever is more restrictive. The residential zone regulations also stipulate that it is unlawful for any person in a residential zone to make or cause any disturbing noise that is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or 100 feet from any nonstationary noise source.

**Table 4.F: City of Milpitas Noise Compatibility Standards**

| Land Use Category                                                | Community Noise Exposure, $L_{dn}$ or CNEL, dB |    |    |    |    |    |    |
|------------------------------------------------------------------|------------------------------------------------|----|----|----|----|----|----|
|                                                                  | 55                                             | 60 | 65 | 70 | 75 | 80 | 85 |
| Residential – Low Density<br>Single Family, Duplex, Mobile Homes |                                                |    |    |    |    |    |    |
| Residential<br>Multi-Family                                      |                                                |    |    |    |    |    |    |
| Transient Lodging<br>Motels, Hotels                              |                                                |    |    |    |    |    |    |
| Schools, Libraries, Churches, Hospitals,<br>Nursing Homes        |                                                |    |    |    |    |    |    |
| Auditoriums, Concert Halls, Amphitheaters                        |                                                |    |    |    |    |    |    |
| Sports Arena, Outdoor Spectator Sports                           |                                                |    |    |    |    |    |    |
| Playgrounds, Neighborhood Parks                                  |                                                |    |    |    |    |    |    |
| Golf Courses, Riding Stables, Water<br>Recreation, Cemeteries    |                                                |    |    |    |    |    |    |
| Office Buildings, Business Commercial and<br>Professional        |                                                |    |    |    |    |    |    |
| Industrial, Manufacturing, Utilities,<br>Agriculture             |                                                |    |    |    |    |    |    |
| Normally Acceptable                                              |                                                |    |    |    |    |    |    |
| Conditionally Acceptable                                         |                                                |    |    |    |    |    |    |
| Normally Unacceptable                                            |                                                |    |    |    |    |    |    |
| Clearly Unacceptable                                             |                                                |    |    |    |    |    |    |

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Buildings are of conventional construction.

New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

New construction or development should generally not be undertaken.

Source: City of Milpitas General Plan (2010).

Because the City of Milpitas has yet to established vibration thresholds related to potential damage, vibration standards included in the Federal Transit Administration's (FTA) Transit Noise and



Vibration Impact Assessment (FTA 2018)<sup>42</sup> are used in this analysis. The criteria for environmental impact from groundborne vibration are based on the maximum levels for a single event. FTA guidelines show that a vibration level of up to 102 vibration velocity in decibels (VdB) (equivalent to 0.5 inches per second [in/sec] in peak particle velocity [PPV]) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For a nonengineered timber and masonry building, the construction building vibration damage criterion is 94 VdB (0.2 in/sec in PPV).

**Existing Noise Conditions.** Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is located in an area with single-family homes, commercial uses, and vacant land. The closest sensitive receptors are the single-family homes immediately to the south of the project site as well as other single-family homes to the west opposite Rankin Drive, to the north opposite Creed Street, and to the east opposite North Park Victoria Street. Other land uses within 500 feet of the proposed project site include commercial uses to the southwest, south and southeast as well as a mosque to the southeast.

**Existing Ambient Noise Level Measurements.** The ambient noise environment in the vicinity of the project site is affected by a variety of noise sources. While noise associated with aircraft flyovers and sporadic events such as trash pick-up activities occur in the project area, the major sources being traffic on the roadways surrounding the project site and I-680. Two (2) long-term (24-hour) noise measurements (LT-1 and LT-2) were conducted April 24, 2019 through April 25, 2019 and two (2) short-term noise measurements were recorded on April 25, 2019 on the project site to establish the existing ambient noise environment on the project site. Noise measurement data collected during the noise measurements are summarized in Table 4.G. The noise measurements indicate that ambient noise in the project site vicinity ranges from approximately 60.7 dBA to 69.2 dBA  $L_{dn}$ . Noise from the traffic on I-680 and adjacent roadways were reported as the primary noise sources. The location of all measurements is shown in Figure 4-1 and noise measurement sheets are provided in Appendix D.

**Existing Modeled Traffic Noise Levels.** Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Existing highway and roadway traffic noise levels in the project vicinity were assessed using the Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108). This model uses a typical vehicle mix for urban/suburban areas in California and requires parameters, including traffic volumes, vehicle speed, and roadway geometry to compute typical equivalent noise levels during daytime, evening, and nighttime hours. The resulting noise levels are weighted and summed over 24-hour periods to determine  $L_{dn}$  values. Existing traffic noise levels along modeled roadway segments nearest to the project are shown in Table 4.H. Appendix E provides the specific assumptions used in developing these noise levels and model printouts.

<sup>42</sup> Federal Transit Administration, 2018. Office of Planning and Environment. *Transit Noise and Vibration Impact Assessment, FTA-VA-90-1003-06*. September.

**Table 4.G: Long-Term and Short-Term Ambient Noise Level Measurements**

| Location                                                                                           | Measured Short-Term Noise Level (dBA L <sub>eq</sub> ) | Daytime Noise Levels <sup>1</sup> (dBA L <sub>eq</sub> ) | Nighttime Noise Levels <sup>2</sup> (dBA L <sub>eq</sub> ) | Average Daily Noise Level (dBA L <sub>dn</sub> ) |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------|
| LT-1: Southeast corner of the Rankin Drive and Blalock Street intersection at 1073 Blalock Street. | --                                                     | 54.5 – 64.3                                              | 48.7 – 59.9                                                | 62.8                                             |
| LT-2: Southeast corner of the project site next to existing vacant home.                           | --                                                     | 58.6 – 65.6                                              | 53.3 - 63.5                                                | 66.6                                             |
| ST-1: Northeast corner of project site across from 1110 Creed Street <sup>3</sup>                  | 62.0                                                   | 61.2 – 68.2                                              | 55.9 – 66.1                                                | 69.2                                             |
| ST-2: Western edge of project site across from 1049 Rankin Drive <sup>3</sup>                      | 52.3                                                   | 52.4 – 62.2                                              | 46.6 – 57.8                                                | 60.7                                             |

Source: Compiled by LSA. (April 24-25, 2019).

<sup>1</sup> Daytime Noise Levels = noise levels during the hours of 7:00 a.m. to 7:00 p.m.

<sup>2</sup> Nighttime Noise Levels = noise levels during the hours of 10:00 p.m. to 7:00 a.m.

<sup>3</sup> Hourly and Daily Noise levels at ST-1 and ST-2 were estimated using the noise profile of the nearest long-term measurement location.

dBA = A-weighted decibels

L<sub>dn</sub> = day-night average noise level

L<sub>eq</sub>=equivalent continuous sound level

**Table 4.H: Existing Traffic Noise Levels**

| Roadway Segment                                        | Average Daily Traffic Volume (ADT) | Centerline to 70 dBA L <sub>dn</sub> (feet) | Centerline to 65 dBA L <sub>dn</sub> (feet) | Centerline to 60 dBA L <sub>dn</sub> (feet) | L <sub>dn</sub> (dBA) 50 Feet From Centerline of Outermost Lane |
|--------------------------------------------------------|------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|-----------------------------------------------------------------|
| Creed Street west of North Park Victoria Drive         | 250                                | < 50                                        | < 50                                        | < 50                                        | 44.3                                                            |
| North Park Victoria north of Creed Street              | 2,630                              | < 50                                        | < 50                                        | < 50                                        | 57.9                                                            |
| North Park Victoria Creed Street to Country Club Drive | 2,850                              | < 50                                        | < 50                                        | < 50                                        | 58.3                                                            |
| North Park Victoria Country Club Drive to Jacklin Road | 4,180                              | < 50                                        | < 50                                        | 56                                          | 60.0                                                            |
| North Park Victoria south of Jacklin Road              | 7,120                              | < 50                                        | < 50                                        | 80                                          | 61.7                                                            |
| Jacklin Road east of North Park Victoria               | 6,890                              | < 50                                        | < 50                                        | 81                                          | 60.6                                                            |
| Jacklin Road west of North Park Victoria               | 14,270                             | < 50                                        | 63                                          | 127                                         | 63.8                                                            |

Source: LSA Associates Inc. (June 2019).

Notes:

- Traffic data from the Traffic Operations Report for 1005 North Park Victoria Drive Single-Family Residence Report (Hexagon Transportation Consultants, Inc. 2019).
- Traffic noise levels within 50 feet of the roadway centerline are typically calculated manually, with site-specific information, such as topography, included.

Shaded cells indicate road segments directly adjacent to the project.

dBA = A-weighted decibels

L<sub>dn</sub> = day-night average noise level



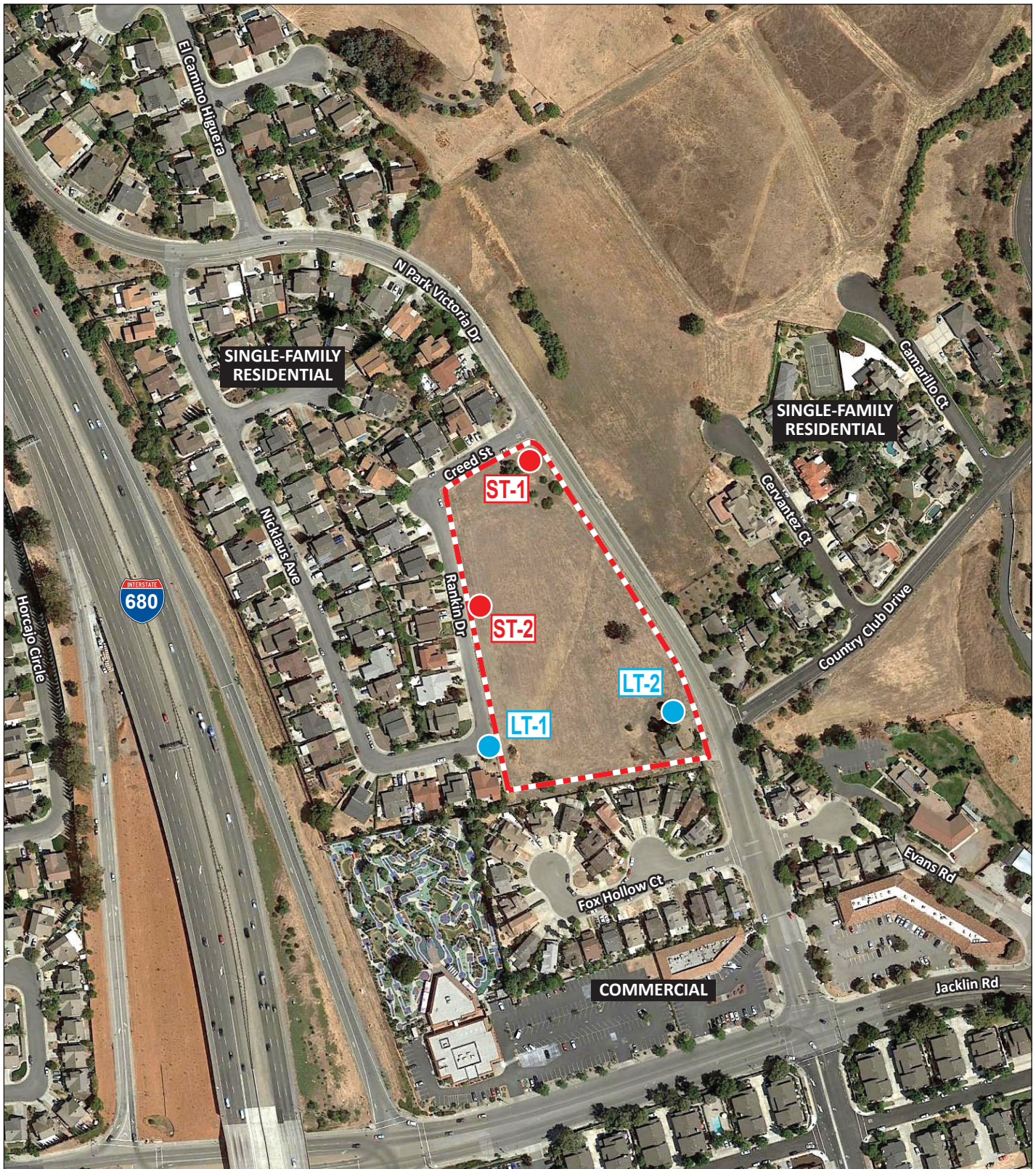
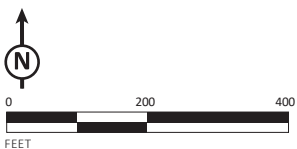


FIGURE 4-1

LSA



- LT# Long-term Noise Monitoring Location  
(24 hours)
- ST# Short-term Noise Monitoring Location  
(15 minutes)
- Project Site

1005 North Park Victoria Project /  
Noise Monitoring Lo



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As shown in Table 4.H, the modeled traffic noise levels from road segments adjacent to the project site range from 44.3 dBA  $L_{dn}$  to 58.3 dBA  $L_{dn}$  at 50 feet from the centerline of the outermost lane. The road segments directly adjacent to the project are shaded in Table 4.H.

- a. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Construction Noise Impacts.** Implementation of the proposed project would include construction activities that would result in a substantial temporary increase in ambient noise levels in the vicinity of the project site.

The closest sensitive receptors would be the existing single-family homes located immediately south of the project site. Project construction would result in short-term noise impacts to these receptors. Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. Project construction would occur for approximately 18 to 24 months. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table 4.I lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area, but would no longer occur once construction of the proposed project is complete.

**Table 4.I: Typical Construction Equipment Noise Levels**

| Equipment Description | Acoustical Usage Factor (%) | Maximum Noise Level ( $L_{max}$ ) at 50 Feet <sup>1</sup> |
|-----------------------|-----------------------------|-----------------------------------------------------------|
| Compressor            | 40                          | 80                                                        |
| Cranes                | 16                          | 85                                                        |
| Dozers                | 40                          | 85                                                        |
| Drill Rig             | 20                          | 84                                                        |
| Flat Bed Trucks       | 40                          | 84                                                        |
| Forklift              | 20                          | 85                                                        |
| Front-end Loaders     | 40                          | 80                                                        |
| Generator             | 50                          | 82                                                        |
| Man-lift              | 20                          | 85                                                        |
| Rollers               | 20                          | 85                                                        |
| Water Truck           | 40                          | 84                                                        |
| Welder                | 40                          | 73                                                        |

Source: Roadway Construction Noise Model (FHWA 2006).

Note: Noise levels reported in this table are rounded to the nearest whole number.

<sup>1</sup> Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.

$L_{max}$  = maximum instantaneous sound level

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transportation of construction equipment and materials to the site for the proposed project, which would incrementally increase noise levels on roads leading to the site. As shown in Table 4.I, there would be a relatively high single-event noise exposure potential at a maximum level of 85 dBA  $L_{max}$  with trucks passing at 50 feet.

The second type of short-term noise impact is related to noise generated during excavation, grading, and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 4.I lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Average maximum noise levels range up to 85 dBA  $L_{max}$  at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

As identified above, the project site is immediately adjacent to single-family homes to the south and west with the closest existing façade approximately 7 feet away. While construction noise levels have the potential to exceed 102 dBA  $L_{max}$  when construction activities occur near the property line, assuming a 6 dBA reduction for every doubling of distance, the average construction noise levels will be 73 dBA  $L_{max}$  based on a distance of 200 feet which is generally the center of the project site. This noise level would be higher than existing noise levels at the off-site residences. Construction noise is permitted by the Chapter 213 of the City's Municipal Code when activities occur between the hours of 7:00 a.m. and 7:00 p.m.

As discussed above, construction noise could result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of the following mitigation measure would reduce potential construction period noise impacts to sensitive receptors to less-than-significant levels.

**Mitigation Measure NOI-1:** The project contractor shall implement the following measures during construction of the project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.

- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
- Ensure that all construction related activities are restricted to the hours of 7:00 a.m. and 7:00 p.m.
- Designate a "disturbance coordinator" at the City of Milpitas who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Although there would be temporary high intermittent construction noise at times in the project area during project construction, construction of the proposed project would not significantly affect land uses adjacent to the project sites. In addition, construction of the project would comply with the hourly limits specified by the City, as required by Mitigation Measure NOI-1. Therefore, project impacts related to temporary and periodic increases in ambient noise levels would be less than significant.

**Long-Term Noise Impacts.** The proposed project would generate long-term noise impacts from traffic noise sources, as discussed below.

Off-site traffic noise impacts would result in a significant impact if traffic noise increased by 3 dBA or more over ambient noise levels without the project and would exceed the City's exterior noise standards. To assess traffic noise impacts, the traffic noise levels along major roadways within the project vicinity were projected using FWA modeling. The existing and cumulative traffic volumes along local roadways in the project study area were obtained from the Traffic Operations Analysis prepared for the proposed project.<sup>43</sup> Table 4.J lists the existing without and with project traffic noise levels on the roadway segments in the project vicinity. Table 4.K lists the cumulative without and with project traffic noise levels on the roadway segments in the project vicinity. These noise levels represent worst-case scenarios, which assume that no shielding is provided between the traffic and the location where the noise contours are drawn. As shown in the far right column on Table 4.J and 4.K, the increase from baseline conditions in project-related traffic noise levels for future conditions would range from 0.0 to 0.6 dBA along the segments in the project vicinity that were analyzed, with the exception of Creed Street west of North Park Victoria Drive. While the noise level increase on Creed Street west of North Park Victoria Drive exceeds the City's criteria for noise level increases of 3 dBA or more, consistent with the City's Noise Element policies, the resulting noise level of 48.6 dBA  $L_{dn}$  is well below the City's exterior noise standard of 65 dBA  $L_{dn}$  for single-family uses; therefore, all off-site traffic noise impacts would be less than significant and the proposed project would not create a substantial permanent increase in ambient noise levels.

<sup>43</sup> Hexagon Transportation Consultants, Inc., 2019, op. cit.

**Table 4.J: Existing Traffic Noise Levels Without and With Project**

| Roadway Segment                                        | Without Project |                                                                          | With Project |                                                                          |                                         |
|--------------------------------------------------------|-----------------|--------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------|-----------------------------------------|
|                                                        | ADT             | L <sub>dn</sub> (dBA)<br>50 feet from<br>Centerline of<br>Outermost Lane | ADT          | L <sub>dn</sub> (dBA)<br>50 feet from<br>Centerline of<br>Outermost Lane | Increase from<br>Baseline<br>Conditions |
| Creed Street west of North Park Victoria Drive         | 250             | 44.3                                                                     | 670          | 48.6                                                                     | 4.3                                     |
| North Park Victoria north of Creed Street              | 2,630           | 57.9                                                                     | 2,650        | 57.9                                                                     | 0.0                                     |
| North Park Victoria Creed Street to Country Club Drive | 2,850           | 58.3                                                                     | 3,250        | 58.9                                                                     | 0.6                                     |
| North Park Victoria Country Club Drive to Jacklin Road | 4,180           | 60.0                                                                     | 4,580        | 60.4                                                                     | 0.4                                     |
| North Park Victoria south of Jacklin Road              | 7,120           | 61.7                                                                     | 7,250        | 61.8                                                                     | 0.1                                     |
| Jacklin Road east of North Park Victoria               | 6,890           | 60.6                                                                     | 6,920        | 60.6                                                                     | 0.0                                     |
| Jacklin Road west of North Park Victoria               | 14,270          | 63.8                                                                     | 14,510       | 63.9                                                                     | 0.1                                     |

Source: LSA Associates Inc. (June 2019).

Note: Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Shaded cells indicate roadway segments adjacent to the Project site.

ADT = average daily traffic; L<sub>dn</sub> = day-night average noise level; dBA = A-weighted decibels

**Table 4.K: Cumulative Traffic Noise Levels Without and With Project**

| Roadway Segment                                        | Without Project |                                                                          | With Project |                                                                          |                                         |
|--------------------------------------------------------|-----------------|--------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------|-----------------------------------------|
|                                                        | ADT             | L <sub>dn</sub> (dBA)<br>50 feet from<br>Centerline of<br>Outermost Lane | ADT          | L <sub>dn</sub> (dBA)<br>50 feet from<br>Centerline of<br>Outermost Lane | Increase from<br>Baseline<br>Conditions |
| Creed Street west of North Park Victoria Drive         | 260             | 44.5                                                                     | 680          | 48.7                                                                     | 4.2                                     |
| North Park Victoria north of Creed Street              | 2,750           | 58.1                                                                     | 2,780        | 58.2                                                                     | 0.1                                     |
| North Park Victoria Creed Street to Country Club Drive | 2,990           | 58.5                                                                     | 3,390        | 59.0                                                                     | 0.5                                     |
| North Park Victoria Country Club Drive to Jacklin Road | 4,390           | 60.2                                                                     | 4,790        | 60.6                                                                     | 0.4                                     |
| North Park Victoria south of Jacklin Road              | 7,470           | 61.9                                                                     | 7,600        | 62.0                                                                     | 0.1                                     |
| Jacklin Road east of North Park Victoria               | 7,240           | 60.8                                                                     | 7,270        | 60.9                                                                     | 0.1                                     |
| Jacklin Road west of North Park Victoria               | 14,980          | 64.0                                                                     | 15,220       | 64.1                                                                     | 0.1                                     |

Source: LSA Associates Inc. (June 2019).

Note: Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Shaded cells indicate roadway segments adjacent to the Project site.

ADT = average daily traffic; L<sub>dn</sub> = day-night average noise level; dBA = A-weighted decibels



**Land Use Compatibility.** The dominant sources of noise in the project vicinity are traffic noise from roadways in the project vicinity and I-680 to the west.

**Exterior Noise Assessment.** As shown in Table 4.G, the existing measured noise levels on the project site range from 60.7 dBA to 69.2 dBA  $L_{dn}$ . The City sets forth normally acceptable noise level standards for land use compatibility and interior noise exposure of new development. The normally acceptable exterior noise level for single-family residential uses is 60 dBA  $L_{dn}$ . Noise levels of 55 to 70 dBA  $L_{dn}$  are considered conditionally acceptable when a detailed analysis of noise reduction requirements and noise insulation features are included in the design to meet the interior noise standard. The normally acceptable interior noise level for single-family homes is 45 dB  $L_{dn}$  or less and mechanical ventilation is required where a windows-closed condition is required to obtain interior noise levels less than 45 dBA  $L_{dn}$ .

As presented below in Table 4.L, existing noise levels at the western property line and eastern property line of the project site are 62.8 dBA  $L_{dn}$  and 66.6 dBA  $L_{dn}$ , respectively. In order to calculate the future traffic noise levels for the Year 2040 conditions, the following equation was utilized:

$$(\Delta) = 10 \log \left( \frac{a}{b} \right)$$

where:  $(\Delta)$  = change in noise level (dBA) due to traffic volume increase  
 $a$  = future ADT volume assuming a 1% per year growth factor  
 $b$  = existing ADT volume

**Table 4.L: Summary of On-Site Traffic Noise Levels from I-680**

| Location                                             | Existing Measured Noise Level (dBA $L_{dn}$ ) | Noise Increase for Traffic Growth (dBA $L_{dn}$ ) | Future Exterior Noise Level (dBA $L_{dn}$ ) |
|------------------------------------------------------|-----------------------------------------------|---------------------------------------------------|---------------------------------------------|
| Homes adjacent to eastern property line              | 66.6                                          | 0.9                                               | 67.5                                        |
| Homes adjacent to northern and western property line | 62.8                                          | 0.9                                               | 63.7                                        |

Source: LSA Associates Inc. (June 2019).

$L_{dn}$  = day-night average noise level; dBA = A-weighted decibels

The results of the calculation show an increase of 0.9 dBA  $L_{dn}$  for future conditions. Table 4.L presents the future exterior noise levels at the project site. As shown in Table 4.L, the future exterior noise levels would be 67.5 dBA  $L_{dn}$  along the western property line and 63.7 dBA  $L_{dn}$  along the northern and eastern property lines, which would be within the City's conditionally acceptable range of 55 dBA  $L_{dn}$  to 70 dBA  $L_{dn}$  and would be a conforming land use with confirmation that interior noise levels remain below the City's 45 dBA  $L_{dn}$  standard, as analyzed below.

**Interior Noise Assessment.** As discussed above, the City's interior noise level standard of 45 dBA  $L_{dn}$  or less is required for all noise-sensitive rooms. Based on the results in Table 4.L, a minimum noise reduction of 22.5 dBA would be required at homes along North Victoria Park Drive and a reduction of 18.7 dBA would be required for the remaining homes.

Calculations were completed for a typical bedroom with typical stucco construction, standard windows, and one wall exposed to traffic noise. Based on research completed by LSA, most window companies currently produce windows with minimum STC ratings of 27. These calculations (shown in Appendix F) assume a wall rating of STC-46<sup>44</sup> and window rating of STC-27.<sup>45</sup> The results of the analysis show an approximate 28 dBA exterior-to-interior noise reduction. With windows closed, interior noise levels at homes along North Victoria Park Drive would be approximately 39.5 dBA (i.e., 67.5 dBA – 28 dBA = 39.5 dBA), which is below the 45 dBA  $L_{dn}$  interior noise standard with windows closed for noise-sensitive land uses. For all other homes, interior noise levels are estimated to be approximately 36 dBA  $L_{dn}$  with similar windows installed. Therefore, with standard building construction, central air conditioning allowing windows to remain closed, and fixed windows with a minimum Sound Transmission Class (STC) rating of 27 or higher, interior noise levels would meet the City's noise standard and this impact would be less than significant.

Mitigation Measure NOI-2 below requires the installation of specific design features to ensure that the proposed project would comply with the City's noise and land use compatibility standards.

**Mitigation Measure NOI-2:** In order to comply with the City's noise and land use compatibility standards, the following measures shall be implemented:

- The proposed project shall include the installation of air conditioning which would allow windows to remain closed.
- Standard building construction requirements consisting of windows and doors with a minimum rating of STC-27 are incorporated.

Therefore, with implementation of Mitigation Measure NOI-2, the project would meet the City's land use compatibility standards.

*b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Ground-borne vibration from construction activity has the potential to be high when activities occur near project boundaries but would be mostly low to moderate as activities are more central to the project site. While there is currently limited information regarding vibration source levels, the levels shown in Table 4.M are utilized in this analysis and are based on the FTA Manual.

<sup>44</sup> Harris, David A, 1997. *Noise Control Manual for Residential Buildings*. July.

<sup>45</sup> Milgard, 2008. *Sound Transmission Loss Test Report No. TL08-149*. February.

**Table 4.M: Vibration Source Amplitudes for Construction Equipment**

| Equipment        | Reference PPV/L <sub>v</sub> at 25 Feet |                                   |
|------------------|-----------------------------------------|-----------------------------------|
|                  | PPV (in/sec)                            | L <sub>v</sub> (VdB) <sup>1</sup> |
| Hoe Ram          | 0.089                                   | 87                                |
| Large Bulldozer  | 0.089                                   | 87                                |
| Caisson Drilling | 0.089                                   | 87                                |
| Loaded Trucks    | 0.076                                   | 86                                |
| Jackhammer       | 0.035                                   | 79                                |
| Small Bulldozer  | 0.003                                   | 58                                |

Source: *Transit Noise and Vibration Impact Assessment* (FTA 2018).

<sup>1</sup> RMS VdB re 1 µin/sec.

µin/sec = microinches per second

FTA = Federal Transit Administration

in/sec = inches per second

L<sub>v</sub> = velocity in decibels

PPV = peak particle velocity

RMS = root-mean-square

VdB = vibration velocity in decibels

The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary). The formula for vibration transmission is provided below.

$$PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$$

As stated above, it would take a minimum of 94 VdB (or 0.2 in/sec PPV) for damage to occur to a non-engineered timber and masonry building. The project site is bounded by immediately adjacent existing residential uses to the south and existing residential uses across from roadways to the north, west, and east. The closest structures are approximately 8 feet from the project construction area limits. Utilizing the equation above, the operation of typical heavy construction equipment such as large bulldozers and jackhammers would generate ground-borne vibration levels of 0.31 in/sec PPV which would exceed the 0.2 in/sec PPV guideline that is considered safe for non-engineered timber and masonry buildings. Implementation of the following mitigation measure for project construction would reduce potential vibration impacts for receptors within 12 feet of the property line to less-than-significant levels, and therefore would be potential significant.

**Mitigation Measure NOI-3:** Limit the use of large bulldozers or other similarly heavy construction equipment within 5 feet of the project boundary immediately adjacent to 1073 Blalock.

Therefore, with implementation of Mitigation Measure NOI-3, the project would not cause damage associated with construction vibration impacts.

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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?*

The project site is not located within the vicinity of a private airstrip. The closest private airport to the project site is the Regional Medical Center heliport (88CA), located approximately 6.5 miles southeast of the project site.

The proposed project site is not within an airport land use plan, or within 2 miles of a public airport or public use airport. The closest airport to the project site is the Norman Y. Mineta San José International Airport, located approximately 5 miles southwest of the project site. The project site is not within the 65 dBA CNEL noise contours of this or any other airport.<sup>46</sup> Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels and impacts would be less than significant.

<sup>46</sup> Santa Clara County Airport Land Use Commission, 2016. *Comprehensive Land Use Plan for Norman Y Mineta San José International Airport*. November 16.

#### 4.14 POPULATION AND HOUSING

|                                                                                                                                                                                                                     | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                  |                                      |                                                             |                                     |                                     |
| a. Induce substantial unplanned 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"/>            |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

*a. Would the project induce substantial unplanned 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)? (Less-Than-Significant Impact)*

The proposed project would include the construction of 38 single-family residential units and 10 ADUs.. Based on Section XI-1-9.05 of the City's municipal code, the proposed project would increase the local population by approximately 173 persons.<sup>47</sup> The current population of the City is estimated to be approximately 78,106.<sup>48</sup> The anticipated population growth associated with the proposed project represents less than a 1 percent increase to the City's current population. The City's population is projected to grow to a total of 103,790 by 2040.<sup>49</sup> The proposed project represents approximately 0.67 percent of the population growth anticipated through 2040. Therefore, the proposed project would not result in substantial unplanned population growth in the area, and this impact would be less-than-significant.

*b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (No Impact)*

The project site is largely undeveloped, with the exception of a vacant residential building. Therefore, the proposed project would not result in the displacement of people or housing and would not require the construction of replacement housing elsewhere, and there would be no impact.

<sup>47</sup> Milpitas, City of, 2019. *Milpitas Municipal Code*. Section XI-1-9.05. June 11.

<sup>48</sup> Milpitas, City of, 2019. Milpitas Economic Development. Website: [www2.ci.milpitas.ca.gov/economicdev](http://www2.ci.milpitas.ca.gov/economicdev) (accessed July 18, 2019).

<sup>49</sup> Association of Bay Area Governments and Metropolitan Transportation Commission, 2017. *Projections 2040*. Website: [projections.planbayarea.org](http://projections.planbayarea.org) (accessed June 10, 2019).

#### 4.15 PUBLIC SERVICES

|                                                                                                                                                                                                                                                                                                                                                                                                           | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                                                             |                                     |                          |
| a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: |                                      |                                                             |                                     |                          |
| i. Fire protection?                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Police protection?                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Schools?                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Parks?                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| v. Other public facilities?                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: i. Fire protection? ii. Police protection? iii. Schools? iv. Parks? v. Other public facilities? (Less-Than-Significant Impact)*

**Fire Protection.** Fire suppression, emergency medical and rescue services, and other life safety services are provided to the project area and the site by the Fire Department. There are four fire stations within the City, with the closest to the project site being Fire Station 3 at 45 Midwick Drive, approximately 1.6 miles west of the project site.

As noted above, the proposed project would result in an incremental increase in the population of the City and therefore incrementally increase the demand for emergency fire services and emergency medical services. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fire Department would also review the site plans and Fire Access Plan for the proposed project to ensure that adequate emergency access is provided prior to issuance of a building permit.

The Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would also not be required. The proposed project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life safety services, and the potential increase in demand for service is not expected to adversely affect existing response times to the site or within the City. Therefore, construction and operation of the proposed project would have a less-than-significant impact on fire protection and safety services and facilities.

**Police Protection.** The City of Milpitas Police Department (Police Department) provides police protection to the project area and project site. The Police Department headquarters are located at 1275 N. Milpitas Boulevard, approximately 1.7 miles northwest of the project site. Development of the proposed project would increase the population on the project site and incrementally increase demand for emergency police services to the project site. However, the Police Department would continue to provide service to the project site and would not require additional officers to serve the project site. The construction of new or expanded police facilities would not be required. Therefore, the proposed project would not result in a substantial adverse impact associated with the provision of additional police facilities or services, and impacts to police services represent a less-than-significant impact.

**Schools.** The Milpitas Unified School District (MUSD) operates 16 schools, including a child development center, 10 elementary schools (grades K-5), 2 middle schools (grades 6-8), one high school (grades 9-12), one continuation high school, and one adult education school.<sup>50</sup>

The estimated number of students the proposed project would generate is derived by multiplying the number of students per dwelling unit (the student yield factor) by the number of dwelling units in the proposed project (48 new units). MUSD has not developed student generation rates to estimate the number of students that might be anticipated with new development. However, the California State Allocation Board Office of Public School Instruction reports that the Statewide student yield factor of 0.7 students per dwelling unit is applicable for unified school districts. Applying the Statewide average student yield factor, the proposed project would generate 25 students.

Senate Bill 50 (SB 50), which revised the existing limitation on developer fees for school facilities, was enacted as urgency legislation which became effective on November 4, 1998 as a result of the California voters approving a bond measure (Proposition 1A). SB50 established a 1998 base amount of allowable developer fees (Level One fee) for residential construction (subject to adjustment) and prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute.

The MUSD requires payment of a school impact fee of \$4.34 per square foot of residential development. The project sponsor would be required to pay this fee, prior to issuance of a certificate of occupancy. The MUSD is responsible for implementing the specific methods for mitigating school impacts under the Government Code. These fees would be directed towards maintaining adequate service levels, which would ensure that any impact to schools that could result from the proposed Project would be offset by development fees, and in effect, reduce potential impacts to a less-than-significant level.

<sup>50</sup> Milpitas Unified School District, 2018. Website: [www.musd.org/about.html](http://www.musd.org/about.html) (accessed April 3, 2019).

**Parks.** Development of the proposed project could increase the use of parks within the vicinity of the project site, including Calle Oriente Mini-Park, Cardoza Park, Oliver W. Jones Memorial Park, and Sandalwood Park, and within the region, including Ed R. Levin County Park and the Mission Peak Regional Preserve. However, this increase in use is not expected to adversely affect the physical conditions of local and regional open space areas or recreational facilities, or require the provision of new parks or facilities. Specifically, the proposed project is anticipated to increase the City population by less than one half of one percent. The proposed project would not result in a substantial increase in demand for park or recreation services in the vicinity, such that new facilities would be required to serve the project. Therefore, the proposed project would have a less-than-significant impact related to the provision of park and recreational facilities.

**Other Public Facilities.** Development of the proposed Project could also increase demand for other public services, including libraries, community centers, and public health care facilities. However, due to the minimal increase in population, the proposed Project would not result in a substantially increase the use of these facilities, such that new facilities would be needed to maintain service standards, as these facilities are not currently overused and have capacity to serve new demand. Therefore, impacts to other public facilities would be less than significant.



#### 4.16 RECREATION

|                                                                                                                                                                                                                | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| a. Would the project 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. 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"/> |

- a. Would the project 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? (Less-Than-Significant Impact)*

As discussed in Section 4.14, Public Services, residents of the proposed project would be expected to use local parks and community facilities within the City as well as regional recreational facilities. Although the proposed project would incrementally increase use of these facilities, this minor increase in use is not expected to result in substantial physical deterioration of local parks, trails, and community centers and this impact would be less than significant. Specifically, the proposed project is anticipated to increase the City's population by less than one half of one percent and these facilities are anticipated to have capacity to serve this minimal increase in demand. Therefore, the proposed project would have a less-than-significant impact on existing parks or other recreational facilities.

- b. 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? (Less-Than-Significant Impact)*

The proposed project would involve development of the project site with residential uses. The proposed project does not include or require the construction or expansion of existing public recreational facilities. Therefore, development of the proposed project and associated recreational opportunities for use by project residents would not result in additional environmental effects beyond those described in this document, and no impact would occur.

## 4.17 TRANSPORTATION

|                                                                                                                                                                  | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                               |                                      |                                                             |                                     |                                     |
| a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?          | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?                                                                                   | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d. Result in inadequate emergency access?                                                                                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

The following section is based on the information provided in the Traffic Study prepared for the proposed project by Hexagon Transportation Consultants, included in Appendix G.<sup>51</sup> The Traffic Study evaluates the transportation impacts that could result from the proposed project, including impacts associated with traffic congestion, transit services, and pedestrian and bicycle circulation. Since the time the Traffic Study was prepared, the proposed project was revised to include 34 single-family units, 10 ADUs, and 4 paired units, as described in Section 2.0, Project Description (for an overall increase of 2 residential units). An updated transportation generation analysis was prepared for the current version of the proposed project evaluated in this Initial Study, which is included in Appendix H.<sup>52</sup> As discussed in the revised analysis, the conclusions provided in the Traffic Study remain valid, even with the minor increase in the number of residential units.

*a. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Less-Than-Significant Impact)*

**Overview.** The Traffic Study for the proposed project was conducted in accordance with the standards and methodologies prescribed by the City. Given that the proposed project is estimated to generate fewer than 100 peak hour vehicle trips, as shown below, a Congestion Management Program (CMP) analysis is not required. The Traffic Study includes an analysis of AM and PM peak hour traffic conditions for three signalized intersections and two unsignalized intersections within the vicinity of the project site. The Traffic Study also includes an analysis of site access and on-site circulation, as well as potential impacts to transit, bicycle and pedestrian facilities, and parking. Based on consultation with the City, the following intersections were analyzed for the proposed project:

<sup>51</sup> Hexagon Transportation Consultants, Inc., 2019, op. cit.

<sup>52</sup> Hexagon Transportation Consultants, Inc., 2019. *Updated Project Description for the Proposed 1005 North Park Victoria Drive Residences*. November 27.

1. North Park Victoria Drive and Jacklin Road;
2. North Park Victoria Drive and Country Club Drive (unsignalized); and
3. North Park Victoria Drive and Creed Street (unsignalized)

Traffic conditions at the study intersections were analyzed for both the weekday AM and PM peak hours of adjacent street traffic. The AM peak hour typically occurs between 7:00 a.m. and 9:00 a.m. and the PM peak hour between 4:00 p.m. and 6:00 p.m. on a regular weekday. These are the peak commute hours during which most traffic congestion occurs on the roadways.

Study intersections were evaluated under four different scenarios to determine the proposed project's effects on level of service. These scenarios provide a detailed analysis of the incremental effects of the proposed project on traffic conditions, and allow a comparison of the traffic anticipated to be generated by the proposed project to the amount of traffic expected to be generated by future development. Each of the scenarios is described below.

- **Existing Conditions.** Existing conditions are represented by existing peak hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts conducted in April 2019 (available in the Traffic Study appendix).
- **Existing plus Project Conditions.** Project-generated traffic volumes were added to existing traffic volumes to estimate existing plus project traffic volumes. Existing plus Project Conditions were evaluated relative to existing conditions in order to determine potential project impacts.
- **Cumulative Conditions.** Cumulative conditions (without the project) were estimated by applying growth factors derived from the City of Milpitas Travel Demand Forecast Model. No improvements to the study intersections were assumed under this scenario.
- **Cumulative plus Project Conditions.** Project trips from the site were added to Cumulative traffic volumes to estimate Cumulative plus Project conditions. Cumulative plus Project Conditions were evaluated relative to Cumulative Conditions (without the project) in order to determine potential project impacts.

A background conditions scenario was not included in this analysis because there are no approved but not yet constructed developments that would add traffic to the study intersections.

**Analysis Methodology.** Traffic conditions within the study area are assessed through the evaluation of intersection Levels of Service (LOS). LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The City utilizes TRAFFIX software and the Highway Capacity Manual (HCM) methodology to evaluate intersection operations. The HCM methodology evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. For side-street-stop-controlled (SSSC) intersections, HCM also provides the level of service and delay for operations on the worst approach. The delay can then be correlated to a level of service. The correlation between average control delay and level of service at signalized intersections is shown in Table 4.N.

**Table 4.N: Signalized Intersection Level of Service Definitions Based on Control Delay**

| Level of Service | Description                                                                                                                                                                                                         | Average Control Delay Per Vehicle (seconds) |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| A                | Operations with very low delay occurring with favorable progression and/or short cycle lengths.                                                                                                                     | Up to 10.0                                  |
| B                | Operations with low delay occurring with good progression and/or short cycle lengths.                                                                                                                               | 10.1 to 20.0                                |
| C                | Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.                                                                              | 20.1 to 35.0                                |
| D                | Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.                             | 35.1 to 55.0                                |
| E                | Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay. | 55.1 to 80.0                                |
| F                | Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.                                                                                   | Greater than 80.0                           |

Source: Transportation Research Board, *2010 Highway Capacity Manual* (2010).

At signalized intersections in Milpitas, the minimum acceptable level of service is LOS D. According to the City of Milpitas, project impacts at signalized intersections occur when:

1. The level of service at an intersection drops below its LOS standard when project traffic is added; or
2. An intersection that is operating worse than its level of service standard under no project conditions has an increase in critical delay of four or more seconds AND the demand-to-capacity ratio (V/C) is increased by more than 0.01 when project traffic is added.

The exception to this threshold is when the addition of project traffic reduces the amount of average delay for critical movements (i.e., the change in average delay for critical movements is negative). In that case, the threshold is when the project increases the critical V/C value by 0.01 or more.

A significant impact at a signalized intersection is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of service to an acceptable LOS or restore the intersection to operating levels that are better than no project conditions.

Unlike signalized intersections, which typically represent constraint points for the roadway network, unsignalized intersections rarely limit the potential capacity of a roadway. The determination of appropriate improvements to unsignalized intersections typically includes a qualitative and quantitative analysis of movement delay, traffic signal warrants, movement traffic volumes, availability of alternate routes, and intersection safety. For this reason, improvements to unsignalized intersections are frequently determined on the basis of professional engineering judgment. The City of Milpitas does not apply significance thresholds to unsignalized intersections.

Both unsignalized study intersections are SSSC. For SSSC intersections, levels of service and delays are calculated for both the overall average delay for the intersection, and for the approach with highest delay. The correlation between average control delay and LOS for unsignalized intersections is shown in Table 4.O.

**Table 4.O: Unsignalized Intersection Level of Service Definitions Based on Delay**

| Level of Service | Description                | Average Control Delay Per Vehicle (seconds) |
|------------------|----------------------------|---------------------------------------------|
| A                | Little or no traffic delay | Up to 10.0                                  |
| B                | Short traffic delays       | 10.1 to 15.0                                |
| C                | Average traffic delays     | 15.1 to 25.0                                |
| D                | Long traffic delays        | 25.1 to 35.0                                |
| E                | Very long traffic delays   | 35.1 to 50.0                                |
| F                | Extreme traffic delays     | Greater than 50.0                           |

Source: Transportation Research Board, *2010 Highway Capacity Manual*, 2010.

**Project Trip Estimates.** The amount of traffic produced by a new development and the locations where that traffic would appear are typically estimated using a three-step process: (1) trip generation; (2) trip distribution; and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the weekday AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to specific streets and intersections in the study area.

Project trip generation was estimated by applying to the size and uses of the development the appropriate trip generation rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation*, 10th Edition. Based on ITE's trip generation rates for single family detached housing (ITE code 210), the project would generate 432 daily vehicle trips, with 34 trips occurring during the AM peak hour and 44 trips occurring during the PM peak hour, as shown in Table 4.P. Because the existing single family home has been vacant for a long period of time and the site does not currently generate any traffic, no trip credit was applied.

**Table 4.P: Project Trip Generation Estimates**

| Land Use                                  | Size     | Daily |       | AM Peak Hour |    |     |       | PM Peak Hour |    |     |       |
|-------------------------------------------|----------|-------|-------|--------------|----|-----|-------|--------------|----|-----|-------|
|                                           |          | Rate  | Trips | Rate         | In | Out | Total | Rate         | In | Out | Total |
| Proposed Uses                             |          |       |       |              |    |     |       |              |    |     |       |
| Detached Single Family Units <sup>1</sup> | 38 units | 9.44  | 359   | 0.74         | 7  | 22  | 29    | 0.99         | 24 | 14  | 38    |
| Apartments <sup>2</sup>                   | 10 units | 7.32  | 73    | 0.46         | 1  | 4   | 5     | 0.56         | 4  | 2   | 6     |
| Total                                     |          |       | 432   | --           | 8  | 26  | 34    | --           | 28 | 16  | 44    |

Source: *Traffic Operations Report for 1005 North Park Victoria Drive Single Family Residences* (Hexagon Transportation Consultants, Inc. 2019)

<sup>1</sup> Rate based on ITE Trip Generation, 10th Edition for Single Family Detached Housing (ITE 210).

<sup>2</sup> ADUs. Based on rates for multi-family low-rise housing, ITE code 220.

The trip distribution pattern, shown in Figure 4-2, for the proposed project was developed based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The peak hour vehicle trips generated by the project were assigned to the roadway network in accordance with the trip distribution pattern.

**Level of Service Analysis.** The following section summarizes the results of the LOS analysis conducted for the proposed project at the intersections listed above. As noted above, the Traffic Study was prepared prior to a revision to the proposed project that resulted in two additional units. As noted in Appendix H, this revision would result in 2 additional trips in both the AM and PM peak hours, and a total of 19 additional daily trips. However, as also noted in Appendix H, the increase in project trips would not materially change the conclusions, including the LOS analysis, of the Traffic Study.

**Existing and Existing Plus Project Conditions.** Existing traffic volumes are shown in Figure 4-3 and the result of the intersection LOS analysis under Existing Conditions are shown in Table 4.Q. As shown in Table 4.Q, all intersections currently operate at an acceptable LOS (LOS D or better).

Existing plus Project traffic volumes are shown in Figure 4-4 and the results of the intersection LOS analysis under Existing plus Project Conditions are shown in Table 4.Q. As shown in Table 4.Q, all of the study intersections would continue to operate at LOS C or better during the AM and PM peak hours.

**Table 4.Q: Existing Plus Project Level of Service Summary**

| Intersection                                     | Traffic Control | Peak Hour | LOS Standard <sup>1</sup> | No Project       |     | With Project     |     |                                     |                 |
|--------------------------------------------------|-----------------|-----------|---------------------------|------------------|-----|------------------|-----|-------------------------------------|-----------------|
|                                                  |                 |           |                           | Avg. Delay (sec) | LOS | Avg. Delay (sec) | LOS | Increase in Avg. Delay <sup>2</sup> | Increase in V/C |
| North Park Victoria Drive and Creed Street       | SSSC            | AM        | N/A                       | 1.2/8.9          | A/A | 2.1/9.0          | A/A | 0.9/0.1                             | N/A             |
|                                                  |                 | PM        | N/A                       | 0.7/9.3          | A/A | 1.6/9.3          | A/A | 0.9/0.0                             | N/A             |
| North Park Victoria Drive and Country Club Drive | SSSC            | AM        | N/A                       | 1.3/10.0         | A/A | 1.3/10.2         | A/B | 0.0/0.2                             | N/A             |
|                                                  |                 | PM        | N/A                       | 1.5/10.4         | A/B | 1.5/10.7         | A/B | 0.0/0.3                             | N/A             |
| North Park Victoria Drive and Jacklin Road       | Signal          | AM        | D                         | 24.1             | C   | 24.4             | C   | 0.4                                 | 0.011           |
|                                                  |                 | PM        | D                         | 20.8             | C   | 21.0             | C   | 0.2                                 | 0.006           |

Source: *Traffic Operations Report for 1005 North Park Victoria Drive Single Family Residences* (Hexagon Transportation Consultants, Inc. 2019)

Note: Signalized and unsignalized intersection levels of service are based on the Highway Capacity Manual methodology. Signalized intersections levels of service and delays reported are for average control delay per vehicle. The intersection levels of service and delays for SSSC intersection are reported for both the overall average delay/the approach with the highest delay.

<sup>1</sup> There is no LOS standard for unsignalized intersections.

<sup>2</sup> For signalized intersections, the increase in delay shown here represents increase in critical delay. For unsignalized intersections, the increase in delay represents the increase in average delay/the approach with the highest delay.

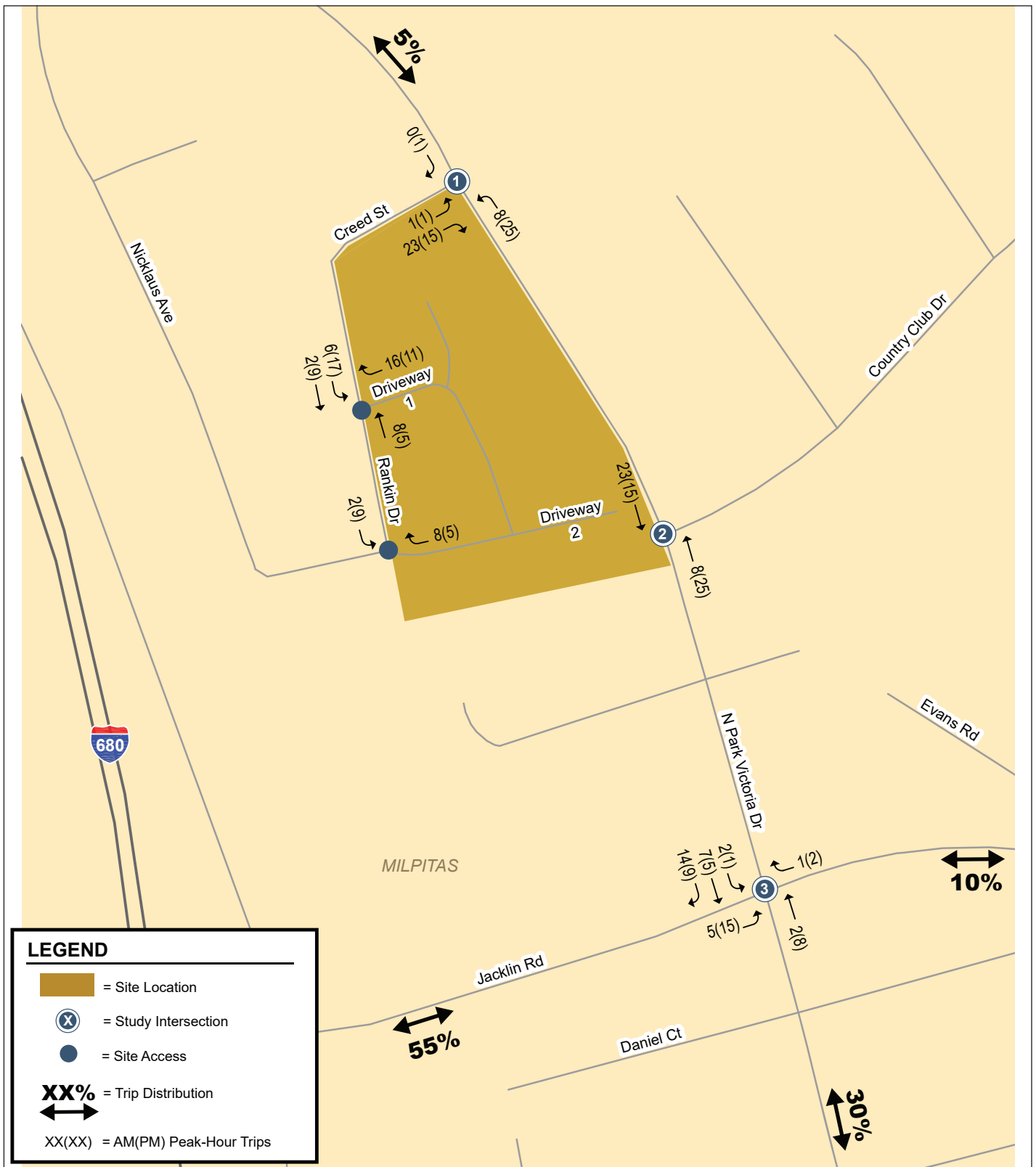


FIGURE 4-2

LSA



NOT TO SCALE

SOURCE: HEXAGON, SEPTEMBER 2019.

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1005 North Park Victoria Project  
Project Trip Distribution and Assignment

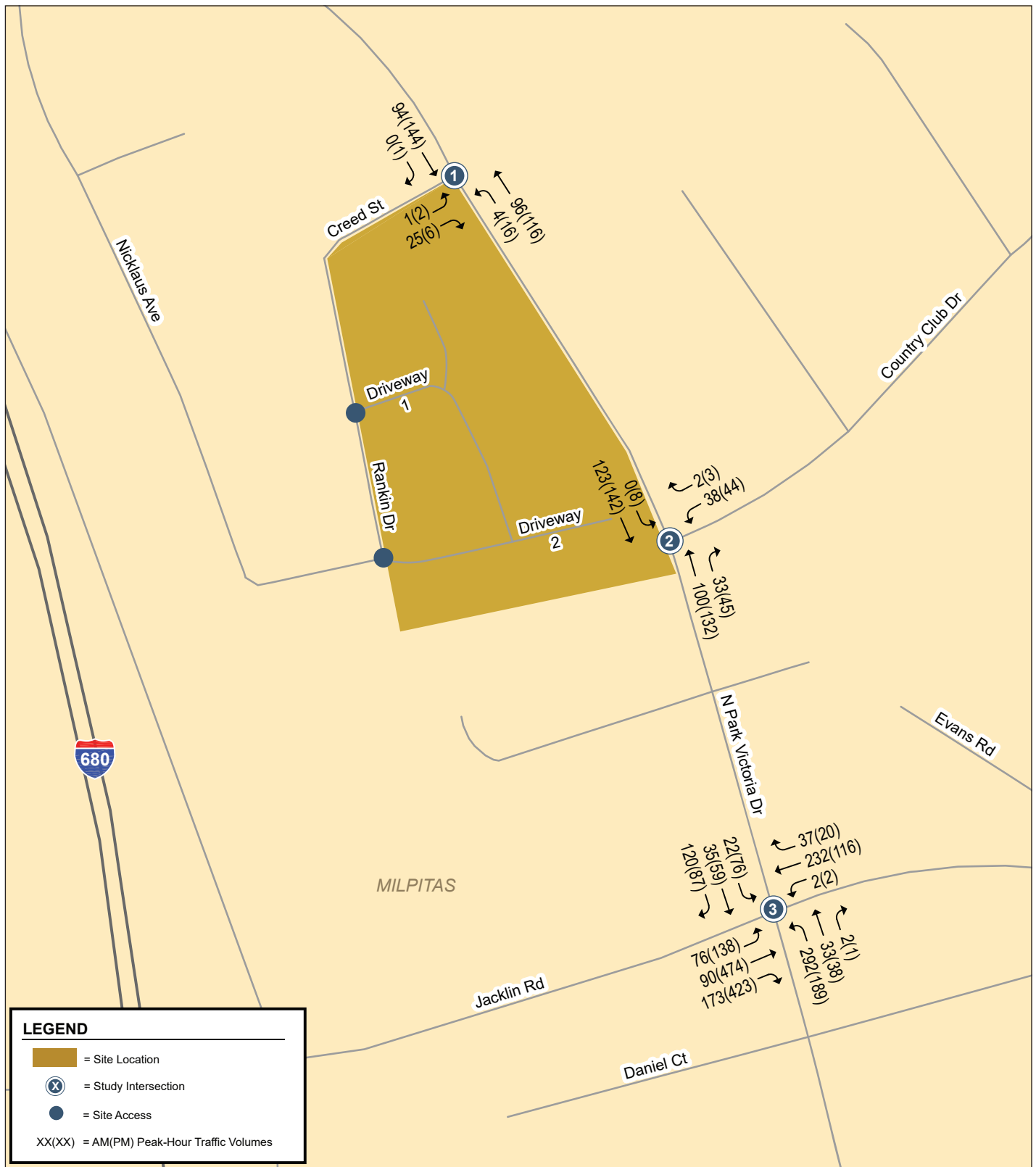


FIGURE 4-3

LSA



NOT TO SCALE

SOURCE: HEXAGON, JUNE 2019.

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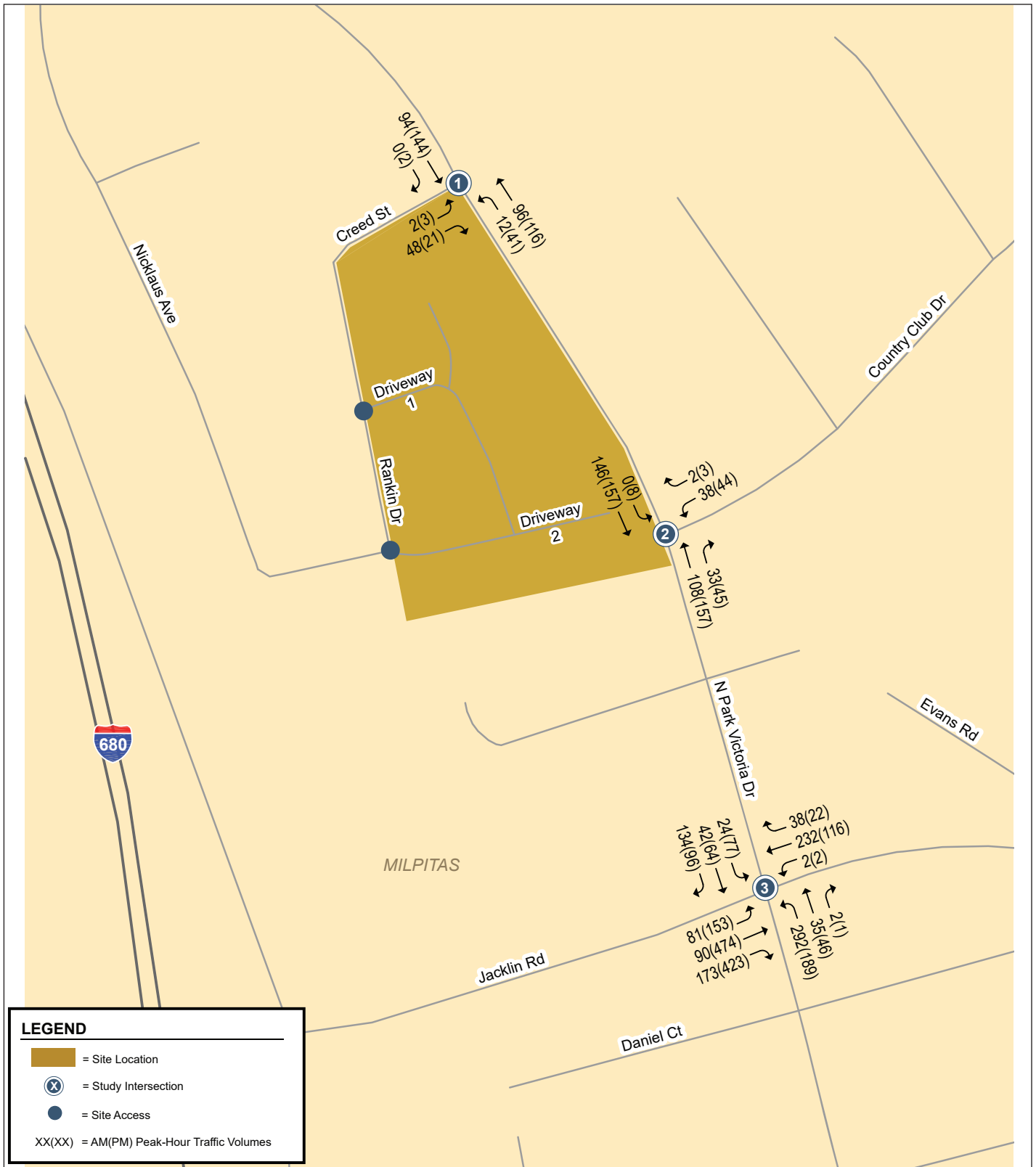


FIGURE 4-4

LSA



NOT TO SCALE

SOURCE: HEXAGON, SEPTEMBER 2019.

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1005 North Park Victoria Project  
Existing Plus Project Traffic V

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**Cumulative and Cumulative plus Project Conditions.** Cumulative traffic volumes are shown in Figure 4-5 and the results of the intersection LOS analysis under Cumulative Conditions are shown in Table 4.R. As shown in Table 4.R, all intersections currently operate at an acceptable LOS.

Cumulative plus Project traffic volumes are shown in Figure 4-6 and the results of the intersection LOS analysis under Cumulative plus Project Conditions are shown in Table 4.R. As shown in Table 4.R, all of the study intersections would continue to operate at LOS C or better during the AM and PM peak hours.

**Table 4.R: Cumulative Plus Project Level of Service Summary**

| Intersection                                     | Traffic Control | Peak Hour | LOS Standard <sup>1</sup> | No Project       |     | With Project     |     |                                     |                 |
|--------------------------------------------------|-----------------|-----------|---------------------------|------------------|-----|------------------|-----|-------------------------------------|-----------------|
|                                                  |                 |           |                           | Avg. Delay (sec) | LOS | Avg. Delay (sec) | LOS | Increase in Avg. Delay <sup>2</sup> | Increase in V/C |
| North Park Victoria Drive and Creed Street       | SSSC            | AM        | N/A                       | 1.2/8.9          | A/A | 2.1/9.0          | A/A | 0.9/0.1                             | N/A             |
|                                                  |                 | PM        | N/A                       | 0.7/9.4          | A/A | 1.6/9.4          | A/A | 0.9/0.0                             | N/A             |
| North Park Victoria Drive and Country Club Drive | SSSC            | AM        | N/A                       | 1.4/10.1         | A/B | 1.4/10.3         | A/B | 0.0/0.2                             | N/A             |
|                                                  |                 | PM        | N/A                       | 1.5/10.5         | A/B | 1.5/10.9         | A/B | 0.0/0.4                             | N/A             |
| North Park Victoria Drive and Jacklin Road       | Signal          | AM        | D                         | 24.4             | C   | 24.6             | C   | 0.3                                 | 0.013           |
|                                                  |                 | PM        | D                         | 21.2             | C   | 21.4             | C   | 0.1                                 | 0.006           |

Source: *Traffic Operations Report for 1005 North Park Victoria Drive Single Family Residences* (Hexagon Transportation Consultants, Inc., 2019)

Note: Signalized and unsignalized intersection levels of service are based on the Highway Capacity Manual methodology. Signalized intersections levels of service and delays reported are for average control delay per vehicle. The intersection levels of service and delays for SSSC intersection are reported for both the overall average delay/the approach with the highest delay.

<sup>1</sup> There is no LOS standard for unsignalized intersections.

<sup>2</sup> For signalized intersections, the increase in delay shown here represents increase in critical delay. For unsignalized intersections, the increase in delay represents the increase in average delay/the approach with the highest delay.

**Pedestrian, Bicycles, and Transit Analysis.** The potential impacts of the project on pedestrian, bicycle and transit are described below.

**Pedestrian Facilities.** Observations at the study intersections showed minimal pedestrian activity at the study intersections. The most pedestrian activity was observed at the intersection of North Park Victoria Drive and Jacklin Road, with 8 pedestrian crossings in the AM peak hour and 14 pedestrian crossings in the PM peak hour for all approaches combined.

According to the U.S. Census, pedestrian trips comprise approximately one percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming one percent of total commute trips would be walking trips, there would be approximately one pedestrian trip during each of the AM and PM peak hours. The proposed project also would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. The volume of pedestrian trips generated by the project would not exceed the carrying capacity of the sidewalks and crosswalks nearby.

There are currently no sidewalks along any of the project frontages, including the frontage along North Park Victoria Drive. Although very few pedestrian trips are anticipated to and from the

site, the City's General Plan policies encourage non-motorized travel, including walking, bicycling, and transit.

Consistent with existing City policies, the proposed project would include a continuous sidewalk connection along its frontages along North Park Victoria Drive, Creed Street, and Rankin Drive. Therefore, the proposed project would have a less-than-significant impact on pedestrian facilities.

**Bicycle Facilities.** U.S. Census data indicates that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to approximately one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities. The existing bike lanes on North Park Victoria Drive would be unaffected by the proposed on-street parking along the project frontage.

According to the CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan or the plans of other agencies such as the County's bicycle plan or adjacent Cities' bicycle/pedestrian plans; or (3) it would cause a change to existing bike paths such as alignment, width of the trail right of way, or length of the trail. Construction of the proposed project would not cause any of these criteria to be met. Therefore, the proposed project would have a less-than-significant impact related to bicycle facilities.

**Transit Service.** According to the U.S. Census, transit trips comprise approximately 3 percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming 3 percent of total commute trips would be transit trips, there would be approximately one transit trip during each of the AM and PM peak hours. In addition to commute trips, there would be additional transit trips to nearby schools, parks, and shopping areas. The low volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site.

According to the VTA TIA Technical Guidelines, a project would create an impact on transit if: (1) it would generate a demand for additional transit services; or (2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users (e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit). The proposed project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. The proposed project would not preclude, modify or otherwise affect existing or proposed transit projects or policies identified by the VTA. Therefore, the proposed project would have a less-than-significant impact related to transit service.

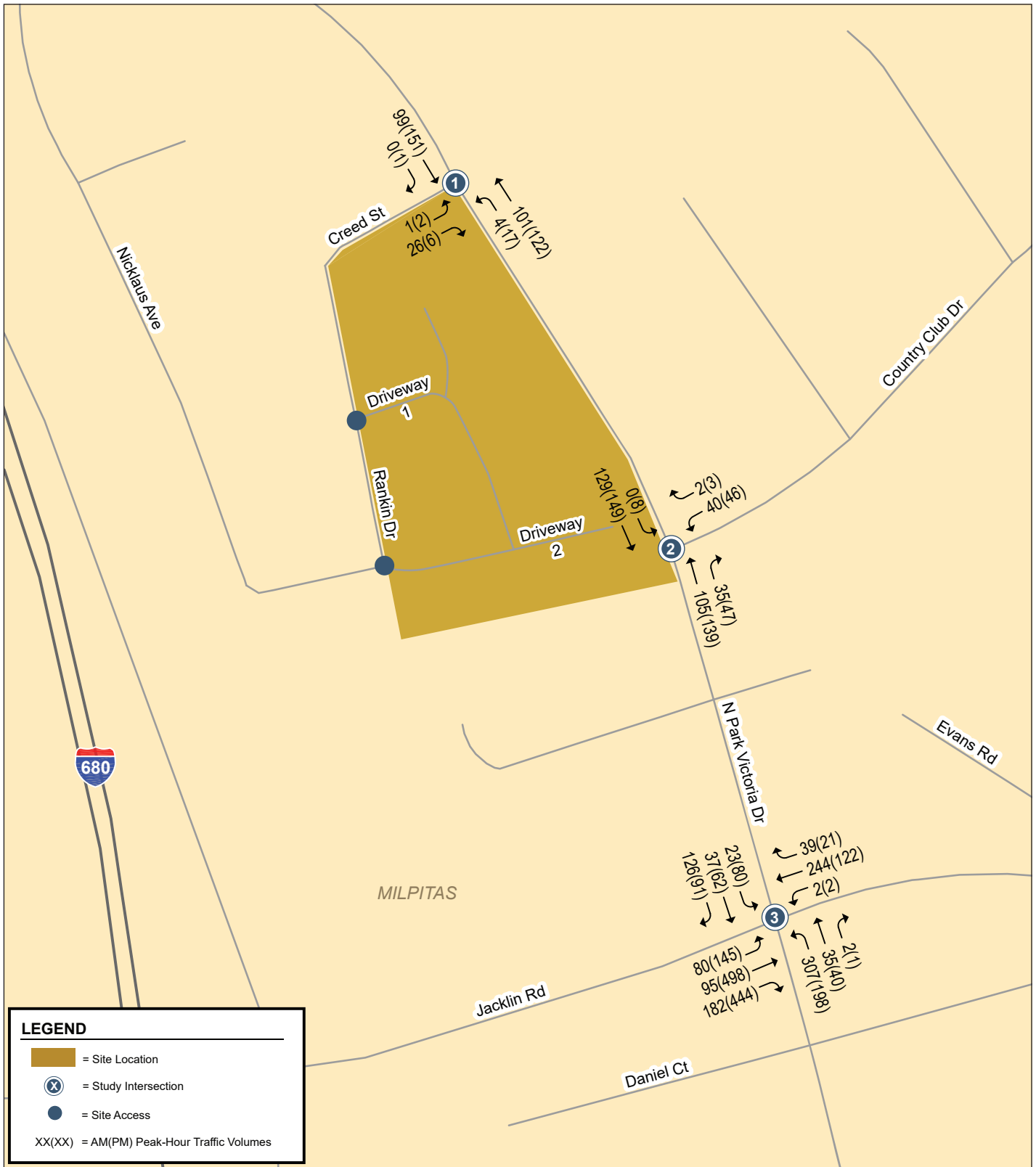


FIGURE 4-5

LSA



NOT TO SCALE

SOURCE: HEXAGON, JUNE 2019.

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1005 North Park Victoria Project  
Cumulative No Project Traffic V

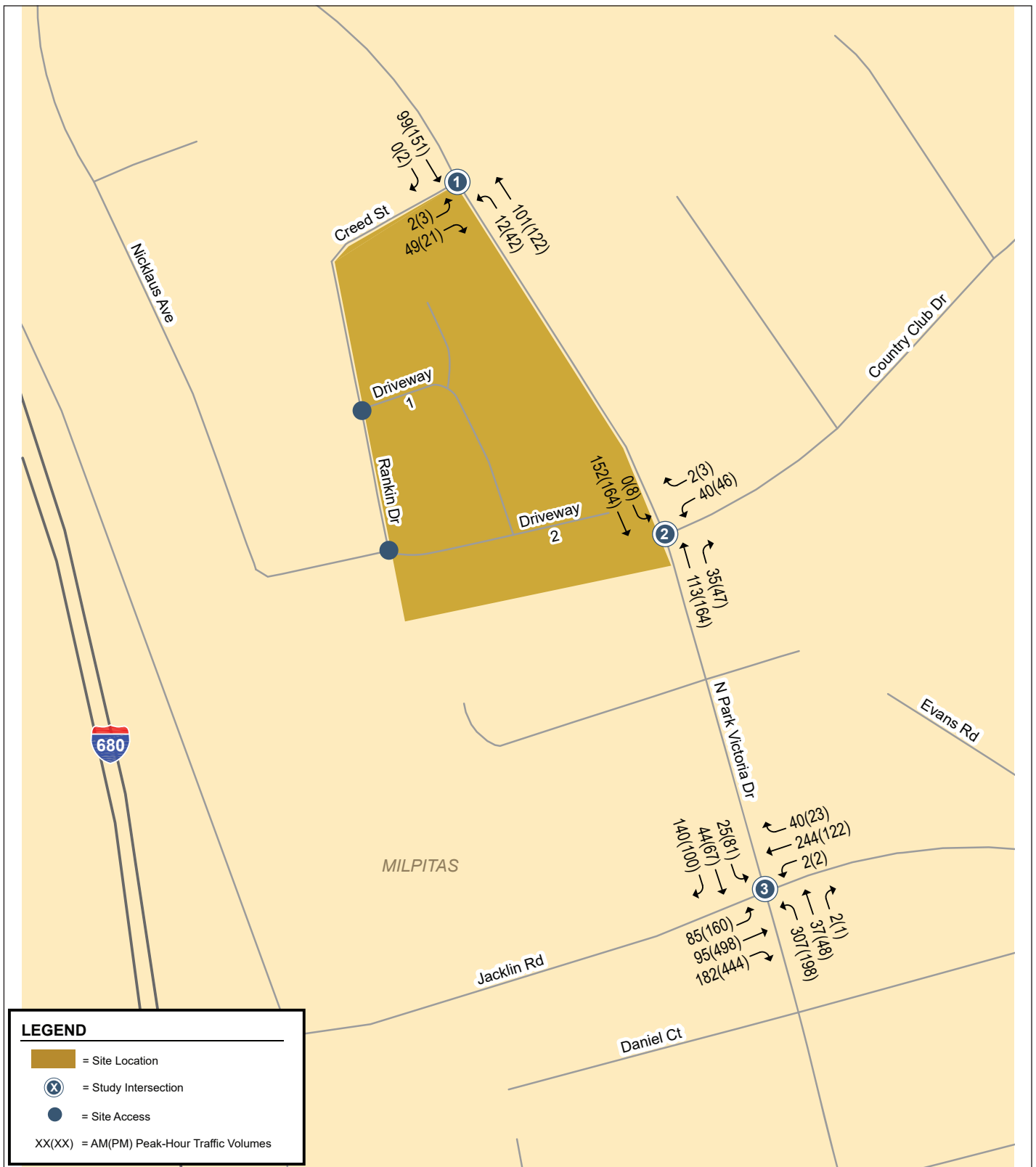


FIGURE 4-6

LSA



NOT TO SCALE

SOURCE: HEXAGON, SEPTEMBER 2019.

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1005 North Park Victoria Project  
Cumulative With Project Traffic V

*b. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)? (No Impact)*

Effective December 28, 2018, the CEQA Guidelines were updated and require the evaluation of VMT as the criteria for analyzing transportation impacts for land use projects. As noted in CEQA Guidelines Section 15064.3(c), the provisions of CEQA Guidelines Section 15064.3 shall apply prospectively as described in CEQA Guidelines Section 15007. A lead agency may elect to be governed by the provisions of CEQA Guidelines Section 15064.3 immediately; however, beginning on July 1, 2020, the provisions of this section shall apply statewide. The City of Milpitas, as lead agency, has not yet elected to be governed by the provisions of CEQA Guidelines Section 15064.3. Therefore, the proposed project would neither conflict nor be inconsistent with CEQA Guidelines Section 15064.3, and there would be no impact.

*c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less-Than-Significant Impact)*

**Site Access.** The project site would be accessed by two driveways on Rankin Drive, which is accessible to North Park Victoria Drive by way of Creed Street. Rankin Drive is a two-lane residential street approximately 27 feet wide with on-street parking on the west side. Rankin Drive forms the western border of the site. The site would have no private driveway access from North Park Victoria Drive. According to the site plan, the project would include the construction of a sidewalk and provision of on-street parking recessed from the alignment of the existing southbound bike lane along North Park Victoria Drive. As described previously, the on-street parking and attendant design features would not affect the existing southbound bike lane. This design is consistent with the existing cross-section of North Park Victoria north of the project site, which allows for vehicular parking adjacent to a bike lane. According to the Statewide Integrated Traffic Records System (SWITRS), there have been no vehicular accidents on North Park Victoria Drive north of Country Club Drive in the past three years.

The north driveway is shown on the site plan to be 28 feet wide, located approximately 200 feet south of Creed Street. The south driveway is shown on the site plan to be 26 feet wide, located approximately 250 feet south of the north driveway, opposite Nicklaus Avenue.

Vehicle queuing was assessed for the two site driveways, in particular, the inbound left turns into the driveways and the outbound right turns out of the driveways. The inbound left turns from southbound Rankin Drive into the driveways are assessed in terms of potential for creating backups on southbound Rankin Drive as a result of waiting to turn into the site. With Rankin Drive having one lane in each of the northbound and southbound directions, any stoppage of vehicles on Rankin Drive at the driveways could create a backup on Rankin Drive. The volume of peak-hour traffic on the section of Rankin Drive fronting the site is currently very low, equating to one car every two minutes, on average. With this low volume of traffic, gaps in traffic would be of sufficient frequency and duration as to provide relatively free and unimpeded left-turn access into the driveways.

The outbound turns out of the site driveways are assessed in terms of potential for creating backups on site, specifically, the potential for westbound vehicle queues to back up from Rankin Drive and

block one of the residence's driveways on site. At both driveways, the distance from Rankin Drive back to the first driveway is about 35 feet- sufficient for one car length. The outbound volumes would be highest in the AM peak hour. The AM peak-hour volume of outbound vehicles is 16 cars at the north driveway and 10 cars at the south driveway. As stated above, the volume of traffic on the section of Rankin Drive fronting the site would be low enough that any on-site vehicle queues exceeding one car would be infrequent and brief in duration.

Vehicular sight distance was evaluated for each proposed project driveway. Given the existing conditions on Rankin Drive- the 25-mile-per-hour speed limit, the low volume of traffic, and the absence of physical obstructions, the sight distance at both driveways would be adequate. The only factors potentially affecting sight distance are on-street parking and any new physical obstructions that would accompany development of the site. The site plan does not show any on-street parking proposed on Rankin Drive.

**Site Circulation.** The on-site circulation system consists of a semi-rectangular loop connecting the North and South Driveways. From the northern end of the loop extends a 105-foot, north-south cul-de-sac parallel to Rankin Drive. From the southern end of the loop extends a 150-foot, east-west, cul-de-sac.

The streets on-site are shown to be two-lanes wide with parking on-street. The northern half of the north-south street, the east-west street at the north, and the two cul-de-sacs are shown to be 28-foot wide with parking on one side. The southern half of the north-south street and the east-west street at the south are shown to be 36-foot wide with parking on both sides. The curb radii at the intersecting streets are not specified, but they appear to be adequate, measuring a minimum of 20 feet. With sidewalks along each on-site street, the building setbacks, and the low vehicle speeds and volumes, the sight distances at the intersections on site would be satisfactory.

The two cul-de-sacs are, by definition, dead-end streets. Neither provide space for a turnaround. However, since the streets are private streets used only by residents or their guests, all vehicles entering the cul-de-sacs would likely be assured a place to park or place to turn around. Therefore, the dead ends are not inappropriate for the project use.

The on-site street circulation – street alignments, widths and corner radii – is adequate to accommodate the circulation of trucks, garbage collection, and emergency vehicles. The length of the cul-de-sacs should be short enough (105 feet and 150 feet) to accommodate fire department services. Loading would be provided on street or in private driveways.

Pedestrian circulation on-site, and pedestrian access to off-site pedestrian facilities, appears adequate. All streets on-site are shown to have sidewalks on both sides, and sidewalks are shown to be provided along all public streets fronting the site- North Park Victoria Drive, Creed Street and Rankin Drive, none of which currently have sidewalks. At the east end of the east-west street on south side of the site, the sidewalk is shown extended to the proposed new sidewalk on North Park Victoria Drive. This would provide residents with convenient pedestrian access to pedestrian facilities off site.



The site plan does not indicate any provisions for bicycle parking. The Milpitas city code requires bicycle parking be provided in an amount equal to or greater than 5 percent of the total vehicle parking required. It is assumed that for the proposed project, bicycle parking would be provided within private garages.

Given the above, the proposed project would not substantially increase hazards due to a geometric design feature or incompatible use, and this impact would be less than significant.

*d. Would the project result in inadequate emergency access? (Less-Than-Significant Impact)*

The design, construction, and maintenance of project access locations and on-site roads would be in compliance with the City's Municipal Code and would meet all emergency access standards. The Milpitas Fire Department would also review the proposed site plan and Fire Access Plan and would provide input on final design in relation to emergency access prior to issuance of a building permit. As noted in Section 4.17.c, the proposed project would be able to accommodate emergency vehicles. Additionally, as noted in Section 4.17.a, the proposed project would not result in a significant increase in the amount of traffic volume on the local roadway network. Therefore, the project would have a less-than-significant impact on emergency access.

#### 4.18 TRIBAL CULTURAL RESOURCES

|                                                                                                                                                                                                                                                                                                                                                                                                                          | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|------------------------------------|-------------------------------------|
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                       |                                      |                                                             |                                    |                                     |
| a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:                                             |                                      |                                                             |                                    |                                     |
| i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or                                                                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

- a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (No Impact)*

Assembly Bill 52 (AB 52), which became law on January 1, 2015, provides for consultation with California Native American tribes during the CEQA environmental review process, and equates significant impacts to “tribal cultural resources” with significant environmental impacts.

The consultation provisions of the law require that a public agency consult with local Native American tribes that have requested placement on that agency’s notification list for CEQA projects. Within 14 days of determining that a project application is complete, or a decision by a public agency to undertake a project, the lead agency must notify tribes of the opportunity to consult on the project, should a tribe have previously requested to be on the agency’s notification list. California Native American tribes must be recognized by the NAHC as traditionally and culturally

affiliated with the project site, and must have previously requested that the lead agency notify them of projects. Tribes have 30 days following notification of a project to request consultation with the lead agency.

The purpose of consultation is to inform the lead agency in its identification and determination of the significance of tribal cultural resources. If a project is determined to result in a significant impact on an identified tribal cultural resource, the consultation process must occur and conclude prior to adoption of a Negative Declaration or Mitigated Negative Declaration, or certification of an Environmental Impact Report (PRC Sections 21080.3.1, 21080.3.2, 21082.3).

The NAHC in West Sacramento was contacted to review its Sacred Lands File to identify Native American sacred sites at or near the project site. Ms. Gayle Totton, NAHC Associate Governmental Program Analyst, stated in a letter dated April 26, 2019, that *"The result of any Sacred Lands File (SLF) check [of the project site] conducted through the Native American Heritage Commission was negative."* Ms. Totton also provided a list of six local Ohlone tribes, each of which the City contacted via letter on May 16, 2019 to notify these tribes of their opportunity to consult regarding the project's potential impacts to tribal cultural resources.

No California Native American tribe formally requested consultation notifications with the City during the required 30-day notification period, consistent with the requirements of PRC 21080.3.1. As such, tribal consultation for the proposed project was not required for this project.

As discussed in the Cultural Resources section of this Initial Study, the NWIC records search and the archaeological survey completed for the project did not identify evidence of Native American archaeological deposits or ancestral remains. The proposed project would have no impact on known tribal cultural resources that are listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources, nor has the City identified a tribal cultural resource at the project site.

#### 4.19 UTILITIES AND SERVICE SYSTEMS

|                                                                                                                                                                                                                                                                                     | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| Would the project:                                                                                                                                                                                                                                                                  |                                      |                                                             |                                     |                          |
| a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. 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"/> |
| d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?                                                                                                                                                                  | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Less-Than-Significant Impact)*

The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line within the existing streets that surround the project site on the north, east, and west sides, and a 12-inch line that runs along the southern border of the project site. The proposed project includes the installation of a new on-site 8-inch wastewater line that would connect to the City's existing line. The new sanitary sewer line would be constructed in conformance with City standards, and its construction would not cause significant environmental effects.

The City's potable water supply is provided by the San Francisco Public Utilities Commission (SFPUC) and the SCVWD.<sup>53</sup> The project site is served by water provided by the SCVWD. The City's potable water system has 245 miles of water mains, 5 water tanks, 5 pump stations, 16 pressure regulating valves, an emergency supply well and emergency interties. The City also operates and maintains a recycled water system owned by the City of San José South Bay Water Recycling (SBWR) program.<sup>54</sup> The current SCVWD water supply delivered to the City is limited to surface water largely purchased by SCVWD from the State Water Project and Central Valley Project, however, SCVWD's overall water

<sup>53</sup> Milpitas, City of, 2016. *2015 Urban Water Management Plan*. Available online at: [www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf](http://www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf) (accessed June 10, 2019). June.

<sup>54</sup> Ibid.

supply comes from a variety of sources. Specifically, nearly half of SCVWD's water comes from local groundwater aquifers and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta.

The City updated its Urban Water Management Plan (UWMP) in 2015, which was adopted in 2016. According to the UWMP, the annual water use in 2015 was 8,774 acre-feet. As discussed in Section 4.19.b, the proposed project would not substantially increase demand for water and would therefore not exceed the capacity of existing water treatment facilities. The proposed project would not require the construction of new water treatment facilities, or the expansion of existing facilities, other than those already planned as part of the City's Water Master Plan. The proposed project would include the installation of new 12-inch water lines within the project site, the abandonment of the existing 12-inch water line that runs along the southern portion of the site, and the installation of a new 12-inch water line along the southern border, and a connection to the existing 8-inch water service line located within Rankin Drive and Blalock Street. The proposed project would connect directly to existing mains, which have sufficient capacity to accommodate the proposed project. Therefore, the impact of the proposed project on water infrastructure would be less than significant.

The proposed storm drainage infrastructure would drain towards the western edge of the site into 27 underground storage vaults, which would connect to a new 15-inch storm drain. From there stormwater would drain to the existing 15-inch storm drain within Rankin Drive. Bioretention areas would also be incorporated into the landscape design of the proposed project to provide appropriate vegetation and water quality treatment in vegetated areas. In addition, on-site drainage would be designed consistent with the Santa Clara County NPDES C.3 requirements for LID. Therefore, the impact of the proposed project on stormwater infrastructure would be less than significant.

The proposed project would include connections to the existing electrical and gas infrastructure in the vicinity of the project site, and would not require any new infrastructure, aside from project-specific tie-ins and lines to serve the proposed project.

Therefore, because the proposed project would connect to existing utility services within or adjacent to the project site, the relocation or reconstruction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities would not be required, and this impact would be less than significant.

*b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Less-Than-Significant Impact)*

The City of Milpitas provides water to the project site. Currently, the source of domestic water used in Milpitas includes the SFPUC and SCVWD. SFPUC water is primarily used for residential areas in the City and the SCVWD water is used to supply industrial areas, including the project site. The City's 2016 UWMP describes the existing and planned sources of water available in the water system service area over the next 20 years, in 5-year increments.

The City has determined that existing water supply entitlements are sufficient and no additional water supply entitlements are necessary. The UWMP, which identifies water system improvements necessary to meet future water demand, did not identify any deficiencies in the vicinity of the project site. The existing water system infrastructure has adequate capacity to serve the proposed project. In addition, the proposed project would be required to coordinate with the City of Milpitas Fire Department to assess fire flow requirements and comply with them as part of the project. Based on the above, the City would have sufficient water supply to support the proposed project and implementation of the project would not require new or expanded entitlements for water supplies, and impacts related to water supply would be less than significant.

*c. Would the project 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? (Less-Than-Significant Impact)*

The City of Milpitas owns and operates its municipal wastewater collection system containing of 175 miles of gravity pipe and 5 miles of force main. The system also includes two pump stations: the Venus Station which lifts wastewater from the low-lying Pines neighborhood and the Main Sewer Pump Station which pumps all City sewage through dual 2.5 mile force mains to the WPCP located in San José at 700 Los Esteros Road for treatment.<sup>55</sup> The WPCP treats an average of 110 million gallons of wastewater per day (mgd), about 65 percent of its 167 mgd capacity, which includes service to the project site.<sup>56</sup>

The proposed project would generate domestic wastewater, treated by the WPCP. The City has sufficient capacity to serve the proposed project. Therefore, wastewater generated from the proposed project would not cause the WPCP to violate any wastewater treatment requirements and this impact would be less than significant.

*d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Less-Than-Significant Impact)*

Solid waste and recycling pickup and disposal in the City of Milpitas is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility which is located approximately 3 miles west of the project site on Dixon Landing Road. The facility recycled materials, operates a construction and demolition material processing facility, and a landfill that accepts industrial wastes, grit, screenings, wastewater treatment sludge, contaminated soils, clean soils, and

<sup>55</sup> Milpitas, City of, 2014. Sewer System Management Plan 2014 Update. June.

<sup>56</sup> San José, City of, 2016. *San José-Santa Clara Regional Wastewater Facility Fact Sheet*. Website: [www.sanjoseca.gov/DocumentCenter/View/34681](http://www.sanjoseca.gov/DocumentCenter/View/34681) (accessed June 11, 2019). April 25.

municipal solid waste.<sup>57</sup> The Newby Island Landfill has a capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards, and can accept 4,000 tons per day.<sup>58</sup>

On average, single-family uses generate approximately 12 pounds per household per day. Based on these rates, the proposed project would generate approximately 432 pounds per day of solid waste. As noted above, the Newby Island Landfill has adequate capacity to serve the proposed project. As such, the project would be served by a landfill with sufficient capacity to accommodate the project's waste disposal needs, and impacts associated with the disposition of solid waste would be less than significant.

*e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Less-Than-Significant Impact)*

The proposed project would comply with all federal, State, and local solid waste statutes and/or regulations related to solid waste. Also refer to Section 4.19.d. Therefore, the proposed project would result in a less-than-significant impact related to solid waste regulations.

<sup>57</sup> Republic Services, 2017. Newby Island Resource Recovery Park. Website: [local.republicservices.com/site/newby-island](http://local.republicservices.com/site/newby-island) (accessed June 11, 2019).

<sup>58</sup> CalRecycle, 2019. SWIS Facility Detail. Newby Island Sanitary Landfill (43-AN-0003). Website: [www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003](http://www2.calrecycle.ca.gov/swfacilities/Directory/43-AN-0003) (accessed June 11, 2019).

## 4.20 WILDFIRE

|                                                                                                                                                                                                                                                                    | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------------------------|--------------------------|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:                                                                                                                                   |                                      |                                                             |                                     |                          |
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan?                                                                                                                                                                           | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?                                                        | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

*a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? (Less-Than-Significant Impact)*

The project site is not located within any State responsibility areas (SRA) for fire service,<sup>59</sup> and is not within a very high fire hazard severity zone.<sup>60</sup> In addition, as noted in Section 4.9.f, the proposed project would not impair the implementation of, or physically interfere with, and adopted emergency response plan. Therefore, this impact would be less than significant.

*b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Less-Than-Significant Impact)*

Refer to Section 4.20.a. Additionally, as noted in Section 2.0, Project Description, the project site is bound by existing development on three sides. Therefore, the proposed project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and this impact would be less than significant.

<sup>59</sup> California, State of, 2007. Santa Clara County Fire Hazard Severity Zones in SRA (map). Available online at: [frap.fire.ca.gov/webdata/maps/santa\\_clara/fhszs\\_map.43.pdf](http://frap.fire.ca.gov/webdata/maps/santa_clara/fhszs_map.43.pdf) (accessed June 11, 2019).

<sup>60</sup> Milpitas, City of, 2018. *Milpitas General Plan Update Existing Conditions Report*. June.



- c. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Less-Than-Significant Impact)*

Refer to Section 4.20.a. The proposed project is not located within an SRA for fire service and is not within a very high fire hazard severity zone. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure, and this impact would be less than significant.

- d. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Less-Than-Significant Impact)*

Refer to Section 4.20.a and 4.20.b. Therefore, the proposed project would not expose people or structures to significant risks as a result of post-fire slope instability or drainage and runoff changes.

#### 4.21 MANDATORY FINDINGS OF SIGNIFICANCE

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Potentially<br>Significant<br>Impact | Less Than<br>Significant with<br>Mitigation<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|------------------------------------|-------------------------------------|
| a. Does the project have the potential to substantially 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, substantially 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 checked="" type="checkbox"/>                         | <input type="checkbox"/>           | <input type="checkbox"/>            |
| b. 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 checked="" type="checkbox"/>                         | <input type="checkbox"/>           | <input type="checkbox"/>            |
| c. 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 type="checkbox"/>           | <input checked="" type="checkbox"/> |

*a. Does the project have the potential to substantially 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, substantially 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? (Less-Than-Significant with Mitigation Incorporated)*

Implementation of Mitigation Measures CULT-1, CULT-2 and GEO-1 would ensure that potential impacts to historic, archaeological, tribal and paleontological resources that could be uncovered during construction activities would be reduced to a less-than-significant level. Implementation of Mitigation Measure BIO-1 would ensure that potential impacts to nesting birds are reduced to a less-than-significant level. Therefore, with the incorporation of mitigation measures, development of the proposed project would not: (1) degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife species population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare or endangered plant or animal; or (6) eliminate important examples of the major periods of California history.

*b. 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)? (Less-Than-Significant with Mitigation Incorporated)*

The proposed project's impacts would be individually limited and not cumulatively considerable. The potentially significant impacts that can be reduced to a less-than-significant level with implementation

of recommended mitigation measures include the topics of aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, and noise. These impacts would primarily be related to construction-period activities, would be temporary in nature, and would not substantially contribute to any potential cumulative impacts associated with these topics. For the topic of aesthetics, potentially significant impacts related to light and glare would be reduced to a less-than-significant level with implementation of Mitigation Measure AES-1. For the topic of air quality, potentially significant impacts to air quality standards associated with project construction would be reduced to less-than-significant levels with implementation of Mitigation Measure AIR-1. For the topic of biological resources, implementation of Mitigation Measures BIO-1 and BIO-2 would ensure that impacts related to special status-species and local ordinances are reduced to a less-than-significant level. For the topic of cultural resources, potentially significant impacts to archaeological resources would be reduced to less-than-significant levels with implementation of Mitigation Measures CULT-1 and CULT-2. For the topic of geology and soils, potentially significant impacts related to paleontological resources would be reduced to less-than-significant levels with implementation of Mitigation Measure GEO-1. For the topic of hydrology and water quality, implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that potential water quality impacts are reduced to a less-than-significant level. For the topic of noise, impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures NOI-1 through NOI-3.

For the topics of agricultural and forestry resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire, the project would have no impacts or less-than-significant impacts, and therefore, the project would not substantially contribute to any potential cumulative impacts for these topics. All environmental impacts that could occur as a result of the proposed project would be reduced to a less-than-significant level through the implementation of the mitigation measures recommended in this document.

Implementation of these measures would ensure that the impacts of the project would be below established thresholds of significance and that these impacts would not combine with the impacts of other cumulative projects to result in a cumulatively considerable impact on the environment as a result of project development. Therefore, this impact would be less than significant.

*c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (No Impact)*

The proposed project would not result in any environmental effects that would cause substantial direct or indirect adverse effects to human beings.

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## **APPENDIX A**

### **CALEEDMOD OUTPUT SHEETS**

1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

## 1005 North Park Victoria Drive Bay Area AQMD Air District, Annual

### 1.0 Project Characteristics

#### 1.1 Land Usage

| Land Uses             | Size  | Metric        | Lot Acreage | Floor Surface Area | Population |
|-----------------------|-------|---------------|-------------|--------------------|------------|
| Single Family Housing | 36.00 | Dwelling Unit | 4.88        | 64,800.00          | 103        |

#### 1.2 Other Project Characteristics

|                                |                                |                                |       |                                  |       |
|--------------------------------|--------------------------------|--------------------------------|-------|----------------------------------|-------|
| <b>Urbanization</b>            | Urban                          | <b>Wind Speed (m/s)</b>        | 2.2   | <b>Precipitation Freq (Days)</b> | 64    |
| <b>Climate Zone</b>            | 4                              |                                |       | <b>Operational Year</b>          | 2021  |
| <b>Utility Company</b>         | Pacific Gas & Electric Company |                                |       |                                  |       |
| <b>CO2 Intensity (lb/MWhr)</b> | 328.8                          | <b>CH4 Intensity (lb/MWhr)</b> | 0.029 | <b>N2O Intensity (lb/MWhr)</b>   | 0.006 |

#### 1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity factor based on 5-year average (PG&E, 2015)

Land Use - 4.88-acre project site

Construction Phase - Project construction would commence spring 2020 and would occur for approximately 1.5 to 2 years

Grading - Project would require the import of approximately 1,711 cubic yards of soil

Demolition - The proposed project would include the demolition of the existing approximately 2,300-square-foot building

Trips and VMT - The project would include a total of 172 truck trips to import soil

Vehicle Trips - Based on project's trip generation

Mobile Land Use Mitigation -

Area Mitigation - Assuming only natural gas hearth

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

| Table Name                | Column Name        | Default Value | New Value |
|---------------------------|--------------------|---------------|-----------|
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 230.00        | 245.00    |
| tblConstructionPhase      | NumDays            | 20.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 8.00          | 30.00     |
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 5.00          | 30.00     |
| tblConstructionPhase      | PhaseEndDate       | 6/24/2021     | 11/5/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/5/2021      | 8/13/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/29/2020     | 6/12/2020 |
| tblConstructionPhase      | PhaseEndDate       | 6/17/2020     | 9/4/2020  |
| tblConstructionPhase      | PhaseEndDate       | 5/31/2021     | 9/24/2021 |
| tblConstructionPhase      | PhaseEndDate       | 6/5/2020      | 7/24/2020 |
| tblConstructionPhase      | PhaseStartDate     | 6/1/2021      | 9/27/2021 |
| tblConstructionPhase      | PhaseStartDate     | 6/18/2020     | 9/7/2020  |
| tblConstructionPhase      | PhaseStartDate     | 6/6/2020      | 7/27/2020 |
| tblConstructionPhase      | PhaseStartDate     | 5/6/2021      | 8/16/2021 |
| tblConstructionPhase      | PhaseStartDate     | 5/30/2020     | 6/15/2020 |
| tblGrading                | AcresOfGrading     | 15.00         | 4.88      |
| tblGrading                | MaterialImported   | 0.00          | 1,711.00  |
| tblLandUse                | LotAcreage         | 11.69         | 4.88      |
| tblProjectCharacteristics | CO2IntensityFactor | 641.35        | 328.8     |
| tblTripsAndVMT            | HaulingTripNumber  | 214.00        | 172.00    |
| tblVehicleTrips           | ST_TR              | 9.91          | 9.69      |
| tblVehicleTrips           | SU_TR              | 8.62          | 9.69      |
| tblVehicleTrips           | WD_TR              | 9.52          | 9.69      |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**2.0 Emissions Summary****2.1 Overall Construction****Unmitigated Construction**

|         | ROG     | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e     |
|---------|---------|--------|--------|-------------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|--------|--------|----------|
| Year    | tons/yr |        |        |             |               |              |            |                |               |             | MT/yr    |           |           |        |        |          |
| 2020    | 0.2419  | 2.3849 | 1.6388 | 2.9400e-003 | 0.3778        | 0.1241       | 0.5019     | 0.2025         | 0.1154        | 0.3179      | 0.0000   | 257.6451  | 257.6451  | 0.0678 | 0.0000 | 259.3397 |
| 2021    | 0.6342  | 1.6254 | 1.5851 | 2.6900e-003 | 0.0131        | 0.0874       | 0.1005     | 3.5400e-003    | 0.0821        | 0.0857      | 0.0000   | 232.4998  | 232.4998  | 0.0536 | 0.0000 | 233.8394 |
| Maximum | 0.6342  | 2.3849 | 1.6388 | 2.9400e-003 | 0.3778        | 0.1241       | 0.5019     | 0.2025         | 0.1154        | 0.3179      | 0.0000   | 257.6451  | 257.6451  | 0.0678 | 0.0000 | 259.3397 |

**Mitigated Construction**

|         | ROG     | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e     |
|---------|---------|--------|--------|-------------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|--------|--------|----------|
| Year    | tons/yr |        |        |             |               |              |            |                |               |             | MT/yr    |           |           |        |        |          |
| 2020    | 0.2419  | 2.3849 | 1.6388 | 2.9400e-003 | 0.3778        | 0.1241       | 0.5019     | 0.2025         | 0.1154        | 0.3179      | 0.0000   | 257.6448  | 257.6448  | 0.0678 | 0.0000 | 259.3395 |
| 2021    | 0.6342  | 1.6254 | 1.5851 | 2.6900e-003 | 0.0131        | 0.0874       | 0.1005     | 3.5400e-003    | 0.0821        | 0.0857      | 0.0000   | 232.4995  | 232.4995  | 0.0536 | 0.0000 | 233.8391 |
| Maximum | 0.6342  | 2.3849 | 1.6388 | 2.9400e-003 | 0.3778        | 0.1241       | 0.5019     | 0.2025         | 0.1154        | 0.3179      | 0.0000   | 257.6448  | 257.6448  | 0.0678 | 0.0000 | 259.3395 |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

|                   | 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 |
|-------------------|------|------|------|------|---------------|--------------|------------|----------------|---------------|-------------|----------|----------|-----------|------|------|------|
| Percent Reduction | 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 |

| Quarter | Start Date | End Date  | Maximum Unmitigated ROG + NOX (tons/quarter) | Maximum Mitigated ROG + NOX (tons/quarter) |
|---------|------------|-----------|----------------------------------------------|--------------------------------------------|
| 1       | 5-4-2020   | 8-3-2020  | 1.2772                                       | 1.2772                                     |
| 2       | 8-4-2020   | 11-3-2020 | 0.8024                                       | 0.8024                                     |
| 3       | 11-4-2020  | 2-3-2021  | 0.6938                                       | 0.6938                                     |
| 4       | 2-4-2021   | 5-3-2021  | 0.6304                                       | 0.6304                                     |
| 5       | 5-4-2021   | 8-3-2021  | 0.6514                                       | 0.6514                                     |
| 6       | 8-4-2021   | 9-30-2021 | 0.2887                                       | 0.2887                                     |
|         |            | Highest   | 1.2772                                       | 1.2772                                     |

## 2.2 Overall Operational

Unmitigated Operational

|          | ROG         | NOx         | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total  | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4         | N2O         | CO2e     |
|----------|-------------|-------------|--------|-------------|---------------|--------------|-------------|----------------|---------------|-------------|----------|-----------|-----------|-------------|-------------|----------|
| Category | tons/yr     |             |        |             |               |              |             |                |               |             | MT/yr    |           |           |             |             |          |
| Area     | 0.5190      | 7.7400e-003 | 0.5764 | 6.5000e-004 |               | 0.0460       | 0.0460      |                | 0.0460        | 0.0460      | 4.5760   | 1.5602    | 6.1362    | 9.0700e-003 | 2.6000e-004 | 6.4409   |
| Energy   | 5.6400e-003 | 0.0482      | 0.0205 | 3.1000e-004 |               | 3.9000e-003  | 3.9000e-003 |                | 3.9000e-003   | 3.9000e-003 | 0.0000   | 99.2758   | 99.2758   | 4.9000e-003 | 1.8200e-003 | 99.9396  |
| Mobile   | 0.0932      | 0.4505      | 1.0518 | 3.5700e-003 | 0.3000        | 3.3300e-003  | 0.3033      | 0.0805         | 3.1200e-003   | 0.0837      | 0.0000   | 327.5339  | 327.5339  | 0.0125      | 0.0000      | 327.8457 |
| Waste    |             |             |        |             |               | 0.0000       | 0.0000      |                | 0.0000        | 0.0000      | 8.7814   | 0.0000    | 8.7814    | 0.5190      | 0.0000      | 21.7555  |
| Water    |             |             |        |             |               | 0.0000       | 0.0000      |                | 0.0000        | 0.0000      | 0.7441   | 2.6647    | 3.4089    | 0.0767      | 1.8500e-003 | 5.8778   |
| Total    | 0.6179      | 0.5064      | 1.6488 | 4.5300e-003 | 0.3000        | 0.0532       | 0.3532      | 0.0805         | 0.0530        | 0.1335      | 14.1015  | 431.0346  | 445.1361  | 0.6221      | 3.9300e-003 | 461.8594 |



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**2.2 Overall Operational****Mitigated Operational**

|              | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total   | Bio- CO2      | NBio- CO2       | Total CO2       | CH4           | N2O                | CO2e            |
|--------------|---------------|---------------|---------------|--------------------|---------------|--------------------|---------------|----------------|--------------------|---------------|---------------|-----------------|-----------------|---------------|--------------------|-----------------|
| Category     | tons/yr       |               |               |                    |               |                    |               |                |                    |               | MT/yr         |                 |                 |               |                    |                 |
| Area         | 0.3071        | 5.7300e-003   | 0.2690        | 3.0000e-005        |               | 1.6900e-003        | 1.6900e-003   |                | 1.6900e-003        | 1.6900e-003   | 0.0000        | 3.4927          | 3.4927          | 4.8000e-004   | 6.0000e-005        | 3.5214          |
| Energy       | 5.6400e-003   | 0.0482        | 0.0205        | 3.1000e-004        |               | 3.9000e-003        | 3.9000e-003   |                | 3.9000e-003        | 3.9000e-003   | 0.0000        | 99.2758         | 99.2758         | 4.9000e-003   | 1.8200e-003        | 99.9396         |
| Mobile       | 0.0909        | 0.4335        | 0.9994        | 3.3400e-003        | 0.2793        | 3.1300e-003        | 0.2824        | 0.0750         | 2.9300e-003        | 0.0779        | 0.0000        | 306.5771        | 306.5771        | 0.0119        | 0.0000             | 306.8739        |
| Waste        |               |               |               |                    |               | 0.0000             | 0.0000        |                | 0.0000             | 0.0000        | 8.7814        | 0.0000          | 8.7814          | 0.5190        | 0.0000             | 21.7555         |
| Water        |               |               |               |                    |               | 0.0000             | 0.0000        |                | 0.0000             | 0.0000        | 0.7441        | 2.6647          | 3.4089          | 0.0767        | 1.8500e-003        | 5.8778          |
| <b>Total</b> | <b>0.4037</b> | <b>0.4874</b> | <b>1.2889</b> | <b>3.6800e-003</b> | <b>0.2793</b> | <b>8.7200e-003</b> | <b>0.2880</b> | <b>0.0750</b>  | <b>8.5200e-003</b> | <b>0.0835</b> | <b>9.5255</b> | <b>412.0104</b> | <b>421.5359</b> | <b>0.6129</b> | <b>3.7300e-003</b> | <b>437.9683</b> |

|                          | 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        |
|--------------------------|--------------|-------------|--------------|--------------|---------------|--------------|--------------|----------------|---------------|--------------|--------------|-------------|-------------|-------------|-------------|-------------|
| <b>Percent Reduction</b> | <b>34.66</b> | <b>3.75</b> | <b>21.83</b> | <b>18.76</b> | <b>6.90</b>   | <b>83.61</b> | <b>18.46</b> | <b>6.90</b>    | <b>83.92</b>  | <b>37.47</b> | <b>32.45</b> | <b>4.41</b> | <b>5.30</b> | <b>1.48</b> | <b>5.09</b> | <b>5.17</b> |

**3.0 Construction Detail****Construction Phase**

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

| Phase Number | Phase Name            | Phase Type            | Start Date | End Date  | Num Days Week | Num Days | Phase Description |
|--------------|-----------------------|-----------------------|------------|-----------|---------------|----------|-------------------|
| 1            | Demolition            | Demolition            | 5/4/2020   | 6/12/2020 | 5             | 30       |                   |
| 2            | Site Preparation      | Site Preparation      | 6/15/2020  | 7/24/2020 | 5             | 30       |                   |
| 3            | Grading               | Grading               | 7/27/2020  | 9/4/2020  | 5             | 30       |                   |
| 4            | Building Construction | Building Construction | 9/7/2020   | 8/13/2021 | 5             | 245      |                   |
| 5            | Paving                | Paving                | 8/16/2021  | 9/24/2021 | 5             | 30       |                   |
| 6            | Architectural Coating | Architectural Coating | 9/27/2021  | 11/5/2021 | 5             | 30       |                   |

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 4.88

Acres of Paving: 0

Residential Indoor: 131,220; Residential Outdoor: 43,740; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0  
(Architectural Coating – sqft)

OffRoad Equipment

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

| Phase Name            | Offroad Equipment Type    | Amount | Usage Hours | Horse Power | Load Factor |
|-----------------------|---------------------------|--------|-------------|-------------|-------------|
| Architectural Coating | Air Compressors           | 1      | 6.00        | 78          | 0.48        |
| Paving                | Cement and Mortar Mixers  | 2      | 6.00        | 9           | 0.56        |
| Demolition            | Concrete/Industrial Saws  | 1      | 8.00        | 81          | 0.73        |
| Demolition            | Excavators                | 3      | 8.00        | 158         | 0.38        |
| Building Construction | Cranes                    | 1      | 7.00        | 231         | 0.29        |
| Building Construction | Forklifts                 | 3      | 8.00        | 89          | 0.20        |
| Grading               | Excavators                | 1      | 8.00        | 158         | 0.38        |
| Paving                | Pavers                    | 1      | 8.00        | 130         | 0.42        |
| Paving                | Rollers                   | 2      | 6.00        | 80          | 0.38        |
| Demolition            | Rubber Tired Dozers       | 2      | 8.00        | 247         | 0.40        |
| Grading               | Rubber Tired Dozers       | 1      | 8.00        | 247         | 0.40        |
| Building Construction | Tractors/Loaders/Backhoes | 3      | 7.00        | 97          | 0.37        |
| Building Construction | Generator Sets            | 1      | 8.00        | 84          | 0.74        |
| Grading               | Tractors/Loaders/Backhoes | 3      | 8.00        | 97          | 0.37        |
| Paving                | Tractors/Loaders/Backhoes | 1      | 8.00        | 97          | 0.37        |
| Site Preparation      | Tractors/Loaders/Backhoes | 4      | 8.00        | 97          | 0.37        |
| Grading               | Graders                   | 1      | 8.00        | 187         | 0.41        |
| Paving                | Paving Equipment          | 2      | 6.00        | 132         | 0.36        |
| Site Preparation      | Rubber Tired Dozers       | 3      | 8.00        | 247         | 0.40        |
| Building Construction | Welders                   | 1      | 8.00        | 46          | 0.45        |

Trips and VMT

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

| Phase Name            | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Demolition            | 6                       | 15.00              | 0.00               | 10.00               | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Site Preparation      | 7                       | 18.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Grading               | 6                       | 15.00              | 0.00               | 172.00              | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Building Construction | 9                       | 13.00              | 4.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Paving                | 8                       | 20.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Architectural Coating | 1                       | 3.00               | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |

**3.1 Mitigation Measures Construction****3.2 Demolition - 2020****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 |               |               |               |                    | 1.1300e-003        | 0.0000        | 1.1300e-003   | 1.7000e-004        | 0.0000        | 1.7000e-004   | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0497        | 0.4980        | 0.3263        | 5.8000e-004        |                    | 0.0249        | 0.0249        |                    | 0.0231        | 0.0231        | 0.0000        | 50.9979        | 50.9979        | 0.0144        | 0.0000        | 51.3578        |
| <b>Total</b>  | <b>0.0497</b> | <b>0.4980</b> | <b>0.3263</b> | <b>5.8000e-004</b> | <b>1.1300e-003</b> | <b>0.0249</b> | <b>0.0260</b> | <b>1.7000e-004</b> | <b>0.0231</b> | <b>0.0233</b> | <b>0.0000</b> | <b>50.9979</b> | <b>50.9979</b> | <b>0.0144</b> | <b>0.0000</b> | <b>51.3578</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.2 Demolition - 2020****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      | 4.0000e-005        | 1.4600e-003        | 2.9000e-004        | 0.0000             | 8.0000e-005        | 0.0000             | 9.0000e-005        | 2.0000e-005        | 0.0000             | 3.0000e-005        | 0.0000        | 0.3832        | 0.3832        | 2.0000e-005        | 0.0000        | 0.3837        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 7.5000e-004        | 5.3000e-004        | 5.5300e-003        | 2.0000e-005        | 1.7800e-003        | 1.0000e-005        | 1.7900e-003        | 4.7000e-004        | 1.0000e-005        | 4.8000e-004        | 0.0000        | 1.5576        | 1.5576        | 4.0000e-005        | 0.0000        | 1.5586        |
| <b>Total</b> | <b>7.9000e-004</b> | <b>1.9900e-003</b> | <b>5.8200e-003</b> | <b>2.0000e-005</b> | <b>1.8600e-003</b> | <b>1.0000e-005</b> | <b>1.8800e-003</b> | <b>4.9000e-004</b> | <b>1.0000e-005</b> | <b>5.1000e-004</b> | <b>0.0000</b> | <b>1.9408</b> | <b>1.9408</b> | <b>6.0000e-005</b> | <b>0.0000</b> | <b>1.9423</b> |

**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 |               |               |               |                    | 1.1300e-003        | 0.0000        | 1.1300e-003   | 1.7000e-004        | 0.0000        | 1.7000e-004   | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0497        | 0.4980        | 0.3263        | 5.8000e-004        |                    | 0.0249        | 0.0249        |                    | 0.0231        | 0.0231        | 0.0000        | 50.9979        | 50.9979        | 0.0144        | 0.0000        | 51.3578        |
| <b>Total</b>  | <b>0.0497</b> | <b>0.4980</b> | <b>0.3263</b> | <b>5.8000e-004</b> | <b>1.1300e-003</b> | <b>0.0249</b> | <b>0.0260</b> | <b>1.7000e-004</b> | <b>0.0231</b> | <b>0.0233</b> | <b>0.0000</b> | <b>50.9979</b> | <b>50.9979</b> | <b>0.0144</b> | <b>0.0000</b> | <b>51.3578</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.2 Demolition - 2020****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      | 4.0000e-005        | 1.4600e-003        | 2.9000e-004        | 0.0000             | 8.0000e-005        | 0.0000             | 9.0000e-005        | 2.0000e-005        | 0.0000             | 3.0000e-005        | 0.0000        | 0.3832        | 0.3832        | 2.0000e-005        | 0.0000        | 0.3837        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 7.5000e-004        | 5.3000e-004        | 5.5300e-003        | 2.0000e-005        | 1.7800e-003        | 1.0000e-005        | 1.7900e-003        | 4.7000e-004        | 1.0000e-005        | 4.8000e-004        | 0.0000        | 1.5576        | 1.5576        | 4.0000e-005        | 0.0000        | 1.5586        |
| <b>Total</b> | <b>7.9000e-004</b> | <b>1.9900e-003</b> | <b>5.8200e-003</b> | <b>2.0000e-005</b> | <b>1.8600e-003</b> | <b>1.0000e-005</b> | <b>1.8800e-003</b> | <b>4.9000e-004</b> | <b>1.0000e-005</b> | <b>5.1000e-004</b> | <b>0.0000</b> | <b>1.9408</b> | <b>1.9408</b> | <b>6.0000e-005</b> | <b>0.0000</b> | <b>1.9423</b> |

**3.3 Site Preparation - 2020****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 |               |               |               |                    | 0.2710        | 0.0000        | 0.2710        | 0.1490         | 0.0000        | 0.1490        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0612        | 0.6363        | 0.3227        | 5.7000e-004        |               | 0.0330        | 0.0330        |                | 0.0303        | 0.0303        | 0.0000        | 50.1460        | 50.1460        | 0.0162        | 0.0000        | 50.5515        |
| <b>Total</b>  | <b>0.0612</b> | <b>0.6363</b> | <b>0.3227</b> | <b>5.7000e-004</b> | <b>0.2710</b> | <b>0.0330</b> | <b>0.3040</b> | <b>0.1490</b>  | <b>0.0303</b> | <b>0.1793</b> | <b>0.0000</b> | <b>50.1460</b> | <b>50.1460</b> | <b>0.0162</b> | <b>0.0000</b> | <b>50.5515</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.3 Site Preparation - 2020****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 8.9000e-004        | 6.4000e-004        | 6.6300e-003        | 2.0000e-005        | 2.1300e-003        | 1.0000e-005        | 2.1500e-003        | 5.7000e-004        | 1.0000e-005        | 5.8000e-004        | 0.0000        | 1.8692        | 1.8692        | 5.0000e-005        | 0.0000        | 1.8703        |
| <b>Total</b> | <b>8.9000e-004</b> | <b>6.4000e-004</b> | <b>6.6300e-003</b> | <b>2.0000e-005</b> | <b>2.1300e-003</b> | <b>1.0000e-005</b> | <b>2.1500e-003</b> | <b>5.7000e-004</b> | <b>1.0000e-005</b> | <b>5.8000e-004</b> | <b>0.0000</b> | <b>1.8692</b> | <b>1.8692</b> | <b>5.0000e-005</b> | <b>0.0000</b> | <b>1.8703</b> |

**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 |               |               |               |                    | 0.2710        | 0.0000        | 0.2710        | 0.1490         | 0.0000        | 0.1490        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0612        | 0.6363        | 0.3227        | 5.7000e-004        |               | 0.0330        | 0.0330        |                | 0.0303        | 0.0303        | 0.0000        | 50.1460        | 50.1460        | 0.0162        | 0.0000        | 50.5514        |
| <b>Total</b>  | <b>0.0612</b> | <b>0.6363</b> | <b>0.3227</b> | <b>5.7000e-004</b> | <b>0.2710</b> | <b>0.0330</b> | <b>0.3040</b> | <b>0.1490</b>  | <b>0.0303</b> | <b>0.1793</b> | <b>0.0000</b> | <b>50.1460</b> | <b>50.1460</b> | <b>0.0162</b> | <b>0.0000</b> | <b>50.5514</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.3 Site Preparation - 2020****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 8.9000e-004        | 6.4000e-004        | 6.6300e-003        | 2.0000e-005        | 2.1300e-003        | 1.0000e-005        | 2.1500e-003        | 5.7000e-004        | 1.0000e-005        | 5.8000e-004        | 0.0000        | 1.8692        | 1.8692        | 5.0000e-005        | 0.0000        | 1.8703        |
| <b>Total</b> | <b>8.9000e-004</b> | <b>6.4000e-004</b> | <b>6.6300e-003</b> | <b>2.0000e-005</b> | <b>2.1300e-003</b> | <b>1.0000e-005</b> | <b>2.1500e-003</b> | <b>5.7000e-004</b> | <b>1.0000e-005</b> | <b>5.8000e-004</b> | <b>0.0000</b> | <b>1.8692</b> | <b>1.8692</b> | <b>5.0000e-005</b> | <b>0.0000</b> | <b>1.8703</b> |

**3.4 Grading - 2020****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 |               |               |               |                    | 0.0930        | 0.0000        | 0.0930        | 0.0500         | 0.0000        | 0.0500        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0364        | 0.3958        | 0.2408        | 4.4000e-004        |               | 0.0191        | 0.0191        |                | 0.0176        | 0.0176        | 0.0000        | 39.0881        | 39.0881        | 0.0126        | 0.0000        | 39.4042        |
| <b>Total</b>  | <b>0.0364</b> | <b>0.3958</b> | <b>0.2408</b> | <b>4.4000e-004</b> | <b>0.0930</b> | <b>0.0191</b> | <b>0.1121</b> | <b>0.0500</b>  | <b>0.0176</b> | <b>0.0675</b> | <b>0.0000</b> | <b>39.0881</b> | <b>39.0881</b> | <b>0.0126</b> | <b>0.0000</b> | <b>39.4042</b> |



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.4 Grading - 2020****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      | 7.2000e-004        | 0.0251        | 5.0500e-003   | 7.0000e-005        | 1.4500e-003        | 8.0000e-005        | 1.5300e-003        | 4.0000e-004        | 8.0000e-005        | 4.8000e-004        | 0.0000        | 6.5908        | 6.5908        | 3.4000e-004        | 0.0000        | 6.5993        |
| Vendor       | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 7.5000e-004        | 5.3000e-004   | 5.5300e-003   | 2.0000e-005        | 1.7800e-003        | 1.0000e-005        | 1.7900e-003        | 4.7000e-004        | 1.0000e-005        | 4.8000e-004        | 0.0000        | 1.5576        | 1.5576        | 4.0000e-005        | 0.0000        | 1.5586        |
| <b>Total</b> | <b>1.4700e-003</b> | <b>0.0257</b> | <b>0.0106</b> | <b>9.0000e-005</b> | <b>3.2300e-003</b> | <b>9.0000e-005</b> | <b>3.3200e-003</b> | <b>8.7000e-004</b> | <b>9.0000e-005</b> | <b>9.6000e-004</b> | <b>0.0000</b> | <b>8.1484</b> | <b>8.1484</b> | <b>3.8000e-004</b> | <b>0.0000</b> | <b>8.1579</b> |

**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 |               |               |               |                    | 0.0930        | 0.0000        | 0.0930        | 0.0500         | 0.0000        | 0.0500        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0364        | 0.3958        | 0.2408        | 4.4000e-004        |               | 0.0191        | 0.0191        |                | 0.0176        | 0.0176        | 0.0000        | 39.0881        | 39.0881        | 0.0126        | 0.0000        | 39.4041        |
| <b>Total</b>  | <b>0.0364</b> | <b>0.3958</b> | <b>0.2408</b> | <b>4.4000e-004</b> | <b>0.0930</b> | <b>0.0191</b> | <b>0.1121</b> | <b>0.0500</b>  | <b>0.0176</b> | <b>0.0675</b> | <b>0.0000</b> | <b>39.0881</b> | <b>39.0881</b> | <b>0.0126</b> | <b>0.0000</b> | <b>39.4041</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.4 Grading - 2020****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      | 7.2000e-004        | 0.0251        | 5.0500e-003   | 7.0000e-005        | 1.4500e-003        | 8.0000e-005        | 1.5300e-003        | 4.0000e-004        | 8.0000e-005        | 4.8000e-004        | 0.0000        | 6.5908        | 6.5908        | 3.4000e-004        | 0.0000        | 6.5993        |
| Vendor       | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 7.5000e-004        | 5.3000e-004   | 5.5300e-003   | 2.0000e-005        | 1.7800e-003        | 1.0000e-005        | 1.7900e-003        | 4.7000e-004        | 1.0000e-005        | 4.8000e-004        | 0.0000        | 1.5576        | 1.5576        | 4.0000e-005        | 0.0000        | 1.5586        |
| <b>Total</b> | <b>1.4700e-003</b> | <b>0.0257</b> | <b>0.0106</b> | <b>9.0000e-005</b> | <b>3.2300e-003</b> | <b>9.0000e-005</b> | <b>3.3200e-003</b> | <b>8.7000e-004</b> | <b>9.0000e-005</b> | <b>9.6000e-004</b> | <b>0.0000</b> | <b>8.1484</b> | <b>8.1484</b> | <b>3.8000e-004</b> | <b>0.0000</b> | <b>8.1579</b> |

**3.5 Building Construction - 2020****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     | 0.0890        | 0.8058        | 0.7076        | 1.1300e-003        |               | 0.0469        | 0.0469        |                | 0.0441        | 0.0441        | 0.0000        | 97.2762        | 97.2762        | 0.0237        | 0.0000        | 97.8695        |
| <b>Total</b> | <b>0.0890</b> | <b>0.8058</b> | <b>0.7076</b> | <b>1.1300e-003</b> |               | <b>0.0469</b> | <b>0.0469</b> |                | <b>0.0441</b> | <b>0.0441</b> | <b>0.0000</b> | <b>97.2762</b> | <b>97.2762</b> | <b>0.0237</b> | <b>0.0000</b> | <b>97.8695</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.5 Building Construction - 2020****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      | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 6.5000e-004        | 0.0194        | 4.8700e-003   | 5.0000e-005        | 1.1000e-003        | 9.0000e-005        | 1.2000e-003        | 3.2000e-004        | 9.0000e-005        | 4.1000e-004        | 0.0000        | 4.3986        | 4.3986        | 2.3000e-004        | 0.0000        | 4.4042        |
| Worker       | 1.8100e-003        | 1.2900e-003   | 0.0134        | 4.0000e-005        | 4.3100e-003        | 3.0000e-005        | 4.3400e-003        | 1.1500e-003        | 3.0000e-005        | 1.1700e-003        | 0.0000        | 3.7799        | 3.7799        | 9.0000e-005        | 0.0000        | 3.7821        |
| <b>Total</b> | <b>2.4600e-003</b> | <b>0.0207</b> | <b>0.0183</b> | <b>9.0000e-005</b> | <b>5.4100e-003</b> | <b>1.2000e-004</b> | <b>5.5400e-003</b> | <b>1.4700e-003</b> | <b>1.2000e-004</b> | <b>1.5800e-003</b> | <b>0.0000</b> | <b>8.1784</b> | <b>8.1784</b> | <b>3.2000e-004</b> | <b>0.0000</b> | <b>8.1864</b> |

**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     | 0.0890        | 0.8058        | 0.7076        | 1.1300e-003        |               | 0.0469        | 0.0469        |                | 0.0441        | 0.0441        | 0.0000        | 97.2761        | 97.2761        | 0.0237        | 0.0000        | 97.8694        |
| <b>Total</b> | <b>0.0890</b> | <b>0.8058</b> | <b>0.7076</b> | <b>1.1300e-003</b> |               | <b>0.0469</b> | <b>0.0469</b> |                | <b>0.0441</b> | <b>0.0441</b> | <b>0.0000</b> | <b>97.2761</b> | <b>97.2761</b> | <b>0.0237</b> | <b>0.0000</b> | <b>97.8694</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.5 Building Construction - 2020****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      | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 6.5000e-004        | 0.0194        | 4.8700e-003   | 5.0000e-005        | 1.1000e-003        | 9.0000e-005        | 1.2000e-003        | 3.2000e-004        | 9.0000e-005        | 4.1000e-004        | 0.0000        | 4.3986        | 4.3986        | 2.3000e-004        | 0.0000        | 4.4042        |
| Worker       | 1.8100e-003        | 1.2900e-003   | 0.0134        | 4.0000e-005        | 4.3100e-003        | 3.0000e-005        | 4.3400e-003        | 1.1500e-003        | 3.0000e-005        | 1.1700e-003        | 0.0000        | 3.7799        | 3.7799        | 9.0000e-005        | 0.0000        | 3.7821        |
| <b>Total</b> | <b>2.4600e-003</b> | <b>0.0207</b> | <b>0.0183</b> | <b>9.0000e-005</b> | <b>5.4100e-003</b> | <b>1.2000e-004</b> | <b>5.5400e-003</b> | <b>1.4700e-003</b> | <b>1.2000e-004</b> | <b>1.5800e-003</b> | <b>0.0000</b> | <b>8.1784</b> | <b>8.1784</b> | <b>3.2000e-004</b> | <b>0.0000</b> | <b>8.1864</b> |

**3.5 Building Construction - 2021****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     | 0.1530        | 1.4033        | 1.3343        | 2.1700e-003        |               | 0.0772        | 0.0772        |                | 0.0726        | 0.0726        | 0.0000        | 186.4680        | 186.4680        | 0.0450        | 0.0000        | 187.5927        |
| <b>Total</b> | <b>0.1530</b> | <b>1.4033</b> | <b>1.3343</b> | <b>2.1700e-003</b> |               | <b>0.0772</b> | <b>0.0772</b> |                | <b>0.0726</b> | <b>0.0726</b> | <b>0.0000</b> | <b>186.4680</b> | <b>186.4680</b> | <b>0.0450</b> | <b>0.0000</b> | <b>187.5927</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.5 Building Construction - 2021****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      | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| Vendor       | 1.0200e-003        | 0.0336        | 8.3900e-003   | 9.0000e-005        | 2.1100e-003   | 7.0000e-005        | 2.1800e-003   | 6.1000e-004        | 7.0000e-005        | 6.8000e-004        | 0.0000        | 8.3509         | 8.3509         | 4.1000e-004        | 0.0000        | 8.3611         |
| Worker       | 3.2100e-003        | 2.2200e-003   | 0.0235        | 8.0000e-005        | 8.2700e-003   | 5.0000e-005        | 8.3200e-003   | 2.2000e-003        | 5.0000e-005        | 2.2500e-003        | 0.0000        | 6.9905         | 6.9905         | 1.6000e-004        | 0.0000        | 6.9944         |
| <b>Total</b> | <b>4.2300e-003</b> | <b>0.0359</b> | <b>0.0319</b> | <b>1.7000e-004</b> | <b>0.0104</b> | <b>1.2000e-004</b> | <b>0.0105</b> | <b>2.8100e-003</b> | <b>1.2000e-004</b> | <b>2.9300e-003</b> | <b>0.0000</b> | <b>15.3414</b> | <b>15.3414</b> | <b>5.7000e-004</b> | <b>0.0000</b> | <b>15.3556</b> |

**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     | 0.1530        | 1.4033        | 1.3343        | 2.1700e-003        |               | 0.0772        | 0.0772        |                | 0.0726        | 0.0726        | 0.0000        | 186.4678        | 186.4678        | 0.0450        | 0.0000        | 187.5925        |
| <b>Total</b> | <b>0.1530</b> | <b>1.4033</b> | <b>1.3343</b> | <b>2.1700e-003</b> |               | <b>0.0772</b> | <b>0.0772</b> |                | <b>0.0726</b> | <b>0.0726</b> | <b>0.0000</b> | <b>186.4678</b> | <b>186.4678</b> | <b>0.0450</b> | <b>0.0000</b> | <b>187.5925</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.5 Building Construction - 2021****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      | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| Vendor       | 1.0200e-003        | 0.0336        | 8.3900e-003   | 9.0000e-005        | 2.1100e-003   | 7.0000e-005        | 2.1800e-003   | 6.1000e-004        | 7.0000e-005        | 6.8000e-004        | 0.0000        | 8.3509         | 8.3509         | 4.1000e-004        | 0.0000        | 8.3611         |
| Worker       | 3.2100e-003        | 2.2200e-003   | 0.0235        | 8.0000e-005        | 8.2700e-003   | 5.0000e-005        | 8.3200e-003   | 2.2000e-003        | 5.0000e-005        | 2.2500e-003        | 0.0000        | 6.9905         | 6.9905         | 1.6000e-004        | 0.0000        | 6.9944         |
| <b>Total</b> | <b>4.2300e-003</b> | <b>0.0359</b> | <b>0.0319</b> | <b>1.7000e-004</b> | <b>0.0104</b> | <b>1.2000e-004</b> | <b>0.0105</b> | <b>2.8100e-003</b> | <b>1.2000e-004</b> | <b>2.9300e-003</b> | <b>0.0000</b> | <b>15.3414</b> | <b>15.3414</b> | <b>5.7000e-004</b> | <b>0.0000</b> | <b>15.3556</b> |

**3.6 Paving - 2021****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     | 0.0164        | 0.1626        | 0.1839        | 2.8000e-004        |               | 8.6800e-003        | 8.6800e-003        |                | 8.0100e-003        | 8.0100e-003        | 0.0000        | 24.5559        | 24.5559        | 7.7200e-003        | 0.0000        | 24.7488        |
| Paving       | 0.0000        |               |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| <b>Total</b> | <b>0.0164</b> | <b>0.1626</b> | <b>0.1839</b> | <b>2.8000e-004</b> |               | <b>8.6800e-003</b> | <b>8.6800e-003</b> |                | <b>8.0100e-003</b> | <b>8.0100e-003</b> | <b>0.0000</b> | <b>24.5559</b> | <b>24.5559</b> | <b>7.7200e-003</b> | <b>0.0000</b> | <b>24.7488</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.6 Paving - 2021****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 9.2000e-004        | 6.4000e-004        | 6.7300e-003        | 2.0000e-005        | 2.3700e-003        | 2.0000e-005        | 2.3900e-003        | 6.3000e-004        | 1.0000e-005        | 6.4000e-004        | 0.0000        | 2.0040        | 2.0040        | 4.0000e-005        | 0.0000        | 2.0051        |
| <b>Total</b> | <b>9.2000e-004</b> | <b>6.4000e-004</b> | <b>6.7300e-003</b> | <b>2.0000e-005</b> | <b>2.3700e-003</b> | <b>2.0000e-005</b> | <b>2.3900e-003</b> | <b>6.3000e-004</b> | <b>1.0000e-005</b> | <b>6.4000e-004</b> | <b>0.0000</b> | <b>2.0040</b> | <b>2.0040</b> | <b>4.0000e-005</b> | <b>0.0000</b> | <b>2.0051</b> |

**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     | 0.0164        | 0.1626        | 0.1839        | 2.8000e-004        |               | 8.6800e-003        | 8.6800e-003        |                | 8.0100e-003        | 8.0100e-003        | 0.0000        | 24.5559        | 24.5559        | 7.7200e-003        | 0.0000        | 24.7488        |
| Paving       | 0.0000        |               |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| <b>Total</b> | <b>0.0164</b> | <b>0.1626</b> | <b>0.1839</b> | <b>2.8000e-004</b> |               | <b>8.6800e-003</b> | <b>8.6800e-003</b> |                | <b>8.0100e-003</b> | <b>8.0100e-003</b> | <b>0.0000</b> | <b>24.5559</b> | <b>24.5559</b> | <b>7.7200e-003</b> | <b>0.0000</b> | <b>24.7488</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.6 Paving - 2021****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 9.2000e-004        | 6.4000e-004        | 6.7300e-003        | 2.0000e-005        | 2.3700e-003        | 2.0000e-005        | 2.3900e-003        | 6.3000e-004        | 1.0000e-005        | 6.4000e-004        | 0.0000        | 2.0040        | 2.0040        | 4.0000e-005        | 0.0000        | 2.0051        |
| <b>Total</b> | <b>9.2000e-004</b> | <b>6.4000e-004</b> | <b>6.7300e-003</b> | <b>2.0000e-005</b> | <b>2.3700e-003</b> | <b>2.0000e-005</b> | <b>2.3900e-003</b> | <b>6.3000e-004</b> | <b>1.0000e-005</b> | <b>6.4000e-004</b> | <b>0.0000</b> | <b>2.0040</b> | <b>2.0040</b> | <b>4.0000e-005</b> | <b>0.0000</b> | <b>2.0051</b> |

**3.7 Architectural Coating - 2021****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 | 0.4562        |               |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road        | 3.2800e-003   | 0.0229        | 0.0273        | 4.0000e-005        |               | 1.4100e-003        | 1.4100e-003        |                | 1.4100e-003        | 1.4100e-003        | 0.0000        | 3.8299        | 3.8299        | 2.6000e-004        | 0.0000        | 3.8365        |
| <b>Total</b>    | <b>0.4594</b> | <b>0.0229</b> | <b>0.0273</b> | <b>4.0000e-005</b> |               | <b>1.4100e-003</b> | <b>1.4100e-003</b> |                | <b>1.4100e-003</b> | <b>1.4100e-003</b> | <b>0.0000</b> | <b>3.8299</b> | <b>3.8299</b> | <b>2.6000e-004</b> | <b>0.0000</b> | <b>3.8365</b> |



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.7 Architectural Coating - 2021****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 1.4000e-004        | 1.0000e-004        | 1.0100e-003        | 0.0000        | 3.6000e-004        | 0.0000        | 3.6000e-004        | 9.0000e-005        | 0.0000        | 1.0000e-004        | 0.0000        | 0.3006        | 0.3006        | 1.0000e-005        | 0.0000        | 0.3008        |
| <b>Total</b> | <b>1.4000e-004</b> | <b>1.0000e-004</b> | <b>1.0100e-003</b> | <b>0.0000</b> | <b>3.6000e-004</b> | <b>0.0000</b> | <b>3.6000e-004</b> | <b>9.0000e-005</b> | <b>0.0000</b> | <b>1.0000e-004</b> | <b>0.0000</b> | <b>0.3006</b> | <b>0.3006</b> | <b>1.0000e-005</b> | <b>0.0000</b> | <b>0.3008</b> |

**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 | 0.4562        |               |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road        | 3.2800e-003   | 0.0229        | 0.0273        | 4.0000e-005        |               | 1.4100e-003        | 1.4100e-003        |                | 1.4100e-003        | 1.4100e-003        | 0.0000        | 3.8299        | 3.8299        | 2.6000e-004        | 0.0000        | 3.8365        |
| <b>Total</b>    | <b>0.4594</b> | <b>0.0229</b> | <b>0.0273</b> | <b>4.0000e-005</b> |               | <b>1.4100e-003</b> | <b>1.4100e-003</b> |                | <b>1.4100e-003</b> | <b>1.4100e-003</b> | <b>0.0000</b> | <b>3.8299</b> | <b>3.8299</b> | <b>2.6000e-004</b> | <b>0.0000</b> | <b>3.8365</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**3.7 Architectural Coating - 2021****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      | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Worker       | 1.4000e-004        | 1.0000e-004        | 1.0100e-003        | 0.0000        | 3.6000e-004        | 0.0000        | 3.6000e-004        | 9.0000e-005        | 0.0000        | 1.0000e-004        | 0.0000        | 0.3006        | 0.3006        | 1.0000e-005        | 0.0000        | 0.3008        |
| <b>Total</b> | <b>1.4000e-004</b> | <b>1.0000e-004</b> | <b>1.0100e-003</b> | <b>0.0000</b> | <b>3.6000e-004</b> | <b>0.0000</b> | <b>3.6000e-004</b> | <b>9.0000e-005</b> | <b>0.0000</b> | <b>1.0000e-004</b> | <b>0.0000</b> | <b>0.3006</b> | <b>0.3006</b> | <b>1.0000e-005</b> | <b>0.0000</b> | <b>0.3008</b> |

**4.0 Operational Detail - Mobile****4.1 Mitigation Measures Mobile**

Increase Density

Improve Walkability Design

Improve Destination Accessibility

Improve Pedestrian Network

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

|             | ROG     | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e     |
|-------------|---------|--------|--------|-------------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|--------|--------|----------|
| Category    | tons/yr |        |        |             |               |              |            |                |               |             | MT/yr    |           |           |        |        |          |
| Mitigated   | 0.0909  | 0.4335 | 0.9994 | 3.3400e-003 | 0.2793        | 3.1300e-003  | 0.2824     | 0.0750         | 2.9300e-003   | 0.0779      | 0.0000   | 306.5771  | 306.5771  | 0.0119 | 0.0000 | 306.8739 |
| Unmitigated | 0.0932  | 0.4505 | 1.0518 | 3.5700e-003 | 0.3000        | 3.3300e-003  | 0.3033     | 0.0805         | 3.1200e-003   | 0.0837      | 0.0000   | 327.5339  | 327.5339  | 0.0125 | 0.0000 | 327.8457 |

## 4.2 Trip Summary Information

| Land Use              | Average Daily Trip Rate |          |        | Unmitigated | Mitigated  |
|-----------------------|-------------------------|----------|--------|-------------|------------|
|                       | Weekday                 | Saturday | Sunday | Annual VMT  | Annual VMT |
| Single Family Housing | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |
| Total                 | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |

## 4.3 Trip Type Information

| Land Use              | Miles      |            |             | Trip %     |            |             | Trip Purpose % |          |         |
|-----------------------|------------|------------|-------------|------------|------------|-------------|----------------|----------|---------|
|                       | 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 | Primary        | Diverted | Pass-by |
| Single Family Housing | 10.80      | 4.80       | 5.70        | 31.00      | 15.00      | 54.00       | 86             | 11       | 3       |

## 4.4 Fleet Mix

| Land Use              | LDA      | LDT1     | LDT2     | MDV      | LHD1     | LHD2     | MHD      | HHD      | OBUS     | UBUS     | MCY      | SBUS     | MH       |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Single Family Housing | 0.575198 | 0.040076 | 0.193827 | 0.113296 | 0.016988 | 0.005361 | 0.017552 | 0.025197 | 0.002581 | 0.002349 | 0.005904 | 0.000881 | 0.000789 |

## 5.0 Energy Detail

Historical Energy Use: N

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

## 5.1 Mitigation Measures Energy

|                         | ROG         | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total  | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4         | N2O         | CO2e    |
|-------------------------|-------------|--------|--------|-------------|---------------|--------------|-------------|----------------|---------------|-------------|----------|-----------|-----------|-------------|-------------|---------|
| Category                | tons/yr     |        |        |             |               |              |             |                |               |             | MT/yr    |           |           |             |             |         |
| Electricity Mitigated   |             |        |        |             |               | 0.0000       | 0.0000      |                | 0.0000        | 0.0000      | 0.0000   | 43.4389   | 43.4389   | 3.8300e-003 | 7.9000e-004 | 43.7709 |
| Electricity Unmitigated |             |        |        |             |               | 0.0000       | 0.0000      |                | 0.0000        | 0.0000      | 0.0000   | 43.4389   | 43.4389   | 3.8300e-003 | 7.9000e-004 | 43.7709 |
| NaturalGas Mitigated    | 5.6400e-003 | 0.0482 | 0.0205 | 3.1000e-004 |               | 3.9000e-003  | 3.9000e-003 |                | 3.9000e-003   | 3.9000e-003 | 0.0000   | 55.8369   | 55.8369   | 1.0700e-003 | 1.0200e-003 | 56.1687 |
| NaturalGas Unmitigated  | 5.6400e-003 | 0.0482 | 0.0205 | 3.1000e-004 |               | 3.9000e-003  | 3.9000e-003 |                | 3.9000e-003   | 3.9000e-003 | 0.0000   | 55.8369   | 55.8369   | 1.0700e-003 | 1.0200e-003 | 56.1687 |

## 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/yr        | tons/yr            |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |                |                |                    |                    |                |
| Single Family Housing | 1.04634e+006   | 5.6400e-003        | 0.0482        | 0.0205        | 3.1000e-004        |               | 3.9000e-003        | 3.9000e-003        |                | 3.9000e-003        | 3.9000e-003        | 0.0000        | 55.8369        | 55.8369        | 1.0700e-003        | 1.0200e-003        | 56.1687        |
| <b>Total</b>          |                | <b>5.6400e-003</b> | <b>0.0482</b> | <b>0.0205</b> | <b>3.1000e-004</b> |               | <b>3.9000e-003</b> | <b>3.9000e-003</b> |                | <b>3.9000e-003</b> | <b>3.9000e-003</b> | <b>0.0000</b> | <b>55.8369</b> | <b>55.8369</b> | <b>1.0700e-003</b> | <b>1.0200e-003</b> | <b>56.1687</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**5.2 Energy by Land Use - NaturalGas****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/yr        | tons/yr            |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |                |                |                    |                    |                |
| Single Family Housing | 1.04634e+006   | 5.6400e-003        | 0.0482        | 0.0205        | 3.1000e-004        |               | 3.9000e-003        | 3.9000e-003        |                | 3.9000e-003        | 3.9000e-003        | 0.0000        | 55.8369        | 55.8369        | 1.0700e-003        | 1.0200e-003        | 56.1687        |
| <b>Total</b>          |                | <b>5.6400e-003</b> | <b>0.0482</b> | <b>0.0205</b> | <b>3.1000e-004</b> |               | <b>3.9000e-003</b> | <b>3.9000e-003</b> |                | <b>3.9000e-003</b> | <b>3.9000e-003</b> | <b>0.0000</b> | <b>55.8369</b> | <b>55.8369</b> | <b>1.0700e-003</b> | <b>1.0200e-003</b> | <b>56.1687</b> |

**5.3 Energy by Land Use - Electricity****Unmitigated**

|                       | Electricity Use | Total CO2      | CH4                | N2O                | CO2e           |
|-----------------------|-----------------|----------------|--------------------|--------------------|----------------|
| Land Use              | kWh/yr          | MT/yr          |                    |                    |                |
| Single Family Housing | 291261          | 43.4389        | 3.8300e-003        | 7.9000e-004        | 43.7709        |
| <b>Total</b>          |                 | <b>43.4389</b> | <b>3.8300e-003</b> | <b>7.9000e-004</b> | <b>43.7709</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

### 5.3 Energy by Land Use - Electricity

#### Mitigated

|                       | Electricity Use | Total CO2      | CH4                | N2O                | CO2e           |
|-----------------------|-----------------|----------------|--------------------|--------------------|----------------|
| Land Use              | kWh/yr          | MT/yr          |                    |                    |                |
| Single Family Housing | 291261          | 43.4389        | 3.8300e-003        | 7.9000e-004        | 43.7709        |
| <b>Total</b>          |                 | <b>43.4389</b> | <b>3.8300e-003</b> | <b>7.9000e-004</b> | <b>43.7709</b> |

### 6.0 Area Detail

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#### 6.1 Mitigation Measures Area

Use only Natural Gas Hearths

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

|             | ROG     | NOx         | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total  | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4         | N2O         | CO2e   |
|-------------|---------|-------------|--------|-------------|---------------|--------------|-------------|----------------|---------------|-------------|----------|-----------|-----------|-------------|-------------|--------|
| Category    | tons/yr |             |        |             |               |              |             |                |               |             | MT/yr    |           |           |             |             |        |
| Mitigated   | 0.3071  | 5.7300e-003 | 0.2690 | 3.0000e-005 |               | 1.6900e-003  | 1.6900e-003 |                | 1.6900e-003   | 1.6900e-003 | 0.0000   | 3.4927    | 3.4927    | 4.8000e-004 | 6.0000e-005 | 3.5214 |
| Unmitigated | 0.5190  | 7.7400e-003 | 0.5764 | 6.5000e-004 |               | 0.0460       | 0.0460      |                | 0.0460        | 0.0460      | 4.5760   | 1.5602    | 6.1362    | 9.0700e-003 | 2.6000e-004 | 6.4409 |

## 6.2 Area by SubCategory

Unmitigated

|                       | ROG           | NOx                | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O                | CO2e          |
|-----------------------|---------------|--------------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|---------------|---------------|--------------------|--------------------|---------------|
| SubCategory           | tons/yr       |                    |               |                    |               |               |               |                |               |               | MT/yr         |               |               |                    |                    |               |
| Architectural Coating | 0.0456        |                    |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000        |
| Consumer Products     | 0.2531        |                    |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000        |
| Hearth                | 0.2122        | 4.6500e-003        | 0.3085        | 6.4000e-004        |               | 0.0445        | 0.0445        |                | 0.0445        | 0.0445        | 4.5760        | 1.1236        | 5.6996        | 8.6500e-003        | 2.6000e-004        | 5.9937        |
| Landscaping           | 8.1200e-003   | 3.0900e-003        | 0.2679        | 1.0000e-005        |               | 1.4800e-003   | 1.4800e-003   |                | 1.4800e-003   | 1.4800e-003   | 0.0000        | 0.4366        | 0.4366        | 4.2000e-004        | 0.0000             | 0.4472        |
| <b>Total</b>          | <b>0.5190</b> | <b>7.7400e-003</b> | <b>0.5764</b> | <b>6.5000e-004</b> |               | <b>0.0460</b> | <b>0.0460</b> |                | <b>0.0460</b> | <b>0.0460</b> | <b>4.5760</b> | <b>1.5602</b> | <b>6.1362</b> | <b>9.0700e-003</b> | <b>2.6000e-004</b> | <b>6.4409</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**6.2 Area by SubCategory****Mitigated**

|                       | ROG           | NOx                | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O                | CO2e          |
|-----------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|---------------|---------------|--------------------|--------------------|---------------|
| SubCategory           | tons/yr       |                    |               |                    |               |                    |                    |                |                    |                    | MT/yr         |               |               |                    |                    |               |
| Architectural Coating | 0.0456        |                    |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000        |
| Consumer Products     | 0.2531        |                    |               |                    |               | 0.0000             | 0.0000             |                | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000        |
| Hearth                | 3.1000e-004   | 2.6400e-003        | 1.1200e-003   | 2.0000e-005        |               | 2.1000e-004        | 2.1000e-004        |                | 2.1000e-004        | 2.1000e-004        | 0.0000        | 3.0561        | 3.0561        | 6.0000e-005        | 6.0000e-005        | 3.0742        |
| Landscaping           | 8.1200e-003   | 3.0900e-003        | 0.2679        | 1.0000e-005        |               | 1.4800e-003        | 1.4800e-003        |                | 1.4800e-003        | 1.4800e-003        | 0.0000        | 0.4366        | 0.4366        | 4.2000e-004        | 0.0000             | 0.4472        |
| <b>Total</b>          | <b>0.3071</b> | <b>5.7300e-003</b> | <b>0.2690</b> | <b>3.0000e-005</b> |               | <b>1.6900e-003</b> | <b>1.6900e-003</b> |                | <b>1.6900e-003</b> | <b>1.6900e-003</b> | <b>0.0000</b> | <b>3.4927</b> | <b>3.4927</b> | <b>4.8000e-004</b> | <b>6.0000e-005</b> | <b>3.5214</b> |

**7.0 Water Detail****7.1 Mitigation Measures Water**



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

|             | Total CO2 | CH4    | N2O         | CO2e   |
|-------------|-----------|--------|-------------|--------|
| Category    | MT/yr     |        |             |        |
| Mitigated   | 3.4089    | 0.0767 | 1.8500e-003 | 5.8778 |
| Unmitigated | 3.4089    | 0.0767 | 1.8500e-003 | 5.8778 |

**7.2 Water by Land Use****Unmitigated**

|                       | Indoor/Outdoor Use | Total CO2     | CH4           | N2O                | CO2e          |
|-----------------------|--------------------|---------------|---------------|--------------------|---------------|
| Land Use              | Mgal               | MT/yr         |               |                    |               |
| Single Family Housing | 2.34554 / 1.47871  | 3.4089        | 0.0767        | 1.8500e-003        | 5.8778        |
| <b>Total</b>          |                    | <b>3.4089</b> | <b>0.0767</b> | <b>1.8500e-003</b> | <b>5.8778</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**7.2 Water by Land Use****Mitigated**

|                       | Indoor/Outdoor Use | Total CO2     | CH4           | N2O                | CO2e          |
|-----------------------|--------------------|---------------|---------------|--------------------|---------------|
| Land Use              | Mgal               | MT/yr         |               |                    |               |
| Single Family Housing | 2.34554 / 1.47871  | 3.4089        | 0.0767        | 1.8500e-003        | 5.8778        |
| <b>Total</b>          |                    | <b>3.4089</b> | <b>0.0767</b> | <b>1.8500e-003</b> | <b>5.8778</b> |

**8.0 Waste Detail****8.1 Mitigation Measures Waste****Category/Year**

|             | Total CO2 | CH4    | N2O    | CO2e    |
|-------------|-----------|--------|--------|---------|
|             | MT/yr     |        |        |         |
| Mitigated   | 8.7814    | 0.5190 | 0.0000 | 21.7555 |
| Unmitigated | 8.7814    | 0.5190 | 0.0000 | 21.7555 |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

**8.2 Waste by Land Use****Unmitigated**

|                       | Waste Disposed | Total CO2     | CH4           | N2O           | CO2e           |
|-----------------------|----------------|---------------|---------------|---------------|----------------|
| Land Use              | tons           | MT/yr         |               |               |                |
| Single Family Housing | 43.26          | 8.7814        | 0.5190        | 0.0000        | 21.7555        |
| <b>Total</b>          |                | <b>8.7814</b> | <b>0.5190</b> | <b>0.0000</b> | <b>21.7555</b> |

**Mitigated**

|                       | Waste Disposed | Total CO2     | CH4           | N2O           | CO2e           |
|-----------------------|----------------|---------------|---------------|---------------|----------------|
| Land Use              | tons           | MT/yr         |               |               |                |
| Single Family Housing | 43.26          | 8.7814        | 0.5190        | 0.0000        | 21.7555        |
| <b>Total</b>          |                | <b>8.7814</b> | <b>0.5190</b> | <b>0.0000</b> | <b>21.7555</b> |

**9.0 Operational Offroad**

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|-----------|-------------|-------------|-----------|
|----------------|--------|-----------|-----------|-------------|-------------|-----------|

1005 North Park Victoria Drive - Bay Area AQMD Air District, Annual

## 10.0 Stationary Equipment

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### Fire Pumps and Emergency Generators

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|------------|-------------|-------------|-----------|
|----------------|--------|-----------|------------|-------------|-------------|-----------|

### Boilers

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|----------------|--------|----------------|-----------------|---------------|-----------|
|----------------|--------|----------------|-----------------|---------------|-----------|

### User Defined Equipment

| Equipment Type | Number |
|----------------|--------|
|----------------|--------|

## 11.0 Vegetation

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1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**1005 North Park Victoria Drive**  
**Bay Area AQMD Air District, Summer**

## 1.0 Project Characteristics

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### 1.1 Land Usage

| Land Uses             | Size  | Metric        | Lot Acreage | Floor Surface Area | Population |
|-----------------------|-------|---------------|-------------|--------------------|------------|
| Single Family Housing | 36.00 | Dwelling Unit | 4.88        | 64,800.00          | 103        |

### 1.2 Other Project Characteristics

|                                |                                |                                |       |                                  |       |
|--------------------------------|--------------------------------|--------------------------------|-------|----------------------------------|-------|
| <b>Urbanization</b>            | Urban                          | <b>Wind Speed (m/s)</b>        | 2.2   | <b>Precipitation Freq (Days)</b> | 64    |
| <b>Climate Zone</b>            | 4                              |                                |       | <b>Operational Year</b>          | 2021  |
| <b>Utility Company</b>         | Pacific Gas & Electric Company |                                |       |                                  |       |
| <b>CO2 Intensity (lb/MWhr)</b> | 328.8                          | <b>CH4 Intensity (lb/MWhr)</b> | 0.029 | <b>N2O Intensity (lb/MWhr)</b>   | 0.006 |

### 1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity factor based on 5-year average (PG&E, 2015)

Land Use - 4.88-acre project site

Construction Phase - Project construction would commence spring 2020 and would occur for approximately 1.5 to 2 years

Grading - Project would require the import of approximately 1,711 cubic yards of soil

Demolition - The proposed project would include the demolition of the existing approximately 2,300-square-foot building

Trips and VMT - The project would include a total of 172 truck trips to import soil

Vehicle Trips - Based on project's trip generation

Mobile Land Use Mitigation -

Area Mitigation - Assuming only natural gas hearth

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

| Table Name                | Column Name        | Default Value | New Value |
|---------------------------|--------------------|---------------|-----------|
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 230.00        | 245.00    |
| tblConstructionPhase      | NumDays            | 20.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 8.00          | 30.00     |
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 5.00          | 30.00     |
| tblConstructionPhase      | PhaseEndDate       | 6/24/2021     | 11/5/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/5/2021      | 8/13/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/29/2020     | 6/12/2020 |
| tblConstructionPhase      | PhaseEndDate       | 6/17/2020     | 9/4/2020  |
| tblConstructionPhase      | PhaseEndDate       | 5/31/2021     | 9/24/2021 |
| tblConstructionPhase      | PhaseEndDate       | 6/5/2020      | 7/24/2020 |
| tblConstructionPhase      | PhaseStartDate     | 6/1/2021      | 9/27/2021 |
| tblConstructionPhase      | PhaseStartDate     | 6/18/2020     | 9/7/2020  |
| tblConstructionPhase      | PhaseStartDate     | 6/6/2020      | 7/27/2020 |
| tblConstructionPhase      | PhaseStartDate     | 5/6/2021      | 8/16/2021 |
| tblConstructionPhase      | PhaseStartDate     | 5/30/2020     | 6/15/2020 |
| tblGrading                | AcresOfGrading     | 15.00         | 4.88      |
| tblGrading                | MaterialImported   | 0.00          | 1,711.00  |
| tblLandUse                | LotAcreage         | 11.69         | 4.88      |
| tblProjectCharacteristics | CO2IntensityFactor | 641.35        | 328.8     |
| tblTripsAndVMT            | HaulingTripNumber  | 214.00        | 172.00    |
| tblVehicleTrips           | ST_TR              | 9.91          | 9.69      |
| tblVehicleTrips           | SU_TR              | 8.62          | 9.69      |
| tblVehicleTrips           | WD_TR              | 9.52          | 9.69      |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

## 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   |            |            |        |        |            |
| 2020    | 4.1390  | 42.4552 | 22.1746 | 0.0403 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,899.1809 | 3,899.1809 | 1.1954 | 0.0000 | 3,925.7392 |
| 2021    | 30.6388 | 17.8699 | 16.9920 | 0.0290 | 0.1643        | 0.9602       | 1.0941     | 0.0436         | 0.9028        | 0.9389      | 0.0000   | 2,771.9021 | 2,771.9021 | 0.6237 | 0.0000 | 2,787.4956 |
| Maximum | 30.6388 | 42.4552 | 22.1746 | 0.0403 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,899.1809 | 3,899.1809 | 1.1954 | 0.0000 | 3,925.7392 |

#### 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   |            |            |        |        |            |
| 2020    | 4.1390  | 42.4552 | 22.1746 | 0.0403 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,899.1809 | 3,899.1809 | 1.1954 | 0.0000 | 3,925.7392 |
| 2021    | 30.6388 | 17.8699 | 16.9920 | 0.0290 | 0.1643        | 0.9602       | 1.0941     | 0.0436         | 0.9028        | 0.9389      | 0.0000   | 2,771.9021 | 2,771.9021 | 0.6237 | 0.0000 | 2,787.4956 |
| Maximum | 30.6388 | 42.4552 | 22.1746 | 0.0403 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,899.1809 | 3,899.1809 | 1.1954 | 0.0000 | 3,925.7392 |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

|                   | 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 |
|-------------------|------|------|------|------|---------------|--------------|------------|----------------|---------------|-------------|----------|----------|-----------|------|------|------|
| Percent Reduction | 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 |



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**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         | 39.0343        | 0.7527        | 51.2269        | 0.0910        |               | 6.8393        | 6.8393        |                | 6.8393        | 6.8393        | 733.6202        | 227.7008               | 961.3210               | 0.9123        | 0.0518        | 999.5544               |
| Energy       | 0.0309         | 0.2642        | 0.1124         | 1.6900e-003   |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |                 | 337.2581               | 337.2581               | 6.4600e-003   | 6.1800e-003   | 339.2623               |
| Mobile       | 0.5859         | 2.3972        | 5.9933         | 0.0208        | 1.7125        | 0.0183        | 1.7308        | 0.4582         | 0.0171        | 0.4753        |                 | 2,099.988<br>2         | 2,099.988<br>2         | 0.0760        |               | 2,101.887<br>6         |
| <b>Total</b> | <b>39.6511</b> | <b>3.4141</b> | <b>57.3326</b> | <b>0.1135</b> | <b>1.7125</b> | <b>6.8789</b> | <b>8.5914</b> | <b>0.4582</b>  | <b>6.8777</b> | <b>7.3359</b> | <b>733.6202</b> | <b>2,664.947<br/>1</b> | <b>3,398.567<br/>3</b> | <b>0.9947</b> | <b>0.0580</b> | <b>3,440.704<br/>2</b> |

**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         | 1.7823        | 0.5081        | 3.1781        | 3.1800e-003   |               | 0.0547        | 0.0547        |                | 0.0547        | 0.0547        | 0.0000        | 610.1479               | 610.1479               | 0.0168        | 0.0111        | 613.8715               |
| Energy       | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003   |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |               | 337.2581               | 337.2581               | 6.4600e-003   | 6.1800e-003   | 339.2623               |
| Mobile       | 0.5731        | 2.3093        | 5.6682        | 0.0195        | 1.5943        | 0.0172        | 1.6115        | 0.4266         | 0.0161        | 0.4427        |               | 1,965.426<br>6         | 1,965.426<br>6         | 0.0722        |               | 1,967.230<br>7         |
| <b>Total</b> | <b>2.3863</b> | <b>3.0816</b> | <b>8.9587</b> | <b>0.0243</b> | <b>1.5943</b> | <b>0.0932</b> | <b>1.6876</b> | <b>0.4266</b>  | <b>0.0921</b> | <b>0.5187</b> | <b>0.0000</b> | <b>2,912.832<br/>6</b> | <b>2,912.832<br/>6</b> | <b>0.0954</b> | <b>0.0173</b> | <b>2,920.364<br/>5</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

|                   | 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  |
|-------------------|-------|------|-------|-------|---------------|--------------|------------|----------------|---------------|-------------|----------|----------|-----------|-------|-------|-------|
| Percent Reduction | 93.98 | 9.74 | 84.37 | 78.57 | 6.90          | 98.64        | 80.36      | 6.90           | 98.66         | 92.93       | 100.00   | -9.30    | 14.29     | 90.41 | 70.20 | 15.12 |

### 3.0 Construction Detail

#### Construction Phase

| Phase Number | Phase Name            | Phase Type            | Start Date | End Date  | Num Days Week | Num Days | Phase Description |
|--------------|-----------------------|-----------------------|------------|-----------|---------------|----------|-------------------|
| 1            | Demolition            | Demolition            | 5/4/2020   | 6/12/2020 | 5             | 30       |                   |
| 2            | Site Preparation      | Site Preparation      | 6/15/2020  | 7/24/2020 | 5             | 30       |                   |
| 3            | Grading               | Grading               | 7/27/2020  | 9/4/2020  | 5             | 30       |                   |
| 4            | Building Construction | Building Construction | 9/7/2020   | 8/13/2021 | 5             | 245      |                   |
| 5            | Paving                | Paving                | 8/16/2021  | 9/24/2021 | 5             | 30       |                   |
| 6            | Architectural Coating | Architectural Coating | 9/27/2021  | 11/5/2021 | 5             | 30       |                   |

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 4.88

Acres of Paving: 0

Residential Indoor: 131,220; Residential Outdoor: 43,740; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0  
(Architectural Coating – sqft)

#### OffRoad Equipment

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

| Phase Name            | Offroad Equipment Type    | Amount | Usage Hours | Horse Power | Load Factor |
|-----------------------|---------------------------|--------|-------------|-------------|-------------|
| Architectural Coating | Air Compressors           | 1      | 6.00        | 78          | 0.48        |
| Paving                | Cement and Mortar Mixers  | 2      | 6.00        | 9           | 0.56        |
| Demolition            | Concrete/Industrial Saws  | 1      | 8.00        | 81          | 0.73        |
| Demolition            | Excavators                | 3      | 8.00        | 158         | 0.38        |
| Building Construction | Cranes                    | 1      | 7.00        | 231         | 0.29        |
| Building Construction | Forklifts                 | 3      | 8.00        | 89          | 0.20        |
| Grading               | Excavators                | 1      | 8.00        | 158         | 0.38        |
| Paving                | Pavers                    | 1      | 8.00        | 130         | 0.42        |
| Paving                | Rollers                   | 2      | 6.00        | 80          | 0.38        |
| Demolition            | Rubber Tired Dozers       | 2      | 8.00        | 247         | 0.40        |
| Grading               | Rubber Tired Dozers       | 1      | 8.00        | 247         | 0.40        |
| Building Construction | Tractors/Loaders/Backhoes | 3      | 7.00        | 97          | 0.37        |
| Building Construction | Generator Sets            | 1      | 8.00        | 84          | 0.74        |
| Grading               | Tractors/Loaders/Backhoes | 3      | 8.00        | 97          | 0.37        |
| Paving                | Tractors/Loaders/Backhoes | 1      | 8.00        | 97          | 0.37        |
| Site Preparation      | Tractors/Loaders/Backhoes | 4      | 8.00        | 97          | 0.37        |
| Grading               | Graders                   | 1      | 8.00        | 187         | 0.41        |
| Paving                | Paving Equipment          | 2      | 6.00        | 132         | 0.36        |
| Site Preparation      | Rubber Tired Dozers       | 3      | 8.00        | 247         | 0.40        |
| Building Construction | Welders                   | 1      | 8.00        | 46          | 0.45        |

Trips and VMT

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

| Phase Name            | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Demolition            | 6                       | 15.00              | 0.00               | 10.00               | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Site Preparation      | 7                       | 18.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Grading               | 6                       | 15.00              | 0.00               | 172.00              | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Building Construction | 9                       | 13.00              | 4.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Paving                | 8                       | 20.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Architectural Coating | 1                       | 3.00               | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |

## 3.1 Mitigation Measures Construction

## 3.2 Demolition - 2020

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 |               |                |                |               | 0.0755        | 0.0000        | 0.0755        | 0.0114         | 0.0000        | 0.0114        |          |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 3.3121        | 33.2010        | 21.7532        | 0.0388        |               | 1.6587        | 1.6587        |                | 1.5419        | 1.5419        |          | 3,747.7049        | 3,747.7049        | 1.0580        |     | 3,774.1536        |
| <b>Total</b>  | <b>3.3121</b> | <b>33.2010</b> | <b>21.7532</b> | <b>0.0388</b> | <b>0.0755</b> | <b>1.6587</b> | <b>1.7342</b> | <b>0.0114</b>  | <b>1.5419</b> | <b>1.5533</b> |          | <b>3,747.7049</b> | <b>3,747.7049</b> | <b>1.0580</b> |     | <b>3,774.1536</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.2 Demolition - 2020****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      | 2.7500e-003   | 0.0955        | 0.0190        | 2.7000e-004        | 5.8200e-003   | 3.1000e-004        | 6.1400e-003   | 1.6000e-003    | 3.0000e-004        | 1.8900e-003   |          | 28.3595         | 28.3595         | 1.4200e-003        |     | 28.3949         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0521        | 0.0316        | 0.4025        | 1.2400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 123.1165        | 123.1165        | 2.9700e-003        |     | 123.1907        |
| <b>Total</b> | <b>0.0549</b> | <b>0.1270</b> | <b>0.4214</b> | <b>1.5100e-003</b> | <b>0.1290</b> | <b>1.1100e-003</b> | <b>0.1302</b> | <b>0.0343</b>  | <b>1.0400e-003</b> | <b>0.0353</b> |          | <b>151.4759</b> | <b>151.4759</b> | <b>4.3900e-003</b> |     | <b>151.5856</b> |

**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 |               |                |                |               | 0.0755        | 0.0000        | 0.0755        | 0.0114         | 0.0000        | 0.0114        |               |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 3.3121        | 33.2010        | 21.7532        | 0.0388        |               | 1.6587        | 1.6587        |                | 1.5419        | 1.5419        | 0.0000        | 3,747.7049        | 3,747.7049        | 1.0580        |     | 3,774.1536        |
| <b>Total</b>  | <b>3.3121</b> | <b>33.2010</b> | <b>21.7532</b> | <b>0.0388</b> | <b>0.0755</b> | <b>1.6587</b> | <b>1.7342</b> | <b>0.0114</b>  | <b>1.5419</b> | <b>1.5533</b> | <b>0.0000</b> | <b>3,747.7049</b> | <b>3,747.7049</b> | <b>1.0580</b> |     | <b>3,774.1536</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.2 Demolition - 2020****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      | 2.7500e-003   | 0.0955        | 0.0190        | 2.7000e-004        | 5.8200e-003   | 3.1000e-004        | 6.1400e-003   | 1.6000e-003    | 3.0000e-004        | 1.8900e-003   |          | 28.3595         | 28.3595         | 1.4200e-003        |     | 28.3949         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0521        | 0.0316        | 0.4025        | 1.2400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 123.1165        | 123.1165        | 2.9700e-003        |     | 123.1907        |
| <b>Total</b> | <b>0.0549</b> | <b>0.1270</b> | <b>0.4214</b> | <b>1.5100e-003</b> | <b>0.1290</b> | <b>1.1100e-003</b> | <b>0.1302</b> | <b>0.0343</b>  | <b>1.0400e-003</b> | <b>0.0353</b> |          | <b>151.4759</b> | <b>151.4759</b> | <b>4.3900e-003</b> |     | <b>151.5856</b> |

**3.3 Site Preparation - 2020****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 |               |                |                |               | 18.0663        | 0.0000        | 18.0663        | 9.9307         | 0.0000        | 9.9307         |          |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 4.0765        | 42.4173        | 21.5136        | 0.0380        |                | 2.1974        | 2.1974         |                | 2.0216        | 2.0216         |          | 3,685.1016        | 3,685.1016        | 1.1918        |     | 3,714.8975        |
| <b>Total</b>  | <b>4.0765</b> | <b>42.4173</b> | <b>21.5136</b> | <b>0.0380</b> | <b>18.0663</b> | <b>2.1974</b> | <b>20.2637</b> | <b>9.9307</b>  | <b>2.0216</b> | <b>11.9523</b> |          | <b>3,685.1016</b> | <b>3,685.1016</b> | <b>1.1918</b> |     | <b>3,714.8975</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.3 Site Preparation - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0626        | 0.0379        | 0.4830        | 1.4800e-003        | 0.1479        | 9.6000e-004        | 0.1488        | 0.0392         | 8.8000e-004        | 0.0401        |          | 147.7398        | 147.7398        | 3.5600e-003        |     | 147.8288        |
| <b>Total</b> | <b>0.0626</b> | <b>0.0379</b> | <b>0.4830</b> | <b>1.4800e-003</b> | <b>0.1479</b> | <b>9.6000e-004</b> | <b>0.1488</b> | <b>0.0392</b>  | <b>8.8000e-004</b> | <b>0.0401</b> |          | <b>147.7398</b> | <b>147.7398</b> | <b>3.5600e-003</b> |     | <b>147.8288</b> |

**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 |               |                |                |               | 18.0663        | 0.0000        | 18.0663        | 9.9307         | 0.0000        | 9.9307         |               |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 4.0765        | 42.4173        | 21.5136        | 0.0380        |                | 2.1974        | 2.1974         |                | 2.0216        | 2.0216         | 0.0000        | 3,685.1016        | 3,685.1016        | 1.1918        |     | 3,714.8975        |
| <b>Total</b>  | <b>4.0765</b> | <b>42.4173</b> | <b>21.5136</b> | <b>0.0380</b> | <b>18.0663</b> | <b>2.1974</b> | <b>20.2637</b> | <b>9.9307</b>  | <b>2.0216</b> | <b>11.9523</b> | <b>0.0000</b> | <b>3,685.1016</b> | <b>3,685.1016</b> | <b>1.1918</b> |     | <b>3,714.8975</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.3 Site Preparation - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0626        | 0.0379        | 0.4830        | 1.4800e-003        | 0.1479        | 9.6000e-004        | 0.1488        | 0.0392         | 8.8000e-004        | 0.0401        |          | 147.7398        | 147.7398        | 3.5600e-003        |     | 147.8288        |
| <b>Total</b> | <b>0.0626</b> | <b>0.0379</b> | <b>0.4830</b> | <b>1.4800e-003</b> | <b>0.1479</b> | <b>9.6000e-004</b> | <b>0.1488</b> | <b>0.0392</b>  | <b>8.8000e-004</b> | <b>0.0401</b> |          | <b>147.7398</b> | <b>147.7398</b> | <b>3.5600e-003</b> |     | <b>147.8288</b> |

**3.4 Grading - 2020****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 |               |                |                |               | 6.2010        | 0.0000        | 6.2010        | 3.3298         | 0.0000        | 3.3298        |          |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 2.4288        | 26.3859        | 16.0530        | 0.0297        |               | 1.2734        | 1.2734        |                | 1.1716        | 1.1716        |          | 2,872.4851        | 2,872.4851        | 0.9290        |     | 2,895.7106        |
| <b>Total</b>  | <b>2.4288</b> | <b>26.3859</b> | <b>16.0530</b> | <b>0.0297</b> | <b>6.2010</b> | <b>1.2734</b> | <b>7.4745</b> | <b>3.3298</b>  | <b>1.1716</b> | <b>4.5014</b> |          | <b>2,872.4851</b> | <b>2,872.4851</b> | <b>0.9290</b> |     | <b>2,895.7106</b> |



1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.4 Grading - 2020****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      | 0.0473        | 1.6423        | 0.3264        | 4.5600e-003        | 0.1002        | 5.3700e-003        | 0.1055        | 0.0275         | 5.1400e-003        | 0.0326        |          | 487.7826        | 487.7826        | 0.0244        |     | 488.3926        |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000        |     | 0.0000          |
| Worker       | 0.0521        | 0.0316        | 0.4025        | 1.2400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 123.1165        | 123.1165        | 2.9700e-003   |     | 123.1907        |
| <b>Total</b> | <b>0.0995</b> | <b>1.6738</b> | <b>0.7289</b> | <b>5.8000e-003</b> | <b>0.2234</b> | <b>6.1700e-003</b> | <b>0.2296</b> | <b>0.0601</b>  | <b>5.8800e-003</b> | <b>0.0660</b> |          | <b>610.8991</b> | <b>610.8991</b> | <b>0.0274</b> |     | <b>611.5833</b> |

**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 |               |                |                |               | 6.2010        | 0.0000        | 6.2010        | 3.3298         | 0.0000        | 3.3298        |               |                        | 0.0000                 |               |     | 0.0000                 |
| Off-Road      | 2.4288        | 26.3859        | 16.0530        | 0.0297        |               | 1.2734        | 1.2734        |                | 1.1716        | 1.1716        | 0.0000        | 2,872.485<br>1         | 2,872.485<br>1         | 0.9290        |     | 2,895.710<br>6         |
| <b>Total</b>  | <b>2.4288</b> | <b>26.3859</b> | <b>16.0530</b> | <b>0.0297</b> | <b>6.2010</b> | <b>1.2734</b> | <b>7.4745</b> | <b>3.3298</b>  | <b>1.1716</b> | <b>4.5014</b> | <b>0.0000</b> | <b>2,872.485<br/>1</b> | <b>2,872.485<br/>1</b> | <b>0.9290</b> |     | <b>2,895.710<br/>6</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.4 Grading - 2020****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      | 0.0473        | 1.6423        | 0.3264        | 4.5600e-003        | 0.1002        | 5.3700e-003        | 0.1055        | 0.0275         | 5.1400e-003        | 0.0326        |          | 487.7826        | 487.7826        | 0.0244        |     | 488.3926        |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000        |     | 0.0000          |
| Worker       | 0.0521        | 0.0316        | 0.4025        | 1.2400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 123.1165        | 123.1165        | 2.9700e-003   |     | 123.1907        |
| <b>Total</b> | <b>0.0995</b> | <b>1.6738</b> | <b>0.7289</b> | <b>5.8000e-003</b> | <b>0.2234</b> | <b>6.1700e-003</b> | <b>0.2296</b> | <b>0.0601</b>  | <b>5.8800e-003</b> | <b>0.0660</b> |          | <b>610.8991</b> | <b>610.8991</b> | <b>0.0274</b> |     | <b>611.5833</b> |

**3.5 Building Construction - 2020****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     | 2.1198        | 19.1860        | 16.8485        | 0.0269        |               | 1.1171        | 1.1171        |                | 1.0503        | 1.0503        |          | 2,553.0631        | 2,553.0631        | 0.6229        |     | 2,568.6345        |
| <b>Total</b> | <b>2.1198</b> | <b>19.1860</b> | <b>16.8485</b> | <b>0.0269</b> |               | <b>1.1171</b> | <b>1.1171</b> |                | <b>1.0503</b> | <b>1.0503</b> |          | <b>2,553.0631</b> | <b>2,553.0631</b> | <b>0.6229</b> |     | <b>2,568.6345</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.5 Building Construction - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0152        | 0.4559        | 0.1087        | 1.1000e-003        | 0.0271        | 2.2300e-003        | 0.0293        | 7.7900e-003    | 2.1400e-003        | 9.9300e-003   |          | 116.6832        | 116.6832        | 5.7500e-003        |     | 116.8269        |
| Worker       | 0.0452        | 0.0274        | 0.3488        | 1.0700e-003        | 0.1068        | 6.9000e-004        | 0.1075        | 0.0283         | 6.4000e-004        | 0.0290        |          | 106.7010        | 106.7010        | 2.5700e-003        |     | 106.7652        |
| <b>Total</b> | <b>0.0604</b> | <b>0.4832</b> | <b>0.4575</b> | <b>2.1700e-003</b> | <b>0.1339</b> | <b>2.9200e-003</b> | <b>0.1368</b> | <b>0.0361</b>  | <b>2.7800e-003</b> | <b>0.0389</b> |          | <b>223.3842</b> | <b>223.3842</b> | <b>8.3200e-003</b> |     | <b>223.5921</b> |

**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     | 2.1198        | 19.1860        | 16.8485        | 0.0269        |               | 1.1171        | 1.1171        |                | 1.0503        | 1.0503        | 0.0000        | 2,553.0631        | 2,553.0631        | 0.6229        |     | 2,568.6345        |
| <b>Total</b> | <b>2.1198</b> | <b>19.1860</b> | <b>16.8485</b> | <b>0.0269</b> |               | <b>1.1171</b> | <b>1.1171</b> |                | <b>1.0503</b> | <b>1.0503</b> | <b>0.0000</b> | <b>2,553.0631</b> | <b>2,553.0631</b> | <b>0.6229</b> |     | <b>2,568.6345</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.5 Building Construction - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0152        | 0.4559        | 0.1087        | 1.1000e-003        | 0.0271        | 2.2300e-003        | 0.0293        | 7.7900e-003    | 2.1400e-003        | 9.9300e-003   |          | 116.6832        | 116.6832        | 5.7500e-003        |     | 116.8269        |
| Worker       | 0.0452        | 0.0274        | 0.3488        | 1.0700e-003        | 0.1068        | 6.9000e-004        | 0.1075        | 0.0283         | 6.4000e-004        | 0.0290        |          | 106.7010        | 106.7010        | 2.5700e-003        |     | 106.7652        |
| <b>Total</b> | <b>0.0604</b> | <b>0.4832</b> | <b>0.4575</b> | <b>2.1700e-003</b> | <b>0.1339</b> | <b>2.9200e-003</b> | <b>0.1368</b> | <b>0.0361</b>  | <b>2.7800e-003</b> | <b>0.0389</b> |          | <b>223.3842</b> | <b>223.3842</b> | <b>8.3200e-003</b> |     | <b>223.5921</b> |

**3.5 Building Construction - 2021****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     | 1.9009        | 17.4321        | 16.5752        | 0.0269        |               | 0.9586        | 0.9586        |                | 0.9013        | 0.9013        |          | 2,553.3639        | 2,553.3639        | 0.6160        |     | 2,568.7643        |
| <b>Total</b> | <b>1.9009</b> | <b>17.4321</b> | <b>16.5752</b> | <b>0.0269</b> |               | <b>0.9586</b> | <b>0.9586</b> |                | <b>0.9013</b> | <b>0.9013</b> |          | <b>2,553.3639</b> | <b>2,553.3639</b> | <b>0.6160</b> |     | <b>2,568.7643</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.5 Building Construction - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0124        | 0.4134        | 0.0975        | 1.0900e-003        | 0.0271        | 9.0000e-004        | 0.0280        | 7.7900e-003    | 8.6000e-004        | 8.6500e-003   |          | 115.5834        | 115.5834        | 5.4200e-003        |     | 115.7190        |
| Worker       | 0.0418        | 0.0244        | 0.3193        | 1.0300e-003        | 0.1068        | 6.7000e-004        | 0.1075        | 0.0283         | 6.2000e-004        | 0.0290        |          | 102.9547        | 102.9547        | 2.3000e-003        |     | 103.0123        |
| <b>Total</b> | <b>0.0542</b> | <b>0.4378</b> | <b>0.4168</b> | <b>2.1200e-003</b> | <b>0.1339</b> | <b>1.5700e-003</b> | <b>0.1354</b> | <b>0.0361</b>  | <b>1.4800e-003</b> | <b>0.0376</b> |          | <b>218.5382</b> | <b>218.5382</b> | <b>7.7200e-003</b> |     | <b>218.7313</b> |

**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     | 1.9009        | 17.4321        | 16.5752        | 0.0269        |               | 0.9586        | 0.9586        |                | 0.9013        | 0.9013        | 0.0000        | 2,553.3639        | 2,553.3639        | 0.6160        |     | 2,568.7643        |
| <b>Total</b> | <b>1.9009</b> | <b>17.4321</b> | <b>16.5752</b> | <b>0.0269</b> |               | <b>0.9586</b> | <b>0.9586</b> |                | <b>0.9013</b> | <b>0.9013</b> | <b>0.0000</b> | <b>2,553.3639</b> | <b>2,553.3639</b> | <b>0.6160</b> |     | <b>2,568.7643</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.5 Building Construction - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0124        | 0.4134        | 0.0975        | 1.0900e-003        | 0.0271        | 9.0000e-004        | 0.0280        | 7.7900e-003    | 8.6000e-004        | 8.6500e-003   |          | 115.5834        | 115.5834        | 5.4200e-003        |     | 115.7190        |
| Worker       | 0.0418        | 0.0244        | 0.3193        | 1.0300e-003        | 0.1068        | 6.7000e-004        | 0.1075        | 0.0283         | 6.2000e-004        | 0.0290        |          | 102.9547        | 102.9547        | 2.3000e-003        |     | 103.0123        |
| <b>Total</b> | <b>0.0542</b> | <b>0.4378</b> | <b>0.4168</b> | <b>2.1200e-003</b> | <b>0.1339</b> | <b>1.5700e-003</b> | <b>0.1354</b> | <b>0.0361</b>  | <b>1.4800e-003</b> | <b>0.0376</b> |          | <b>218.5382</b> | <b>218.5382</b> | <b>7.7200e-003</b> |     | <b>218.7313</b> |

**3.6 Paving - 2021****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     | 1.0940        | 10.8399        | 12.2603        | 0.0189        |               | 0.5788        | 0.5788        |                | 0.5342        | 0.5342        |          | 1,804.5523        | 1,804.5523        | 0.5670        |     | 1,818.7270        |
| Paving       | 0.0000        |                |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |          |                   | 0.0000            |               |     | 0.0000            |
| <b>Total</b> | <b>1.0940</b> | <b>10.8399</b> | <b>12.2603</b> | <b>0.0189</b> |               | <b>0.5788</b> | <b>0.5788</b> |                | <b>0.5342</b> | <b>0.5342</b> |          | <b>1,804.5523</b> | <b>1,804.5523</b> | <b>0.5670</b> |     | <b>1,818.7270</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.6 Paving - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0643        | 0.0376        | 0.4913        | 1.5900e-003        | 0.1643        | 1.0300e-003        | 0.1653        | 0.0436         | 9.5000e-004        | 0.0445        |          | 158.3919        | 158.3919        | 3.5400e-003        |     | 158.4804        |
| <b>Total</b> | <b>0.0643</b> | <b>0.0376</b> | <b>0.4913</b> | <b>1.5900e-003</b> | <b>0.1643</b> | <b>1.0300e-003</b> | <b>0.1653</b> | <b>0.0436</b>  | <b>9.5000e-004</b> | <b>0.0445</b> |          | <b>158.3919</b> | <b>158.3919</b> | <b>3.5400e-003</b> |     | <b>158.4804</b> |

**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     | 1.0940        | 10.8399        | 12.2603        | 0.0189        |               | 0.5788        | 0.5788        |                | 0.5342        | 0.5342        | 0.0000        | 1,804.5523        | 1,804.5523        | 0.5670        |     | 1,818.7270        |
| Paving       | 0.0000        |                |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                   | 0.0000            |               |     | 0.0000            |
| <b>Total</b> | <b>1.0940</b> | <b>10.8399</b> | <b>12.2603</b> | <b>0.0189</b> |               | <b>0.5788</b> | <b>0.5788</b> |                | <b>0.5342</b> | <b>0.5342</b> | <b>0.0000</b> | <b>1,804.5523</b> | <b>1,804.5523</b> | <b>0.5670</b> |     | <b>1,818.7270</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.6 Paving - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0643        | 0.0376        | 0.4913        | 1.5900e-003        | 0.1643        | 1.0300e-003        | 0.1653        | 0.0436         | 9.5000e-004        | 0.0445        |          | 158.3919        | 158.3919        | 3.5400e-003        |     | 158.4804        |
| <b>Total</b> | <b>0.0643</b> | <b>0.0376</b> | <b>0.4913</b> | <b>1.5900e-003</b> | <b>0.1643</b> | <b>1.0300e-003</b> | <b>0.1653</b> | <b>0.0436</b>  | <b>9.5000e-004</b> | <b>0.0445</b> |          | <b>158.3919</b> | <b>158.3919</b> | <b>3.5400e-003</b> |     | <b>158.4804</b> |

**3.7 Architectural Coating - 2021****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 | 30.4102        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |          |                 | 0.0000          |               |     | 0.0000          |
| Off-Road        | 0.2189         | 1.5268        | 1.8176        | 2.9700e-003        |               | 0.0941        | 0.0941        |                | 0.0941        | 0.0941        |          | 281.4481        | 281.4481        | 0.0193        |     | 281.9309        |
| <b>Total</b>    | <b>30.6291</b> | <b>1.5268</b> | <b>1.8176</b> | <b>2.9700e-003</b> |               | <b>0.0941</b> | <b>0.0941</b> |                | <b>0.0941</b> | <b>0.0941</b> |          | <b>281.4481</b> | <b>281.4481</b> | <b>0.0193</b> |     | <b>281.9309</b> |



1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.7 Architectural Coating - 2021****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      | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Vendor       | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Worker       | 9.6500e-003        | 5.6400e-003        | 0.0737        | 2.4000e-004        | 0.0246        | 1.6000e-004        | 0.0248        | 6.5400e-003        | 1.4000e-004        | 6.6800e-003        |          | 23.7588        | 23.7588        | 5.3000e-004        |     | 23.7721        |
| <b>Total</b> | <b>9.6500e-003</b> | <b>5.6400e-003</b> | <b>0.0737</b> | <b>2.4000e-004</b> | <b>0.0246</b> | <b>1.6000e-004</b> | <b>0.0248</b> | <b>6.5400e-003</b> | <b>1.4000e-004</b> | <b>6.6800e-003</b> |          | <b>23.7588</b> | <b>23.7588</b> | <b>5.3000e-004</b> |     | <b>23.7721</b> |

**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 | 30.4102        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |     | 0.0000          |
| Off-Road        | 0.2189         | 1.5268        | 1.8176        | 2.9700e-003        |               | 0.0941        | 0.0941        |                | 0.0941        | 0.0941        | 0.0000        | 281.4481        | 281.4481        | 0.0193        |     | 281.9309        |
| <b>Total</b>    | <b>30.6291</b> | <b>1.5268</b> | <b>1.8176</b> | <b>2.9700e-003</b> |               | <b>0.0941</b> | <b>0.0941</b> |                | <b>0.0941</b> | <b>0.0941</b> | <b>0.0000</b> | <b>281.4481</b> | <b>281.4481</b> | <b>0.0193</b> |     | <b>281.9309</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**3.7 Architectural Coating - 2021****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      | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Vendor       | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Worker       | 9.6500e-003        | 5.6400e-003        | 0.0737        | 2.4000e-004        | 0.0246        | 1.6000e-004        | 0.0248        | 6.5400e-003        | 1.4000e-004        | 6.6800e-003        |          | 23.7588        | 23.7588        | 5.3000e-004        |     | 23.7721        |
| <b>Total</b> | <b>9.6500e-003</b> | <b>5.6400e-003</b> | <b>0.0737</b> | <b>2.4000e-004</b> | <b>0.0246</b> | <b>1.6000e-004</b> | <b>0.0248</b> | <b>6.5400e-003</b> | <b>1.4000e-004</b> | <b>6.6800e-003</b> |          | <b>23.7588</b> | <b>23.7588</b> | <b>5.3000e-004</b> |     | <b>23.7721</b> |

**4.0 Operational Detail - Mobile****4.1 Mitigation Measures Mobile**

Increase Density

Improve Walkability Design

Improve Destination Accessibility

Improve Pedestrian Network

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

|             | 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   | 0.5731 | 2.3093 | 5.6682 | 0.0195 | 1.5943        | 0.0172       | 1.6115     | 0.4266         | 0.0161        | 0.4427      |          | 1,965.4266 | 1,965.4266 | 0.0722 |     | 1,967.2307 |
| Unmitigated | 0.5859 | 2.3972 | 5.9933 | 0.0208 | 1.7125        | 0.0183       | 1.7308     | 0.4582         | 0.0171        | 0.4753      |          | 2,099.9882 | 2,099.9882 | 0.0760 |     | 2,101.8876 |

## 4.2 Trip Summary Information

| Land Use              | Average Daily Trip Rate |          |        | Unmitigated | Mitigated  |
|-----------------------|-------------------------|----------|--------|-------------|------------|
|                       | Weekday                 | Saturday | Sunday | Annual VMT  | Annual VMT |
| Single Family Housing | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |
| Total                 | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |

## 4.3 Trip Type Information

| Land Use              | Miles      |            |             | Trip %     |            |             | Trip Purpose % |          |         |
|-----------------------|------------|------------|-------------|------------|------------|-------------|----------------|----------|---------|
|                       | 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 | Primary        | Diverted | Pass-by |
| Single Family Housing | 10.80      | 4.80       | 5.70        | 31.00      | 15.00      | 54.00       | 86             | 11       | 3       |

## 4.4 Fleet Mix

| Land Use              | LDA      | LDT1     | LDT2     | MDV      | LHD1     | LHD2     | MHD      | HHD      | OBUS     | UBUS     | MCY      | SBUS     | MH       |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Single Family Housing | 0.575198 | 0.040076 | 0.193827 | 0.113296 | 0.016988 | 0.005361 | 0.017552 | 0.025197 | 0.002581 | 0.002349 | 0.005904 | 0.000881 | 0.000789 |

## 5.0 Energy Detail

Historical Energy Use: N

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**5.1 Mitigation Measures Energy**

|                        | ROG    | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4         | N2O         | CO2e     |
|------------------------|--------|--------|--------|-------------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|-------------|-------------|----------|
| Category               | lb/day |        |        |             |               |              |            |                |               |             | lb/day   |           |           |             |             |          |
| NaturalGas Mitigated   | 0.0309 | 0.2642 | 0.1124 | 1.6900e-003 |               | 0.0214       | 0.0214     |                | 0.0214        | 0.0214      |          | 337.2581  | 337.2581  | 6.4600e-003 | 6.1800e-003 | 339.2623 |
| NaturalGas Unmitigated | 0.0309 | 0.2642 | 0.1124 | 1.6900e-003 |               | 0.0214       | 0.0214     |                | 0.0214        | 0.0214      |          | 337.2581  | 337.2581  | 6.4600e-003 | 6.1800e-003 | 339.2623 |

**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/yr        | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day   |                 |                 |                    |                    |                 |
| Single Family Housing | 2866.69        | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003        |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |          | 337.2581        | 337.2581        | 6.4600e-003        | 6.1800e-003        | 339.2623        |
| <b>Total</b>          |                | <b>0.0309</b> | <b>0.2642</b> | <b>0.1124</b> | <b>1.6900e-003</b> |               | <b>0.0214</b> | <b>0.0214</b> |                | <b>0.0214</b> | <b>0.0214</b> |          | <b>337.2581</b> | <b>337.2581</b> | <b>6.4600e-003</b> | <b>6.1800e-003</b> | <b>339.2623</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**5.2 Energy by Land Use - NaturalGas****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/yr        | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day   |                 |                 |                    |                    |                 |
| Single Family Housing | 2.86669        | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003        |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |          | 337.2581        | 337.2581        | 6.4600e-003        | 6.1800e-003        | 339.2623        |
| <b>Total</b>          |                | <b>0.0309</b> | <b>0.2642</b> | <b>0.1124</b> | <b>1.6900e-003</b> |               | <b>0.0214</b> | <b>0.0214</b> |                | <b>0.0214</b> | <b>0.0214</b> |          | <b>337.2581</b> | <b>337.2581</b> | <b>6.4600e-003</b> | <b>6.1800e-003</b> | <b>339.2623</b> |

**6.0 Area Detail****6.1 Mitigation Measures Area**

Use only Natural Gas Hearths

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

|             | 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   | 1.7823  | 0.5081 | 3.1781  | 3.1800e-003 |               | 0.0547       | 0.0547     |                | 0.0547        | 0.0547      | 0.0000   | 610.1479  | 610.1479  | 0.0168 | 0.0111 | 613.8715 |
| Unmitigated | 39.0343 | 0.7527 | 51.2269 | 0.0910      |               | 6.8393       | 6.8393     |                | 6.8393        | 6.8393      | 733.6202 | 227.7008  | 961.3210  | 0.9123 | 0.0518 | 999.5544 |

## 6.2 Area by SubCategory

Unmitigated

|                       | ROG            | NOx           | CO             | SO2           | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2        | NBio- CO2       | Total CO2       | CH4           | N2O           | CO2e            |
|-----------------------|----------------|---------------|----------------|---------------|---------------|---------------|---------------|----------------|---------------|---------------|-----------------|-----------------|-----------------|---------------|---------------|-----------------|
| SubCategory           | lb/day         |               |                |               |               |               |               |                |               |               | lb/day          |                 |                 |               |               |                 |
| Architectural Coating | 0.2500         |               |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |                 |                 | 0.0000          |               |               | 0.0000          |
| Consumer Products     | 1.3867         |               |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |                 |                 | 0.0000          |               |               | 0.0000          |
| Hearth                | 37.3074        | 0.7183        | 48.2504        | 0.0909        |               | 6.8229        | 6.8229        |                | 6.8229        | 6.8229        | 733.6202        | 222.3529        | 955.9731        | 0.9071        | 0.0518        | 994.0769        |
| Landscaping           | 0.0902         | 0.0344        | 2.9765         | 1.6000e-004   |               | 0.0164        | 0.0164        |                | 0.0164        | 0.0164        |                 | 5.3479          | 5.3479          | 5.1800e-003   |               | 5.4775          |
| <b>Total</b>          | <b>39.0343</b> | <b>0.7527</b> | <b>51.2269</b> | <b>0.0910</b> |               | <b>6.8393</b> | <b>6.8393</b> |                | <b>6.8393</b> | <b>6.8393</b> | <b>733.6202</b> | <b>227.7008</b> | <b>961.3210</b> | <b>0.9123</b> | <b>0.0518</b> | <b>999.5544</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**6.2 Area by SubCategory****Mitigated**

|                       | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2       | Total CO2       | CH4           | N2O           | CO2e            |
|-----------------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|-----------------|-----------------|---------------|---------------|-----------------|
| SubCategory           | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day        |                 |                 |               |               |                 |
| Architectural Coating | 0.2500        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |               | 0.0000          |
| Consumer Products     | 1.3867        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |               | 0.0000          |
| Hearth                | 0.0554        | 0.4738        | 0.2016        | 3.0200e-003        |               | 0.0383        | 0.0383        |                | 0.0383        | 0.0383        | 0.0000        | 604.8000        | 604.8000        | 0.0116        | 0.0111        | 608.3940        |
| Landscaping           | 0.0902        | 0.0344        | 2.9765        | 1.6000e-004        |               | 0.0164        | 0.0164        |                | 0.0164        | 0.0164        |               | 5.3479          | 5.3479          | 5.1800e-003   |               | 5.4775          |
| <b>Total</b>          | <b>1.7823</b> | <b>0.5081</b> | <b>3.1781</b> | <b>3.1800e-003</b> |               | <b>0.0547</b> | <b>0.0547</b> |                | <b>0.0547</b> | <b>0.0547</b> | <b>0.0000</b> | <b>610.1479</b> | <b>610.1479</b> | <b>0.0168</b> | <b>0.0111</b> | <b>613.8715</b> |

**7.0 Water Detail****7.1 Mitigation Measures Water****8.0 Waste Detail****8.1 Mitigation Measures Waste****9.0 Operational Offroad**

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|-----------|-------------|-------------|-----------|
|----------------|--------|-----------|-----------|-------------|-------------|-----------|

**10.0 Stationary Equipment**

1005 North Park Victoria Drive - Bay Area AQMD Air District, Summer

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|------------|-------------|-------------|-----------|
|----------------|--------|-----------|------------|-------------|-------------|-----------|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|----------------|--------|----------------|-----------------|---------------|-----------|
|----------------|--------|----------------|-----------------|---------------|-----------|

**User Defined Equipment**

| Equipment Type | Number |
|----------------|--------|
|----------------|--------|

**11.0 Vegetation**

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1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

## 1005 North Park Victoria Drive Bay Area AQMD Air District, Winter

### 1.0 Project Characteristics

#### 1.1 Land Usage

| Land Uses             | Size  | Metric        | Lot Acreage | Floor Surface Area | Population |
|-----------------------|-------|---------------|-------------|--------------------|------------|
| Single Family Housing | 36.00 | Dwelling Unit | 4.88        | 64,800.00          | 103        |

#### 1.2 Other Project Characteristics

|                                |                                |                                |       |                                  |       |
|--------------------------------|--------------------------------|--------------------------------|-------|----------------------------------|-------|
| <b>Urbanization</b>            | Urban                          | <b>Wind Speed (m/s)</b>        | 2.2   | <b>Precipitation Freq (Days)</b> | 64    |
| <b>Climate Zone</b>            | 4                              |                                |       | <b>Operational Year</b>          | 2021  |
| <b>Utility Company</b>         | Pacific Gas & Electric Company |                                |       |                                  |       |
| <b>CO2 Intensity (lb/MWhr)</b> | 328.8                          | <b>CH4 Intensity (lb/MWhr)</b> | 0.029 | <b>N2O Intensity (lb/MWhr)</b>   | 0.006 |

#### 1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity factor based on 5-year average (PG&E, 2015)

Land Use - 4.88-acre project site

Construction Phase - Project construction would commence spring 2020 and would occur for approximately 1.5 to 2 years

Grading - Project would require the import of approximately 1,711 cubic yards of soil

Demolition - The proposed project would include the demolition of the existing approximately 2,300-square-foot building

Trips and VMT - The project would include a total of 172 truck trips to import soil

Vehicle Trips - Based on project's trip generation

Mobile Land Use Mitigation -

Area Mitigation - Assuming only natural gas hearth

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

| Table Name                | Column Name        | Default Value | New Value |
|---------------------------|--------------------|---------------|-----------|
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 230.00        | 245.00    |
| tblConstructionPhase      | NumDays            | 20.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 8.00          | 30.00     |
| tblConstructionPhase      | NumDays            | 18.00         | 30.00     |
| tblConstructionPhase      | NumDays            | 5.00          | 30.00     |
| tblConstructionPhase      | PhaseEndDate       | 6/24/2021     | 11/5/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/5/2021      | 8/13/2021 |
| tblConstructionPhase      | PhaseEndDate       | 5/29/2020     | 6/12/2020 |
| tblConstructionPhase      | PhaseEndDate       | 6/17/2020     | 9/4/2020  |
| tblConstructionPhase      | PhaseEndDate       | 5/31/2021     | 9/24/2021 |
| tblConstructionPhase      | PhaseEndDate       | 6/5/2020      | 7/24/2020 |
| tblConstructionPhase      | PhaseStartDate     | 6/1/2021      | 9/27/2021 |
| tblConstructionPhase      | PhaseStartDate     | 6/18/2020     | 9/7/2020  |
| tblConstructionPhase      | PhaseStartDate     | 6/6/2020      | 7/27/2020 |
| tblConstructionPhase      | PhaseStartDate     | 5/6/2021      | 8/16/2021 |
| tblConstructionPhase      | PhaseStartDate     | 5/30/2020     | 6/15/2020 |
| tblGrading                | AcresOfGrading     | 15.00         | 4.88      |
| tblGrading                | MaterialImported   | 0.00          | 1,711.00  |
| tblLandUse                | LotAcreage         | 11.69         | 4.88      |
| tblProjectCharacteristics | CO2IntensityFactor | 641.35        | 328.8     |
| tblTripsAndVMT            | HaulingTripNumber  | 214.00        | 172.00    |
| tblVehicleTrips           | ST_TR              | 9.91          | 9.69      |
| tblVehicleTrips           | SU_TR              | 8.62          | 9.69      |
| tblVehicleTrips           | WD_TR              | 9.52          | 9.69      |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

## 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   |                |                |        |        |                |
| 2020    | 4.1427  | 42.4641 | 22.1516 | 0.0402 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,888.997<br>9 | 3,888.997<br>9 | 1.1952 | 0.0000 | 3,915.553<br>1 |
| 2021    | 30.6394 | 17.8792 | 16.9860 | 0.0289 | 0.1643        | 0.9602       | 1.0941     | 0.0436         | 0.9028        | 0.9389      | 0.0000   | 2,760.854<br>5 | 2,760.854<br>5 | 0.6240 | 0.0000 | 2,776.455<br>3 |
| Maximum | 30.6394 | 42.4641 | 22.1516 | 0.0402 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,888.997<br>9 | 3,888.997<br>9 | 1.1952 | 0.0000 | 3,915.553<br>1 |

#### 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   |                |                |        |        |                |
| 2020    | 4.1427  | 42.4641 | 22.1516 | 0.0402 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,888.997<br>9 | 3,888.997<br>9 | 1.1952 | 0.0000 | 3,915.553<br>1 |
| 2021    | 30.6394 | 17.8792 | 16.9860 | 0.0289 | 0.1643        | 0.9602       | 1.0941     | 0.0436         | 0.9028        | 0.9389      | 0.0000   | 2,760.854<br>5 | 2,760.854<br>5 | 0.6240 | 0.0000 | 2,776.455<br>3 |
| Maximum | 30.6394 | 42.4641 | 22.1516 | 0.0402 | 18.2141       | 2.1984       | 20.4125    | 9.9699         | 2.0225        | 11.9924     | 0.0000   | 3,888.997<br>9 | 3,888.997<br>9 | 1.1952 | 0.0000 | 3,915.553<br>1 |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

|                   | 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 |
|-------------------|------|------|------|------|---------------|--------------|------------|----------------|---------------|-------------|----------|----------|-----------|------|------|------|
| Percent Reduction | 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 |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**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         | 39.0343        | 0.7527        | 51.2269        | 0.0910        |               | 6.8393        | 6.8393        |                | 6.8393        | 6.8393        | 733.6202        | 227.7008          | 961.3210          | 0.9123        | 0.0518        | 999.5544          |
| Energy       | 0.0309         | 0.2642        | 0.1124         | 1.6900e-003   |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |                 | 337.2581          | 337.2581          | 6.4600e-003   | 6.1800e-003   | 339.2623          |
| Mobile       | 0.5090         | 2.5216        | 6.0654         | 0.0194        | 1.7125        | 0.0184        | 1.7309        | 0.4582         | 0.0173        | 0.4755        |                 | 1,965.2997        | 1,965.2997        | 0.0776        |               | 1,967.2391        |
| <b>Total</b> | <b>39.5742</b> | <b>3.5385</b> | <b>57.4047</b> | <b>0.1122</b> | <b>1.7125</b> | <b>6.8790</b> | <b>8.5915</b> | <b>0.4582</b>  | <b>6.8779</b> | <b>7.3361</b> | <b>733.6202</b> | <b>2,530.2586</b> | <b>3,263.8788</b> | <b>0.9963</b> | <b>0.0580</b> | <b>3,306.0557</b> |

**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         | 1.7823        | 0.5081        | 3.1781        | 3.1800e-003   |               | 0.0547        | 0.0547        |                | 0.0547        | 0.0547        | 0.0000        | 610.1479          | 610.1479          | 0.0168        | 0.0111        | 613.8715          |
| Energy       | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003   |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |               | 337.2581          | 337.2581          | 6.4600e-003   | 6.1800e-003   | 339.2623          |
| Mobile       | 0.4963        | 2.4245        | 5.7757        | 0.0182        | 1.5943        | 0.0173        | 1.6116        | 0.4266         | 0.0162        | 0.4428        |               | 1,839.1410        | 1,839.1410        | 0.0740        |               | 1,840.9898        |
| <b>Total</b> | <b>2.3095</b> | <b>3.1968</b> | <b>9.0662</b> | <b>0.0231</b> | <b>1.5943</b> | <b>0.0934</b> | <b>1.6877</b> | <b>0.4266</b>  | <b>0.0923</b> | <b>0.5189</b> | <b>0.0000</b> | <b>2,786.5470</b> | <b>2,786.5470</b> | <b>0.0972</b> | <b>0.0173</b> | <b>2,794.1235</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

|                   | 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  |
|-------------------|-------|------|-------|-------|---------------|--------------|------------|----------------|---------------|-------------|----------|----------|-----------|-------|-------|-------|
| Percent Reduction | 94.16 | 9.66 | 84.21 | 79.44 | 6.90          | 98.64        | 80.36      | 6.90           | 98.66         | 92.93       | 100.00   | -10.13   | 14.62     | 90.25 | 70.20 | 15.48 |

**3.0 Construction Detail****Construction Phase**

| Phase Number | Phase Name            | Phase Type            | Start Date | End Date  | Num Days Week | Num Days | Phase Description |
|--------------|-----------------------|-----------------------|------------|-----------|---------------|----------|-------------------|
| 1            | Demolition            | Demolition            | 5/4/2020   | 6/12/2020 | 5             | 30       |                   |
| 2            | Site Preparation      | Site Preparation      | 6/15/2020  | 7/24/2020 | 5             | 30       |                   |
| 3            | Grading               | Grading               | 7/27/2020  | 9/4/2020  | 5             | 30       |                   |
| 4            | Building Construction | Building Construction | 9/7/2020   | 8/13/2021 | 5             | 245      |                   |
| 5            | Paving                | Paving                | 8/16/2021  | 9/24/2021 | 5             | 30       |                   |
| 6            | Architectural Coating | Architectural Coating | 9/27/2021  | 11/5/2021 | 5             | 30       |                   |

**Acres of Grading (Site Preparation Phase): 0****Acres of Grading (Grading Phase): 4.88****Acres of Paving: 0****Residential Indoor: 131,220; Residential Outdoor: 43,740; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)****OffRoad Equipment**

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

| Phase Name            | Offroad Equipment Type    | Amount | Usage Hours | Horse Power | Load Factor |
|-----------------------|---------------------------|--------|-------------|-------------|-------------|
| Architectural Coating | Air Compressors           | 1      | 6.00        | 78          | 0.48        |
| Paving                | Cement and Mortar Mixers  | 2      | 6.00        | 9           | 0.56        |
| Demolition            | Concrete/Industrial Saws  | 1      | 8.00        | 81          | 0.73        |
| Demolition            | Excavators                | 3      | 8.00        | 158         | 0.38        |
| Building Construction | Cranes                    | 1      | 7.00        | 231         | 0.29        |
| Building Construction | Forklifts                 | 3      | 8.00        | 89          | 0.20        |
| Grading               | Excavators                | 1      | 8.00        | 158         | 0.38        |
| Paving                | Pavers                    | 1      | 8.00        | 130         | 0.42        |
| Paving                | Rollers                   | 2      | 6.00        | 80          | 0.38        |
| Demolition            | Rubber Tired Dozers       | 2      | 8.00        | 247         | 0.40        |
| Grading               | Rubber Tired Dozers       | 1      | 8.00        | 247         | 0.40        |
| Building Construction | Tractors/Loaders/Backhoes | 3      | 7.00        | 97          | 0.37        |
| Building Construction | Generator Sets            | 1      | 8.00        | 84          | 0.74        |
| Grading               | Tractors/Loaders/Backhoes | 3      | 8.00        | 97          | 0.37        |
| Paving                | Tractors/Loaders/Backhoes | 1      | 8.00        | 97          | 0.37        |
| Site Preparation      | Tractors/Loaders/Backhoes | 4      | 8.00        | 97          | 0.37        |
| Grading               | Graders                   | 1      | 8.00        | 187         | 0.41        |
| Paving                | Paving Equipment          | 2      | 6.00        | 132         | 0.36        |
| Site Preparation      | Rubber Tired Dozers       | 3      | 8.00        | 247         | 0.40        |
| Building Construction | Welders                   | 1      | 8.00        | 46          | 0.45        |

Trips and VMT

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

| Phase Name            | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Demolition            | 6                       | 15.00              | 0.00               | 10.00               | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Site Preparation      | 7                       | 18.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Grading               | 6                       | 15.00              | 0.00               | 172.00              | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Building Construction | 9                       | 13.00              | 4.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Paving                | 8                       | 20.00              | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Architectural Coating | 1                       | 3.00               | 0.00               | 0.00                | 10.80              | 7.30               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |

**3.1 Mitigation Measures Construction****3.2 Demolition - 2020****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 |               |                |                |               | 0.0755        | 0.0000        | 0.0755        | 0.0114         | 0.0000        | 0.0114        |          |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 3.3121        | 33.2010        | 21.7532        | 0.0388        |               | 1.6587        | 1.6587        |                | 1.5419        | 1.5419        |          | 3,747.7049        | 3,747.7049        | 1.0580        |     | 3,774.1536        |
| <b>Total</b>  | <b>3.3121</b> | <b>33.2010</b> | <b>21.7532</b> | <b>0.0388</b> | <b>0.0755</b> | <b>1.6587</b> | <b>1.7342</b> | <b>0.0114</b>  | <b>1.5419</b> | <b>1.5533</b> |          | <b>3,747.7049</b> | <b>3,747.7049</b> | <b>1.0580</b> |     | <b>3,774.1536</b> |



## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.2 Demolition - 2020****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      | 2.8300e-003   | 0.0978        | 0.0204        | 2.6000e-004        | 5.8200e-003   | 3.2000e-004        | 6.1400e-003   | 1.6000e-003    | 3.0000e-004        | 1.9000e-003   |          | 27.8831         | 27.8831         | 1.4900e-003        |     | 27.9204         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0552        | 0.0390        | 0.3780        | 1.1400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 113.4098        | 113.4098        | 2.7700e-003        |     | 113.4792        |
| <b>Total</b> | <b>0.0580</b> | <b>0.1368</b> | <b>0.3984</b> | <b>1.4000e-003</b> | <b>0.1290</b> | <b>1.1200e-003</b> | <b>0.1302</b> | <b>0.0343</b>  | <b>1.0400e-003</b> | <b>0.0353</b> |          | <b>141.2929</b> | <b>141.2929</b> | <b>4.2600e-003</b> |     | <b>141.3995</b> |

**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 |               |                |                |               | 0.0755        | 0.0000        | 0.0755        | 0.0114         | 0.0000        | 0.0114        |               |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 3.3121        | 33.2010        | 21.7532        | 0.0388        |               | 1.6587        | 1.6587        |                | 1.5419        | 1.5419        | 0.0000        | 3,747.7049        | 3,747.7049        | 1.0580        |     | 3,774.1536        |
| <b>Total</b>  | <b>3.3121</b> | <b>33.2010</b> | <b>21.7532</b> | <b>0.0388</b> | <b>0.0755</b> | <b>1.6587</b> | <b>1.7342</b> | <b>0.0114</b>  | <b>1.5419</b> | <b>1.5533</b> | <b>0.0000</b> | <b>3,747.7049</b> | <b>3,747.7049</b> | <b>1.0580</b> |     | <b>3,774.1536</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.2 Demolition - 2020****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      | 2.8300e-003   | 0.0978        | 0.0204        | 2.6000e-004        | 5.8200e-003   | 3.2000e-004        | 6.1400e-003   | 1.6000e-003    | 3.0000e-004        | 1.9000e-003   |          | 27.8831         | 27.8831         | 1.4900e-003        |     | 27.9204         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0552        | 0.0390        | 0.3780        | 1.1400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 113.4098        | 113.4098        | 2.7700e-003        |     | 113.4792        |
| <b>Total</b> | <b>0.0580</b> | <b>0.1368</b> | <b>0.3984</b> | <b>1.4000e-003</b> | <b>0.1290</b> | <b>1.1200e-003</b> | <b>0.1302</b> | <b>0.0343</b>  | <b>1.0400e-003</b> | <b>0.0353</b> |          | <b>141.2929</b> | <b>141.2929</b> | <b>4.2600e-003</b> |     | <b>141.3995</b> |

**3.3 Site Preparation - 2020****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 |               |                |                |               | 18.0663        | 0.0000        | 18.0663        | 9.9307         | 0.0000        | 9.9307         |          |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 4.0765        | 42.4173        | 21.5136        | 0.0380        |                | 2.1974        | 2.1974         |                | 2.0216        | 2.0216         |          | 3,685.1016        | 3,685.1016        | 1.1918        |     | 3,714.8975        |
| <b>Total</b>  | <b>4.0765</b> | <b>42.4173</b> | <b>21.5136</b> | <b>0.0380</b> | <b>18.0663</b> | <b>2.1974</b> | <b>20.2637</b> | <b>9.9307</b>  | <b>2.0216</b> | <b>11.9523</b> |          | <b>3,685.1016</b> | <b>3,685.1016</b> | <b>1.1918</b> |     | <b>3,714.8975</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.3 Site Preparation - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0662        | 0.0468        | 0.4536        | 1.3700e-003        | 0.1479        | 9.6000e-004        | 0.1488        | 0.0392         | 8.8000e-004        | 0.0401        |          | 136.0918        | 136.0918        | 3.3300e-003        |     | 136.1750        |
| <b>Total</b> | <b>0.0662</b> | <b>0.0468</b> | <b>0.4536</b> | <b>1.3700e-003</b> | <b>0.1479</b> | <b>9.6000e-004</b> | <b>0.1488</b> | <b>0.0392</b>  | <b>8.8000e-004</b> | <b>0.0401</b> |          | <b>136.0918</b> | <b>136.0918</b> | <b>3.3300e-003</b> |     | <b>136.1750</b> |

**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 |               |                |                |               | 18.0663        | 0.0000        | 18.0663        | 9.9307         | 0.0000        | 9.9307         |               |                   | 0.0000            |               |     | 0.0000            |
| Off-Road      | 4.0765        | 42.4173        | 21.5136        | 0.0380        |                | 2.1974        | 2.1974         |                | 2.0216        | 2.0216         | 0.0000        | 3,685.1016        | 3,685.1016        | 1.1918        |     | 3,714.8975        |
| <b>Total</b>  | <b>4.0765</b> | <b>42.4173</b> | <b>21.5136</b> | <b>0.0380</b> | <b>18.0663</b> | <b>2.1974</b> | <b>20.2637</b> | <b>9.9307</b>  | <b>2.0216</b> | <b>11.9523</b> | <b>0.0000</b> | <b>3,685.1016</b> | <b>3,685.1016</b> | <b>1.1918</b> |     | <b>3,714.8975</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.3 Site Preparation - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0662        | 0.0468        | 0.4536        | 1.3700e-003        | 0.1479        | 9.6000e-004        | 0.1488        | 0.0392         | 8.8000e-004        | 0.0401        |          | 136.0918        | 136.0918        | 3.3300e-003        |     | 136.1750        |
| <b>Total</b> | <b>0.0662</b> | <b>0.0468</b> | <b>0.4536</b> | <b>1.3700e-003</b> | <b>0.1479</b> | <b>9.6000e-004</b> | <b>0.1488</b> | <b>0.0392</b>  | <b>8.8000e-004</b> | <b>0.0401</b> |          | <b>136.0918</b> | <b>136.0918</b> | <b>3.3300e-003</b> |     | <b>136.1750</b> |

**3.4 Grading - 2020****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 |               |                |                |               | 6.2010        | 0.0000        | 6.2010        | 3.3298         | 0.0000        | 3.3298        |          |                        | 0.0000                 |               |     | 0.0000                 |
| Off-Road      | 2.4288        | 26.3859        | 16.0530        | 0.0297        |               | 1.2734        | 1.2734        |                | 1.1716        | 1.1716        |          | 2,872.485<br>1         | 2,872.485<br>1         | 0.9290        |     | 2,895.710<br>6         |
| <b>Total</b>  | <b>2.4288</b> | <b>26.3859</b> | <b>16.0530</b> | <b>0.0297</b> | <b>6.2010</b> | <b>1.2734</b> | <b>7.4745</b> | <b>3.3298</b>  | <b>1.1716</b> | <b>4.5014</b> |          | <b>2,872.485<br/>1</b> | <b>2,872.485<br/>1</b> | <b>0.9290</b> |     | <b>2,895.710<br/>6</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.4 Grading - 2020****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      | 0.0486        | 1.6826        | 0.3514        | 4.4800e-003        | 0.1002        | 5.4600e-003        | 0.1056        | 0.0275         | 5.2300e-003        | 0.0327        |          | 479.5897        | 479.5897        | 0.0256        |     | 480.2304        |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000        |     | 0.0000          |
| Worker       | 0.0552        | 0.0390        | 0.3780        | 1.1400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 113.4098        | 113.4098        | 2.7700e-003   |     | 113.4792        |
| <b>Total</b> | <b>0.1038</b> | <b>1.7216</b> | <b>0.7294</b> | <b>5.6200e-003</b> | <b>0.2234</b> | <b>6.2600e-003</b> | <b>0.2296</b> | <b>0.0601</b>  | <b>5.9700e-003</b> | <b>0.0661</b> |          | <b>592.9995</b> | <b>592.9995</b> | <b>0.0284</b> |     | <b>593.7095</b> |

**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 |               |                |                |               | 6.2010        | 0.0000        | 6.2010        | 3.3298         | 0.0000        | 3.3298        |               |                        | 0.0000                 |               |     | 0.0000                 |
| Off-Road      | 2.4288        | 26.3859        | 16.0530        | 0.0297        |               | 1.2734        | 1.2734        |                | 1.1716        | 1.1716        | 0.0000        | 2,872.485<br>1         | 2,872.485<br>1         | 0.9290        |     | 2,895.710<br>6         |
| <b>Total</b>  | <b>2.4288</b> | <b>26.3859</b> | <b>16.0530</b> | <b>0.0297</b> | <b>6.2010</b> | <b>1.2734</b> | <b>7.4745</b> | <b>3.3298</b>  | <b>1.1716</b> | <b>4.5014</b> | <b>0.0000</b> | <b>2,872.485<br/>1</b> | <b>2,872.485<br/>1</b> | <b>0.9290</b> |     | <b>2,895.710<br/>6</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.4 Grading - 2020****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      | 0.0486        | 1.6826        | 0.3514        | 4.4800e-003        | 0.1002        | 5.4600e-003        | 0.1056        | 0.0275         | 5.2300e-003        | 0.0327        |          | 479.5897        | 479.5897        | 0.0256        |     | 480.2304        |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000        |     | 0.0000          |
| Worker       | 0.0552        | 0.0390        | 0.3780        | 1.1400e-003        | 0.1232        | 8.0000e-004        | 0.1240        | 0.0327         | 7.4000e-004        | 0.0334        |          | 113.4098        | 113.4098        | 2.7700e-003   |     | 113.4792        |
| <b>Total</b> | <b>0.1038</b> | <b>1.7216</b> | <b>0.7294</b> | <b>5.6200e-003</b> | <b>0.2234</b> | <b>6.2600e-003</b> | <b>0.2296</b> | <b>0.0601</b>  | <b>5.9700e-003</b> | <b>0.0661</b> |          | <b>592.9995</b> | <b>592.9995</b> | <b>0.0284</b> |     | <b>593.7095</b> |

**3.5 Building Construction - 2020****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     | 2.1198        | 19.1860        | 16.8485        | 0.0269        |               | 1.1171        | 1.1171        |                | 1.0503        | 1.0503        |          | 2,553.0631        | 2,553.0631        | 0.6229        |     | 2,568.6345        |
| <b>Total</b> | <b>2.1198</b> | <b>19.1860</b> | <b>16.8485</b> | <b>0.0269</b> |               | <b>1.1171</b> | <b>1.1171</b> |                | <b>1.0503</b> | <b>1.0503</b> |          | <b>2,553.0631</b> | <b>2,553.0631</b> | <b>0.6229</b> |     | <b>2,568.6345</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.5 Building Construction - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0160        | 0.4610        | 0.1244        | 1.0700e-003        | 0.0271        | 2.2700e-003        | 0.0294        | 7.7900e-003    | 2.1700e-003        | 9.9700e-003   |          | 113.7309        | 113.7309        | 6.2200e-003        |     | 113.8863        |
| Worker       | 0.0478        | 0.0338        | 0.3276        | 9.9000e-004        | 0.1068        | 6.9000e-004        | 0.1075        | 0.0283         | 6.4000e-004        | 0.0290        |          | 98.2885         | 98.2885         | 2.4000e-003        |     | 98.3486         |
| <b>Total</b> | <b>0.0638</b> | <b>0.4948</b> | <b>0.4520</b> | <b>2.0600e-003</b> | <b>0.1339</b> | <b>2.9600e-003</b> | <b>0.1368</b> | <b>0.0361</b>  | <b>2.8100e-003</b> | <b>0.0389</b> |          | <b>212.0194</b> | <b>212.0194</b> | <b>8.6200e-003</b> |     | <b>212.2349</b> |

**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     | 2.1198        | 19.1860        | 16.8485        | 0.0269        |               | 1.1171        | 1.1171        |                | 1.0503        | 1.0503        | 0.0000        | 2,553.0631        | 2,553.0631        | 0.6229        |     | 2,568.6345        |
| <b>Total</b> | <b>2.1198</b> | <b>19.1860</b> | <b>16.8485</b> | <b>0.0269</b> |               | <b>1.1171</b> | <b>1.1171</b> |                | <b>1.0503</b> | <b>1.0503</b> | <b>0.0000</b> | <b>2,553.0631</b> | <b>2,553.0631</b> | <b>0.6229</b> |     | <b>2,568.6345</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.5 Building Construction - 2020****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0160        | 0.4610        | 0.1244        | 1.0700e-003        | 0.0271        | 2.2700e-003        | 0.0294        | 7.7900e-003    | 2.1700e-003        | 9.9700e-003   |          | 113.7309        | 113.7309        | 6.2200e-003        |     | 113.8863        |
| Worker       | 0.0478        | 0.0338        | 0.3276        | 9.9000e-004        | 0.1068        | 6.9000e-004        | 0.1075        | 0.0283         | 6.4000e-004        | 0.0290        |          | 98.2885         | 98.2885         | 2.4000e-003        |     | 98.3486         |
| <b>Total</b> | <b>0.0638</b> | <b>0.4948</b> | <b>0.4520</b> | <b>2.0600e-003</b> | <b>0.1339</b> | <b>2.9600e-003</b> | <b>0.1368</b> | <b>0.0361</b>  | <b>2.8100e-003</b> | <b>0.0389</b> |          | <b>212.0194</b> | <b>212.0194</b> | <b>8.6200e-003</b> |     | <b>212.2349</b> |

**3.5 Building Construction - 2021****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     | 1.9009        | 17.4321        | 16.5752        | 0.0269        |               | 0.9586        | 0.9586        |                | 0.9013        | 0.9013        |          | 2,553.3639        | 2,553.3639        | 0.6160        |     | 2,568.7643        |
| <b>Total</b> | <b>1.9009</b> | <b>17.4321</b> | <b>16.5752</b> | <b>0.0269</b> |               | <b>0.9586</b> | <b>0.9586</b> |                | <b>0.9013</b> | <b>0.9013</b> |          | <b>2,553.3639</b> | <b>2,553.3639</b> | <b>0.6160</b> |     | <b>2,568.7643</b> |



1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.5 Building Construction - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0131        | 0.4169        | 0.1120        | 1.0600e-003        | 0.0271        | 9.3000e-004        | 0.0280        | 7.7900e-003    | 8.9000e-004        | 8.6800e-003   |          | 112.6509        | 112.6509        | 5.8700e-003        |     | 112.7976        |
| Worker       | 0.0443        | 0.0302        | 0.2988        | 9.5000e-004        | 0.1068        | 6.7000e-004        | 0.1075        | 0.0283         | 6.2000e-004        | 0.0290        |          | 94.8398         | 94.8398         | 2.1500e-003        |     | 94.8934         |
| <b>Total</b> | <b>0.0574</b> | <b>0.4471</b> | <b>0.4108</b> | <b>2.0100e-003</b> | <b>0.1339</b> | <b>1.6000e-003</b> | <b>0.1355</b> | <b>0.0361</b>  | <b>1.5100e-003</b> | <b>0.0376</b> |          | <b>207.4906</b> | <b>207.4906</b> | <b>8.0200e-003</b> |     | <b>207.6910</b> |

**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     | 1.9009        | 17.4321        | 16.5752        | 0.0269        |               | 0.9586        | 0.9586        |                | 0.9013        | 0.9013        | 0.0000        | 2,553.3639        | 2,553.3639        | 0.6160        |     | 2,568.7643        |
| <b>Total</b> | <b>1.9009</b> | <b>17.4321</b> | <b>16.5752</b> | <b>0.0269</b> |               | <b>0.9586</b> | <b>0.9586</b> |                | <b>0.9013</b> | <b>0.9013</b> | <b>0.0000</b> | <b>2,553.3639</b> | <b>2,553.3639</b> | <b>0.6160</b> |     | <b>2,568.7643</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.5 Building Construction - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0131        | 0.4169        | 0.1120        | 1.0600e-003        | 0.0271        | 9.3000e-004        | 0.0280        | 7.7900e-003    | 8.9000e-004        | 8.6800e-003   |          | 112.6509        | 112.6509        | 5.8700e-003        |     | 112.7976        |
| Worker       | 0.0443        | 0.0302        | 0.2988        | 9.5000e-004        | 0.1068        | 6.7000e-004        | 0.1075        | 0.0283         | 6.2000e-004        | 0.0290        |          | 94.8398         | 94.8398         | 2.1500e-003        |     | 94.8934         |
| <b>Total</b> | <b>0.0574</b> | <b>0.4471</b> | <b>0.4108</b> | <b>2.0100e-003</b> | <b>0.1339</b> | <b>1.6000e-003</b> | <b>0.1355</b> | <b>0.0361</b>  | <b>1.5100e-003</b> | <b>0.0376</b> |          | <b>207.4906</b> | <b>207.4906</b> | <b>8.0200e-003</b> |     | <b>207.6910</b> |

**3.6 Paving - 2021****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     | 1.0940        | 10.8399        | 12.2603        | 0.0189        |               | 0.5788        | 0.5788        |                | 0.5342        | 0.5342        |          | 1,804.5523        | 1,804.5523        | 0.5670        |     | 1,818.7270        |
| Paving       | 0.0000        |                |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |          |                   | 0.0000            |               |     | 0.0000            |
| <b>Total</b> | <b>1.0940</b> | <b>10.8399</b> | <b>12.2603</b> | <b>0.0189</b> |               | <b>0.5788</b> | <b>0.5788</b> |                | <b>0.5342</b> | <b>0.5342</b> |          | <b>1,804.5523</b> | <b>1,804.5523</b> | <b>0.5670</b> |     | <b>1,818.7270</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.6 Paving - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0681        | 0.0464        | 0.4596        | 1.4600e-003        | 0.1643        | 1.0300e-003        | 0.1653        | 0.0436         | 9.5000e-004        | 0.0445        |          | 145.9073        | 145.9073        | 3.3000e-003        |     | 145.9899        |
| <b>Total</b> | <b>0.0681</b> | <b>0.0464</b> | <b>0.4596</b> | <b>1.4600e-003</b> | <b>0.1643</b> | <b>1.0300e-003</b> | <b>0.1653</b> | <b>0.0436</b>  | <b>9.5000e-004</b> | <b>0.0445</b> |          | <b>145.9073</b> | <b>145.9073</b> | <b>3.3000e-003</b> |     | <b>145.9899</b> |

**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     | 1.0940        | 10.8399        | 12.2603        | 0.0189        |               | 0.5788        | 0.5788        |                | 0.5342        | 0.5342        | 0.0000        | 1,804.5523        | 1,804.5523        | 0.5670        |     | 1,818.7270        |
| Paving       | 0.0000        |                |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                   | 0.0000            |               |     | 0.0000            |
| <b>Total</b> | <b>1.0940</b> | <b>10.8399</b> | <b>12.2603</b> | <b>0.0189</b> |               | <b>0.5788</b> | <b>0.5788</b> |                | <b>0.5342</b> | <b>0.5342</b> | <b>0.0000</b> | <b>1,804.5523</b> | <b>1,804.5523</b> | <b>0.5670</b> |     | <b>1,818.7270</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.6 Paving - 2021****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      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000         | 0.0000             | 0.0000        |          | 0.0000          | 0.0000          | 0.0000             |     | 0.0000          |
| Worker       | 0.0681        | 0.0464        | 0.4596        | 1.4600e-003        | 0.1643        | 1.0300e-003        | 0.1653        | 0.0436         | 9.5000e-004        | 0.0445        |          | 145.9073        | 145.9073        | 3.3000e-003        |     | 145.9899        |
| <b>Total</b> | <b>0.0681</b> | <b>0.0464</b> | <b>0.4596</b> | <b>1.4600e-003</b> | <b>0.1643</b> | <b>1.0300e-003</b> | <b>0.1653</b> | <b>0.0436</b>  | <b>9.5000e-004</b> | <b>0.0445</b> |          | <b>145.9073</b> | <b>145.9073</b> | <b>3.3000e-003</b> |     | <b>145.9899</b> |

**3.7 Architectural Coating - 2021****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 | 30.4102        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |          |                 | 0.0000          |               |     | 0.0000          |
| Off-Road        | 0.2189         | 1.5268        | 1.8176        | 2.9700e-003        |               | 0.0941        | 0.0941        |                | 0.0941        | 0.0941        |          | 281.4481        | 281.4481        | 0.0193        |     | 281.9309        |
| <b>Total</b>    | <b>30.6291</b> | <b>1.5268</b> | <b>1.8176</b> | <b>2.9700e-003</b> |               | <b>0.0941</b> | <b>0.0941</b> |                | <b>0.0941</b> | <b>0.0941</b> |          | <b>281.4481</b> | <b>281.4481</b> | <b>0.0193</b> |     | <b>281.9309</b> |

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.7 Architectural Coating - 2021****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      | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Vendor       | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Worker       | 0.0102        | 6.9600e-003        | 0.0689        | 2.2000e-004        | 0.0246        | 1.6000e-004        | 0.0248        | 6.5400e-003        | 1.4000e-004        | 6.6800e-003        |          | 21.8861        | 21.8861        | 5.0000e-004        |     | 21.8985        |
| <b>Total</b> | <b>0.0102</b> | <b>6.9600e-003</b> | <b>0.0689</b> | <b>2.2000e-004</b> | <b>0.0246</b> | <b>1.6000e-004</b> | <b>0.0248</b> | <b>6.5400e-003</b> | <b>1.4000e-004</b> | <b>6.6800e-003</b> |          | <b>21.8861</b> | <b>21.8861</b> | <b>5.0000e-004</b> |     | <b>21.8985</b> |

**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 | 30.4102        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |     | 0.0000          |
| Off-Road        | 0.2189         | 1.5268        | 1.8176        | 2.9700e-003        |               | 0.0941        | 0.0941        |                | 0.0941        | 0.0941        | 0.0000        | 281.4481        | 281.4481        | 0.0193        |     | 281.9309        |
| <b>Total</b>    | <b>30.6291</b> | <b>1.5268</b> | <b>1.8176</b> | <b>2.9700e-003</b> |               | <b>0.0941</b> | <b>0.0941</b> |                | <b>0.0941</b> | <b>0.0941</b> | <b>0.0000</b> | <b>281.4481</b> | <b>281.4481</b> | <b>0.0193</b> |     | <b>281.9309</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**3.7 Architectural Coating - 2021****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      | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Vendor       | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             |          | 0.0000         | 0.0000         | 0.0000             |     | 0.0000         |
| Worker       | 0.0102        | 6.9600e-003        | 0.0689        | 2.2000e-004        | 0.0246        | 1.6000e-004        | 0.0248        | 6.5400e-003        | 1.4000e-004        | 6.6800e-003        |          | 21.8861        | 21.8861        | 5.0000e-004        |     | 21.8985        |
| <b>Total</b> | <b>0.0102</b> | <b>6.9600e-003</b> | <b>0.0689</b> | <b>2.2000e-004</b> | <b>0.0246</b> | <b>1.6000e-004</b> | <b>0.0248</b> | <b>6.5400e-003</b> | <b>1.4000e-004</b> | <b>6.6800e-003</b> |          | <b>21.8861</b> | <b>21.8861</b> | <b>5.0000e-004</b> |     | <b>21.8985</b> |

**4.0 Operational Detail - Mobile****4.1 Mitigation Measures Mobile**

Increase Density

Improve Walkability Design

Improve Destination Accessibility

Improve Pedestrian Network

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

|             | 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   | 0.4963 | 2.4245 | 5.7757 | 0.0182 | 1.5943        | 0.0173       | 1.6116     | 0.4266         | 0.0162        | 0.4428      |          | 1,839.1410 | 1,839.1410 | 0.0740 |     | 1,840.9898 |
| Unmitigated | 0.5090 | 2.5216 | 6.0654 | 0.0194 | 1.7125        | 0.0184       | 1.7309     | 0.4582         | 0.0173        | 0.4755      |          | 1,965.2997 | 1,965.2997 | 0.0776 |     | 1,967.2391 |

## 4.2 Trip Summary Information

| Land Use              | Average Daily Trip Rate |          |        | Unmitigated | Mitigated  |
|-----------------------|-------------------------|----------|--------|-------------|------------|
|                       | Weekday                 | Saturday | Sunday | Annual VMT  | Annual VMT |
| Single Family Housing | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |
| Total                 | 348.98                  | 348.98   | 348.98 | 806,016     | 750,401    |

## 4.3 Trip Type Information

| Land Use              | Miles      |            |             | Trip %     |            |             | Trip Purpose % |          |         |
|-----------------------|------------|------------|-------------|------------|------------|-------------|----------------|----------|---------|
|                       | 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 | Primary        | Diverted | Pass-by |
| Single Family Housing | 10.80      | 4.80       | 5.70        | 31.00      | 15.00      | 54.00       | 86             | 11       | 3       |

## 4.4 Fleet Mix

| Land Use              | LDA      | LDT1     | LDT2     | MDV      | LHD1     | LHD2     | MHD      | HHD      | OBUS     | UBUS     | MCY      | SBUS     | MH       |
|-----------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Single Family Housing | 0.575198 | 0.040076 | 0.193827 | 0.113296 | 0.016988 | 0.005361 | 0.017552 | 0.025197 | 0.002581 | 0.002349 | 0.005904 | 0.000881 | 0.000789 |

## 5.0 Energy Detail

Historical Energy Use: N

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**5.1 Mitigation Measures Energy**

|                        | ROG    | NOx    | CO     | SO2         | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4         | N2O         | CO2e     |
|------------------------|--------|--------|--------|-------------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|-------------|-------------|----------|
| Category               | lb/day |        |        |             |               |              |            |                |               |             | lb/day   |           |           |             |             |          |
| NaturalGas Mitigated   | 0.0309 | 0.2642 | 0.1124 | 1.6900e-003 |               | 0.0214       | 0.0214     |                | 0.0214        | 0.0214      |          | 337.2581  | 337.2581  | 6.4600e-003 | 6.1800e-003 | 339.2623 |
| NaturalGas Unmitigated | 0.0309 | 0.2642 | 0.1124 | 1.6900e-003 |               | 0.0214       | 0.0214     |                | 0.0214        | 0.0214      |          | 337.2581  | 337.2581  | 6.4600e-003 | 6.1800e-003 | 339.2623 |

**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/yr        | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day   |                 |                 |                    |                    |                 |
| Single Family Housing | 2866.69        | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003        |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |          | 337.2581        | 337.2581        | 6.4600e-003        | 6.1800e-003        | 339.2623        |
| <b>Total</b>          |                | <b>0.0309</b> | <b>0.2642</b> | <b>0.1124</b> | <b>1.6900e-003</b> |               | <b>0.0214</b> | <b>0.0214</b> |                | <b>0.0214</b> | <b>0.0214</b> |          | <b>337.2581</b> | <b>337.2581</b> | <b>6.4600e-003</b> | <b>6.1800e-003</b> | <b>339.2623</b> |



1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**5.2 Energy by Land Use - NaturalGas****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/yr        | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day   |                 |                 |                    |                    |                 |
| Single Family Housing | 2.86669        | 0.0309        | 0.2642        | 0.1124        | 1.6900e-003        |               | 0.0214        | 0.0214        |                | 0.0214        | 0.0214        |          | 337.2581        | 337.2581        | 6.4600e-003        | 6.1800e-003        | 339.2623        |
| <b>Total</b>          |                | <b>0.0309</b> | <b>0.2642</b> | <b>0.1124</b> | <b>1.6900e-003</b> |               | <b>0.0214</b> | <b>0.0214</b> |                | <b>0.0214</b> | <b>0.0214</b> |          | <b>337.2581</b> | <b>337.2581</b> | <b>6.4600e-003</b> | <b>6.1800e-003</b> | <b>339.2623</b> |

**6.0 Area Detail****6.1 Mitigation Measures Area**

Use only Natural Gas Hearths

## 1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

|             | 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   | 1.7823  | 0.5081 | 3.1781  | 3.1800e-003 |               | 0.0547       | 0.0547     |                | 0.0547        | 0.0547      | 0.0000   | 610.1479  | 610.1479  | 0.0168 | 0.0111 | 613.8715 |
| Unmitigated | 39.0343 | 0.7527 | 51.2269 | 0.0910      |               | 6.8393       | 6.8393     |                | 6.8393        | 6.8393      | 733.6202 | 227.7008  | 961.3210  | 0.9123 | 0.0518 | 999.5544 |

## 6.2 Area by SubCategory

Unmitigated

|                       | ROG            | NOx           | CO             | SO2           | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2        | NBio- CO2       | Total CO2       | CH4           | N2O           | CO2e            |
|-----------------------|----------------|---------------|----------------|---------------|---------------|---------------|---------------|----------------|---------------|---------------|-----------------|-----------------|-----------------|---------------|---------------|-----------------|
| SubCategory           | lb/day         |               |                |               |               |               |               |                |               |               | lb/day          |                 |                 |               |               |                 |
| Architectural Coating | 0.2500         |               |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |                 |                 | 0.0000          |               |               | 0.0000          |
| Consumer Products     | 1.3867         |               |                |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |                 |                 | 0.0000          |               |               | 0.0000          |
| Hearth                | 37.3074        | 0.7183        | 48.2504        | 0.0909        |               | 6.8229        | 6.8229        |                | 6.8229        | 6.8229        | 733.6202        | 222.3529        | 955.9731        | 0.9071        | 0.0518        | 994.0769        |
| Landscaping           | 0.0902         | 0.0344        | 2.9765         | 1.6000e-004   |               | 0.0164        | 0.0164        |                | 0.0164        | 0.0164        |                 | 5.3479          | 5.3479          | 5.1800e-003   |               | 5.4775          |
| <b>Total</b>          | <b>39.0343</b> | <b>0.7527</b> | <b>51.2269</b> | <b>0.0910</b> |               | <b>6.8393</b> | <b>6.8393</b> |                | <b>6.8393</b> | <b>6.8393</b> | <b>733.6202</b> | <b>227.7008</b> | <b>961.3210</b> | <b>0.9123</b> | <b>0.0518</b> | <b>999.5544</b> |

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**6.2 Area by SubCategory****Mitigated**

|                       | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2       | Total CO2       | CH4           | N2O           | CO2e            |
|-----------------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|-----------------|-----------------|---------------|---------------|-----------------|
| SubCategory           | lb/day        |               |               |                    |               |               |               |                |               |               | lb/day        |                 |                 |               |               |                 |
| Architectural Coating | 0.2500        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |               | 0.0000          |
| Consumer Products     | 1.3867        |               |               |                    |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        |               |                 | 0.0000          |               |               | 0.0000          |
| Hearth                | 0.0554        | 0.4738        | 0.2016        | 3.0200e-003        |               | 0.0383        | 0.0383        |                | 0.0383        | 0.0383        | 0.0000        | 604.8000        | 604.8000        | 0.0116        | 0.0111        | 608.3940        |
| Landscaping           | 0.0902        | 0.0344        | 2.9765        | 1.6000e-004        |               | 0.0164        | 0.0164        |                | 0.0164        | 0.0164        |               | 5.3479          | 5.3479          | 5.1800e-003   |               | 5.4775          |
| <b>Total</b>          | <b>1.7823</b> | <b>0.5081</b> | <b>3.1781</b> | <b>3.1800e-003</b> |               | <b>0.0547</b> | <b>0.0547</b> |                | <b>0.0547</b> | <b>0.0547</b> | <b>0.0000</b> | <b>610.1479</b> | <b>610.1479</b> | <b>0.0168</b> | <b>0.0111</b> | <b>613.8715</b> |

**7.0 Water Detail****7.1 Mitigation Measures Water****8.0 Waste Detail****8.1 Mitigation Measures Waste****9.0 Operational Offroad**

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|-----------|-------------|-------------|-----------|
|----------------|--------|-----------|-----------|-------------|-------------|-----------|

**10.0 Stationary Equipment**

1005 North Park Victoria Drive - Bay Area AQMD Air District, Winter

**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|------------|-------------|-------------|-----------|
|----------------|--------|-----------|------------|-------------|-------------|-----------|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|----------------|--------|----------------|-----------------|---------------|-----------|
|----------------|--------|----------------|-----------------|---------------|-----------|

**User Defined Equipment**

| Equipment Type | Number |
|----------------|--------|
|----------------|--------|

**11.0 Vegetation**

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## APPENDIX B

### CLIMATE ACTION PLAN DEVELOPMENT CHECKLIST

# APPENDIX C:

## DEVELOPMENT CHECKLIST

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### DEVELOPMENT CHECKLIST

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

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

#### PROJECT DESCRIPTION/CHARACTERISTICS

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

Identify the applicable land uses:

☒ Residential ☐ Commercial ☐ Industrial ☐ Manufacturing ☐ Other

Project Description:

36 X NEW 2-STORY RESIDENTIAL HOMES INCLUDING  
10 X ACCESSORY DWELLING UNITS ON TOP OF DETACHED  
GARAGES.

# APPENDIX C: DEVELOPMENT CHECKLIST

## AMENDMENTS REQUESTED

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

General Plan: ☒ Yes ☐ No ☐ Not Sure

Midtown Specific Plan: ☐ Yes ☒ No ☐ Not Sure

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

## GHG EMISSIONS INCORPORATED WITHIN CITY GHG FORECAST

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

☐ Yes ☒ No ☐ To be determined by staff

## PROJECT SOURCES OF GHG EMISSIONS CONSIDERED IN CITY INVENTORY

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

| Potential GHG Emissions Sources                               |                                                |                                                              |
|---------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> Electricity Use           | <input type="checkbox"/> Res./Comm./Ind. Waste | <input checked="" type="checkbox"/> Gasoline or Diesel Use   |
| <input type="checkbox"/> Natural Gas Use                      | <input type="checkbox"/> Wastewater Disposal   | <input checked="" type="checkbox"/> Transportation (On-Road) |
| <input checked="" type="checkbox"/> Const. & Demolition Waste | <input checked="" type="checkbox"/> Water Use  | <input type="checkbox"/> Off-Road Equipment                  |
| <input type="checkbox"/> Other _____                          |                                                |                                                              |

## APPLICABLE MEASURES/COMPLIANCE

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

### Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and (2) currently being implemented by the City. By following these

# APPENDIX C: DEVELOPMENT CHECKLIST

two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

| Measure                                | Action                                                                       | Applicability                                                                               | Compliance*                                                                                      |
|----------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 8.1: Transportation Demand Management  | Adopt city-wide TDM ordinance by 2015                                        | Project reduces vehicle demand, ped/bicycle amenities ex. sidewalks & bike lanes.           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 1.5: Urban cooling                     | Achieve urban cooling through standards for new development.                 | Project includes private open space, landscaped areas and bio-retention space.              | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 5.1: Increased densities               | Promote increase of densities.                                               | Project would develop new residences near existing commercial uses reducing vehicle demand. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 6.3: Open space                        | Expand city parks and open spaces.                                           | Project includes 59,094 sq ft private open space and 38,624 sq ft landscaped area.          | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 6.3: Dense and centralized development | Promote dense development in central locations and transportation corridors. | Project would develop new residences near existing commercial uses reducing vehicle demand. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 7.2: Compact streets.                  | Institute city-wide compact streets program.                                 | Provides ped/bicycle amenities, ex. sidewalks, bike lanes, shading & landscaping.           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 7.3: Bikeways infrastructure           | Implement facilities to achieve high levels of bicycle & ped. activity.      | Provides ped/bicycle amenities, ex. sidewalks, bike lanes, shading & landscaping.           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |

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

## RECOMMENDED MEASURES

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

| Measure                                      | Action                                               | Applicability                                                | Compliance*                                                                                      |
|----------------------------------------------|------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 11.1: Waste Diversion                        | Increase diversion of solid waste to 75% per AB 341. | Project complies with AB 341                                 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 10.4: Residential EV charging                | Facilitate EV charging stations                      | W/ mit. meas. 6th-1 project would provide EV home charging.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 12.1: Lawn and garden equipment              | Support transition to cleaner outdoor lawn equipment | W/ mit. meas. 6th-4 project would provide out. elec. outlets | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| 12.2: Construction Best Management Practices | Encourage projects to comply w/ BAPMD best practices | W/ mit. meas. 6th-1 project would comply w/ BAPMD mit. meas. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
|                                              |                                                      |                                                              | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A            |
|                                              |                                                      |                                                              | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A            |

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



# APPENDIX C:

## DEVELOPMENT CHECKLIST

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### OTHER GHG REDUCTION MEASURES IMPLEMENTED

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in MTCO<sub>2</sub>e.

| Additional Measure | Estimated Annual GHG Reductions (MTCO <sub>2</sub> e) |
|--------------------|-------------------------------------------------------|
|                    |                                                       |
|                    |                                                       |
|                    |                                                       |
|                    |                                                       |

## APPENDIX C

### PHASE I ENVIRONMENTAL SITE ASSESSMENT



## **Phase I Environmental Site Assessment**

1005 North Park Victoria Drive  
APN 029-04-040  
Milpitas, California

Prepared for:

**Robson Homes, LLC  
San Jose, CA**

Prepared by:

**Ramboll US Corporation  
Emeryville, CA**

Date:

**January 16, 2018**

Project Number:

**1690001783**

## Signature and Environmental Professional Statement

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in 40 CFR §312.10.

Further, 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 and practices set forth in 40 CFR Part 312.



---

Anne W. Gates, P.E.

Ramboll US Corporation  
2200 Powell Street, Suite 700  
Emeryville, CA

# Contents

|                                                                 | <b>Page</b> |
|-----------------------------------------------------------------|-------------|
| <b>1 Summary of Conclusions</b>                                 | <b>1</b>    |
| 1.1 Recognized Environmental Conditions                         | 1           |
| 1.2 Other Findings                                              | 1           |
| <b>2 Introduction</b>                                           | <b>2</b>    |
| 2.1 Purpose                                                     | 2           |
| 2.2 Scope of the Phase I ESA                                    | 2           |
| 2.3 Significant Assumptions                                     | 4           |
| 2.4 Reliance and General Limitations                            | 4           |
| <b>3 Site Description</b>                                       | <b>6</b>    |
| 3.1 Site Setting                                                | 6           |
| 3.2 Current Use of Property                                     | 8           |
| 3.3 Current Uses of Adjoining Properties                        | 8           |
| <b>4 Review of Public Records and Other Information Sources</b> | <b>9</b>    |
| 4.1 Environmental Regulatory Database Review                    | 9           |
| 4.2 Historical Uses of the Site and Adjacent Sites              | 10          |
| 4.3 Review of Local and State Agency Information                | 11          |
| 4.4 Environmental Lien Record Search                            | 12          |
| 4.5 Previous Environmental Assessments and Activities           | 12          |
| 4.6 User-Provided Information                                   | 13          |
| <b>5 Site Reconnaissance</b>                                    | <b>14</b>   |
| 5.1 Methodology and Limiting Conditions                         | 14          |
| 5.2 General Site Setting and Observations                       | 14          |
| <b>6 Findings, Opinion, and Conclusions</b>                     | <b>17</b>   |
| 6.1 Findings and Opinion                                        | 17          |
| 6.2 Conclusions                                                 | 17          |
| 6.3 Analysis of Data Gaps                                       | 17          |
| <b>7 References</b>                                             | <b>19</b>   |
| 7.1 Documents                                                   | 19          |
| 7.2 Interviews                                                  | 19          |

## List of Figures

- Figure 1: Site Location Map  
Figure 2: Site Layout

## Appendices

- Appendix A: Site Photographs  
Appendix B: Environmental Database Report  
Appendix C: Historical Research Documentation  
C.1: Aerial Photographs  
C.2: Sanborn Maps  
C.3: Topographic Maps  
C.4: Abstract of City Directories  
C.5: Environmental Lien Search  
Appendix D: Ramboll Environ 2015 Phase I Report  
Appendix E: JR Associates Magnetic Investigation Report  
Appendix F: Qualifications of Environmental Professionals

# 1 Summary of Conclusions

Ramboll US Corporation (Ramboll; formerly Ramboll Environ) was retained by Robson Homes, LLC (“Robson Homes”) to perform a Phase I Environmental Site Assessment (ESA) of the property located at 1005 North Park Victoria Drive in Milpitas, California (herein referred to as the “site” or “property”). Ramboll’s assessment was conducted in connection with the purchase of the property. The ESA described in this report was performed in general conformance with the scope and limitations of the ASTM International’s *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* E-1527-13 (the “ASTM Standard”), as stated in Chapter 2.0 (Introduction). Any exceptions to, or deletions from, this practice are described in Section 6.3 of this report.

## 1.1 Recognized Environmental Conditions

Ramboll did not identify any “recognized environmental condition[s]” (REC[s]), as defined by ASTM (see Chapter 2.0), in connection with unrestricted residential use of the property. No further investigation of the site is warranted at this time.

## 1.2 Other Findings

Although not considered a REC based on currently available information, Ramboll identified the following other finding. The term “other finding” is not defined by ASTM; rather, Ramboll uses the term to connote areas of contingent risk that are not clearly defined by the ASTM Standard.

- **Former Agricultural Use.** Between at least 1939 and the purchase of the site by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Shallow soil sampling was conducted by Ramboll at the site in 2015 to identify impacts from potential pesticide use. All concentrations of pesticides and metals were less than residential screening levels with the exception of one sample that reported a concentration of the pesticide dichlorodiphenylethylene (p,p-DDE) slightly above the residential screening level. The low concentration and localized presence of p,p-DDE at one sampling location is not a concern for the site.

*De minimis* conditions, as defined in Chapter 2.0, along with other site conditions observed during the site visits, are discussed within relevant sections of this report and are summarized in Chapter 6.0.

## 2 Introduction

### 2.1 Purpose

Ramboll was retained by Robson Homes to conduct a Phase I ESA of the property located at 1005 North Park Victoria Drive in Milpitas, California (Assessor's Parcel Number [APN] 029-04-040). Ramboll's assessment was conducted in connection with the purchase of the property. The purpose of the assessment was to identify RECs, which are defined in the ASTM Standard as:

"The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions."

### 2.2 Scope of the Phase I ESA

Ramboll completed the following tasks, consistent with the ASTM Standard, during its Phase I ESA of the property:

- Visits to the site by Jason Kane of Ramboll on January 13, 2017, July 13, 2017, and January 4, 2018, to observe the features of the site and to identify the uses and conditions specified in the ASTM Standard. During the site visit, Ramboll observed the adjoining properties from the site or adjacent public thoroughfares. Photographs taken during the site visit are presented in Appendix A.
- Email interviews on January 15, 2017, June 26, 2017, and January 5, 2018, with Ciema Salem, the daughter of the owner of the site since approximately 1978. Ms. Salem is herein referred to as the "site personnel". The site personnel interviewed by Ramboll were identified as having good knowledge of the current and historical uses and physical characteristics of the site.
- A review of information contained in federal and state environmental databases, as obtained from the sources noted below:
  - A radius report prepared by Environmental Data Resources, Inc. (EDR) on December 26, 2017 for the site and off-site properties in the vicinity of the site. A copy of the EDR radius report is included as Appendix B. The databases and the radius searched for each database were selected in accordance with the ASTM Standard and are identified in the EDR database report. The dates of the most recent updates of the environmental databases are also listed in the database report.
  - The United States Environmental Protection Agency's (USEPA's) Envirofacts database, which provides site information contained in multiple USEPA regulatory databases.
  - The USEPA's Enforcement and Compliance History Online (ECHO) database, which provides information on sites' enforcement and compliance history.



- The State of California's Regional Water Quality Control Board (RWQCB) Geotracker online database and the California Environmental Protection Agency (Cal/EPA) Department of Toxic Substances Control (DTSC) Envirostor online database.
- A review of the EDR Environmental Lien Search Report dated December 27, 2017 to identify environmental liens or activity use limitations (AULs) imposed by judicial authorities with respect to the property.
- A review of standard historical sources (included as Appendix C) and local agency inquiries, as defined in the ASTM Standard. The following resources were reviewed:
  - Readily available historical sources, including (where available) historical topographic maps and aerial photographs, city directories, and Sanborn Maps, to develop a history of the previous uses of the site and surrounding area.
  - Historical and site-specific information obtained from the following local agencies: Santa Clara County Assessor's Office (Assessor), the City of Milpitas Fire Prevention (Fire Prevention), and the City of Milpitas Building Department (Building Department). Ramboll also requested files from Santa Clara County Environmental Health Department (SCCDEH), Santa Clara Valley Water District (SCVWD), and the City of Milpitas Department of Public Works.
  - A review of electronic files was performed by Ramboll on June 16, 2015 at the Building Department office.
- A review of physical setting sources, as defined in the ASTM Standard, including:
  - The current USGS 7.5-minute topographic map that shows the area on which the site is located.
  - Geologic, hydrogeologic, or hydrologic sources as provided in the EDR report.
- A review of *Phase I Environmental Site Assessment and Surface Soil Investigation, 1005 North Park Victoria Drive, Milpitas, California*, prepared by Ramboll Environ, dated August 18, 2015 (herein referred to as the "2015 Phase I report"). The 2015 Phase I report is included as Appendix D.
- A review of the *ALTA/ASCM Land Title Survey, 1005 North Park Victoria Drive, Milpitas, California*, prepared by Civil Engineering Associates (CEA), dated January 9, 2018.
- A review of the *Preliminary Title Report* for the site, prepared by First American Title Insurance Company, dated January 9, 2018.
- A review of the geophysical survey report for the site titled *Magnetic Investigation at 1005 North Park Victoria Drive in Milpitas, California*, prepared by JR Associates, dated June 11, 2015 (included as Appendix E).
- A review of the *Alquist Priolo Special Studies Zone Investigation, 1005 North Park Victoria Drive, Milpitas, California*, prepared by Geo-Logic Associates, dated July 16, 2015.
- Ramboll provided Robson Homes with a User Questionnaire consistent with Appendix X3 of the ASTM Standard. Pertinent responses, if any, are discussed in the appropriate sections of this report.

This assessment was conducted in accordance with ASTM Standard E1527-13, as agreed upon by Ramboll and Robson Homes in January 2017. Certain “non-scope considerations,” as defined in the ASTM Standard (i.e., asbestos-containing materials [ACM], radon, lead-based paint, mold) are not directly addressed in this Phase I ESA.

### **2.3 Significant Assumptions**

In conducting this review, no significant assumptions were made, except for the following:

- Site-specific field measurements of groundwater gradient are not available. Groundwater flow directions at nearby sites (available in closure documentation for leaking underground storage tank [LUST] cases posted to the RWQCB Geotracker website) indicated a range of groundwater flow directions in the area, ranging from west to south. Based on these measurements and the local topographic gradient (generally to the west-southwest), Ramboll has assumed that the groundwater flow direction beneath the site is approximately to the southwest. In evaluating potential on-site impacts from off-site sources, those off-site facilities not located adjacent to or within one-quarter mile upgradient of the subject site are not considered to represent a significant concern to the subject site. This interpretation is based on the assumption that a hazardous material released to the subsurface generally does not migrate laterally within the unsaturated soil for a significant distance, although a hazardous material can migrate in the groundwater in a generally downgradient direction.

### **2.4 Reliance and General Limitations**

This environmental review has been prepared exclusively without limitation for use by Robson Homes, LLC and affiliated entities including Santa Clara Development Company, Sun Lakes Construction Company of California, and Vesta Real Estate Company Inc., and such other persons or entities whose reliance is explicitly authorized in writing by Ramboll.

The report is considered current only for a period of 180 days from Ramboll's most recent site visit which was conducted on January 4, 2018. The conclusions presented in this report represent Ramboll's best professional judgment based upon the information available and conditions existing as of the date of the review. In performing its assignment, Ramboll must rely upon publicly available information, information provided by the client, and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Ramboll was accurate and complete. This review is not intended as legal advice, nor is it an exhaustive review of site conditions or facility compliance.

The scope of work for this assessment did not include an asbestos survey or inspection. According to federal OSHA regulations (29 CFR §1910.1001) and the Model Accreditation Plan (MAP; 40 CFR Part 763, Subpart E, Appendix C), the inspection, testing, evaluation, and/or sampling of suspect asbestos-containing materials must be conducted by an accredited inspector; these activities were not performed as part of this environmental review. Comments in this report regarding the condition of building materials at the site, including presumed or suspect ACM, represent only Ramboll's observations at the time of the site visit and are not intended to be consistent with definitions regarding ACM condition in the Asbestos Hazard

Emergency Response Act (AHERA) or in other federal or state asbestos regulations or industry standards.

Other issues considered outside the scope of the ASTM Standard and this review include radon, lead-based paint, lead in drinking water, wetlands, PCBs in building materials, cultural and historic resources, ecological resources, endangered species, and high voltage power lines.

## 3 Site Description

### 3.1 Site Setting

The property is approximately 4.85 acres in area and is located in Milpitas, Santa Clara County, California (the “site” or “property”). According to the Santa Clara County Assessor’s Office, the APN for the site is 029-04-040. The site is located approximately 1.2 miles northeast of the City of Milpitas Civic Center (Figure 1).

The site is developed with a one-story house and one-story garage. The remaining portion of the site is an open field with scattered trees. An asphalt and gravel driveway connects the site to North Park Victoria Drive in the southeastern portion of the site. There are no on-site surface water bodies.

Table A provides an overview of physical setting and utility information for the site.

| <b>Table A: Physical Setting and Utility Information</b> |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conditions</b>                                        | <b>Source</b>                                                                                                                     | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Topography</b>                                        |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Elevation (above mean sea level)                         | USGS topographic map; Google Earth                                                                                                | Ranging from approximately 32 to 50 feet across the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Topographic Gradient                                     | USGS topographic map; visual observations                                                                                         | Gently sloping downward to the west across the site. Regional topography slopes gently downward to the west-southwest toward San Francisco Bay.                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Hydrology</b>                                         |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Surface Water Runoff                                     | Visual observations                                                                                                               | Storm water from impervious surfaces at and in the vicinity of the house flows to the west and infiltrates into the on-site open field.                                                                                                                                                                                                                                                                                                                                                                                    |
| Nearest Surface Water Body                               | USGS topographic map; visual observations                                                                                         | An engineered channel is located approximately 400 feet to the west of the site. Tularcitos Creek is located approximately 0.4 mile east-southeast of site. The engineered channel and Tularcitos Creek joins with other channels and creeks in the San Jose area and ultimately drains to San Francisco Bay, located approximately 8.0 miles west of the site.                                                                                                                                                            |
| Flood Plain                                              | FEMA*; site personnel                                                                                                             | Site personnel reported no historical flooding at the site. The site is not located within a 500-year flood zone.                                                                                                                                                                                                                                                                                                                                                                                                          |
| Wetlands                                                 | NWI*                                                                                                                              | There are no federally-designated wetlands on-site or within 0.5 mile of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Geology and Hydrogeology</b>                          |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Presumed Direction of Shallow Groundwater Flow           | LUST case closure documentation for sites within approximately 1.0 mile of the site, reviewed on RWQCB Geotracker online database | Site-specific field measurements of groundwater gradient are not available. Groundwater flow directions at nearby sites (available in closure documentation for LUST cases posted to the RWQCB Geotracker website) indicated a range of groundwater flow directions in the area, ranging from west to south. Based on these measurements and the local topographic gradient (generally to the west-southwest), Ramboll has assumed that the groundwater flow direction beneath the site is approximately to the southwest. |

**Table A: Physical Setting and Utility Information**

| Conditions                        | Source                                                                                                                                                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Depth to Groundwater              | June 2015 geotechnical investigation conducted at the site; 1984 geotechnical investigation conducted adjacent to the south of the site; 2006 groundwater monitoring report for a site located approximately 0.2 mile southwest of the site, reviewed on RWQCB Geotracker online database | A June 2015 geotechnical investigation conducted at the site by Geo-Logic Associates on behalf of Robson Homes did not encounter any groundwater down to approximately 12 feet below ground surface (bgs). A 1984 geotechnical investigation conducted adjacent to the south of the site reported depth to groundwater to be approximately 14 feet bgs. Groundwater monitoring reports for a former LUST cleanup site located approximately 0.2 mile from the site indicate historical groundwater levels ranged between approximately 18 and 20 feet above mean sea level. Based on the site ground surface elevations ranging between approximately 32 to 50 feet above mean sea level across the site, depth to groundwater at the site likely ranges between 12 and 30 feet bgs. |
| On-site Wells                     | Site personnel; visual observations                                                                                                                                                                                                                                                       | There are no on-site monitoring wells.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Nearest Groundwater Supply Wells  | EDR database report                                                                                                                                                                                                                                                                       | No state-registered, federally-registered, and/or public water-supply wells are present within one mile of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Geologic Conditions               | 2015 geotechnical investigation at the site; EDR database report                                                                                                                                                                                                                          | Ramboll observed the sidewalls of an approximately 3-feet wide, 12-feet deep trench during a geotechnical investigation conducted at the site in June 2015 by Geo-Logic Associates on behalf of Robson Homes. Silts and clays were observed on the sidewalls of the trench down to a depth of approximately 12 feet bgs. The EDR physical setting report indicates that surface soil types in the area consist of silty clays. Underlying sediments are reported to be silty clay loams and weathered bedrock.                                                                                                                                                                                                                                                                       |
| Site Utility Information          |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Electricity Supplier              | Site personnel                                                                                                                                                                                                                                                                            | Pacific Gas & Electric (PG&E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Natural Gas Supplier              | Site personnel                                                                                                                                                                                                                                                                            | PG&E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Use of Fuel Oil for Building Heat | Site owner; site personnel                                                                                                                                                                                                                                                                | No current or former use of fuel oil reported.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Water Supplier                    | Site personnel                                                                                                                                                                                                                                                                            | City of Milpitas Public Works Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Sanitary Sewer                    | Site personnel                                                                                                                                                                                                                                                                            | City of Milpitas Public Works Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Septic Systems                    | Site owner; site personnel                                                                                                                                                                                                                                                                | Site personnel reported there may be an out-of-service wooden septic tank at an unknown location at the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

**Table A: Physical Setting and Utility Information**

| Conditions                                                                                                                                                                               | Source | Description |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|
| Notes:<br>FEMA = Federal Emergency Management Agency; NCCS = National Cooperative Soil Survey ; NWI = National Wetlands Inventory<br>* - Source was provided in the EDR database report. |        |             |

### 3.2 Current Use of Property

The property is approximately 4.85 acres and developed with a one-story house and one-story garage. Both the on-site house and garage have been abandoned with boarded windows and doors since approximately 1995. The remaining portion of the site is open field with scattered trees.

### 3.3 Current Uses of Adjoining Properties

The site is located in a residential land use area. Based on discussions with site personnel, Ramboll's visual observations from the property boundary and public rights-of-way, and a limited review of publicly available information, a general determination of the current use of adjacent properties was developed, as described in Table B.

**Table B: Current Use of Adjacent Properties**

| Direction                                                                                                                                                                            | Property/Land Use                                                    | Ramboll's Observations                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North, west, and south                                                                                                                                                               | Residential, located across Creed and Rankin Streets.                | No apparent exterior manufacturing or chemical storage operations were observed. Residential areas consist of single family homes. No concerns were noted. |
| East                                                                                                                                                                                 | Residential and vacant lot located across North Park Victoria Drive. | No apparent exterior manufacturing or chemical storage operations were observed. Residential areas consist of single family homes. No concerns were noted. |
| Notes:<br>During the site visit, Ramboll walked or drove by the borders of these properties that are shared with the subject site. Ramboll did not enter the neighboring properties. |                                                                      |                                                                                                                                                            |

## 4 Review of Public Records and Other Information Sources

### 4.1 Environmental Regulatory Database Review

Ramboll contracted with EDR to prepare a summary of listings in federal and state agency databases within applicable radii of the site as specified by the ASTM standard.<sup>1</sup> A copy of the EDR report, dated December 26, 2017, is presented in Appendix B.

#### 4.1.1 Database Review for Site

Ramboll reviewed the results of the state and federal environmental database searches performed by EDR (see Appendix B) and also searched the Geotracker and Envirostor databases. The site was not listed on any of the databases searched.

#### 4.1.2 Database Review for Adjoining Properties

Ramboll's analysis of adjoining properties was based on observations made during the site reconnaissance (as discussed in Table B) and location information for off-site listings as presented in the EDR report. The discussion of adjoining sites does not include listings for certain databases that are (by themselves) not necessarily indicative of a contamination concern (e.g., compliance listings beyond those specified in Section 8.2.1 of the ASTM Standard). Also, for purposes of this analysis, Ramboll considers "adjoining" properties to be immediately adjacent, even if separated by a road or other physical barrier.

- **Fox Hollow Development.** The Fox Hollow residential development is located adjacent to the south of the site and is listed on the Fuel Leak Site Activity Report (HIST LUST), Geotracker's Leaking Underground Fuel Tank Report (LUST), and Hazardous Waste & Substance Site List (HIST CORTESE) databases. According to documentation reviewed on the RWQCB Geotracker online database, two 500-gallon gasoline USTs were removed from the Fox Hollow development in May 1988. The USTs were reportedly used for the refuelling of farm equipment, as the Fox Hollow development was historically used for agricultural purposes. One of the Fox Hollow USTs was approximately located southeast of the site under what is currently the intersection of Fox Hollow Court and North Park Victoria Drive. The second Fox Hollow UST was approximately located in the lot of the current off-site residence that is adjacent to the on-site garage structure. The removal of the USTs and associated piping was conducted under the oversight of the Milpitas Fire Department. The USTs were observed to be in good condition upon removal with no holes or corrosion reported. No odor or visual indication of a release was observed in the bottom of the tank excavation pits. Soil samples were collected from the bottoms of the excavation pits at a depth of approximately 6 feet bgs and analyzed for total petroleum hydrocarbons in the gasoline range (TPH-g) and benzene, toluene, ethylbenzene, and xylene (BTEX). All concentrations were less than laboratory reporting limits with the exception of TPH-g and xylene, reported to be 5.9 and 0.15 parts per million (ppm), respectively, in a base confirmation sample from the former UST located in the lot of the current off-site residence that is adjacent to the on-site garage structure. Based on the

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<sup>1</sup> EDR uses the term "radii" to refer to the ASTM terminology "approximate minimum search distance" in the environmental database report.



very low concentrations of TPH-g and xylene reported in only one of the confirmation samples and the presence of silty clay between the base of the former UST and underlying groundwater (reportedly 14 feet bgs), the case was recommended for closure by SCVWD on May 7, 1991 and granted closure by RWQCB on May 29, 1991. The Fox Hollow Development is not of concern to the subject site.

#### 4.1.3 Database Review for Non-Adjoining Properties

There are several listings in the EDR database report for off-site non-adjoining properties. A summary of the pertinent listings is provided below. As noted in Table A, shallow groundwater beneath the site likely flows to the southwest. Within this section, Ramboll did not discuss certain listings for off-site non-adjoining properties that are (by themselves) not necessarily indicative of a contamination concern (e.g., hazardous waste generators, registered storage tanks, compliance listings). Also, Ramboll did not discuss herein any off-site non-adjoining property that is presumed to be downgradient or crossgradient of the subject site. This analysis was based on the assumption that a hazardous material released to the subsurface generally does not migrate laterally within the unsaturated soil for a significant distance, but a hazardous material can migrate in the groundwater in a generally downgradient direction; however, the direction of groundwater flow may be affected by localized topographic, hydraulic, and hydrogeologic conditions.

- **Summitpointe Golf Club.** The Summitpointe Golf Club, also known as the Tularcitos Golf and Country Club, is located at 1200 Country Club Drive in Milpitas, California, approximately 0.5 mile to the east-northeast of the site. The property is listed on the Historical Substance Storage Container Database (HIST UST), Facility Inventory Database (CA FID UST), HIST CORTESE, LUST, Fuel Leak Lists (LUST REG 2), LUST SANTA CLARA, Fuel Leak Site Activity Report (HIST LUST SANTA CLARA), CUPA Facility List (CUPA SANTA CLARA), and Statewide Environmental Evaluation and Planning System Listing System (SWEEPS UST) databases. The listings refer to a closed underground fuel leak case. In April 1994, a 6,000-gallon gasoline UST, 2,000-gallon gasoline UST, 1,000-gallon diesel UST, and associated piping were removed from the property. Soil and groundwater sampling in the vicinity of the removed USTs indicated gasoline and diesel contamination. Approximately 200 cubic yards of soil was over-excavated and confirmation samples of the excavation reported concentrations of 38 ppm as TPH-g in soil and 250 parts per billion (ppb) as TPH in the diesel range (TPH-d) in grab groundwater. In December 2002, a monitoring well located adjacent to the former USTs was sampled by Ramboll Environ and analyzed for TPH-g and BTEX. No constituents were reported above laboratory reporting limits. The Golf Club property was granted case closure by SCCDEH in July 2008 and is not of concern to the subject site.

## 4.2 Historical Uses of the Site and Adjacent Sites

### 4.2.1 Past Uses of the Site

The site was historically used for agricultural purposes, including as an apricot orchard. The residence was constructed at the site in approximately 1953. The current owner, Hooshang Salem, purchased the site in 1978, at which time agricultural operations ceased. Mr. Salem rented the site to various tenants who used the site for residential purposes until approximately 1995, when the house and adjacent garage were boarded to prevent vandalism. Following



Ramboll's 2015 Phase I report in August 2015, Robson Homes hired a subcontractor to securely board all exterior openings on the house and garage at the site to prevent entry into the site buildings. During Ramboll's January 2017, July 2017, and January 2018 site visits, the boarded openings were observed to be untampered with indicating the interiors of the site buildings had not been entered since the buildings were secured in 2015.

A summary of Ramboll's key observations from the available historical sources is presented in Table C.

| <b>Table C: Summary of Key Observations from Historical Sources for the Subject Site</b>                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Historical Source</b>                                                                                                                                                                                                                                                                                            | <b>Key Observations Regarding Site History</b>                                                                                                                                                                                                                                                                                                    |
| Aerial Photographs and Satellite Imagery <sup>1</sup><br>(1939, 1940, 1948, 1950, 1956, 1966, 1968, 1974, 1979, 1982, 1993, 1998, 2000, 2002 – 2014)                                                                                                                                                                | Early photographs show the site as an orchard until the 1982 photograph, at which time the orchard has been converted to open field. The current residence first appears in the 1966 photograph. The current garage and an additional structure that is no longer present at the site first appear in the 1974 photograph. No concerns are noted. |
| Topographic Maps<br>(1899, 1953, 1961, 1968, 1973, 1980)                                                                                                                                                                                                                                                            | Development is first depicted in the vicinity of the site in 1961. No concerns are noted.                                                                                                                                                                                                                                                         |
| City Directory Abstracts<br>(1985, 1991, 1996, 2000, 2006)                                                                                                                                                                                                                                                          | The occupant of 1005 North Park Victoria Drive is listed as John Robinson in 1985, Courtesy Fence in 1991, Larry Muller in 1996 and 2000, and vacant in 2006.                                                                                                                                                                                     |
| <sup>1</sup> In addition to aerial photographs provided by EDR, Ramboll viewed historical satellite imagery provided via Google Earth. Printed copies were not obtained, and imagery dates were not independently verified.<br><br>EDR reported that Sanborn fire insurance coverage is not available for the site. |                                                                                                                                                                                                                                                                                                                                                   |

#### 4.2.2 Past Uses of Adjacent Sites

The adjacent properties were used for agricultural purposes, including orchards, dating back to at least 1939. Based on a review of aerial photographs, residential development first appears adjacent to west of the site in 1979. In the 1993 aerial photograph, residential development is present to the south and east of the site.

#### 4.3 Review of Local and State Agency Information

Ramboll visited or otherwise contacted local governmental agencies and regulatory bodies for information relating to the site. An overview of the findings of this review is presented in Table D.

| <b>Table D: Local Agency Information for the Site</b> |                                                                                                                                                                                              |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agency Contacted / Document Reviewed</b>           | <b>Information Obtained</b>                                                                                                                                                                  |
| Santa Clara County Tax Assessor                       | Documents reviewed online using the Santa Clara County Tax Assessor's website included assessment roll information and a tax map. The map indicates that the APN for the site is 029-04-040. |

**Table D: Local Agency Information for the Site**

| <b>Agency Contacted / Document Reviewed</b>                    | <b>Information Obtained</b>                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Milpitas Fire Prevention                               | Ramboll attempted to review available public records maintained in an online database by the City of Milpitas Fire Prevention. No files were available for the site.                                                                                                                                                                                                                                |
| City of Milpitas Building Department                           | Ramboll reviewed one available file through the City of Milpitas Building Department online database related to the removal of an on-site structure in 2008 that had been destroyed by a fire.                                                                                                                                                                                                      |
| Santa Clara County Department of Environmental Health (SCCDEH) | Ramboll requested records from SCCDEH for information regarding soil or groundwater investigations, USTs, LUSTs, hazardous materials inspections, or violations/permits for the property. Ramboll was informed that no records were found for the site. Ramboll also searched SCCDEH's online database of LUST, solvent release, and cleanup cases. The database contained no records for the site. |
| Santa Clara Valley Water District (SCVWD)                      | Ramboll requested records from the Santa Clara Valley Water District and was referred to the SCVWD online database of solvent files prior to 2004, at which time local agency oversight was transferred to the Department of Environmental Health. No records related to the site address were found on the online database.                                                                        |

#### 4.3.1 Interviews with Site Owner and Site Personnel

As part of the 2015 Phase I report, Ramboll conducted an extensive interview with Ciema Salem, the daughter of the owner of the site, Hooshang Salem. Mr. Salem has owned the site since approximately 1978, although he has never lived at the site. At the time the site was purchased, the field was planted with an apricot orchard. Agricultural operations ceased upon Mr. Salem's purchase of the site and the residence was subsequently rented by various tenants and used for residential purposes until approximately 1995. From approximately 1995 to the present, the site has remained vacant and has been the subject of multiple vandalism events including graffiti and fires. Due to repeated events of vandalism, the windows and doors of the residence and garage at the site are currently boarded to prevent further vandalism. Follow-up email interviews were conducted with Ms. Salem on January 15, 2017, June 26, 2017, and January 5, 2018. Ms. Salem indicated that no changes had been made to the site or site uses since the 2015 Phase I report.

#### 4.4 Environmental Lien Record Search

A review of the EDR Environmental Lien Search Report dated December 27, 2017, was performed to identify environmental liens or activity use limitations (AULs) imposed by judicial authorities with respect to the property. No environmental liens or AULs were found.

#### 4.5 Previous Environmental Assessments and Activities

Ramboll conducted a Phase I ESA and surface soil investigation at the site in 2015. Shallow soil samples were collected from eight locations across the site to identify potential impacts from former agricultural operations or other historical site uses. Samples were analyzed for metals, pesticides, PCBs, and/or petroleum hydrocarbons. All concentrations were less than residential screening levels with the exception of one sample that reported a concentration of the pesticide dichlorodiphenylethylene (p,p-DDE) slightly above the residential screening level. The low

concentration and localized presence of p,p-DDE at location SB04 is not a concern for the site. The 2015 Phase I report is attached as Appendix D.

#### **4.6 User-Provided Information**

Ramboll provided Robson Homes with a User Questionnaire (consistent with Appendix X3 of the ASTM Standard) that requested information relating to environmental liens, AULs, specialized knowledge of the property, property value diminution, chain-of-title, or any other commonly known or obvious indications of site contamination, that was not otherwise provided to Ramboll. Pertinent responses, if any, are discussed in the appropriate sections of this report.

## 5 Site Reconnaissance

### 5.1 Methodology and Limiting Conditions

Jason Kane of Ramboll conducted site reconnaissance visits on January 13, 2017, July 12, 2017, and January 4, 2018. During the site visits, observations of the site were made to evaluate if any RECs, as defined in Chapter 2, are present. As discussed in Section 4.2.1, Robson Homes hired a subcontractor to securely board all exterior openings on the house and garage at the site following Ramboll's 2015 Phase I report in August 2015. During Ramboll's subsequent site visits, the boarded openings were observed to be untampered with indicating the interiors of the site buildings had not been entered since the buildings were secured in 2015. As a result, Ramboll did not enter the house or garage at the site during the January 2017, July 2017, or January 2018 site visits. The information provided in Table E regarding the interior portions of the site building was collected during the site visits conducted by Ramboll in 2015.

### 5.2 General Site Setting and Observations

Ramboll made observations during the site visit concerning all of the interior and exterior issues specified in Sections 9.4.2 through 9.4.4 of the ASTM E1527-13 Standard. The presence or absence of each issue of environmental interest or concern is noted in Table E. Only those areas of environmental interest or concern that were observed at the site are discussed further in the text below.

| <b>Table E: Summary of Site Reconnaissance Observations</b>                                                                                                     |                     |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------|
| <b>Issue</b>                                                                                                                                                    | <b>ASTM Section</b> | <b>Observation</b>                                 |
| <b>Interior and Exterior Issues</b>                                                                                                                             |                     |                                                    |
| Current use(s) of the property                                                                                                                                  | 9.4.2.1             | See Section 3.2                                    |
| Past use(s) of the property                                                                                                                                     | 9.4.2.2             | See Section 3.2 and 4.2                            |
| Hazardous substances and petroleum products used, treated, stored, disposed of, or generated on the property in connection with identified present or past uses | 9.4.2.3             | <b>Historically Present</b><br>(see Section 5.2.1) |
| Storage tanks:<br>Underground storage tanks (fill ports, vent pipes, manholes)<br>Aboveground storage tanks (ASTs)                                              | 9.4.2.4             | <b>Present</b><br>(see Section 5.2.2)              |
| Odors (strong, pungent or noxious)                                                                                                                              | 9.4.2.5             | Absent                                             |
| Pools of liquid, standing surface water or sumps                                                                                                                | 9.4.2.6             | Absent                                             |
| Drums of hazardous substances or petroleum products (for example, five-gallon, 55-gallon or totes)                                                              | 9.4.2.7             | Absent                                             |
| Hazardous substance and petroleum product containers (not necessarily in connection with identified uses)                                                       | 9.4.2.8             | Absent                                             |
| Unidentified substance containers suspected of containing hazardous substances or petroleum products                                                            | 9.4.2.9             | Absent                                             |

| <b>Table E: Summary of Site Reconnaissance Observations</b>                                                                                                                                                                                                                                                                                                                                                       |                     |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                                                                                                      | <b>ASTM Section</b> | <b>Observation</b>                                |
| Polychlorinated biphenyls (PCBs)<br>Electrical equipment on-site (e.g., transformers, capacitors)<br>Electrical equipment known or likely to contain PCBs<br>Hydraulic equipment on-site (e.g., elevators, truck dock lifts)<br>Hydraulic equipment known or likely to contain PCBs                                                                                                                               | 9.4.2.10            | Absent                                            |
| <b>Interior Issues</b>                                                                                                                                                                                                                                                                                                                                                                                            |                     |                                                   |
| Heating/cooling systems                                                                                                                                                                                                                                                                                                                                                                                           | 9.4.3.1             | Absent                                            |
| Stains or corrosion on interior floors, walls or ceilings (except for staining from water)                                                                                                                                                                                                                                                                                                                        | 9.4.3.2             | Absent                                            |
| Floor drains and interior sumps                                                                                                                                                                                                                                                                                                                                                                                   | 9.4.3.3             | Absent                                            |
| <b>Exterior Issues</b>                                                                                                                                                                                                                                                                                                                                                                                            |                     |                                                   |
| Pits, ponds or lagoons on property or adjacent sites                                                                                                                                                                                                                                                                                                                                                              | 9.4.4.1             | Absent                                            |
| Stained soil or pavement                                                                                                                                                                                                                                                                                                                                                                                          | 9.4.4.2             | Absent                                            |
| Stressed vegetation (from other than insufficient water)                                                                                                                                                                                                                                                                                                                                                          | 9.4.4.3             | Absent                                            |
| On-site solid waste disposal; areas apparently filled or graded by non-natural causes; or mounds or depressions suggesting solid waste disposal                                                                                                                                                                                                                                                                   | 9.4.4.4             | Absent                                            |
| Wastewater or other liquid (including storm water) or any discharge into a drain, ditch, underground injection system or stream on or adjacent to the property                                                                                                                                                                                                                                                    | 9.4.4.5             | Absent                                            |
| Wells (including dry wells, irrigation wells, injection wells, abandoned wells, or other wells)                                                                                                                                                                                                                                                                                                                   | 9.4.4.6             | Absent                                            |
| Septic systems or cesspools                                                                                                                                                                                                                                                                                                                                                                                       | 9.4.4.7             | <b>Potentially Present</b><br>(see Section 5.2.3) |
| <b>Notes:</b><br>Observations noted in this table and discussed further below are based on information obtained during the site visits and from a review of the sources summarized in Chapter 4.<br>See the ASTM Standard for a detailed description of the issues included in each referenced ASTM section.<br>Per the ASTM Standard, fluorescent light ballasts likely to contain PCBs do not need to be noted. |                     |                                                   |

## 5.2.1 Hazardous Substances and Petroleum Products

From at least 1939 until the site was purchased by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Surface soil sampling was conducted at the site to identify impacts from potential pesticide use at the site, as discussed in Section 4.5 of this report and further detailed in the 2015 Phase I report included as Appendix D.

### **5.2.2 Aboveground Storage Tank**

An abandoned aboveground storage tank is located on the eastern portion of the site. The metal tank is approximately 400 gallons in volume and appears to be a former hot water storage tank. Site personnel did not report knowing of the use or origin of the tank. No staining or indication of a release was observed in the vicinity of the tank. Shallow soil sampling was conducted in 2015 in the immediate vicinity of the tank, the results of which did not identify any concerns. The abandoned tank is not considered to be a concern for the site.

### **5.2.3 Septic Tank**

Site personnel reported an underground wooden septic tank formerly used by the site may be located in the vicinity of the house. The exact location of the septic tank is not known. The wooden underground septic tank is not considered to be a concern for the site.

## 6 Findings, Opinion, and Conclusions

Ramboll has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E1527-13 at the property located at 1005 North Park Victoria Drive in Milpitas, California. Any exceptions to, or deletions from, this practice are described in Section 6.3.

### 6.1 Findings and Opinion

#### 6.1.1 Recognized Environmental Conditions

Ramboll did not identify any “recognized environmental condition[s]” (REC[s]), as defined by ASTM (see Chapter 2.0), in connection with unrestricted residential use of the property. No further investigation of the site is warranted at this time.

#### 6.1.2 Other Findings

Ramboll identified the following additional finding that is not considered RECs based on available information:

- **Former Agricultural Use.** Between at least 1939 and the purchase of the site by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Shallow soil sampling was conducted by Ramboll at the site in 2015 to identify impacts from potential pesticide use. All concentrations of pesticides and metals were less than residential screening levels with the exception of one sample that reported a concentration of the pesticide p,p-DDE slightly above the residential screening level. The low concentration and localized presence of p,p-DDE at one sampling location is not a concern for the site.

#### 6.1.3 *De Minimis* Conditions

*De minimis* conditions are those that do not represent a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies. Ramboll did not identify any *de minimis* conditions during the course of this assessment.

### 6.2 Conclusions

Ramboll has performed this Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-13, of the property located at 1005 North Park Victoria Drive in Milpitas, California. Any exceptions to, or deletions from, this practice are described in Section 6.3 of this report. This assessment has revealed evidence of no recognized environmental conditions at the site.

### 6.3 Analysis of Data Gaps

The ASTM Standard defines a data gap as “a lack of or inability to obtain information required by the practice despite good faith efforts by the environmental professional to gather such information.” A data gap is only significant if other information obtained during the ESA, or professional experience, raises reasonable concerns and affects the ability of the environmental professional to identify whether a given issue is a REC. The ASTM Standard requires that the

ESA report identify and comment on significant data gaps. Limiting conditions and deviations to the ASTM Standard for the assessment are discussed below.

- Due to the extended age of the site, it was not possible to interview representatives who have detailed knowledge of the agricultural operations at the site prior to 1978 when the site was purchased by the current owner.
- Following Ramboll's 2015 Phase I report in August 2015, Robson Homes hired a subcontractor to securely board all exterior openings on the house and garage at the site. During Ramboll's January and July 2017 site visits, the boarded openings were observed to be untampered with since the site buildings were secured in 2015. As a result of this observation, Ramboll did not enter the house or garage at the site during the January 2017, July 2017, and January 2018 site visits because it is assumed that no one has entered the site buildings since they were secured in 2015.

None of the exceptions, deletions, deviations, or site reconnaissance limitations noted above are considered to represent significant data gaps.



## 7 References

### 7.1 Documents

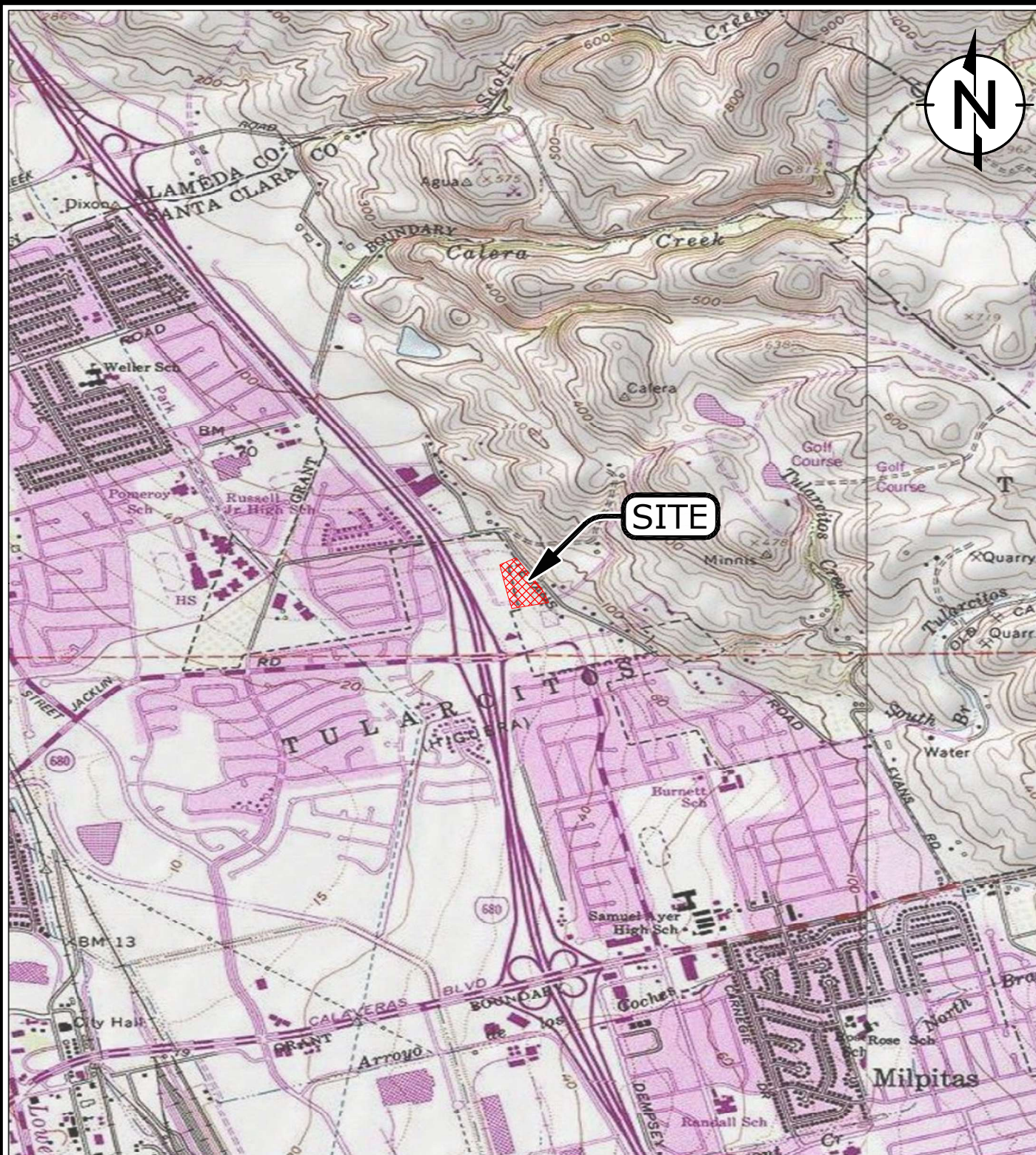
- Civil Engineering Associates (CEA). 2018. *ALTA/ACSM Land Title Survey, 1005 N. Park Victoria, Milpitas, California*. January 9.
- EDR. 2015. *Aerial Photo Decade Package: Inquiry Number 4325114.12*. June 16.
- EDR. 2015. *City Directory, Abstract, Inquiry Number 4325114.5*. June 29.
- EDR. 2017. *Environmental Lien Search, Inquiry Number 5144783.5*. December 27.
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- EDR. 2017. *Radius Map, Inquiry Number: 05144783.2r*. December 26.
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- Geo-Logic Associates. 2015. *Alquist Priolo Special Studies Zone Investigation, 1005 North Park Victoria Drive, Milpitas, California*. July 16.
- JR Associates. 2015. *Magnetic Investigation at 1005 North Park Victoria Drive, Milpitas, California*. June 11.
- Ramboll Environ. 2015. *Phase I Environmental Site Assessment and Surface Soil Investigation, 1005 North Park Victoria Drive, Milpitas, California*. August 18.

### 7.2 Interviews

- Ciema Salem. Site Personnel. 2018. Email interview. January 5.

Figures





**LEGEND:**

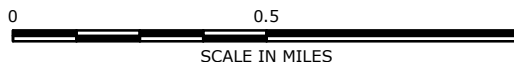


PROPERTY BOUNDARY

**NOTES:**

CONTOUR INTERVAL 20 FEET

**SOURCE:** USGS TNM - National Structures Dataset; USGS TNM - National Transportation Dataset; TomTom Commercial Roads; U.S. Census Bureau - TIGER/Line; USGS TNM - National Boundaries Dataset; USGS TNM - Geographic Names Information System; USGS TNM - National Hydrography Dataset



SCALE IN MILES



SCALE IN FEET



QUADRANGLE KEY MAP

**RAMBOLL**

**Site Layout**  
1005 North Park Victoria Drive  
Milpitas, California

**FIGURE**

537

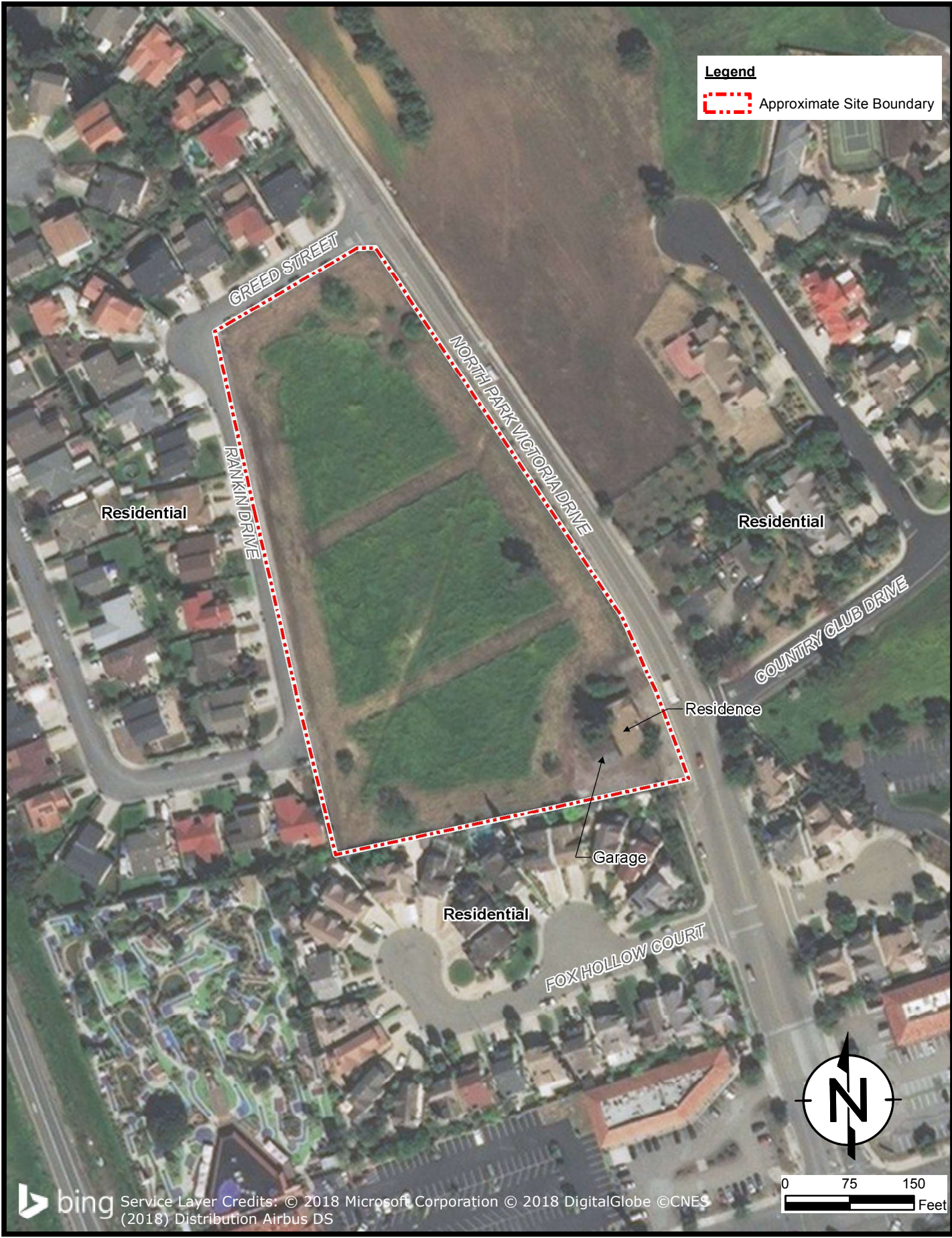
DRAFTED BY: RS

DATE: 1/11/2018

PROJECT: 1690001783

Q:\DRAWINGS\1690001783\1690001783-locmap.mxd





**Site Layout**  
1005 North Park Victoria Drive  
Milpitas, California

FIGURE

538

DRAFTED BY: RS

DATE: 1/11/2018

03-21676DD

Q:\DRAWINGS\1690001783\1690001783-layout-2.mxd

## **Appendix A**

### **Site Photographs**





Photo 1: View of front of house from North Park Victoria Drive.



Photo 2: View of on-site garage (left) and house (right) from southeast corner of site.



Photo 3: View of living room inside on-site house. Photo taken July 2015.



Photo 4: View inside of on-site garage. Photo taken July 2015.





Photo 5: View looking east from area adjacent to the north of on-site house.



Photo 6: View looking north from area adjacent to the north of on-site house.





Photo 7: View of site looking southeast from the northwestern corner of the site. Soil piles and parked trucks are associated with the June 2015 geotechnical investigation performed at the site (see Photo 10). Photo taken in June 2015.



Photo 8: View of typical fence post uncovered during potholing of magnetic anomalies. Photo taken in June 2015.





Photo 9: Abandoned aboveground storage tank that may have formerly been used for hot water storage. Tank located on east-central portion of the site. Photo taken in June 2015.



Photo 10: View of trench excavated by Geo-Logic Associates on behalf of Robson Homes for Alquist Priolo Special Studies Zone Investigation for the site. Photo taken in June 2015.

## **Appendix B**

### **Environmental Database Report**

Because the environmental databases themselves are sometimes not updated by the specific regulatory agencies for a period of up to one year or more (depending on the database and the agency), the database search conducted herein will not necessarily list any facility or site recently identified as having, or which is suspected of having, environmental problems and/or for which an environmental investigation/ listing has been initiated, or reflect the current status of activities at a particular site, subsequent to the last update of a given list. In addition, the EDR database search contained a number of unmapped sites. It was beyond the scope of this review to locate each of the unmapped sites.

**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 05144783.2r  
December 26, 2017

## The EDR Radius Map™ Report with GeoCheck®



6 Armstrong Road, 4th floor  
Shelton, CT 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

# TABLE OF CONTENTS

| <u>SECTION</u>                                           | <u>PAGE</u> |
|----------------------------------------------------------|-------------|
| Executive Summary .....                                  | ES1         |
| Overview Map .....                                       | 2           |
| Detail Map .....                                         | 3           |
| Map Findings Summary .....                               | 4           |
| Map Findings .....                                       | 8           |
| Orphan Summary .....                                     | 39          |
| Government Records Searched/Data Currency Tracking ..... | GR-1        |
| <br><b><u>GEOCHECK ADDENDUM</u></b>                      |             |
| Physical Setting Source Addendum .....                   | A-1         |
| Physical Setting Source Summary .....                    | A-2         |
| Physical Setting Source Map .....                        | A-7         |
| Physical Setting Source Map Findings .....               | A-8         |
| Physical Setting Source Records Searched .....           | PSGR-1      |

***Thank you for your business.***  
Please contact EDR at 1-800-352-0050  
with any questions or comments.

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## EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13), the ASTM Standard Practice for Environmental Site Assessments for Forestland or Rural Property (E 2247-16), the ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-14) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

### TARGET PROPERTY INFORMATION

#### ADDRESS

1005 NORTH PARK VICTORIA  
MILPITAS, CA 95035

#### COORDINATES

Latitude (North): 37.4498040 - 37° 26' 59.29"  
Longitude (West): 121.8892700 - 121° 53' 21.37"  
Universal Transverse Mercator: Zone 10  
UTM X (Meters): 598247.2  
UTM Y (Meters): 4145147.2  
Elevation: 36 ft. above sea level

### USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 5640070 MILPITAS, CA  
Version Date: 2012  
  
East Map: 5640636 CALAVERAS RESERVOIR, CA  
Version Date: 2012

### AERIAL PHOTOGRAPHY IN THIS REPORT

Portions of Photo from: 20140606  
Source: USDA

# MAPPED SITES SUMMARY

Target Property Address:  
1005 NORTH PARK VICTORIA  
MILPITAS, CA 95035

Click on Map ID to see full detail.

| MAP ID              | SITE NAME             | ADDRESS              | DATABASE ACRONYMS                               | RELATIVE ELEVATION | DIST (ft. & mi.)<br>DIRECTION |
|---------------------|-----------------------|----------------------|-------------------------------------------------|--------------------|-------------------------------|
| <a href="#">A1</a>  | FOX HOLLOW            | 1197 FOX HOLLOW CT   | LUST, HIST LUST, HIST CORTESE                   | Higher             | 111, 0.021, SE                |
| <a href="#">A2</a>  | FOX HOLLOW - PARK VI  | PARK VICTORIA & FOX  | SLIC                                            | Higher             | 169, 0.032, SE                |
| <a href="#">B3</a>  | TULARCITOS GOLF & CO  | 1200 COUNTRY CLUB DR | HIST UST                                        | Higher             | 341, 0.065, East              |
| <a href="#">B4</a>  | TULACITOS GOLF COURSE | 1200 COUNTRY CLUB DR | Notify 65                                       | Higher             | 341, 0.065, East              |
| <a href="#">B5</a>  | TULARCITOS GOLF AND   | 1200 COUNTRY CLUB DR | HIST UST, CA FID UST                            | Higher             | 341, 0.065, East              |
| <a href="#">C6</a>  | CONCEPCION FAMILY DE  | 1303 JACKLIN RD      | CUPA Listings                                   | Higher             | 485, 0.092, SE                |
| <a href="#">D7</a>  | SAVING CLEANERS       | 1241 JACKLIN RD      | CUPA Listings, DRYCLEANERS                      | Higher             | 494, 0.094, SSE               |
| <a href="#">D8</a>  | MICHAEL'S CLEANERS    | 1241 JACKLIN RD      | RCRA-SQG, FINDS, ECHO                           | Higher             | 494, 0.094, SSE               |
| <a href="#">D9</a>  | ELITE CLEANERS        | 1241 JACKLIN RD      | EDR Hist Cleaner                                | Higher             | 494, 0.094, SSE               |
| <a href="#">D10</a> | MICHAELS CLEANERS     | 1209 JACKLIN RD      | EDR Hist Cleaner                                | Lower              | 544, 0.103, SSE               |
| <a href="#">C11</a> | MICHAELS CLEANERS     | 1309 JACKLIN RD      | EDR Hist Cleaner                                | Higher             | 577, 0.109, SE                |
| <a href="#">C12</a> | MICHAELS CLEANERS     | 1309 JACKLIN ROAD    | FINDS, CUPA Listings, DRYCLEANERS, EMI          | Higher             | 577, 0.109, SE                |
| <a href="#">C13</a> | JACKLIN CLEANER ALTE  | 1351 JACKLIN RD      | EDR Hist Cleaner                                | Higher             | 683, 0.129, SE                |
| <a href="#">E14</a> | SHELL                 | 990 JACKLIN RD       | LUST, SLIC, HIST LUST, CUPA Listings            | Lower              | 1201, 0.227, SW               |
| <a href="#">E15</a> | SHELL SERVICE STATIO  | 990 JACKLIN          | RCRA-SQG, LUST, SLIC, HIST UST, FINDS, ECHO,... | Lower              | 1201, 0.227, SW               |
| <a href="#">E16</a> | JANS SHELL            | 990 JACKLIN RD       | SWEEPS UST, CA FID UST                          | Lower              | 1201, 0.227, SW               |
| <a href="#">E17</a> | SHELL OIL - JACKLIN   | 990 JACKLIN RD       | UST                                             | Lower              | 1201, 0.227, SW               |
| <a href="#">E18</a> | JAN'S SHELL WERNER &  | 990 JACKLIN RD       | HIST UST                                        | Lower              | 1228, 0.233, SW               |
| <a href="#">E19</a> | MILPITAS SHELL & CAR  | 990 JACKLIN RD       | EDR Hist Auto                                   | Lower              | 1228, 0.233, SW               |
| <a href="#">20</a>  | CENTRE POINTE DR      | APN 086-33-102 AND - | ENVIROSTOR, SCH                                 | Lower              | 4632, 0.877, SSW              |

## EXECUTIVE SUMMARY

### TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

### DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

### STANDARD ENVIRONMENTAL RECORDS

#### ***Federal NPL site list***

NPL..... National Priority List  
Proposed NPL..... Proposed National Priority List Sites  
NPL LIENS..... Federal Superfund Liens

#### ***Federal Delisted NPL site list***

Delisted NPL..... National Priority List Deletions

#### ***Federal CERCLIS list***

FEDERAL FACILITY..... Federal Facility Site Information listing  
SEMS..... Superfund Enterprise Management System

#### ***Federal CERCLIS NFRAP site list***

SEMS-ARCHIVE..... Superfund Enterprise Management System Archive

#### ***Federal RCRA CORRACTS facilities list***

CORRACTS..... Corrective Action Report

#### ***Federal RCRA non-CORRACTS TSD facilities list***

RCRA-TSDF..... RCRA - Treatment, Storage and Disposal

#### ***Federal RCRA generators list***

RCRA-LQG..... RCRA - Large Quantity Generators  
RCRA-CESQG..... RCRA - Conditionally Exempt Small Quantity Generator

#### ***Federal institutional controls / engineering controls registries***

LUCIS..... Land Use Control Information System  
US ENG CONTROLS..... Engineering Controls Sites List  
US INST CONTROL..... Sites with Institutional Controls



## EXECUTIVE SUMMARY

### ***Federal ERNS list***

ERNS..... Emergency Response Notification System

### ***State- and tribal - equivalent NPL***

RESPONSE..... State Response Sites

### ***State and tribal landfill and/or solid waste disposal site lists***

SWF/LF..... Solid Waste Information System

### ***State and tribal leaking storage tank lists***

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

### ***State and tribal registered storage tank lists***

FEMA UST..... Underground Storage Tank Listing

AST..... Aboveground Petroleum Storage Tank Facilities

INDIAN UST..... Underground Storage Tanks on Indian Land

### ***State and tribal voluntary cleanup sites***

VCP..... Voluntary Cleanup Program Properties

INDIAN VCP..... Voluntary Cleanup Priority Listing

### ***State and tribal Brownfields sites***

BROWNFIELDS..... Considered Brownfields Sites Listing

### **ADDITIONAL ENVIRONMENTAL RECORDS**

#### ***Local Brownfield lists***

US BROWNFIELDS..... A Listing of Brownfields Sites

#### ***Local Lists of Landfill / Solid Waste Disposal Sites***

WMUDS/SWAT..... Waste Management Unit Database

SWRCY..... Recycler Database

HAULERS..... Registered Waste Tire Haulers Listing

INDIAN ODI..... Report on the Status of Open Dumps on Indian Lands

DEBRIS REGION 9..... Torres Martinez Reservation Illegal Dump Site Locations

ODI..... Open Dump Inventory

IHS OPEN DUMPS..... Open Dumps on Indian Land

#### ***Local Lists of Hazardous waste / Contaminated Sites***

US HIST CDL..... Delisted National Clandestine Laboratory Register

HIST Cal-Sites..... Historical Calsites Database

SCH..... School Property Evaluation Program

CDL..... Clandestine Drug Labs

## EXECUTIVE SUMMARY

Toxic Pits..... Toxic Pits Cleanup Act Sites  
US CDL..... National Clandestine Laboratory Register

### **Local Land Records**

LIENS..... Environmental Liens Listing  
LIENS 2..... CERCLA Lien Information  
DEED..... Deed Restriction Listing

### **Records of Emergency Release Reports**

HMIRS..... Hazardous Materials Information Reporting System  
CHMIRS..... California Hazardous Material Incident Report System  
LDS..... Land Disposal Sites Listing  
MCS..... Military Cleanup Sites Listing  
SPILLS 90..... SPILLS 90 data from FirstSearch

### **Other Ascertainable Records**

RCRA NonGen / NLR..... RCRA - Non Generators / No Longer Regulated  
FUDS..... Formerly Used Defense Sites  
DOD..... Department of Defense Sites  
SCRD DRYCLEANERS..... State Coalition for Remediation of Drycleaners Listing  
US FIN ASSUR..... Financial Assurance Information  
EPA WATCH LIST..... EPA WATCH LIST  
2020 COR ACTION..... 2020 Corrective Action Program List  
TSCA..... Toxic Substances Control Act  
TRIS..... Toxic Chemical Release Inventory System  
SSTS..... Section 7 Tracking Systems  
ROD..... Records Of Decision  
RMP..... Risk Management Plans  
RAATS..... RCRA Administrative Action Tracking System  
PRP..... Potentially Responsible Parties  
PADS..... PCB Activity Database System  
ICIS..... Integrated Compliance Information System  
FTTS..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)  
MLTS..... Material Licensing Tracking System  
COAL ASH DOE..... Steam-Electric Plant Operation Data  
COAL ASH EPA..... Coal Combustion Residues Surface Impoundments List  
PCB TRANSFORMER..... PCB Transformer Registration Database  
RADINFO..... Radiation Information Database  
HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing  
DOT OPS..... Incident and Accident Data  
CONSENT..... Superfund (CERCLA) Consent Decrees  
INDIAN RESERV..... Indian Reservations  
FUSRAP..... Formerly Utilized Sites Remedial Action Program  
UMTRA..... Uranium Mill Tailings Sites  
LEAD SMELTERS..... Lead Smelter Sites  
US AIRS..... Aerometric Information Retrieval System Facility Subsystem  
US MINES..... Mines Master Index File  
ABANDONED MINES..... Abandoned Mines  
FINDS..... Facility Index System/Facility Registry System  
UXO..... Unexploded Ordnance Sites  
DOCKET HWC..... Hazardous Waste Compliance Docket Listing

## EXECUTIVE SUMMARY

|                          |                                                   |
|--------------------------|---------------------------------------------------|
| ECHO.....                | Enforcement & Compliance History Information      |
| FUELS PROGRAM.....       | EPA Fuels Program Registered Listing              |
| CA BOND EXP. PLAN.....   | Bond Expenditure Plan                             |
| Cortese.....             | "Cortese" Hazardous Waste & Substances Sites List |
| EMI.....                 | Emissions Inventory Data                          |
| ENF.....                 | Enforcement Action Listing                        |
| Financial Assurance..... | Financial Assurance Information Listing           |
| HAZNET.....              | Facility and Manifest Data                        |
| ICE.....                 | ICE                                               |
| HWP.....                 | EnviroStor Permitted Facilities Listing           |
| HWT.....                 | Registered Hazardous Waste Transporter Database   |
| MINES.....               | Mines Site Location Listing                       |
| MWMP.....                | Medical Waste Management Program Listing          |
| NPDES.....               | NPDES Permits Listing                             |
| PEST LIC.....            | Pesticide Regulation Licenses Listing             |
| PROC.....                | Certified Processors Database                     |
| SAN JOSE HAZMAT.....     | Hazardous Material Facilities                     |
| UIC.....                 | UIC Listing                                       |
| WASTEWATER PITS.....     | Oil Wastewater Pits Listing                       |
| WDS.....                 | Waste Discharge System                            |
| WIP.....                 | Well Investigation Program Case List              |

### EDR HIGH RISK HISTORICAL RECORDS

#### ***EDR Exclusive Records***

EDR MGP..... EDR Proprietary Manufactured Gas Plants

### EDR RECOVERED GOVERNMENT ARCHIVES

#### ***Exclusive Recovered Govt. Archives***

RGA LF..... Recovered Government Archive Solid Waste Facilities List  
 RGA LUST..... Recovered Government Archive Leaking Underground Storage Tank

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

## EXECUTIVE SUMMARY

### STANDARD ENVIRONMENTAL RECORDS

#### ***Federal RCRA generators list***

RCRA-SQG: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

A review of the RCRA-SQG list, as provided by EDR, and dated 09/13/2017 has revealed that there are 2 RCRA-SQG sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u> | <u>Address</u>         | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|-------------------------------|------------------------|---------------------------------|---------------|-------------|
| <b>MICHAEL'S CLEANERS</b>     | <b>1241 JACKLIN RD</b> | <b>SSE 0 - 1/8 (0.094 mi.)</b>  | <b>D8</b>     | <b>13</b>   |
| <u>Lower Elevation</u>        | <u>Address</u>         | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
| <b>SHELL SERVICE STATIO</b>   | <b>990 JACKLIN</b>     | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E15</b>    | <b>23</b>   |

#### ***State- and tribal - equivalent CERCLIS***

ENVIROSTOR: The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's (SMBRP's) EnviroStor database identifies sites that have known contamination or sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

A review of the ENVIROSTOR list, as provided by EDR, and dated 10/30/2017 has revealed that there is 1 ENVIROSTOR site within approximately 1 mile of the target property.

| <u>Lower Elevation</u>                                                           | <u>Address</u>              | <u>Direction / Distance</u>    | <u>Map ID</u> | <u>Page</u> |
|----------------------------------------------------------------------------------|-----------------------------|--------------------------------|---------------|-------------|
| <b>CENTRE POINTE DR</b><br>Facility Id: 60001989<br>Status: Inactive - Withdrawn | <b>APN 086-33-102 AND -</b> | <b>SSW 1/2 - 1 (0.877 mi.)</b> | <b>20</b>     | <b>35</b>   |

#### ***State and tribal leaking storage tank lists***

LUST: Leaking Underground Storage Tank (LUST) Sites included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

A review of the LUST list, as provided by EDR, has revealed that there are 3 LUST sites within

## EXECUTIVE SUMMARY

approximately 0.5 miles of the target property.

| <u>Equal/Higher Elevation</u> | <u>Address</u>            | <u>Direction / Distance</u>   | <u>Map ID</u> | <u>Page</u> |
|-------------------------------|---------------------------|-------------------------------|---------------|-------------|
| <b>FOX HOLLOW</b>             | <b>1197 FOX HOLLOW CT</b> | <b>SE 0 - 1/8 (0.021 mi.)</b> | <b>A1</b>     | <b>8</b>    |

Database: LUST SANTA CLARA, Date of Government Version: 03/03/2014  
 Database: LUST REG 2, Date of Government Version: 09/30/2004  
 Database: LUST, Date of Government Version: 09/11/2017  
 Status: Completed - Case Closed  
 Facility Status: Case Closed  
 Date Closed: 05/29/1991  
 Global Id: T0608500641  
 SCVWD ID: 05S1E32P01F  
 date9: 5/29/1991

| <u>Lower Elevation</u> | <u>Address</u>        | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|------------------------|-----------------------|---------------------------------|---------------|-------------|
| <b>SHELL</b>           | <b>990 JACKLIN RD</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E14</b>    | <b>22</b>   |

Database: LUST REG 2, Date of Government Version: 09/30/2004  
 Facility Status: Pollution Characterization

|                             |                    |                                 |            |           |
|-----------------------------|--------------------|---------------------------------|------------|-----------|
| <b>SHELL SERVICE STATIO</b> | <b>990 JACKLIN</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E15</b> | <b>23</b> |
|-----------------------------|--------------------|---------------------------------|------------|-----------|

Database: LUST SANTA CLARA, Date of Government Version: 03/03/2014  
 Database: LUST, Date of Government Version: 09/11/2017  
 Status: Completed - Case Closed  
 Date Closed: 01/06/2011  
 Global Id: T0608565949  
 SCVWD ID: 06S1E05D01F

SLIC: Cleanup Program Sites (CPS; also known as Site Cleanups [SC] and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites) included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

A review of the SLIC list, as provided by EDR, has revealed that there are 3 SLIC sites within approximately 0.5 miles of the target property.

| <u>Equal/Higher Elevation</u> | <u>Address</u>                 | <u>Direction / Distance</u>   | <u>Map ID</u> | <u>Page</u> |
|-------------------------------|--------------------------------|-------------------------------|---------------|-------------|
| <b>FOX HOLLOW - PARK VI</b>   | <b>PARK VICTORIA &amp; FOX</b> | <b>SE 0 - 1/8 (0.032 mi.)</b> | <b>A2</b>     | <b>10</b>   |

Database: SLIC, Date of Government Version: 09/11/2017  
 Facility Status: Open - Inactive  
 Global Id: T10000008074

| <u>Lower Elevation</u> | <u>Address</u>        | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|------------------------|-----------------------|---------------------------------|---------------|-------------|
| <b>SHELL</b>           | <b>990 JACKLIN RD</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E14</b>    | <b>22</b>   |

Database: SLIC REG 2, Date of Government Version: 09/30/2004  
 Facility Id: 43-1932

|                             |                    |                                 |            |           |
|-----------------------------|--------------------|---------------------------------|------------|-----------|
| <b>SHELL SERVICE STATIO</b> | <b>990 JACKLIN</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E15</b> | <b>23</b> |
|-----------------------------|--------------------|---------------------------------|------------|-----------|

Database: SLIC, Date of Government Version: 09/11/2017  
 Facility Status: Completed - Case Closed  
 Global Id: T0608591760

## EXECUTIVE SUMMARY

HIST LUST: A listing of open and closed leaking underground storage tanks. This listing is no longer updated by the county. Leaking underground storage tanks are now handled by the Department of Environmental Health.

A review of the HIST LUST list, as provided by EDR, and dated 03/29/2005 has revealed that there are 2 HIST LUST sites within approximately 0.5 miles of the target property.

| <u>Equal/Higher Elevation</u>             | <u>Address</u>            | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|-------------------------------------------|---------------------------|---------------------------------|---------------|-------------|
| <b>FOX HOLLOW</b><br>SCVWD ID: 05S1E32P01 | <b>1197 FOX HOLLOW CT</b> | <b>SE 0 - 1/8 (0.021 mi.)</b>   | <b>A1</b>     | <b>8</b>    |
| <u>Lower Elevation</u>                    | <u>Address</u>            | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
| <b>SHELL</b><br>SCVWD ID: 06S1E05D01      | <b>990 JACKLIN RD</b>     | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E14</b>    | <b>22</b>   |

### **State and tribal registered storage tank lists**

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the State Water Resources Control Board's Hazardous Substance Storage Container Database.

A review of the UST list, as provided by EDR, has revealed that there is 1 UST site within approximately 0.25 miles of the target property.

| <u>Lower Elevation</u>                                                                                                                            | <u>Address</u>        | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------|---------------|-------------|
| <b>SHELL OIL - JACKLIN</b><br>Database: UST, Date of Government Version: 09/11/2017<br>Facility Id: 43-011-032441-0<br>Facility Id: 43-011-840209 | <b>990 JACKLIN RD</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E17</b>    | <b>33</b>   |

### **ADDITIONAL ENVIRONMENTAL RECORDS**

#### **Local Lists of Registered Storage Tanks**

SWEEPS UST: Statewide Environmental Evaluation and Planning System. This underground storage tank listing was updated and maintained by a company contacted by the SWRCB in the early 1990's. The listing is no longer updated or maintained. The local agency is the contact for more information on a site on the SWEEPS list.

A review of the SWEEPS UST list, as provided by EDR, and dated 06/01/1994 has revealed that there is 1 SWEEPS UST site within approximately 0.25 miles of the target property.

| <u>Lower Elevation</u>                                                 | <u>Address</u>        | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|------------------------------------------------------------------------|-----------------------|---------------------------------|---------------|-------------|
| <b>JANS SHELL</b><br>Status: A<br>Tank Status: A<br>Comp Number: 32441 | <b>990 JACKLIN RD</b> | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E16</b>    | <b>32</b>   |

## EXECUTIVE SUMMARY

HIST UST: Historical UST Registered Database.

A review of the HIST UST list, as provided by EDR, and dated 10/15/1990 has revealed that there are 4 HIST UST sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u>                                                   | <u>Address</u>                       | <u>Direction / Distance</u>                                 | <u>Map ID</u>     | <u>Page</u>     |
|---------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-------------------|-----------------|
| TULARCITOS GOLF & CO<br>Facility Id: 00000049717                                | 1200 COUNTRY CLUB DR                 | E 0 - 1/8 (0.065 mi.)                                       | B3                | 10              |
| <b>TULARCITOS GOLF AND</b>                                                      | <b>1200 COUNTRY CLUB DR</b>          | <b>E 0 - 1/8 (0.065 mi.)</b>                                | <b>B5</b>         | <b>11</b>       |
| <u>Lower Elevation</u>                                                          | <u>Address</u>                       | <u>Direction / Distance</u>                                 | <u>Map ID</u>     | <u>Page</u>     |
| <b>SHELL SERVICE STATIO</b><br>JAN'S SHELL WERNER &<br>Facility Id: 00000032441 | <b>990 JACKLIN</b><br>990 JACKLIN RD | <b>SW 1/8 - 1/4 (0.227 mi.)</b><br>SW 1/8 - 1/4 (0.233 mi.) | <b>E15</b><br>E18 | <b>23</b><br>33 |

CA FID UST: The Facility Inventory Database contains active and inactive underground storage tank locations. The source is the State Water Resource Control Board.

A review of the CA FID UST list, as provided by EDR, and dated 10/31/1994 has revealed that there are 2 CA FID UST sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u>                                    | <u>Address</u>              | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|------------------------------------------------------------------|-----------------------------|---------------------------------|---------------|-------------|
| <b>TULARCITOS GOLF AND</b><br>Facility Id: 43001476<br>Status: A | <b>1200 COUNTRY CLUB DR</b> | <b>E 0 - 1/8 (0.065 mi.)</b>    | <b>B5</b>     | <b>11</b>   |
| <u>Lower Elevation</u>                                           | <u>Address</u>              | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
| <b>JANS SHELL</b><br>Facility Id: 43012292<br>Status: A          | <b>990 JACKLIN RD</b>       | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E16</b>    | <b>32</b>   |

### Other Ascertainable Records

CUPA Listings: A listing of sites included in the county's Certified Unified Program Agency database. California's Secretary for Environmental Protection established the unified hazardous materials and hazardous waste regulatory program as required by chapter 6.11 of the California Health and Safety Code. The Unified Program consolidates the administration, permits, inspections, and enforcement activities.

A review of the CUPA Listings list, as provided by EDR, has revealed that there are 4 CUPA Listings sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u>                                                                  | <u>Address</u>           | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
|------------------------------------------------------------------------------------------------|--------------------------|---------------------------------|---------------|-------------|
| CONCEPCION FAMILY DE<br>Database: CUPA SANTA CLARA, Date of Government Version: 08/07/2017     | 1303 JACKLIN RD          | SE 0 - 1/8 (0.092 mi.)          | C6            | 12          |
| <b>SAVING CLEANERS</b><br>Database: CUPA SANTA CLARA, Date of Government Version: 08/07/2017   | <b>1241 JACKLIN RD</b>   | <b>SSE 0 - 1/8 (0.094 mi.)</b>  | <b>D7</b>     | <b>12</b>   |
| <b>MICHAELS CLEANERS</b><br>Database: CUPA SANTA CLARA, Date of Government Version: 08/07/2017 | <b>1309 JACKLIN ROAD</b> | <b>SE 0 - 1/8 (0.109 mi.)</b>   | <b>C12</b>    | <b>16</b>   |
| <u>Lower Elevation</u>                                                                         | <u>Address</u>           | <u>Direction / Distance</u>     | <u>Map ID</u> | <u>Page</u> |
| <b>SHELL</b><br>Database: CUPA SANTA CLARA, Date of Government Version: 08/07/2017             | <b>990 JACKLIN RD</b>    | <b>SW 1/8 - 1/4 (0.227 mi.)</b> | <b>E14</b>    | <b>22</b>   |

## EXECUTIVE SUMMARY

**DRYCLEANERS:** A list of drycleaner related facilities that have EPA ID numbers. These are facilities with certain SIC codes: power laundries, family and commercial; garment pressing and cleaners' agents; linen supply; coin-operated laundries and cleaning; drycleaning plants except rugs; carpet and upholster cleaning; industrial launderers; laundry and garment services.

A review of the DRYCLEANERS list, as provided by EDR, and dated 08/02/2017 has revealed that there are 2 DRYCLEANERS sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u>                    | <u>Address</u>           | <u>Direction / Distance</u>    | <u>Map ID</u> | <u>Page</u> |
|--------------------------------------------------|--------------------------|--------------------------------|---------------|-------------|
| <b>SAVING CLEANERS</b><br>EPA Id: CAL000310521   | <b>1241 JACKLIN RD</b>   | <b>SSE 0 - 1/8 (0.094 mi.)</b> | <b>D7</b>     | <b>12</b>   |
| <b>MICHAELS CLEANERS</b><br>EPA Id: CAL000160057 | <b>1309 JACKLIN ROAD</b> | <b>SE 0 - 1/8 (0.109 mi.)</b>  | <b>C12</b>    | <b>16</b>   |

**HIST CORTESE:** The sites for the list are designated by the State Water Resource Control Board [LUST], the Integrated Waste Board [SWF/LS], and the Department of Toxic Substances Control [CALSITES]. This listing is no longer updated by the state agency.

A review of the HIST CORTESE list, as provided by EDR, and dated 04/01/2001 has revealed that there is 1 HIST CORTESE site within approximately 0.5 miles of the target property.

| <u>Equal/Higher Elevation</u>        | <u>Address</u>            | <u>Direction / Distance</u>   | <u>Map ID</u> | <u>Page</u> |
|--------------------------------------|---------------------------|-------------------------------|---------------|-------------|
| <b>FOX HOLLOW</b><br>Reg Id: 43-0605 | <b>1197 FOX HOLLOW CT</b> | <b>SE 0 - 1/8 (0.021 mi.)</b> | <b>A1</b>     | <b>8</b>    |

**Notify 65:** Listings of all Proposition 65 incidents reported to counties by the State Water Resources Control Board and the Regional Water Quality Control Board. This database is no longer updated by the reporting agency.

A review of the Notify 65 list, as provided by EDR, and dated 06/16/2017 has revealed that there is 1 Notify 65 site within approximately 1 mile of the target property.

| <u>Equal/Higher Elevation</u> | <u>Address</u>              | <u>Direction / Distance</u>  | <u>Map ID</u> | <u>Page</u> |
|-------------------------------|-----------------------------|------------------------------|---------------|-------------|
| <b>TULACITOS GOLF COURSE</b>  | <b>1200 COUNTRY CLUB DR</b> | <b>E 0 - 1/8 (0.065 mi.)</b> | <b>B4</b>     | <b>11</b>   |

### EDR HIGH RISK HISTORICAL RECORDS

#### ***EDR Exclusive Records***

**EDR Hist Auto:** EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

A review of the EDR Hist Auto list, as provided by EDR, has revealed that there is 1 EDR Hist Auto



## EXECUTIVE SUMMARY

site within approximately 0.25 miles of the target property.

| <u>Lower Elevation</u> | <u>Address</u> | <u>Direction / Distance</u> | <u>Map ID</u> | <u>Page</u> |
|------------------------|----------------|-----------------------------|---------------|-------------|
| MILPITAS SHELL & CAR   | 990 JACKLIN RD | SW 1/8 - 1/4 (0.233 mi.)    | E19           | 34          |

EDR Hist Cleaner: EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

A review of the EDR Hist Cleaner list, as provided by EDR, has revealed that there are 4 EDR Hist Cleaner sites within approximately 0.25 miles of the target property.

| <u>Equal/Higher Elevation</u> | <u>Address</u>  | <u>Direction / Distance</u> | <u>Map ID</u> | <u>Page</u> |
|-------------------------------|-----------------|-----------------------------|---------------|-------------|
| ELITE CLEANERS                | 1241 JACKLIN RD | SSE 0 - 1/8 (0.094 mi.)     | D9            | 15          |
| MICHAELS CLEANERS             | 1309 JACKLIN RD | SE 0 - 1/8 (0.109 mi.)      | C11           | 16          |
| JACKLIN CLEANER ALTE          | 1351 JACKLIN RD | SE 1/8 - 1/4 (0.129 mi.)    | C13           | 22          |
| <u>Lower Elevation</u>        | <u>Address</u>  | <u>Direction / Distance</u> | <u>Map ID</u> | <u>Page</u> |
| MICHAELS CLEANERS             | 1209 JACKLIN RD | SSE 0 - 1/8 (0.103 mi.)     | D10           | 15          |

## EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped. Count: 1 records.

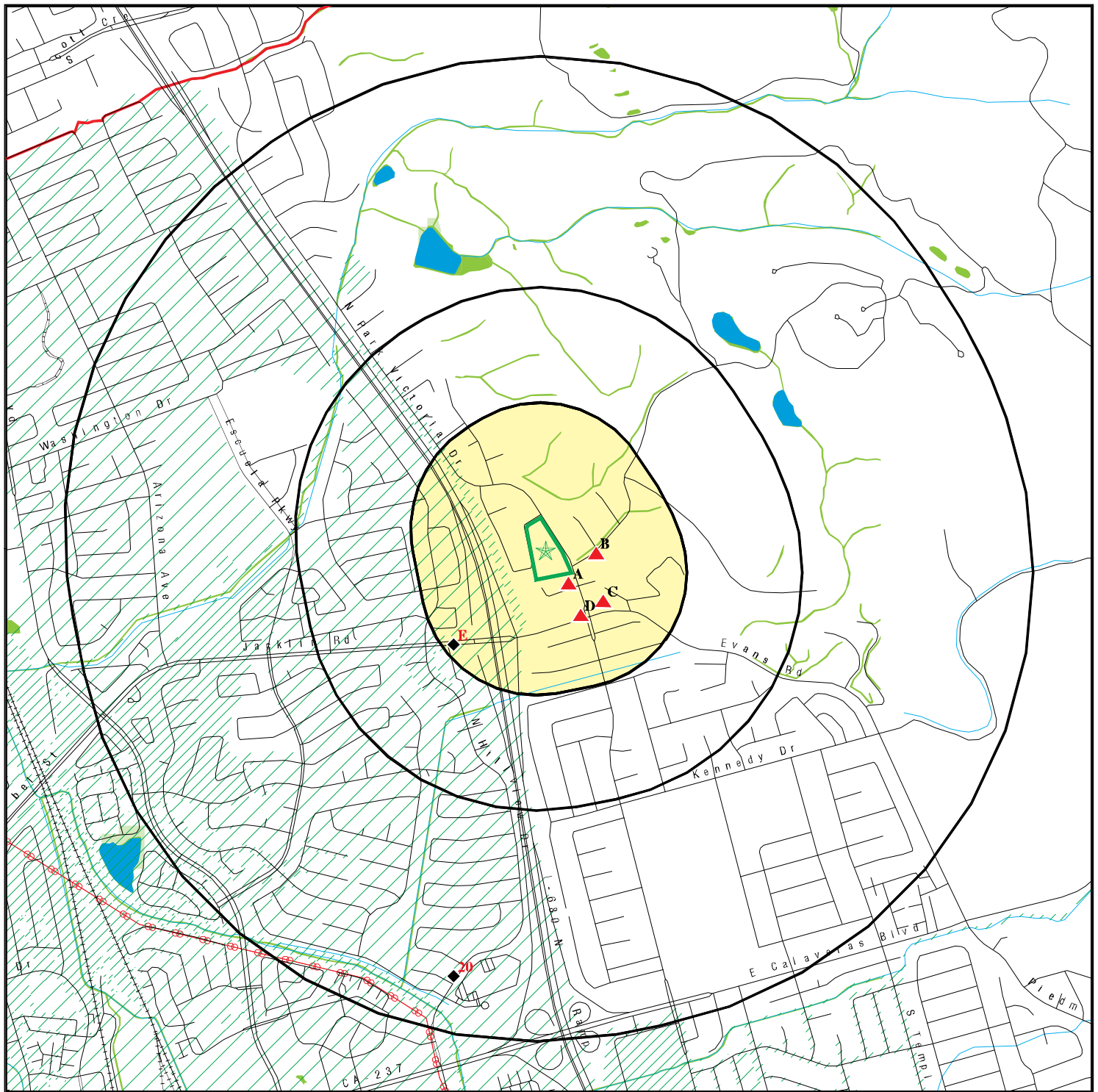
Site Name

FOX HOLLOW PARK VICTORIA SITE

Database(s)

SPILLS 90

# OVERVIEW MAP - 05144783.2R



 Target Property

 Sites at elevations higher than or equal to the target property

 Sites at elevations lower than the target property

 Manufactured Gas Plants

 National Priority List Sites

 Dept. Defense Sites

 Indian Reservations BIA

 County Boundary

 Power transmission lines

 100-year flood zone

 500-year flood zone

 National Wetland Inventory

 State Wetlands

 Upgradient Area

 Areas of Concern

0 1/4 1/2 1 Miles

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: SCDC Park Victoria  
ADDRESS: 1005 North Park Victoria  
Milpitas CA 95035  
LAT/LONG: 37.449804 / 121.88927

CLIENT: Ramboll Environ  
CONTACT: Jason Kane  
INQUIRY #: 05144783.2r  
DATE: December 26, 2017 9:56 am

561

# DETAIL MAP - 05144783.2R



-  Target Property
-  Sites at elevations higher than or equal to the target property
-  Sites at elevations lower than the target property
-  Manufactured Gas Plants
-  Sensitive Receptors
-  National Priority List Sites
-  Dept. Defense Sites
-  Indian Reservations BIA
-  100-year flood zone
-  500-year flood zone
-  National Wetland Inventory
-  State Wetlands
-  Areas of Concern

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: SCDC Park Victoria  
 ADDRESS: 1005 North Park Victoria  
 Milpitas CA 95035  
 LAT/LONG: 37.449804 / 121.88927

CLIENT: Ramboll Environ  
 CONTACT: Jason Kane  
 INQUIRY #: 05144783.2r  
 DATE: December 26, 2017 9:58 am

## MAP FINDINGS SUMMARY

| Database                                                                       | Search Distance (Miles) | Target Property | < 1/8 | 1/8 - 1/4 | 1/4 - 1/2 | 1/2 - 1 | > 1 | Total Plotted |
|--------------------------------------------------------------------------------|-------------------------|-----------------|-------|-----------|-----------|---------|-----|---------------|
| <b>STANDARD ENVIRONMENTAL RECORDS</b>                                          |                         |                 |       |           |           |         |     |               |
| <b><i>Federal NPL site list</i></b>                                            |                         |                 |       |           |           |         |     |               |
| NPL                                                                            | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| Proposed NPL                                                                   | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| NPL LIENS                                                                      | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| <b><i>Federal Delisted NPL site list</i></b>                                   |                         |                 |       |           |           |         |     |               |
| Delisted NPL                                                                   | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| <b><i>Federal CERCLIS list</i></b>                                             |                         |                 |       |           |           |         |     |               |
| FEDERAL FACILITY                                                               | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| SEMS                                                                           | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b><i>Federal CERCLIS NFRAP site list</i></b>                                  |                         |                 |       |           |           |         |     |               |
| SEMS-ARCHIVE                                                                   | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b><i>Federal RCRA CORRACTS facilities list</i></b>                            |                         |                 |       |           |           |         |     |               |
| CORRACTS                                                                       | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| <b><i>Federal RCRA non-CORRACTS TSD facilities list</i></b>                    |                         |                 |       |           |           |         |     |               |
| RCRA-TSDF                                                                      | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b><i>Federal RCRA generators list</i></b>                                     |                         |                 |       |           |           |         |     |               |
| RCRA-LQG                                                                       | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| RCRA-SQG                                                                       | 0.250                   |                 | 1     | 1         | NR        | NR      | NR  | 2             |
| RCRA-CESQG                                                                     | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| <b><i>Federal institutional controls / engineering controls registries</i></b> |                         |                 |       |           |           |         |     |               |
| LUCIS                                                                          | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| US ENG CONTROLS                                                                | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| US INST CONTROL                                                                | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b><i>Federal ERNS list</i></b>                                                |                         |                 |       |           |           |         |     |               |
| ERNS                                                                           | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| <b><i>State- and tribal - equivalent NPL</i></b>                               |                         |                 |       |           |           |         |     |               |
| RESPONSE                                                                       | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| <b><i>State- and tribal - equivalent CERCLIS</i></b>                           |                         |                 |       |           |           |         |     |               |
| ENVIROSTOR                                                                     | 1.000                   |                 | 0     | 0         | 0         | 1       | NR  | 1             |
| <b><i>State and tribal landfill and/or solid waste disposal site lists</i></b> |                         |                 |       |           |           |         |     |               |
| SWF/LF                                                                         | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b><i>State and tribal leaking storage tank lists</i></b>                      |                         |                 |       |           |           |         |     |               |
| LUST                                                                           | 0.500                   |                 | 1     | 2         | 0         | NR      | NR  | 3             |

## MAP FINDINGS SUMMARY

| Database                                                    | Search Distance (Miles) | Target Property | < 1/8 | 1/8 - 1/4 | 1/4 - 1/2 | 1/2 - 1 | > 1 | Total Plotted |
|-------------------------------------------------------------|-------------------------|-----------------|-------|-----------|-----------|---------|-----|---------------|
| INDIAN LUST                                                 | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| SLIC                                                        | 0.500                   |                 | 1     | 2         | 0         | NR      | NR  | 3             |
| HIST LUST                                                   | 0.500                   |                 | 1     | 1         | 0         | NR      | NR  | 2             |
| <b>State and tribal registered storage tank lists</b>       |                         |                 |       |           |           |         |     |               |
| FEMA UST                                                    | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| UST                                                         | 0.250                   |                 | 0     | 1         | NR        | NR      | NR  | 1             |
| AST                                                         | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| INDIAN UST                                                  | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| <b>State and tribal voluntary cleanup sites</b>             |                         |                 |       |           |           |         |     |               |
| VCP                                                         | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| INDIAN VCP                                                  | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b>State and tribal Brownfields sites</b>                   |                         |                 |       |           |           |         |     |               |
| BROWNFIELDS                                                 | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b>ADDITIONAL ENVIRONMENTAL RECORDS</b>                     |                         |                 |       |           |           |         |     |               |
| <b>Local Brownfield lists</b>                               |                         |                 |       |           |           |         |     |               |
| US BROWNFIELDS                                              | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b>Local Lists of Landfill / Solid Waste Disposal Sites</b> |                         |                 |       |           |           |         |     |               |
| WMUDS/SWAT                                                  | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| SWRCY                                                       | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| HAULERS                                                     | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| INDIAN ODI                                                  | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| DEBRIS REGION 9                                             | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| ODI                                                         | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| IHS OPEN DUMPS                                              | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |
| <b>Local Lists of Hazardous waste / Contaminated Sites</b>  |                         |                 |       |           |           |         |     |               |
| US HIST CDL                                                 | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| HIST Cal-Sites                                              | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| SCH                                                         | 0.250                   |                 | 0     | 0         | NR        | NR      | NR  | 0             |
| CDL                                                         | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| Toxic Pits                                                  | 1.000                   |                 | 0     | 0         | 0         | 0       | NR  | 0             |
| US CDL                                                      | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| <b>Local Lists of Registered Storage Tanks</b>              |                         |                 |       |           |           |         |     |               |
| SWEEPS UST                                                  | 0.250                   |                 | 0     | 1         | NR        | NR      | NR  | 1             |
| HIST UST                                                    | 0.250                   |                 | 2     | 2         | NR        | NR      | NR  | 4             |
| CA FID UST                                                  | 0.250                   |                 | 1     | 1         | NR        | NR      | NR  | 2             |
| <b>Local Land Records</b>                                   |                         |                 |       |           |           |         |     |               |
| LIENS                                                       | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| LIENS 2                                                     | 0.001                   |                 | 0     | NR        | NR        | NR      | NR  | 0             |
| DEED                                                        | 0.500                   |                 | 0     | 0         | 0         | NR      | NR  | 0             |

## MAP FINDINGS SUMMARY

| Database                                    | Search<br>Distance<br>(Miles) | Target<br>Property | < 1/8 | 1/8 - 1/4 | 1/4 - 1/2 | 1/2 - 1 | > 1 | Total<br>Plotted |
|---------------------------------------------|-------------------------------|--------------------|-------|-----------|-----------|---------|-----|------------------|
| <b>Records of Emergency Release Reports</b> |                               |                    |       |           |           |         |     |                  |
| HMIRS                                       | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| CHMIRS                                      | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| LDS                                         | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| MCS                                         | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| SPILLS 90                                   | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| <b>Other Ascertainable Records</b>          |                               |                    |       |           |           |         |     |                  |
| RCRA NonGen / NLR                           | 0.250                         |                    | 0     | 0         | NR        | NR      | NR  | 0                |
| FUDS                                        | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| DOD                                         | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| SCRD DRYCLEANERS                            | 0.500                         |                    | 0     | 0         | 0         | NR      | NR  | 0                |
| US FIN ASSUR                                | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| EPA WATCH LIST                              | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| 2020 COR ACTION                             | 0.250                         |                    | 0     | 0         | NR        | NR      | NR  | 0                |
| TSCA                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| TRIS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| SSTS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| ROD                                         | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| RMP                                         | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| RAATS                                       | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| PRP                                         | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| PADS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| ICIS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| FTTS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| MLTS                                        | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| COAL ASH DOE                                | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| COAL ASH EPA                                | 0.500                         |                    | 0     | 0         | 0         | NR      | NR  | 0                |
| PCB TRANSFORMER                             | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| RADINFO                                     | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| HIST FTTS                                   | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| DOT OPS                                     | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| CONSENT                                     | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| INDIAN RESERV                               | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| FUSRAP                                      | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| UMTRA                                       | 0.500                         |                    | 0     | 0         | 0         | NR      | NR  | 0                |
| LEAD SMELTERS                               | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| US AIRS                                     | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| US MINES                                    | 0.250                         |                    | 0     | 0         | NR        | NR      | NR  | 0                |
| ABANDONED MINES                             | TP                            |                    | NR    | NR        | NR        | NR      | NR  | 0                |
| FINDS                                       | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |
| UXO                                         | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| DOCKET HWC                                  | TP                            |                    | NR    | NR        | NR        | NR      | NR  | 0                |
| ECHO                                        | TP                            |                    | NR    | NR        | NR        | NR      | NR  | 0                |
| FUELS PROGRAM                               | 0.250                         |                    | 0     | 0         | NR        | NR      | NR  | 0                |
| CA BOND EXP. PLAN                           | 1.000                         |                    | 0     | 0         | 0         | 0       | NR  | 0                |
| Cortese                                     | 0.500                         |                    | 0     | 0         | 0         | NR      | NR  | 0                |
| CUPA Listings                               | 0.250                         |                    | 3     | 1         | NR        | NR      | NR  | 4                |
| DRYCLEANERS                                 | 0.250                         |                    | 2     | 0         | NR        | NR      | NR  | 2                |
| EMI                                         | 0.001                         |                    | 0     | NR        | NR        | NR      | NR  | 0                |

## MAP FINDINGS SUMMARY

### EDR HIGH RISK HISTORICAL RECORDS

|                  |       |   |   |    |    |    |   |
|------------------|-------|---|---|----|----|----|---|
| EDR MGP          | 1.000 | 0 | 0 | 0  | 0  | NR | 0 |
| EDR Hist Auto    | 0.250 | 0 | 1 | NR | NR | NR | 1 |
| EDR Hist Cleaner | 0.250 | 3 | 1 | NR | NR | NR | 4 |

**Exclusive Recovered Govt. Archives**

|             |   |    |    |   |   |   |    |
|-------------|---|----|----|---|---|---|----|
| - Totals -- | 0 | 17 | 14 | 0 | 1 | 0 | 32 |
|-------------|---|----|----|---|---|---|----|

TP = Target Property  
NR = Not Requested at this Search Distance  
Sites may be listed in more than one database



Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

A1  
SE  
< 1/8  
0.021 mi.  
111 ft.

**FOX HOLLOW**  
**1197 FOX HOLLOW CT**  
**MILPITAS, CA 95035**

**Site 1 of 2 in cluster A**

**LUST** S102430420  
**HIST LUST** N/A  
**HIST CORTESE**

**Relative:**  
**Higher**

LUST:

Lead Agency: SANTA CLARA COUNTY LOP  
Case Type: LUST Cleanup Site  
Geo Track: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0608500641](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608500641)  
Global Id: T0608500641  
Latitude: 37.4485432689042  
Longitude: -121.887495517731  
Status: Completed - Case Closed  
Status Date: 05/29/1991  
Case Worker: UST  
RB Case Number: Not reported  
Local Agency: SANTA CLARA COUNTY LOP  
File Location: All Files are on GeoTracker or in the Local Agency Database  
Local Case Number: Not reported  
Potential Media Affect: Soil  
Potential Contaminants of Concern: Gasoline  
Site History: Not reported

LUST:

Global Id: T0608500641  
Contact Type: Regional Board Caseworker  
Contact Name: Regional Water Board  
Organization Name: SAN FRANCISCO BAY RWQCB (REGION 2)  
Address: 1515 CLAY ST SUITE 1400  
City: OAKLAND  
Email: Not reported  
Phone Number: Not reported

Global Id: T0608500641  
Contact Type: Local Agency Caseworker  
Contact Name: UST CASE WORKER  
Organization Name: SANTA CLARA COUNTY LOP  
Address: 1555 Berger Drive, Suite 300  
City: SAN JOSE  
Email: Not reported  
Phone Number: 4089183400

LUST:

Global Id: T0608500641  
Action Type: Other  
Date: 06/07/1989  
Action: Leak Reported

Global Id: T0608500641  
Action Type: ENFORCEMENT  
Date: 05/29/1991  
Action: Closure/No Further Action Letter

Global Id: T0608500641  
Action Type: ENFORCEMENT  
Date: 04/02/1990  
Action: Notice of Responsibility - #39177

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**FOX HOLLOW (Continued)**

**S102430420**

Global Id: T0608500641  
Action Type: RESPONSE  
Date: 06/27/1989  
Action: Other Report / Document

**LUST:**

Global Id: T0608500641  
Status: Completed - Case Closed  
Status Date: 05/29/1991

Global Id: T0608500641  
Status: Open - Case Begin Date  
Status Date: 06/07/1989

Global Id: T0608500641  
Status: Open - Site Assessment  
Status Date: 06/07/1989

**LUST REG 2:**

Region: 2  
Facility Id: Not reported  
Facility Status: Case Closed  
Case Number: 05S1E32P01f  
How Discovered: Not reported  
Leak Cause: Not reported  
Leak Source: Not reported  
Date Leak Confirmed: Not reported  
Oversight Program: LUST  
Prelim. Site Assessment Workplan Submitted: Not reported  
Preliminary Site Assessment Began: 6/7/1989  
Pollution Characterization Began: Not reported  
Pollution Remediation Plan Submitted: Not reported  
Date Remediation Action Underway: Not reported  
Date Post Remedial Action Monitoring Began: Not reported

**LUST SANTA CLARA:**

Region: SANTA CLARA  
SCVWD ID: 05S1E32P01F  
Date Closed: 05/29/1991  
EDR Link ID: 05S1E32P01F

**HIST LUST SANTA CLARA:**

Region: SANTA CLARA  
Region Code: 2  
SCVWD ID: 05S1E32P01  
Oversite Agency: SCVWD  
Date Listed: 1990-01-01 00:00:00  
Closed Date: 1991-05-29 00:00:00

**HIST CORTESE:**

Region: CORTESE  
Facility County Code: 43  
Reg By: LTNKA  
Reg Id: 43-0605

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**A2**  
**SE**  
**< 1/8**  
**0.032 mi.**  
**169 ft.**

**FOX HOLLOW - PARK VICTORIA SITE**  
**PARK VICTORIA & FOX HOLLOW**  
**MILPITAS, CA 95035**

**SLIC** **S118406216**  
**N/A**

**Site 2 of 2 in cluster A**

**Relative:**  
**Higher**

SLIC:

Region:

STATE

**Facility Status:**

**Open - Inactive**

**Actual:**  
**43 ft.**

Status Date:

06/14/2016

Global Id:

T10000008074

Lead Agency:

SAN FRANCISCO BAY RWQCB (REGION 2)

Lead Agency Case Number:

Not reported

Latitude:

37.44871

Longitude:

-121.88805

Case Type:

Cleanup Program Site

Case Worker:

Not reported

Local Agency:

Not reported

RB Case Number:

43S0652

File Location:

All Files are on GeoTracker or in the Local Agency Database

Potential Media Affected:

Soil

Potential Contaminants of Concern:

Other Insecticides / Pesticide / Fumigants / Herbicides, Arsenic,  
Copper, Lead, Mercury (elemental)

Site History:

Not reported

[Click here to access the California GeoTracker records for this facility:](#)

**B3**  
**East**  
**< 1/8**  
**0.065 mi.**  
**341 ft.**

**TULARCITOS GOLF & COUNTRY CLUB**  
**1200 COUNTRY CLUB DR**  
**MILPITAS, CA 95135**

**HIST UST** **U001603139**  
**N/A**

**Site 1 of 3 in cluster B**

**Relative:**  
**Higher**

HIST UST:

File Number:

Not reported

URL:

Not reported

**Actual:**  
**87 ft.**

Region:

STATE

Facility ID:

00000049717

Facility Type:

Other

Other Type:

GOLF COURSE

Contact Name:

Not reported

Telephone:

4082941594

Owner Name:

ROBERT H. JONES & ASSOCIATES

Owner Address:

64 BARNARD AVE.

Owner City,St,Zip:

SAN JOSE, CA 95112

Total Tanks:

0003

Tank Num:

001

Container Num:

1

Year Installed:

1978

Tank Capacity:

00006000

Tank Used for:

PRODUCT

Type of Fuel:

REGULAR

Container Construction Thickness:

Not reported

Leak Detection:

Pressure Test

Tank Num:

002

Container Num:

2

Year Installed:

1978

Tank Capacity:

00002000

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**TULARCITOS GOLF & COUNTRY CLUB (Continued)**

**U001603139**

Tank Used for: PRODUCT  
Type of Fuel: REGULAR  
Container Construction Thickness: Not reported  
Leak Detection: Pressure Test

Tank Num: 003  
Container Num: 3  
Year Installed: 1978  
Tank Capacity: 00001000  
Tank Used for: PRODUCT  
Type of Fuel: DIESEL  
Container Construction Thickness: Not reported  
Leak Detection: Pressure Test

**B4**  
**East**  
**< 1/8**  
**0.065 mi.**  
**341 ft.**

**TULACITOS GOLF COURSE**  
**1200 COUNTRY CLUB DRIVE**  
**MILPITAS, CA 93064**

**Notify 65** **U000061259**  
**N/A**

**Site 2 of 3 in cluster B**

**Relative:**  
**Higher**

NOTIFY 65:  
Date Reported: Not reported  
Staff Initials: Not reported  
Board File Number: Not reported  
Facility Type: Not reported  
Discharge Date: Not reported  
Issue Date: Not reported  
Incident Description: Not reported

**Actual:**  
**87 ft.**

**B5**  
**East**  
**< 1/8**  
**0.065 mi.**  
**341 ft.**

**TULARCITOS GOLF AND COUNTRY CLUB**  
**1200 COUNTRY CLUB DRIVE**  
**MILPITAS, CA 95135**

**HIST UST** **S101625439**  
**CA FID UST** **N/A**

**Site 3 of 3 in cluster B**

**Relative:**  
**Higher**

HIST UST:  
File Number: 000207D5  
URL: <http://geotracker.waterboards.ca.gov/ustpdfs/pdf/000207D5.pdf>  
Region: Not reported  
Facility ID: Not reported  
Facility Type: Not reported  
Other Type: Not reported  
Contact Name: Not reported  
Telephone: Not reported  
Owner Name: Not reported  
Owner Address: Not reported  
Owner City,St,Zip: Not reported  
Total Tanks: Not reported

**Actual:**  
**87 ft.**

Tank Num: Not reported  
Container Num: Not reported  
Year Installed: Not reported  
Tank Capacity: Not reported  
Tank Used for: Not reported  
Type of Fuel: Not reported  
Container Construction Thickness: Not reported

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**TULARCITOS GOLF AND COUNTRY CLUB (Continued)**

**S101625439**

Leak Detection: Not reported

[Click here for Geo Tracker PDF:](#)

**CA FID UST:**

Facility ID: 43001476  
Regulated By: UTNKA  
Regulated ID: 00049717  
Cortese Code: Not reported  
SIC Code: Not reported  
Facility Phone: 4082941594  
Mail To: Not reported  
Mailing Address: P O BOX  
Mailing Address 2: Not reported  
Mailing City,St,Zip: MILPITAS 95135  
Contact: Not reported  
Contact Phone: Not reported  
DUNs Number: Not reported  
NPDES Number: Not reported  
EPA ID: Not reported  
Comments: Not reported  
Status: Active

**C6**  
**SE**  
**< 1/8**  
**0.092 mi.**  
**485 ft.**

**CONCEPCION FAMILY DENTAL**  
**1303 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 1 of 4 in cluster C**

**CUPA Listings S103971448**  
**N/A**

**Relative:**  
**Higher**

CUPA SANTA CLARA:  
Region: SANTA CLARA  
PE#: 2240  
Program Description: GENERATES < 10 GAL/YR  
Latitude: 37.447867  
Longitude: -121.887519  
Record ID: PR0379833  
Facility ID: FA0259111

**Actual:**  
**43 ft.**

**D7**  
**SSE**  
**< 1/8**  
**0.094 mi.**  
**494 ft.**

**SAVING CLEANERS**  
**1241 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 1 of 4 in cluster D**

**CUPA Listings S106166567**  
**DRYCLEANERS N/A**

**Relative:**  
**Higher**

CUPA SANTA CLARA:  
Region: SANTA CLARA  
PE#: 2202  
Program Description: GENERATES < 100 KG/YR  
Latitude: 37.447640  
Longitude: -121.888603  
Record ID: PR0367735  
Facility ID: FA0252047

**Actual:**  
**36 ft.**

DRYCLEANERS:  
EPA Id: CAL000310521

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SAVING CLEANERS (Continued)**

**S106166567**

NAICS Code: 81232  
NAICS Description: Drycleaning and Laundry Services (except Coin-Operated)  
SIC Code: 7211  
SIC Description: Power Laundries, Family and Commercial  
Create Date: 08/16/2006  
Facility Active: No  
Inactive Date: 06/30/2007  
Facility Addr2: Not reported  
Owner Name: VINCE BUI  
Owner Address: 1241 JACKLIN RD  
Owner Address 2: Not reported  
Owner Telephone: 4083560117  
Contact Name: VINCE BUI  
Contact Address: 1241 JACKLIN RD  
Contact Address 2: Not reported  
Contact Telephone: 4083560117  
Mailing Name: Not reported  
Mailing Address 1: 1241 JACKLIN RD  
Mailing Address 2: Not reported  
Mailing City: MILPITAS  
Mailing State: CA  
Mailing Zip: 950350000  
Owner Fax: Not reported  
Region Code: 2

**D8**  
**SSE**  
**< 1/8**  
**0.094 mi.**  
**494 ft.**

**MICHAEL'S CLEANERS**  
**1241 JACKLIN RD**  
**MILPITAS, CA 95035**

**RCRA-SQG** **1000239102**  
**FINDS** **CAD981163546**  
**ECHO**

**Site 2 of 4 in cluster D**

**Relative:**  
**Higher**

RCRA-SQG:

Date form received by agency: 11/14/1985  
Facility name: MICHAEL'S CLEANERS  
Facility address: 1241 JACKLIN RD  
MILPITAS, CA 95035  
EPA ID: CAD981163546  
Contact: MICHAEL WILLYOUNG  
Contact address: 1241 JACKLIN RD  
MILPITAS, CA 95035  
Contact country: US  
Contact telephone: 408-263-7775  
Contact email: Not reported  
EPA Region: 09  
Classification: Small Small Quantity Generator  
Description: Handler: generates more than 100 and less than 1000 kg of hazardous waste during any calendar month and accumulates less than 6000 kg of hazardous waste at any time; or generates 100 kg or less of hazardous waste during any calendar month, and accumulates more than 1000 kg of hazardous waste at any time

Owner/Operator Summary:

Owner/operator name: MICHAEL N WILLYOUNG  
Owner/operator address: 1241 JACKLIN RD  
MILPITAS, CA 92035  
Owner/operator country: Not reported  
Owner/operator telephone: 408-263-7775

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAEL'S CLEANERS (Continued)**

**1000239102**

Owner/operator email: Not reported  
Owner/operator fax: Not reported  
Owner/operator extension: Not reported  
Legal status: Private  
Owner/Operator Type: Owner  
Owner/Op start date: Not reported  
Owner/Op end date: Not reported

Owner/operator name: NOT REQUIRED  
Owner/operator address: NOT REQUIRED  
NOT REQUIRED, ME 99999

Owner/operator country: Not reported  
Owner/operator telephone: 415-555-1212  
Owner/operator email: Not reported  
Owner/operator fax: Not reported  
Owner/operator extension: Not reported  
Legal status: Private  
Owner/Operator Type: Operator  
Owner/Op start date: Not reported  
Owner/Op end date: Not reported

**Handler Activities Summary:**

U.S. importer of hazardous waste: No  
Mixed waste (haz. and radioactive): No  
Recycler of hazardous waste: No  
Transporter of hazardous waste: No  
Treater, storer or disposer of HW: No  
Underground injection activity: No  
On-site burner exemption: No  
Furnace exemption: No  
Used oil fuel burner: No  
Used oil processor: No  
Used oil refiner: No  
Used oil fuel marketer to burner: No  
Used oil Specification marketer: No  
Used oil transfer facility: No  
Used oil transporter: No

Violation Status: No violations found

**FINDS:**

Registry ID: 110013820650

**Environmental Interest/Information System**

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.

**HAZARDOUS AIR POLLUTANT MAJOR**

[Click this hyperlink](#) while viewing on your computer to access additional FINDS: detail in the EDR Site Report.

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAEL'S CLEANERS (Continued)**

**1000239102**

ECHO:

Envid:

1000239102

Registry ID:

110013820650

DFR URL:

<http://echo.epa.gov/detailed-facility-report?fid=110013820650>

**D9**  
**SSE**  
**< 1/8**  
**0.094 mi.**  
**494 ft.**

**ELITE CLEANERS**  
**1241 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 3 of 4 in cluster D**

**EDR Hist Cleaner** **1019981192**  
**N/A**

**Relative:**  
**Higher**

EDR Hist Cleaner

**Actual:**  
**36 ft.**

Year: Name:  
1992 MICHAELS CLEANERS  
1993 MICHAELS CLEANERS  
1994 MICHAELS CLEANERS  
1995 MICHAELS CLEANERS  
2001 ELITE CLEANERS  
2001 WEBSQUIRE  
2002 ELITE CLEANERS  
2002 WEBSQUIRE  
2003 WEBSQUIRE  
2003 ELITE CLEANERS  
2004 ELITE CLEANERS  
2005 ELITE CLEANERS  
2006 ELITE CLEANERS  
2007 ELITE CLEANERS  
2008 ELITE CLEANERS  
2009 ELITE CLEANERS  
2010 ELITE CLEANERS  
2011 ELITE CLEANERS  
2012 ELITE CLEANERS  
2013 ELITE CLEANERS  
2014 ELITE CLEANERS

Type:  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs  
Drycleaning Plants, Except Rugs

**D10**  
**SSE**  
**< 1/8**  
**0.103 mi.**  
**544 ft.**

**MICHAELS CLEANERS**  
**1209 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 4 of 4 in cluster D**

**EDR Hist Cleaner** **1020040099**  
**N/A**

**Relative:**  
**Lower**

EDR Hist Cleaner

**Actual:**  
**33 ft.**

Year: Name:  
1996 MICHAELS CLEANERS  
1997 MICHAELS CLEANERS

Type:  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC



Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

EDR ID Number  
EPA ID Number

**C11**  
**SE**  
**< 1/8**  
**0.109 mi.**  
**577 ft.**

**MICHAELS CLEANERS**  
**1309 JACKLIN RD**  
**MILPITAS, CA 95035**

**Site 2 of 4 in cluster C**

**EDR Hist Cleaner**    **1020040100**  
**N/A**

**Relative:**  
**Higher**

EDR Hist Cleaner

**Actual:**  
**43 ft.**

Year:    Name:

1998    MICHAELS CLEANERS  
1999    MICHAELS CLEANERS  
2000    MICHAELS CLEANERS  
2001    MICHAELS CLEANERS  
2002    MICHAELS CLEANERS  
2003    MICHAELS CLEANERS  
2004    MICHAELS CLEANERS  
2005    MICHAELS CLEANERS  
2006    MICHAELS CLEANERS  
2007    MICHAELS CLEANERS  
2008    MICHAELS CLEANERS  
2009    MICHAELS CLEANERS  
2010    MICHAELS CLEANERS  
2011    MICHAELS CLEANERS  
2012    MICHAELS CLEANERS  
2013    MICHAELS CLEANERS  
2014    MICHAELS CLEANERS

Type:

Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC  
Drycleaning Plants, Except Rugs, NEC

**C12**  
**SE**  
**< 1/8**  
**0.109 mi.**  
**577 ft.**

**MICHAELS CLEANERS**  
**1309 JACKLIN ROAD**  
**MILPITAS, CA 95035**

**Site 3 of 4 in cluster C**

**FINDS**    **1005774981**  
**CUPA Listings**    **N/A**  
**DRYCLEANERS**  
**EMI**

**Relative:**  
**Higher**

FINDS:

**Actual:**  
**43 ft.**

Registry ID:    110002410720

Environmental Interest/Information System  
HAZARDOUS AIR POLLUTANT MAJOR

STATE MASTER

[Click this hyperlink](#) while viewing on your computer to access  
additional FINDS: detail in the EDR Site Report.

CUPA SANTA CLARA:

Region:    SANTA CLARA  
PE#:    2240  
Program Description:    GENERATES < 10 GAL/YR  
Latitude:    37.447953  
Longitude:    -121.887434  
Record ID:    PR0382575  
Facility ID:    FA0260954

DRYCLEANERS:

EPA Id:    CAL000160057  
NAICS Code:    81232  
NAICS Description:    Drycleaning and Laundry Services (except Coin-Operated)

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

SIC Code: 7211  
SIC Description: Power Laundries, Family and Commercial  
Create Date: 01/29/1996  
Facility Active: No  
Inactive Date: 06/30/2007  
Facility Addr2: Not reported  
Owner Name: LINDA NGUYEN  
Owner Address: 1309 JACKLIN RD  
Owner Address 2: Not reported  
Owner Telephone: 4082637775  
Contact Name: LINDA NGUYEN  
Contact Address: 1309 JACKLIN RD  
Contact Address 2: Not reported  
Contact Telephone: 4082637775  
Mailing Name: Not reported  
Mailing Address 1: 1309 JACKLIN RD  
Mailing Address 2: Not reported  
Mailing City: MILPITAS  
Mailing State: CA  
Mailing Zip: 950353426  
Owner Fax: Not reported  
Region Code: 2

**EMI:**

Year: 1996  
County Code: 43  
Air Basin: SF  
Facility ID: 10748  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 1  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr: 0

Year: 1997  
County Code: 43  
Air Basin: SF  
Facility ID: 10748  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 1  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr: 0

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

Year: 1998  
County Code: 43  
Air Basin: SF  
Facility ID: 10748  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 1  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 1999  
County Code: 43  
Air Basin: SF  
Facility ID: 10748  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2000  
County Code: 43  
Air Basin: SF  
Facility ID: 10748  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2001  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2002  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2003  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2004  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0.337  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0  
  
Year: 2005  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2006  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: .85  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2007  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: .85  
Reactive Organic Gases Tons/Yr: .59381  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smllr Tons/Yr:0

Year: 2008

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 1.17  
Reactive Organic Gases Tons/Yr: .128  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr:0

Year: 2009  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0.8499999999999999  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr:0

Year: 2010  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD  
Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 1.1699999999999999  
Reactive Organic Gases Tons/Yr: 0.72180999999999995  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr:0

Year: 2011  
County Code: 43  
Air Basin: SF  
Facility ID: 13604  
Air District Name: BA  
SIC Code: 7216  
Air District Name: BAY AREA AQMD

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**MICHAELS CLEANERS (Continued)**

**1005774981**

Community Health Air Pollution Info System: Not reported  
Consolidated Emission Reporting Rule: Not reported  
Total Organic Hydrocarbon Gases Tons/Yr: 0.85  
Reactive Organic Gases Tons/Yr: 0  
Carbon Monoxide Emissions Tons/Yr: 0  
NOX - Oxides of Nitrogen Tons/Yr: 0  
SOX - Oxides of Sulphur Tons/Yr: 0  
Particulate Matter Tons/Yr: 0  
Part. Matter 10 Micrometers and Smlr Tons/Yr: 0

**C13** **JACKLIN CLEANER ALTERATIONS**  
**SE** **1351 JACKLIN RD**  
**1/8-1/4** **MILPITAS, CA 95035**  
**0.129 mi.**  
**683 ft.** **Site 4 of 4 in cluster C**

**EDR Hist Cleaner** **1018507171**  
**N/A**

**Relative:** EDR Hist Cleaner  
**Higher**

**Actual:** Year: Name: Type:  
**48 ft.** 1988 JACKLIN CLEANER ALTERATIONS Garment Pressing And Cleaners' Agents  
1989 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents  
1990 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents  
1991 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents  
1992 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents  
1993 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents  
1994 JACKLIN CLEANER ALTERATIONS Laundry And Drycleaner Agents

**E14** **SHELL**  
**SW** **990 JACKLIN RD**  
**1/8-1/4** **MILPITAS, CA 95035**  
**0.227 mi.**  
**1201 ft.** **Site 1 of 6 in cluster E**

**LUST** **S102436961**  
**SLIC** **N/A**  
**HIST LUST**  
**CUPA Listings**

**Relative:** LUST REG 2:  
**Lower** Region: 2  
Facility Id: Not reported  
**Actual:** Facility Status: Pollution Characterization  
**24 ft.** Case Number: 06S1E05D01f  
How Discovered: Not reported  
Leak Cause: Not reported  
Leak Source: Not reported  
Date Leak Confirmed: Not reported  
Oversight Program: LUST  
Prelim. Site Assessment Workplan Submitted: Not reported  
Preliminary Site Assessment Began: 7/18/2001  
Pollution Characterization Began: 7/18/2001  
Pollution Remediation Plan Submitted: Not reported  
Date Remediation Action Underway: Not reported  
Date Post Remedial Action Monitoring Began: Not reported

SLIC REG 2:  
Region: 2  
Facility ID: 43-1932  
Facility Status: Case Closed  
Date Closed: 9/15/1993  
Local Case #: 43-1932

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL (Continued)**

**S102436961**

How Discovered: Tank Closure  
Leak Cause: Structure Failure  
Leak Source: Tank  
Date Confirmed: Not reported  
Date Prelim Site Assmnt Workplan Submitted: Not reported  
Date Preliminary Site Assessment Began: Not reported  
Date Pollution Characterization Began: Not reported  
Date Remediation Plan Submitted: Not reported  
Date Remedial Action Underway: Not reported  
Date Post Remedial Action Monitoring Began: Not reported

**HIST LUST SANTA CLARA:**

Region: SANTA CLARA  
Region Code: 2  
SCVWD ID: 06S1E05D01  
Oversite Agency: SCCDEH  
Date Listed: 2001-10-25 00:00:00  
Closed Date: Not reported

**CUPA SANTA CLARA:**

Region: SANTA CLARA  
PE#: 2202  
Program Description: GENERATES < 100 KG/YR  
Latitude: 37.446779  
Longitude: -121.893564  
Record ID: PR0417844  
Facility ID: FA0700060

**E15 SHELL SERVICE STATION**  
**SW 990 JACKLIN**  
**1/8-1/4 MILPITAS, CA 95035**  
**0.227 mi.**  
**1201 ft. Site 2 of 6 in cluster E**

**Relative:**  
**Lower**

**Actual:**  
**24 ft.**

**RCRA-SQG:**

Date form received by agency: 09/13/2001  
Facility name: SHELL SERVICE STATION  
Facility address: 990 JACKLIN  
SAP 135594  
MILPITAS, CA 95035  
EPA ID: CAR000105106  
Mailing address: P O BOX 2648  
HOUSTON, TX 77252-2648  
Contact: SONDRA BIENVENU  
Contact address: P O BOX 2648  
HOUSTON, TX 77252-2648  
Contact country: US  
Contact telephone: 713-241-5036  
Contact email: Not reported  
EPA Region: 09  
Classification: Small Small Quantity Generator  
Description: Handler: generates more than 100 and less than 1000 kg of hazardous waste during any calendar month and accumulates less than 6000 kg of hazardous waste at any time; or generates 100 kg or less of hazardous waste during any calendar month, and accumulates more than 1000 kg of

**RCRA-SQG 1004678102**  
**LUST CAR000105106**  
**SLIC**  
**HIST UST**  
**FINDS**  
**ECHO**  
**HAZNET**



Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

hazardous waste at any time

**Owner/Operator Summary:**

Owner/operator name: EQUILON ENTERPRISES L L C  
Owner/operator address: P O BOX 2648  
HOUSTON, TX 77252  
Owner/operator country: Not reported  
Owner/operator telephone: 713-241-5036  
Owner/operator email: Not reported  
Owner/operator fax: Not reported  
Owner/operator extension: Not reported  
Legal status: Private  
Owner/Operator Type: Owner  
Owner/Op start date: Not reported  
Owner/Op end date: Not reported

**Handler Activities Summary:**

U.S. importer of hazardous waste: No  
Mixed waste (haz. and radioactive): No  
Recycler of hazardous waste: No  
Transporter of hazardous waste: No  
Treater, storer or disposer of HW: No  
Underground injection activity: No  
On-site burner exemption: No  
Furnace exemption: No  
Used oil fuel burner: No  
Used oil processor: No  
User oil refiner: No  
Used oil fuel marketer to burner: No  
Used oil Specification marketer: No  
Used oil transfer facility: No  
Used oil transporter: No

Waste code: D001  
Waste name: IGNITABLE WASTE

Violation Status: No violations found

**LUST:**

Lead Agency: SANTA CLARA COUNTY LOP  
Case Type: LUST Cleanup Site  
Geo Track: [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0608565949](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608565949)  
Global Id: T0608565949  
Latitude: 37.446519  
Longitude: -121.89265  
Status: Completed - Case Closed  
Status Date: 01/06/2011  
Case Worker: Not reported  
RB Case Number: 14-638  
Local Agency: Not reported  
File Location: All Files are on GeoTracker or in the Local Agency Database  
Local Case Number: 06S1E05D01f  
Potential Media Affect: Other Groundwater (uses other than drinking water)  
Potential Contaminants of Concern: Gasoline  
Site History: Not reported

**LUST:**

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

Global Id: T0608565949  
Contact Type: Regional Board Caseworker  
Contact Name: Regional Water Board  
Organization Name: SAN FRANCISCO BAY RWQCB (REGION 2)  
Address: 1515 CLAY ST SUITE 1400  
City: OAKLAND  
Email: Not reported  
Phone Number: Not reported

**LUST:**

Global Id: T0608565949  
Action Type: ENFORCEMENT  
Date: 10/30/2001  
Action: Notice of Responsibility

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 11/30/2004  
Action: Other Report / Document

Global Id: T0608565949  
Action Type: ENFORCEMENT  
Date: 08/05/2004  
Action: Staff Letter - #400258

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 12/16/2002  
Action: Correspondence

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/23/2003  
Action: Correspondence

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/01/1990  
Action: Monitoring Report - Quarterly

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 08/03/1992  
Action: Other Report / Document

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/02/1990  
Action: Preliminary Site Assessment Report

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/01/2005  
Action: Monitoring Report - Quarterly

Global Id: T0608565949  
Action Type: RESPONSE

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

Date: 10/18/2001  
Action: Soil and Water Investigation Report

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/06/2011  
Action: Other Report / Document

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/01/2010  
Action: Correspondence

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 11/06/2002  
Action: Other Report / Document

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 07/16/2010  
Action: Well Destruction Report

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 02/20/1992  
Action: Other Report / Document

Global Id: T0608565949  
Action Type: Other  
Date: 01/02/1990  
Action: Leak Reported

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/01/2006  
Action: Monitoring Report - Quarterly

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 09/10/2010  
Action: Well Destruction Report

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 11/28/2006  
Action: Request for Closure

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 01/01/2003  
Action: Monitoring Report - Quarterly

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 11/30/2004  
Action: Well Installation Report

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

|              |                                  |
|--------------|----------------------------------|
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 01/01/1991                       |
| Action:      | Monitoring Report - Quarterly    |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 01/01/1992                       |
| Action:      | Monitoring Report - Quarterly    |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 01/01/2002                       |
| Action:      | Monitoring Report - Quarterly    |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 12/28/2001                       |
| Action:      | Unauthorized Release Form        |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 08/12/2013                       |
| Action:      | Unauthorized Release Form        |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 01/01/2004                       |
| Action:      | Monitoring Report - Quarterly    |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |
| Date:        | 02/27/1987                       |
| Action:      | Other Report / Document          |
| Global Id:   | T0608565949                      |
| Action Type: | REMEDIATION                      |
| Date:        | 04/03/2003                       |
| Action:      | Pump & Treat (P&T) Groundwater   |
| Global Id:   | T0608565949                      |
| Action Type: | ENFORCEMENT                      |
| Date:        | 01/06/2011                       |
| Action:      | Closure/No Further Action Letter |
| Global Id:   | T0608565949                      |
| Action Type: | ENFORCEMENT                      |
| Date:        | 10/18/2006                       |
| Action:      | Staff Letter - #068101           |
| Global Id:   | T0608565949                      |
| Action Type: | Other                            |
| Date:        | 02/01/1987                       |
| Action:      | Leak Discovery                   |
| Global Id:   | T0608565949                      |
| Action Type: | RESPONSE                         |

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

Date: 01/01/2006  
Action: Monitoring Report - Quarterly

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 12/18/2001  
Action: Soil and Water Investigation Workplan

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 08/03/1992  
Action: Request for Closure

Global Id: T0608565949  
Action Type: RESPONSE  
Date: 09/18/2003  
Action: Sensitive Receptor Survey Report

Global Id: T0608565949  
Action Type: ENFORCEMENT  
Date: 03/05/2010  
Action: Staff Letter

**LUST:**

Global Id: T0608565949  
Status: Completed - Case Closed  
Status Date: 01/06/2011

Global Id: T0608565949  
Status: Open - Case Begin Date  
Status Date: 07/18/2001

Global Id: T0608565949  
Status: Open - Site Assessment  
Status Date: 07/18/2001

**LUST SANTA CLARA:**

Region: SANTA CLARA  
SCVWD ID: 06S1E05D01F  
Date Closed: 01/06/2011  
EDR Link ID: 06S1E05D01F

**SLIC:**

Region: STATE  
**Facility Status:** **Completed - Case Closed**  
Status Date: 09/15/1993  
Global Id: T0608591760  
Lead Agency: SAN FRANCISCO BAY RWQCB (REGION 2)  
Lead Agency Case Number: Not reported  
Latitude: 37.446519  
Longitude: -121.89265  
Case Type: Cleanup Program Site  
Case Worker: MEJ  
Local Agency: Not reported  
RB Case Number: 43-1932

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

File Location: Not reported  
Potential Media Affected: Under Investigation  
Potential Contaminants of Concern: \* Solvents  
Site History: Not reported

[Click here to access the California GeoTracker records for this facility:](#)

**HIST UST:**

File Number: 000208ED  
URL: <http://geotracker.waterboards.ca.gov/ustpdfs/pdf/000208ED.pdf>  
Region: Not reported  
Facility ID: Not reported  
Facility Type: Not reported  
Other Type: Not reported  
Contact Name: Not reported  
Telephone: Not reported  
Owner Name: Not reported  
Owner Address: Not reported  
Owner City,St,Zip: Not reported  
Total Tanks: Not reported

Tank Num: Not reported  
Container Num: Not reported  
Year Installed: Not reported  
Tank Capacity: Not reported  
Tank Used for: Not reported  
Type of Fuel: Not reported  
Container Construction Thickness: Not reported  
Leak Detection: Not reported

[Click here for Geo Tracker PDF:](#)

**FINDS:**

Registry ID: 110012231940

**Environmental Interest/Information System**

California Hazardous Waste Tracking System - Datamart (HWTS-DATAMART) provides California with information on hazardous waste shipments for generators, transporters, and treatment, storage, and disposal facilities.

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and corrective action activities required under RCRA.

Registry ID: 110055664703

**Environmental Interest/Information System**  
**STATE MASTER**

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

[Click this hyperlink](#) while viewing on your computer to access additional FINDS: detail in the EDR Site Report.

**ECHO:**

Envid: 1004678102  
Registry ID: 110012231940  
DFR URL: <http://echo.epa.gov/detailed-facility-report?fid=110012231940>

**HAZNET:**

envid: 1004678102  
Year: 2010  
GEPaid: CAR000105106  
Contact: J. Traylor/ENV REPORTING ANALYST  
Telephone: 7132416992  
Mailing Name: Not reported  
Mailing Address: PO Box 3127  
Mailing City,St,Zip: HOUSTON, TX 772530000  
Gen County: Not reported  
TSD EPA ID: UTD981552177  
TSD County: Not reported  
Waste Category: Other organic solids  
Disposal Method: Incineration--Thermal Destruction Other Than Use As A Fuel  
Tons: 0.045  
Cat Decode: Not reported  
Method Decode: Not reported  
Facility County: Santa Clara

envid: 1004678102  
Year: 2010  
GEPaid: CAR000105106  
Contact: J. Traylor/ENV REPORTING ANALYST  
Telephone: 7132416992  
Mailing Name: Not reported  
Mailing Address: PO Box 3127  
Mailing City,St,Zip: HOUSTON, TX 772530000  
Gen County: Not reported  
TSD EPA ID: UTD981552177  
TSD County: Not reported  
Waste Category: Other organic solids  
Disposal Method: Not reported  
Tons: 0.02  
Cat Decode: Not reported  
Method Decode: Not reported  
Facility County: Santa Clara

envid: 1004678102  
Year: 2010  
GEPaid: CAR000105106  
Contact: J. Traylor/ENV REPORTING ANALYST  
Telephone: 7132416992  
Mailing Name: Not reported  
Mailing Address: PO Box 3127  
Mailing City,St,Zip: HOUSTON, TX 772530000  
Gen County: Not reported  
TSD EPA ID: UTD981552177

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**SHELL SERVICE STATION (Continued)**

**1004678102**

TSD County: Not reported  
Waste Category: Other organic solids  
Disposal Method: Incineration--Thermal Destruction Other Than Use As A Fuel  
Tons: 0.045  
Cat Decode: Not reported  
Method Decode: Not reported  
Facility County: Santa Clara

envid: 1004678102  
Year: 2010  
GEPAID: CAR000105106  
Contact: J. Traylor/ENV REPORTING ANALYST  
Telephone: 7132416992  
Mailing Name: Not reported  
Mailing Address: PO Box 3127  
Mailing City,St,Zip: HOUSTON, TX 772530000  
Gen County: Not reported  
TSD EPA ID: UTD981552177  
TSD County: Not reported  
Waste Category: Other organic solids  
Disposal Method: Not reported  
Tons: 0.02  
Cat Decode: Not reported  
Method Decode: Not reported  
Facility County: Santa Clara

envid: 1004678102  
Year: 2009  
GEPAID: CAR000105106  
Contact: R HULL/ENV. REPORTING ANALYST  
Telephone: 2818742224  
Mailing Name: Not reported  
Mailing Address: 12700 NORTHBOROUGH DR 300G03  
Mailing City,St,Zip: Houston, TX 770670000  
Gen County: Not reported  
TSD EPA ID: CAD008302903  
TSD County: Not reported  
Waste Category: Other organic solids  
Disposal Method: Storage, Bulking, And/Or Transfer Off Site--No Treatment/Reovery (H010-H129) Or (H131-H135)  
Tons: 0.095  
Cat Decode: Not reported  
Method Decode: Not reported  
Facility County: Santa Clara

[Click this hyperlink](#) while viewing on your computer to access  
23 additional CA\_HAZNET: record(s) in the EDR Site Report.



Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**E16**  
**SW**  
**1/8-1/4**  
**0.227 mi.**  
**1201 ft.**  
**JANS SHELL**  
**990 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 3 of 6 in cluster E**

**SWEEPS UST**  
**CA FID UST**  
**S101594674**  
**N/A**

**Relative:**  
**Lower**

SWEEPS UST:

**Actual:**  
**24 ft.**

Status: Active  
Comp Number: 32441  
Number: 1  
Board Of Equalization: 44-000074  
Referral Date: 03-27-92  
Action Date: 07-28-92  
Created Date: 02-29-88  
Owner Tank Id: 1  
SWRCB Tank Id: 43-011-032441-000001  
Tank Status: A  
Capacity: 10000  
Active Date: 07-01-85  
Tank Use: M.V. FUEL  
STG: P  
Content: REG UNLEADED  
Number Of Tanks: 3

Status: Active  
Comp Number: 32441  
Number: 1  
Board Of Equalization: 44-000074  
Referral Date: 03-27-92  
Action Date: 07-28-92  
Created Date: 02-29-88  
Owner Tank Id: 2  
SWRCB Tank Id: 43-011-032441-000002  
Tank Status: A  
Capacity: 10000  
Active Date: 07-01-85  
Tank Use: M.V. FUEL  
STG: P  
Content: LEADED  
Number Of Tanks: Not reported

Status: Active  
Comp Number: 32441  
Number: 1  
Board Of Equalization: 44-000074  
Referral Date: 03-27-92  
Action Date: 07-28-92  
Created Date: 02-29-88  
Owner Tank Id: 3  
SWRCB Tank Id: 43-011-032441-000003  
Tank Status: A  
Capacity: 10000  
Active Date: 07-01-85  
Tank Use: M.V. FUEL  
STG: P  
Content: REG UNLEADED  
Number Of Tanks: Not reported

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**JANS SHELL (Continued)**

**S101594674**

CA FID UST:

Facility ID: 43012292  
Regulated By: UTNKA  
Regulated ID: 00032441  
Cortese Code: Not reported  
SIC Code: Not reported  
Facility Phone: 4082635359  
Mail To: Not reported  
Mailing Address: PO BOX  
Mailing Address 2: Not reported  
Mailing City,St,Zip: MILPITAS 95035  
Contact: Not reported  
Contact Phone: Not reported  
DUNS Number: Not reported  
NPDES Number: Not reported  
EPA ID: Not reported  
Comments: Not reported  
Status: Active

**E17  
SW  
1/8-1/4  
0.227 mi.  
1201 ft.**

**SHELL OIL - JACKLIN RD  
990 JACKLIN RD  
MILPITAS, CA 95035  
Site 4 of 6 in cluster E**

**UST U003782790  
N/A**

**Relative:  
Lower**

UST:

Facility ID: 43-011-032441-0  
Permitting Agency: MILPITAS, CITY OF  
Latitude: 37.4479227  
Longitude: -121.8914764

**Actual:  
24 ft.**

Facility ID: 43-011-840209  
Permitting Agency: Santa Clara County Environmental Health  
Latitude: 37.446621  
Longitude: -121.892723

**E18  
SW  
1/8-1/4  
0.233 mi.  
1228 ft.**

**JAN'S SHELL WERNER & JANET DIE  
990 JACKLIN RD  
MILPITAS, CA 95035  
Site 5 of 6 in cluster E**

**HIST UST U001601462  
N/A**

**Relative:  
Lower**

HIST UST:

File Number: Not reported  
URL: Not reported  
Region: STATE  
Facility ID: 00000032441  
Facility Type: Gas Station  
Other Type: Not reported  
Contact Name: WERNER & JANET DIETRICH  
Telephone: 4082635359  
Owner Name: SHELL OIL COMPANY  
Owner Address: P.O. BOX 4848  
Owner City,St,Zip: ANAHEIM, CA 92803  
Total Tanks: 0003

**Actual:  
23 ft.**

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**JAN'S SHELL WERNER & JANET DIE (Continued)**

**U001601462**

Tank Num: 001  
Container Num: 1  
Year Installed: 1982  
Tank Capacity: 00010000  
Tank Used for: PRODUCT  
Type of Fuel: PREMIUM  
Container Construction Thickness: 1/4  
Leak Detection: Stock Inventor, Groundwater Monitoring Well, 10

Tank Num: 002  
Container Num: 2  
Year Installed: 1982  
Tank Capacity: 00010000  
Tank Used for: PRODUCT  
Type of Fuel: REGULAR  
Container Construction Thickness: 1/4  
Leak Detection: Stock Inventor, Groundwater Monitoring Well, 10

Tank Num: 003  
Container Num: 3  
Year Installed: 1982  
Tank Capacity: 00010000  
Tank Used for: PRODUCT  
Type of Fuel: UNLEADED  
Container Construction Thickness: 1/4  
Leak Detection: Stock Inventor, Groundwater Monitoring Well, 10

**E19**  
**SW**  
**1/8-1/4**  
**0.233 mi.**  
**1228 ft.**

**MILPITAS SHELL & CAR WASH**  
**990 JACKLIN RD**  
**MILPITAS, CA 95035**  
**Site 6 of 6 in cluster E**

**EDR Hist Auto** **1020279374**  
**N/A**

**Relative:** EDR Hist Auto  
**Lower**

**Actual:**  
**23 ft.**

| Year: | Name:                     | Type:                          |
|-------|---------------------------|--------------------------------|
| 1989  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1991  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1992  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1993  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1994  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1995  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 1996  | JANS JACKLIN SELF SERVE   | Gasoline Service Stations      |
| 2000  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations      |
| 2001  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations      |
| 2002  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations      |
| 2003  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations      |
| 2004  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations      |
| 2005  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2006  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2007  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2008  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2009  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2010  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2011  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2012  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2013  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |
| 2014  | MILPITAS SHELL & CAR WASH | Gasoline Service Stations, NEC |

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

20  
SSW  
1/2-1  
0.877 mi.  
4632 ft.

**CENTRE POINTE DR**  
**APN 086-33-102 AND -103**  
**MILPITAS, CA 95035**

**ENVIROSTOR** **S116490703**  
**SCH** **N/A**

**Relative:**  
**Lower**

**ENVIROSTOR:**

**Actual:**  
**27 ft.**

Facility ID: 60001989  
Status: Inactive - Withdrawn  
Status Date: 12/03/2015  
Site Code: 204259  
Site Type: School Investigation  
Site Type Detailed: School  
Acres: 10  
NPL: NO  
Regulatory Agencies: SMBRP  
Lead Agency: SMBRP  
Program Manager: Mellan Songco  
Supervisor: Jose Salcedo  
Division Branch: Northern California Schools & Santa Susana  
Assembly: 25  
Senate: 10  
Special Program: Not reported  
Restricted Use: NO  
Site Mgmt Req: NONE SPECIFIED  
Funding: School District  
Latitude: 37.43648  
Longitude: -121.8929  
APN: 086-41-016, 086-41-017, 086-41-018  
Past Use: AGRICULTURAL - ROW CROPS, EQUIPMENT/INSTRUMENT REPAIR, OFFICE BUILDING, RESEARCH - OTHER, VEHICLE MAINTENANCE  
Potential COC: Under Investigation Arsenic Benzene Chlordane DDD DDE DDT Endrin  
Lead Naturally Occurring Asbestos (NOA Polynuclear aromatic hydrocarbons (PAHs Toxaphene TPH-diesel TPH-gas TPH-MOTOR OIL  
Confirmed COC: Under Investigation  
Potential Description: OTH, SOIL, SV, UE  
Alias Name: 086-41-016  
Alias Type: APN  
Alias Name: 086-41-017  
Alias Type: APN  
Alias Name: 086-41-018  
Alias Type: APN  
Alias Name: 204259  
Alias Type: Project Code (Site Code)  
Alias Name: 60001989  
Alias Type: Envirostor ID Number

**Completed Info:**

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Cost Recovery Closeout Memo  
Completed Date: 08/02/2016  
Comments: Not reported  
  
Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Environmental Oversight Agreement  
Completed Date: 01/08/2014  
Comments: On January 8, 2014, DTSC mailed the fully executed EOA to the District. (NOTE: The Fully Executed EOA is for the McCandless site;

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**CENTRE POINTE DR (Continued)**

**S116490703**

the First Amendment to the EOA was sent to the District on Mar 21, 2014 - see EOA Amendment)

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Environmental Oversight Agreement  
Completed Date: 06/24/2014  
Comments: On June 24, 2014, DTSC mailed the fully executed First Amendment Environmental Oversight Agreement (HSA-EOA 13/14-067) to the District.  
Not reported

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Correspondence  
Completed Date: 04/02/2014  
Comments: Not reported

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Agreement Terminated Notification  
Completed Date: 12/03/2015  
Comments: Not reported

Future Area Name: Not reported  
Future Sub Area Name: Not reported  
Future Document Type: Not reported  
Future Due Date: Not reported  
Schedule Area Name: Not reported  
Schedule Sub Area Name: Not reported  
Schedule Document Type: Not reported  
Schedule Due Date: Not reported  
Schedule Revised Date: Not reported

**SCH:**

Facility ID: 60001989  
Site Type: School Investigation  
Site Type Detail: School  
Site Mgmt. Req.: NONE SPECIFIED  
Acres: 10  
National Priorities List: NO  
Cleanup Oversight Agencies: SMBRP  
Lead Agency: SMBRP  
Lead Agency Description: DTSC - Site Cleanup Program  
Project Manager: Mellan Songco  
Supervisor: Jose Salcedo  
Division Branch: Northern California Schools & Santa Susana  
Site Code: 204259  
Assembly: 25  
Senate: 10  
Special Program Status: Not reported  
Status: Inactive - Withdrawn  
Status Date: 12/03/2015  
Restricted Use: NO  
Funding: School District  
Latitude: 37.43648  
Longitude: -121.8929

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**CENTRE POINTE DR (Continued)**

**S116490703**

APN: 086-41-016, 086-41-017, 086-41-018  
Past Use: AGRICULTURAL - ROW CROPS, EQUIPMENT/INSTRUMENT REPAIR, OFFICE BUILDING, RESEARCH - OTHER, VEHICLE MAINTENANCE  
Potential COC: Under Investigation, Arsenic, Benzene, Chlordane, DDD, DDE, DDT, Endrin, Lead, Naturally Occurring Asbestos (NOA, Polynuclear aromatic hydrocarbons (PAHs, Toxaphene, TPH-diesel, TPH-gas, TPH-MOTOR OIL  
Confirmed COC: Under Investigation  
Potential Description: OTH, SOIL, SV, UE  
Alias Name: 086-41-016  
Alias Type: APN  
Alias Name: 086-41-017  
Alias Type: APN  
Alias Name: 086-41-018  
Alias Type: APN  
Alias Name: 204259  
Alias Type: Project Code (Site Code)  
Alias Name: 60001989  
Alias Type: Envirostor ID Number

**Completed Info:**

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Cost Recovery Closeout Memo  
Completed Date: 08/02/2016  
Comments: Not reported

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Environmental Oversight Agreement  
Completed Date: 01/08/2014  
Comments: On January 8, 2014, DTSC mailed the fully executed EOA to the District. (NOTE: The Fully Executed EOA is for the McCandless site; the First Amendment to the EOA was sent to the District on Mar 21, 2014 - see EOA Amendment)

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Environmental Oversight Agreement  
Completed Date: 06/24/2014  
Comments: On June 24, 2014, DTSC mailed the fully executed First Amendment Environmental Oversight Agreement (HSA-EOA 13/14-067) to the District. Not reported

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Correspondence  
Completed Date: 04/02/2014  
Comments: Not reported

Completed Area Name: PROJECT WIDE  
Completed Sub Area Name: Not reported  
Completed Document Type: Agreement Terminated Notification  
Completed Date: 12/03/2015  
Comments: Not reported

Future Area Name: Not reported  
Future Sub Area Name: Not reported  
Future Document Type: Not reported

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number  
EPA ID Number

**CENTRE POINTE DR (Continued)**

**S116490703**

Future Due Date: Not reported  
Schedule Area Name: Not reported  
Schedule Sub Area Name: Not reported  
Schedule Document Type: Not reported  
Schedule Due Date: Not reported  
Schedule Revised Date: Not reported

Count: 1 records.

ORPHAN SUMMARY

| City     | EDR ID     | Site Name                     | Site Address  | Zip | Database(s) |
|----------|------------|-------------------------------|---------------|-----|-------------|
| MILPITAS | S112286511 | FOX HOLLOW PARK VICTORIA SITE | PARK VICTORIA |     | SPILLS 90   |



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

**Number of Days to Update:** Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

### STANDARD ENVIRONMENTAL RECORDS

#### ***Federal NPL site list***

##### **NPL: National Priority List**

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/10/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 11/03/2017    | Telephone: N/A                         |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 42            | Next Scheduled EDR Contact: 01/15/2018 |
|                                         | Data Release Frequency: Quarterly      |

##### **NPL Site Boundaries**

###### **Sources:**

EPA's Environmental Photographic Interpretation Center (EPIC)  
Telephone: 202-564-7333

EPA Region 1  
Telephone 617-918-1143

EPA Region 6  
Telephone: 214-655-6659

EPA Region 3  
Telephone 215-814-5418

EPA Region 7  
Telephone: 913-551-7247

EPA Region 4  
Telephone 404-562-8033

EPA Region 8  
Telephone: 303-312-6774

EPA Region 5  
Telephone 312-886-6686

EPA Region 9  
Telephone: 415-947-4246

EPA Region 10  
Telephone 206-553-8665

##### **Proposed NPL: Proposed National Priority List Sites**

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/10/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 11/03/2017    | Telephone: N/A                         |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 42            | Next Scheduled EDR Contact: 01/15/2018 |
|                                         | Data Release Frequency: Quarterly      |

##### **NPL LIENS: Federal Superfund Liens**

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| Date of Government Version: 10/15/1991  | Source: EPA                               |
| Date Data Arrived at EDR: 02/02/1994    | Telephone: 202-564-4267                   |
| Date Made Active in Reports: 03/30/1994 | Last EDR Contact: 08/15/2011              |
| Number of Days to Update: 56            | Next Scheduled EDR Contact: 11/28/2011    |
|                                         | Data Release Frequency: No Update Planned |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### ***Federal Delisted NPL site list***

#### Delisted NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/10/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 11/03/2017    | Telephone: N/A                         |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 42            | Next Scheduled EDR Contact: 01/15/2018 |
|                                         | Data Release Frequency: Quarterly      |

### ***Federal CERCLIS list***

#### FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 11/07/2016  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 01/05/2017    | Telephone: 703-603-8704                 |
| Date Made Active in Reports: 04/07/2017 | Last EDR Contact: 10/06/2017            |
| Number of Days to Update: 92            | Next Scheduled EDR Contact: 01/15/2018  |
|                                         | Data Release Frequency: Varies          |

#### SEMS: Superfund Enterprise Management System

SEMS (Superfund Enterprise Management System) tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program across the United States. The list was formerly known as CERCLIS, renamed to SEMS by the EPA in 2015. The list contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This dataset also contains sites which are either proposed to or on the National Priorities List (NPL) and the sites which are in the screening and assessment phase for possible inclusion on the NPL.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 07/11/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 07/21/2017    | Telephone: 800-424-9346                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 77            | Next Scheduled EDR Contact: 01/29/2018 |
|                                         | Data Release Frequency: Quarterly      |

### ***Federal CERCLIS NFRAP site list***

#### SEMS-ARCHIVE: Superfund Enterprise Management System Archive

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SEMS-ARCHIVE (Superfund Enterprise Management System Archive) tracks sites that have no further interest under the Federal Superfund Program based on available information. The list was formerly known as the CERCLIS-NFRAP, renamed to SEMS ARCHIVE by the EPA in 2015. EPA may perform a minimal level of assessment work at a site while it is archived if site conditions change and/or new information becomes available. Archived sites have been removed and archived from the inventory of SEMS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list the site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. The decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be potential NPL site.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 07/11/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 07/28/2017    | Telephone: 800-424-9346                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 70            | Next Scheduled EDR Contact: 01/29/2018 |
|                                         | Data Release Frequency: Quarterly      |

### ***Federal RCRA CORRACTS facilities list***

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 09/13/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 09/26/2017    | Telephone: 800-424-9346                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 09/26/2017           |
| Number of Days to Update: 10            | Next Scheduled EDR Contact: 01/08/2018 |
|                                         | Data Release Frequency: Quarterly      |

### ***Federal RCRA non-CORRACTS TSD facilities list***

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 09/13/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 09/26/2017    | Telephone: (415) 495-8895               |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 09/26/2017            |
| Number of Days to Update: 10            | Next Scheduled EDR Contact: 01/08/2018  |
|                                         | Data Release Frequency: Quarterly       |

### ***Federal RCRA generators list***

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 09/13/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 09/26/2017    | Telephone: (415) 495-8895               |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 09/26/2017            |
| Number of Days to Update: 10            | Next Scheduled EDR Contact: 01/08/2018  |
|                                         | Data Release Frequency: Quarterly       |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 09/13/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 09/26/2017    | Telephone: (415) 495-8895               |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 09/26/2017            |
| Number of Days to Update: 10            | Next Scheduled EDR Contact: 01/08/2018  |
|                                         | Data Release Frequency: Quarterly       |

### RCRA-CESQG: RCRA - Conditionally Exempt Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 09/13/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 09/26/2017    | Telephone: (415) 495-8895               |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 09/26/2017            |
| Number of Days to Update: 10            | Next Scheduled EDR Contact: 01/08/2018  |
|                                         | Data Release Frequency: Quarterly       |

### ***Federal institutional controls / engineering controls registries***

#### LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 05/22/2017  | Source: Department of the Navy         |
| Date Data Arrived at EDR: 06/13/2017    | Telephone: 843-820-7326                |
| Date Made Active in Reports: 09/15/2017 | Last EDR Contact: 11/08/2017           |
| Number of Days to Update: 94            | Next Scheduled EDR Contact: 02/26/2018 |
|                                         | Data Release Frequency: Varies         |

#### US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 08/10/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 08/30/2017    | Telephone: 703-603-0695                 |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 11/27/2017            |
| Number of Days to Update: 44            | Next Scheduled EDR Contact: 03/12/2018  |
|                                         | Data Release Frequency: Varies          |

#### US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 08/10/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 08/30/2017    | Telephone: 703-603-0695                 |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 11/27/2017            |
| Number of Days to Update: 44            | Next Scheduled EDR Contact: 03/12/2018  |
|                                         | Data Release Frequency: Varies          |

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## ***Federal ERNS list***

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 09/18/2017

Date Data Arrived at EDR: 09/21/2017

Date Made Active in Reports: 10/13/2017

Number of Days to Update: 22

Source: National Response Center, United States Coast Guard

Telephone: 202-267-2180

Last EDR Contact: 09/21/2017

Next Scheduled EDR Contact: 01/08/2018

Data Release Frequency: Quarterly

## ***State- and tribal - equivalent NPL***

RESPONSE: State Response Sites

Identifies confirmed release sites where DTSC is involved in remediation, either in a lead or oversight capacity. These confirmed release sites are generally high-priority and high potential risk.

Date of Government Version: 10/30/2017

Date Data Arrived at EDR: 10/31/2017

Date Made Active in Reports: 12/15/2017

Number of Days to Update: 45

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

Last EDR Contact: 10/31/2017

Next Scheduled EDR Contact: 02/12/2018

Data Release Frequency: Quarterly

## ***State- and tribal - equivalent CERCLIS***

ENVIROSTOR: EnviroStor Database

The Department of Toxic Substances Control's (DTSC's) Site Mitigation and Brownfields Reuse Program's (SMBRP's) EnviroStor database identifies sites that have known contamination or sites for which there may be reasons to investigate further. The database includes the following site types: Federal Superfund sites (National Priorities List (NPL)); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; and School sites. EnviroStor provides similar information to the information that was available in CalSites, and provides additional site information, including, but not limited to, identification of formerly-contaminated properties that have been released for reuse, properties where environmental deed restrictions have been recorded to prevent inappropriate land uses, and risk characterization information that is used to assess potential impacts to public health and the environment at contaminated sites.

Date of Government Version: 10/30/2017

Date Data Arrived at EDR: 10/31/2017

Date Made Active in Reports: 12/15/2017

Number of Days to Update: 45

Source: Department of Toxic Substances Control

Telephone: 916-323-3400

Last EDR Contact: 10/31/2017

Next Scheduled EDR Contact: 02/12/2018

Data Release Frequency: Quarterly

## ***State and tribal landfill and/or solid waste disposal site lists***

SWF/LF (SWIS): Solid Waste Information System

Active, Closed and Inactive Landfills. SWF/LF records typically contain an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 11/13/2017

Date Data Arrived at EDR: 11/14/2017

Date Made Active in Reports: 12/07/2017

Number of Days to Update: 23

Source: Department of Resources Recycling and Recovery

Telephone: 916-341-6320

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 02/26/2018

Data Release Frequency: Quarterly

## ***State and tribal leaking storage tank lists***

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### LUST REG 2: Fuel Leak List

Leaking Underground Storage Tank locations. Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma counties.

Date of Government Version: 09/30/2004  
Date Data Arrived at EDR: 10/20/2004  
Date Made Active in Reports: 11/19/2004  
Number of Days to Update: 30

Source: California Regional Water Quality Control Board San Francisco Bay Region (2)  
Telephone: 510-622-2433  
Last EDR Contact: 09/19/2011  
Next Scheduled EDR Contact: 01/02/2012  
Data Release Frequency: Quarterly

### LUST REG 9: Leaking Underground Storage Tank Report

Orange, Riverside, San Diego counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 03/01/2001  
Date Data Arrived at EDR: 04/23/2001  
Date Made Active in Reports: 05/21/2001  
Number of Days to Update: 28

Source: California Regional Water Quality Control Board San Diego Region (9)  
Telephone: 858-637-5595  
Last EDR Contact: 09/26/2011  
Next Scheduled EDR Contact: 01/09/2012  
Data Release Frequency: No Update Planned

### LUST REG 8: Leaking Underground Storage Tanks

California Regional Water Quality Control Board Santa Ana Region (8). For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 02/14/2005  
Date Data Arrived at EDR: 02/15/2005  
Date Made Active in Reports: 03/28/2005  
Number of Days to Update: 41

Source: California Regional Water Quality Control Board Santa Ana Region (8)  
Telephone: 909-782-4496  
Last EDR Contact: 08/15/2011  
Next Scheduled EDR Contact: 11/28/2011  
Data Release Frequency: Varies

### LUST REG 6L: Leaking Underground Storage Tank Case Listing

For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 09/09/2003  
Date Data Arrived at EDR: 09/10/2003  
Date Made Active in Reports: 10/07/2003  
Number of Days to Update: 27

Source: California Regional Water Quality Control Board Lahontan Region (6)  
Telephone: 530-542-5572  
Last EDR Contact: 09/12/2011  
Next Scheduled EDR Contact: 12/26/2011  
Data Release Frequency: No Update Planned

### LUST REG 5: Leaking Underground Storage Tank Database

Leaking Underground Storage Tank locations. Alameda, Alpine, Amador, Butte, Colusa, Contra Costa, Calaveras, El Dorado, Fresno, Glenn, Kern, Kings, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo, Yuba counties.

Date of Government Version: 07/01/2008  
Date Data Arrived at EDR: 07/22/2008  
Date Made Active in Reports: 07/31/2008  
Number of Days to Update: 9

Source: California Regional Water Quality Control Board Central Valley Region (5)  
Telephone: 916-464-4834  
Last EDR Contact: 07/01/2011  
Next Scheduled EDR Contact: 10/17/2011  
Data Release Frequency: No Update Planned

### LUST REG 4: Underground Storage Tank Leak List

Los Angeles, Ventura counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 09/07/2004  
Date Data Arrived at EDR: 09/07/2004  
Date Made Active in Reports: 10/12/2004  
Number of Days to Update: 35

Source: California Regional Water Quality Control Board Los Angeles Region (4)  
Telephone: 213-576-6710  
Last EDR Contact: 09/06/2011  
Next Scheduled EDR Contact: 12/19/2011  
Data Release Frequency: No Update Planned

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### LUST REG 3: Leaking Underground Storage Tank Database

Leaking Underground Storage Tank locations. Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz counties.

Date of Government Version: 05/19/2003

Date Data Arrived at EDR: 05/19/2003

Date Made Active in Reports: 06/02/2003

Number of Days to Update: 14

Source: California Regional Water Quality Control Board Central Coast Region (3)

Telephone: 805-542-4786

Last EDR Contact: 07/18/2011

Next Scheduled EDR Contact: 10/31/2011

Data Release Frequency: No Update Planned

### LUST REG 7: Leaking Underground Storage Tank Case Listing

Leaking Underground Storage Tank locations. Imperial, Riverside, San Diego, Santa Barbara counties.

Date of Government Version: 02/26/2004

Date Data Arrived at EDR: 02/26/2004

Date Made Active in Reports: 03/24/2004

Number of Days to Update: 27

Source: California Regional Water Quality Control Board Colorado River Basin Region (7)

Telephone: 760-776-8943

Last EDR Contact: 08/01/2011

Next Scheduled EDR Contact: 11/14/2011

Data Release Frequency: No Update Planned

### LUST: Leaking Underground Fuel Tank Report (GEOTRACKER)

Leaking Underground Storage Tank (LUST) Sites included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

Date of Government Version: 09/11/2017

Date Data Arrived at EDR: 09/12/2017

Date Made Active in Reports: 11/09/2017

Number of Days to Update: 58

Source: State Water Resources Control Board

Telephone: see region list

Last EDR Contact: 12/12/2018

Next Scheduled EDR Contact: 03/26/2018

Data Release Frequency: Quarterly

### LUST REG 1: Active Toxic Site Investigation

Del Norte, Humboldt, Lake, Mendocino, Modoc, Siskiyou, Sonoma, Trinity counties. For more current information, please refer to the State Water Resources Control Board's LUST database.

Date of Government Version: 02/01/2001

Date Data Arrived at EDR: 02/28/2001

Date Made Active in Reports: 03/29/2001

Number of Days to Update: 29

Source: California Regional Water Quality Control Board North Coast (1)

Telephone: 707-570-3769

Last EDR Contact: 08/01/2011

Next Scheduled EDR Contact: 11/14/2011

Data Release Frequency: No Update Planned

### LUST REG 6V: Leaking Underground Storage Tank Case Listing

Leaking Underground Storage Tank locations. Inyo, Kern, Los Angeles, Mono, San Bernardino counties.

Date of Government Version: 06/07/2005

Date Data Arrived at EDR: 06/07/2005

Date Made Active in Reports: 06/29/2005

Number of Days to Update: 22

Source: California Regional Water Quality Control Board Victorville Branch Office (6)

Telephone: 760-241-7365

Last EDR Contact: 09/12/2011

Next Scheduled EDR Contact: 12/26/2011

Data Release Frequency: No Update Planned

### INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 04/25/2017

Date Data Arrived at EDR: 11/07/2017

Date Made Active in Reports: 12/08/2017

Number of Days to Update: 31

Source: EPA Region 10

Telephone: 206-553-2857

Last EDR Contact: 11/07/2017

Next Scheduled EDR Contact: 02/05/2018

Data Release Frequency: Varies

### INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 04/13/2017

Date Data Arrived at EDR: 07/27/2017

Date Made Active in Reports: 10/13/2017

Number of Days to Update: 78

Source: Environmental Protection Agency

Telephone: 415-972-3372

Last EDR Contact: 10/27/2017

Next Scheduled EDR Contact: 02/05/2018

Data Release Frequency: Varies

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 05/01/2017  | Source: EPA Region 8                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 303-312-6271                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 78            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in New Mexico and Oklahoma.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/24/2017  | Source: EPA Region 6                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 214-665-6597                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Florida, Mississippi and North Carolina.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/14/2016  | Source: EPA Region 4                   |
| Date Data Arrived at EDR: 01/27/2017    | Telephone: 404-562-8677                |
| Date Made Active in Reports: 05/05/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 98            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Semi-Annually  |

### INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land

A listing of leaking underground storage tank locations on Indian Land.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/14/2017  | Source: EPA Region 1                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 617-918-1313                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land

Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/26/2017  | Source: EPA, Region 5                  |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 312-886-7439                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 78            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/14/2017  | Source: EPA Region 7                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 913-551-7003                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### SLIC: Statewide SLIC Cases (GEOTRACKER)

Cleanup Program Sites (CPS; also known as Site Cleanups [SC] and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites) included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

|                                         |                                             |
|-----------------------------------------|---------------------------------------------|
| Date of Government Version: 09/11/2017  | Source: State Water Resources Control Board |
| Date Data Arrived at EDR: 09/12/2017    | Telephone: 866-480-1028                     |
| Date Made Active in Reports: 11/09/2017 | Last EDR Contact: 12/12/2018                |
| Number of Days to Update: 58            | Next Scheduled EDR Contact: 03/26/2018      |
|                                         | Data Release Frequency: Varies              |



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### SLIC REG 1: Active Toxic Site Investigations

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 04/03/2003  
Date Data Arrived at EDR: 04/07/2003  
Date Made Active in Reports: 04/25/2003  
Number of Days to Update: 18

Source: California Regional Water Quality Control Board, North Coast Region (1)  
Telephone: 707-576-2220  
Last EDR Contact: 08/01/2011  
Next Scheduled EDR Contact: 11/14/2011  
Data Release Frequency: No Update Planned

### SLIC REG 2: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 09/30/2004  
Date Data Arrived at EDR: 10/20/2004  
Date Made Active in Reports: 11/19/2004  
Number of Days to Update: 30

Source: Regional Water Quality Control Board San Francisco Bay Region (2)  
Telephone: 510-286-0457  
Last EDR Contact: 09/19/2011  
Next Scheduled EDR Contact: 01/02/2012  
Data Release Frequency: Quarterly

### SLIC REG 3: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 05/18/2006  
Date Data Arrived at EDR: 05/18/2006  
Date Made Active in Reports: 06/15/2006  
Number of Days to Update: 28

Source: California Regional Water Quality Control Board Central Coast Region (3)  
Telephone: 805-549-3147  
Last EDR Contact: 07/18/2011  
Next Scheduled EDR Contact: 10/31/2011  
Data Release Frequency: Semi-Annually

### SLIC REG 4: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 11/17/2004  
Date Data Arrived at EDR: 11/18/2004  
Date Made Active in Reports: 01/04/2005  
Number of Days to Update: 47

Source: Region Water Quality Control Board Los Angeles Region (4)  
Telephone: 213-576-6600  
Last EDR Contact: 07/01/2011  
Next Scheduled EDR Contact: 10/17/2011  
Data Release Frequency: Varies

### SLIC REG 5: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 04/01/2005  
Date Data Arrived at EDR: 04/05/2005  
Date Made Active in Reports: 04/21/2005  
Number of Days to Update: 16

Source: Regional Water Quality Control Board Central Valley Region (5)  
Telephone: 916-464-3291  
Last EDR Contact: 09/12/2011  
Next Scheduled EDR Contact: 12/26/2011  
Data Release Frequency: Semi-Annually

### SLIC REG 6V: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 05/24/2005  
Date Data Arrived at EDR: 05/25/2005  
Date Made Active in Reports: 06/16/2005  
Number of Days to Update: 22

Source: Regional Water Quality Control Board, Victorville Branch  
Telephone: 619-241-6583  
Last EDR Contact: 08/15/2011  
Next Scheduled EDR Contact: 11/28/2011  
Data Release Frequency: Semi-Annually

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### SLIC REG 6L: SLIC Sites

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 09/07/2004  
Date Data Arrived at EDR: 09/07/2004  
Date Made Active in Reports: 10/12/2004  
Number of Days to Update: 35

Source: California Regional Water Quality Control Board, Lahontan Region  
Telephone: 530-542-5574  
Last EDR Contact: 08/15/2011  
Next Scheduled EDR Contact: 11/28/2011  
Data Release Frequency: No Update Planned

### SLIC REG 7: SLIC List

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 11/24/2004  
Date Data Arrived at EDR: 11/29/2004  
Date Made Active in Reports: 01/04/2005  
Number of Days to Update: 36

Source: California Regional Quality Control Board, Colorado River Basin Region  
Telephone: 760-346-7491  
Last EDR Contact: 08/01/2011  
Next Scheduled EDR Contact: 11/14/2011  
Data Release Frequency: No Update Planned

### SLIC REG 8: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 04/03/2008  
Date Data Arrived at EDR: 04/03/2008  
Date Made Active in Reports: 04/14/2008  
Number of Days to Update: 11

Source: California Region Water Quality Control Board Santa Ana Region (8)  
Telephone: 951-782-3298  
Last EDR Contact: 09/12/2011  
Next Scheduled EDR Contact: 12/26/2011  
Data Release Frequency: Semi-Annually

### SLIC REG 9: Spills, Leaks, Investigation & Cleanup Cost Recovery Listing

The SLIC (Spills, Leaks, Investigations and Cleanup) program is designed to protect and restore water quality from spills, leaks, and similar discharges.

Date of Government Version: 09/10/2007  
Date Data Arrived at EDR: 09/11/2007  
Date Made Active in Reports: 09/28/2007  
Number of Days to Update: 17

Source: California Regional Water Quality Control Board San Diego Region (9)  
Telephone: 858-467-2980  
Last EDR Contact: 08/08/2011  
Next Scheduled EDR Contact: 11/21/2011  
Data Release Frequency: Annually

### **State and tribal registered storage tank lists**

#### FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 05/15/2017  
Date Data Arrived at EDR: 05/30/2017  
Date Made Active in Reports: 10/13/2017  
Number of Days to Update: 136

Source: FEMA  
Telephone: 202-646-5797  
Last EDR Contact: 10/13/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Varies

#### UST: Active UST Facilities

Active UST facilities gathered from the local regulatory agencies

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/12/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 57

Source: SWRCB  
Telephone: 916-341-5851  
Last EDR Contact: 12/12/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Semi-Annually

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### AST: Aboveground Petroleum Storage Tank Facilities

A listing of aboveground storage tank petroleum storage tank locations.

|                                         |                                                    |
|-----------------------------------------|----------------------------------------------------|
| Date of Government Version: 07/06/2016  | Source: California Environmental Protection Agency |
| Date Data Arrived at EDR: 07/12/2016    | Telephone: 916-327-5092                            |
| Date Made Active in Reports: 09/19/2016 | Last EDR Contact: 09/25/2017                       |
| Number of Days to Update: 69            | Next Scheduled EDR Contact: 01/08/2018             |
|                                         | Data Release Frequency: Quarterly                  |

### INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/26/2017  | Source: EPA Region 5                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 312-886-6136                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/24/2017  | Source: EPA Region 6                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 214-665-7591                |
| Date Made Active in Reports: 12/08/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 134           | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 05/02/2017  | Source: EPA Region 7                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 913-551-7003                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 05/01/2017  | Source: EPA Region 8                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 303-312-6137                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 78            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/13/2017  | Source: EPA Region 9                   |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 415-972-3368                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 78            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations)

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/14/2016  | Source: EPA Region 4                   |
| Date Data Arrived at EDR: 01/27/2017    | Telephone: 404-562-9424                |
| Date Made Active in Reports: 05/05/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 98            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Semi-Annually  |

### INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/14/2017  | Source: EPA, Region 1                  |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 617-918-1313                |
| Date Made Active in Reports: 10/06/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 71            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/25/2017  | Source: EPA Region 10                  |
| Date Data Arrived at EDR: 07/27/2017    | Telephone: 206-553-2857                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 78            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

### ***State and tribal voluntary cleanup sites***

#### VCP: Voluntary Cleanup Program Properties

Contains low threat level properties with either confirmed or unconfirmed releases and the project proponents have request that DTSC oversee investigation and/or cleanup activities and have agreed to provide coverage for DTSC's costs.

|                                         |                                                |
|-----------------------------------------|------------------------------------------------|
| Date of Government Version: 10/30/2017  | Source: Department of Toxic Substances Control |
| Date Data Arrived at EDR: 10/31/2017    | Telephone: 916-323-3400                        |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 10/31/2017                   |
| Number of Days to Update: 45            | Next Scheduled EDR Contact: 02/12/2018         |
|                                         | Data Release Frequency: Quarterly              |

#### INDIAN VCP R7: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 03/20/2008  | Source: EPA, Region 7                  |
| Date Data Arrived at EDR: 04/22/2008    | Telephone: 913-551-7365                |
| Date Made Active in Reports: 05/19/2008 | Last EDR Contact: 04/20/2009           |
| Number of Days to Update: 27            | Next Scheduled EDR Contact: 07/20/2009 |
|                                         | Data Release Frequency: Varies         |

#### INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 07/27/2015  | Source: EPA, Region 1                  |
| Date Data Arrived at EDR: 09/29/2015    | Telephone: 617-918-1102                |
| Date Made Active in Reports: 02/18/2016 | Last EDR Contact: 12/20/2017           |
| Number of Days to Update: 142           | Next Scheduled EDR Contact: 04/09/2018 |
|                                         | Data Release Frequency: Varies         |

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## **State and tribal Brownfields sites**

### **BROWNFIELDS: Considered Brownfields Sites Listing**

A listing of sites the SWRCB considers to be Brownfields since these are sites have come to them through the MOA Process.

Date of Government Version: 09/21/2017  
Date Data Arrived at EDR: 09/21/2017  
Date Made Active in Reports: 11/09/2017  
Number of Days to Update: 49

Source: State Water Resources Control Board  
Telephone: 916-323-7905  
Last EDR Contact: 09/21/2017  
Next Scheduled EDR Contact: 01/08/2018  
Data Release Frequency: Quarterly

## **ADDITIONAL ENVIRONMENTAL RECORDS**

### **Local Brownfield lists**

#### **US BROWNFIELDS: A Listing of Brownfields Sites**

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 08/21/2017  
Date Data Arrived at EDR: 09/20/2017  
Date Made Active in Reports: 12/08/2017  
Number of Days to Update: 79

Source: Environmental Protection Agency  
Telephone: 202-566-2777  
Last EDR Contact: 12/19/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: Semi-Annually

### **Local Lists of Landfill / Solid Waste Disposal Sites**

#### **WMUDS/SWAT: Waste Management Unit Database**

Waste Management Unit Database System. WMUDS is used by the State Water Resources Control Board staff and the Regional Water Quality Control Boards for program tracking and inventory of waste management units. WMUDS is composed of the following databases: Facility Information, Scheduled Inspections Information, Waste Management Unit Information, SWAT Program Information, SWAT Report Summary Information, SWAT Report Summary Data, Chapter 15 (formerly Subchapter 15) Information, Chapter 15 Monitoring Parameters, TPCA Program Information, RCRA Program Information, Closure Information, and Interested Parties Information.

Date of Government Version: 04/01/2000  
Date Data Arrived at EDR: 04/10/2000  
Date Made Active in Reports: 05/10/2000  
Number of Days to Update: 30

Source: State Water Resources Control Board  
Telephone: 916-227-4448  
Last EDR Contact: 11/06/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: No Update Planned

#### **SWRCY: Recycler Database**

A listing of recycling facilities in California.

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/12/2017  
Date Made Active in Reports: 09/21/2017  
Number of Days to Update: 9

Source: Department of Conservation  
Telephone: 916-323-3836  
Last EDR Contact: 12/12/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Quarterly

#### **HAULERS: Registered Waste Tire Haulers Listing**

A listing of registered waste tire haulers.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 05/30/2017  
Date Data Arrived at EDR: 05/31/2017  
Date Made Active in Reports: 08/15/2017  
Number of Days to Update: 76

Source: Integrated Waste Management Board  
Telephone: 916-341-6422  
Last EDR Contact: 11/09/2017  
Next Scheduled EDR Contact: 02/26/2018  
Data Release Frequency: Varies

### INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998  
Date Data Arrived at EDR: 12/03/2007  
Date Made Active in Reports: 01/24/2008  
Number of Days to Update: 52

Source: Environmental Protection Agency  
Telephone: 703-308-8245  
Last EDR Contact: 10/30/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/1985  
Date Data Arrived at EDR: 08/09/2004  
Date Made Active in Reports: 09/17/2004  
Number of Days to Update: 39

Source: Environmental Protection Agency  
Telephone: 800-424-9346  
Last EDR Contact: 06/09/2004  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009  
Date Data Arrived at EDR: 05/07/2009  
Date Made Active in Reports: 09/21/2009  
Number of Days to Update: 137

Source: EPA, Region 9  
Telephone: 415-947-4219  
Last EDR Contact: 10/20/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: No Update Planned

### IHS OPEN DUMPS: Open Dumps on Indian Land

A listing of all open dumps located on Indian Land in the United States.

Date of Government Version: 04/01/2014  
Date Data Arrived at EDR: 08/06/2014  
Date Made Active in Reports: 01/29/2015  
Number of Days to Update: 176

Source: Department of Health & Human Services, Indian Health Service  
Telephone: 301-443-1452  
Last EDR Contact: 11/03/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### Local Lists of Hazardous waste / Contaminated Sites

#### US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations that have been removed from the DEAs National Clandestine Laboratory Register.

Date of Government Version: 07/13/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 10/06/2017  
Number of Days to Update: 30

Source: Drug Enforcement Administration  
Telephone: 202-307-1000  
Last EDR Contact: 11/28/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: No Update Planned

#### HIST CAL-SITES: Calsites Database

The Calsites database contains potential or confirmed hazardous substance release properties. In 1996, California EPA reevaluated and significantly reduced the number of sites in the Calsites database. No longer updated by the state agency. It has been replaced by ENVIROSTOR.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/08/2005  
Date Data Arrived at EDR: 08/03/2006  
Date Made Active in Reports: 08/24/2006  
Number of Days to Update: 21

Source: Department of Toxic Substance Control  
Telephone: 916-323-3400  
Last EDR Contact: 02/23/2009  
Next Scheduled EDR Contact: 05/25/2009  
Data Release Frequency: No Update Planned

### SCH: School Property Evaluation Program

This category contains proposed and existing school sites that are being evaluated by DTSC for possible hazardous materials contamination. In some cases, these properties may be listed in the CalSites category depending on the level of threat to public health and safety or the environment they pose.

Date of Government Version: 10/30/2017  
Date Data Arrived at EDR: 10/31/2017  
Date Made Active in Reports: 12/15/2017  
Number of Days to Update: 45

Source: Department of Toxic Substances Control  
Telephone: 916-323-3400  
Last EDR Contact: 10/31/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Quarterly

### CDL: Clandestine Drug Labs

A listing of drug lab locations. Listing of a location in this database does not indicate that any illegal drug lab materials were or were not present there, and does not constitute a determination that the location either requires or does not require additional cleanup work.

Date of Government Version: 06/30/2017  
Date Data Arrived at EDR: 08/18/2017  
Date Made Active in Reports: 09/21/2017  
Number of Days to Update: 34

Source: Department of Toxic Substances Control  
Telephone: 916-255-6504  
Last EDR Contact: 10/10/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Varies

### TOXIC PITS: Toxic Pits Cleanup Act Sites

Toxic PITS Cleanup Act Sites. TOXIC PITS identifies sites suspected of containing hazardous substances where cleanup has not yet been completed.

Date of Government Version: 07/01/1995  
Date Data Arrived at EDR: 08/30/1995  
Date Made Active in Reports: 09/26/1995  
Number of Days to Update: 27

Source: State Water Resources Control Board  
Telephone: 916-227-4364  
Last EDR Contact: 01/26/2009  
Next Scheduled EDR Contact: 04/27/2009  
Data Release Frequency: No Update Planned

### US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 07/13/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 10/06/2017  
Number of Days to Update: 30

Source: Drug Enforcement Administration  
Telephone: 202-307-1000  
Last EDR Contact: 11/28/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Quarterly

### **Local Lists of Registered Storage Tanks**

#### SWEEPS UST: SWEEPS UST Listing

Statewide Environmental Evaluation and Planning System. This underground storage tank listing was updated and maintained by a company contacted by the SWRCB in the early 1990's. The listing is no longer updated or maintained. The local agency is the contact for more information on a site on the SWEEPS list.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/01/1994  
Date Data Arrived at EDR: 07/07/2005  
Date Made Active in Reports: 08/11/2005  
Number of Days to Update: 35

Source: State Water Resources Control Board  
Telephone: N/A  
Last EDR Contact: 06/03/2005  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### UST MENDOCINO: Mendocino County UST Database

A listing of underground storage tank locations in Mendocino County.

Date of Government Version: 11/27/2017  
Date Data Arrived at EDR: 11/29/2017  
Date Made Active in Reports: 12/18/2017  
Number of Days to Update: 19

Source: Department of Public Health  
Telephone: 707-463-4466  
Last EDR Contact: 11/28/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Annually

### HIST UST: Hazardous Substance Storage Container Database

The Hazardous Substance Storage Container Database is a historical listing of UST sites. Refer to local/county source for current data.

Date of Government Version: 10/15/1990  
Date Data Arrived at EDR: 01/25/1991  
Date Made Active in Reports: 02/12/1991  
Number of Days to Update: 18

Source: State Water Resources Control Board  
Telephone: 916-341-5851  
Last EDR Contact: 07/26/2001  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### CA FID UST: Facility Inventory Database

The Facility Inventory Database (FID) contains a historical listing of active and inactive underground storage tank locations from the State Water Resource Control Board. Refer to local/county source for current data.

Date of Government Version: 10/31/1994  
Date Data Arrived at EDR: 09/05/1995  
Date Made Active in Reports: 09/29/1995  
Number of Days to Update: 24

Source: California Environmental Protection Agency  
Telephone: 916-341-5851  
Last EDR Contact: 12/28/1998  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### Local Land Records

#### LIENS: Environmental Liens Listing

A listing of property locations with environmental liens for California where DTSC is a lien holder.

Date of Government Version: 08/31/2017  
Date Data Arrived at EDR: 09/05/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 64

Source: Department of Toxic Substances Control  
Telephone: 916-323-3400  
Last EDR Contact: 11/30/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Varies

#### LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 07/11/2017  
Date Data Arrived at EDR: 07/26/2017  
Date Made Active in Reports: 10/13/2017  
Number of Days to Update: 79

Source: Environmental Protection Agency  
Telephone: 202-564-6023  
Last EDR Contact: 12/22/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Semi-Annually

#### DEED: Deed Restriction Listing



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Site Mitigation and Brownfields Reuse Program Facility Sites with Deed Restrictions & Hazardous Waste Management Program Facility Sites with Deed / Land Use Restriction. The DTSC Site Mitigation and Brownfields Reuse Program (SMBRP) list includes sites cleaned up under the program's oversight and generally does not include current or former hazardous waste facilities that required a hazardous waste facility permit. The list represents deed restrictions that are active. Some sites have multiple deed restrictions. The DTSC Hazardous Waste Management Program (HWMP) has developed a list of current or former hazardous waste facilities that have a recorded land use restriction at the local county recorder's office. The land use restrictions on this list were required by the DTSC HWMP as a result of the presence of hazardous substances that remain on site after the facility (or part of the facility) has been closed or cleaned up. The types of land use restriction include deed notice, deed restriction, or a land use restriction that binds current and future owners.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 09/05/2017  | Source: DTSC and SWRCB                 |
| Date Data Arrived at EDR: 09/06/2017    | Telephone: 916-323-3400                |
| Date Made Active in Reports: 11/08/2017 | Last EDR Contact: 12/05/2017           |
| Number of Days to Update: 63            | Next Scheduled EDR Contact: 03/19/2018 |
|                                         | Data Release Frequency: Semi-Annually  |

### **Records of Emergency Release Reports**

#### **HMIRS: Hazardous Materials Information Reporting System**

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| Date of Government Version: 09/21/2017  | Source: U.S. Department of Transportation |
| Date Data Arrived at EDR: 09/21/2017    | Telephone: 202-366-4555                   |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 09/21/2017              |
| Number of Days to Update: 22            | Next Scheduled EDR Contact: 01/08/2018    |
|                                         | Data Release Frequency: Quarterly         |

#### **CHMIRS: California Hazardous Material Incident Report System**

California Hazardous Material Incident Reporting System. CHMIRS contains information on reported hazardous material incidents (accidental releases or spills).

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 05/09/2017  | Source: Office of Emergency Services   |
| Date Data Arrived at EDR: 07/26/2017    | Telephone: 916-845-8400                |
| Date Made Active in Reports: 09/21/2017 | Last EDR Contact: 10/27/2017           |
| Number of Days to Update: 57            | Next Scheduled EDR Contact: 02/05/2018 |
|                                         | Data Release Frequency: Varies         |

#### **LDS: Land Disposal Sites Listing (GEOTRACKER)**

Land Disposal sites (Landfills) included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| Date of Government Version: 09/11/2017  | Source: State Water Quality Control Board |
| Date Data Arrived at EDR: 09/12/2017    | Telephone: 866-480-1028                   |
| Date Made Active in Reports: 11/09/2017 | Last EDR Contact: 12/12/2018              |
| Number of Days to Update: 58            | Next Scheduled EDR Contact: 03/26/2018    |
|                                         | Data Release Frequency: Quarterly         |

#### **MCS: Military Cleanup Sites Listing (GEOTRACKER)**

Military sites (consisting of: Military UST sites; Military Privatized sites; and Military Cleanup sites [formerly known as DoD non UST]) included in GeoTracker. GeoTracker is the Water Boards data management system for sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater.

|                                         |                                             |
|-----------------------------------------|---------------------------------------------|
| Date of Government Version: 09/11/2017  | Source: State Water Resources Control Board |
| Date Data Arrived at EDR: 09/12/2017    | Telephone: 866-480-1028                     |
| Date Made Active in Reports: 11/09/2017 | Last EDR Contact: 12/12/2018                |
| Number of Days to Update: 58            | Next Scheduled EDR Contact: 03/26/2018      |
|                                         | Data Release Frequency: Quarterly           |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### SPILLS 90: SPILLS90 data from FirstSearch

Spills 90 includes those spill and release records available exclusively from FirstSearch databases. Typically, they may include chemical, oil and/or hazardous substance spills recorded after 1990. Duplicate records that are already included in EDR incident and release records are not included in Spills 90.

Date of Government Version: 06/06/2012  
Date Data Arrived at EDR: 01/03/2013  
Date Made Active in Reports: 02/22/2013  
Number of Days to Update: 50

Source: FirstSearch  
Telephone: N/A  
Last EDR Contact: 01/03/2013  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### Other Ascertainable Records

#### RCRA NonGen / NLR: RCRA - Non Generators / No Longer Regulated

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 09/13/2017  
Date Data Arrived at EDR: 09/26/2017  
Date Made Active in Reports: 10/06/2017  
Number of Days to Update: 10

Source: Environmental Protection Agency  
Telephone: (415) 495-8895  
Last EDR Contact: 09/26/2017  
Next Scheduled EDR Contact: 01/08/2018  
Data Release Frequency: Quarterly

#### FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 01/31/2015  
Date Data Arrived at EDR: 07/08/2015  
Date Made Active in Reports: 10/13/2015  
Number of Days to Update: 97

Source: U.S. Army Corps of Engineers  
Telephone: 202-528-4285  
Last EDR Contact: 11/22/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

#### DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005  
Date Data Arrived at EDR: 11/10/2006  
Date Made Active in Reports: 01/11/2007  
Number of Days to Update: 62

Source: USGS  
Telephone: 888-275-8747  
Last EDR Contact: 10/13/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Semi-Annually

#### FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 12/31/2005  
Date Data Arrived at EDR: 02/06/2006  
Date Made Active in Reports: 01/11/2007  
Number of Days to Update: 339

Source: U.S. Geological Survey  
Telephone: 888-275-8747  
Last EDR Contact: 10/11/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: N/A

#### SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 01/01/2017  
Date Data Arrived at EDR: 02/03/2017  
Date Made Active in Reports: 04/07/2017  
Number of Days to Update: 63

Source: Environmental Protection Agency  
Telephone: 615-532-8599  
Last EDR Contact: 11/17/2017  
Next Scheduled EDR Contact: 02/26/2018  
Data Release Frequency: Varies

### US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 10/17/2017  
Date Data Arrived at EDR: 11/01/2017  
Date Made Active in Reports: 12/08/2017  
Number of Days to Update: 37

Source: Environmental Protection Agency  
Telephone: 202-566-1917  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 01/08/2018  
Data Release Frequency: Quarterly

### EPA WATCH LIST: EPA WATCH LIST

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013  
Date Data Arrived at EDR: 03/21/2014  
Date Made Active in Reports: 06/17/2014  
Number of Days to Update: 88

Source: Environmental Protection Agency  
Telephone: 617-520-3000  
Last EDR Contact: 11/06/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Quarterly

### 2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 04/22/2013  
Date Data Arrived at EDR: 03/03/2015  
Date Made Active in Reports: 03/09/2015  
Number of Days to Update: 6

Source: Environmental Protection Agency  
Telephone: 703-308-4044  
Last EDR Contact: 11/09/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Varies

### TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2012  
Date Data Arrived at EDR: 01/15/2015  
Date Made Active in Reports: 01/29/2015  
Number of Days to Update: 14

Source: EPA  
Telephone: 202-260-5521  
Last EDR Contact: 12/22/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: Every 4 Years

### TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/31/2014  
Date Data Arrived at EDR: 11/24/2015  
Date Made Active in Reports: 04/05/2016  
Number of Days to Update: 133

Source: EPA  
Telephone: 202-566-0250  
Last EDR Contact: 11/20/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Annually

### SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2009  
Date Data Arrived at EDR: 12/10/2010  
Date Made Active in Reports: 02/25/2011  
Number of Days to Update: 77

Source: EPA  
Telephone: 202-564-4203  
Last EDR Contact: 10/27/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Annually

### ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 09/27/2017  
Date Data Arrived at EDR: 10/12/2017  
Date Made Active in Reports: 10/20/2017  
Number of Days to Update: 8

Source: EPA  
Telephone: 703-416-0223  
Last EDR Contact: 12/22/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Annually

### RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 11/02/2017  
Date Data Arrived at EDR: 11/17/2017  
Date Made Active in Reports: 12/08/2017  
Number of Days to Update: 21

Source: Environmental Protection Agency  
Telephone: 202-564-8600  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995  
Date Data Arrived at EDR: 07/03/1995  
Date Made Active in Reports: 08/07/1995  
Number of Days to Update: 35

Source: EPA  
Telephone: 202-564-4104  
Last EDR Contact: 06/02/2008  
Next Scheduled EDR Contact: 09/01/2008  
Data Release Frequency: No Update Planned

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/25/2013  | Source: EPA                            |
| Date Data Arrived at EDR: 10/17/2014    | Telephone: 202-564-6023                |
| Date Made Active in Reports: 10/20/2014 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 3             | Next Scheduled EDR Contact: 02/19/2018 |
|                                         | Data Release Frequency: Quarterly      |

### PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 06/01/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 06/09/2017    | Telephone: 202-566-0500                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/13/2017           |
| Number of Days to Update: 126           | Next Scheduled EDR Contact: 01/22/2018 |
|                                         | Data Release Frequency: Annually       |

### ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 11/18/2016  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 11/23/2016    | Telephone: 202-564-2501                 |
| Date Made Active in Reports: 02/10/2017 | Last EDR Contact: 10/11/2017            |
| Number of Days to Update: 79            | Next Scheduled EDR Contact: 01/22/2018  |
|                                         | Data Release Frequency: Quarterly       |

### FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

|                                         |                                                                   |
|-----------------------------------------|-------------------------------------------------------------------|
| Date of Government Version: 04/09/2009  | Source: EPA/Office of Prevention, Pesticides and Toxic Substances |
| Date Data Arrived at EDR: 04/16/2009    | Telephone: 202-566-1667                                           |
| Date Made Active in Reports: 05/11/2009 | Last EDR Contact: 08/18/2017                                      |
| Number of Days to Update: 25            | Next Scheduled EDR Contact: 12/04/2017                            |
|                                         | Data Release Frequency: Quarterly                                 |

### FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 04/09/2009  | Source: EPA                            |
| Date Data Arrived at EDR: 04/16/2009    | Telephone: 202-566-1667                |
| Date Made Active in Reports: 05/11/2009 | Last EDR Contact: 08/18/2017           |
| Number of Days to Update: 25            | Next Scheduled EDR Contact: 12/04/2017 |
|                                         | Data Release Frequency: Quarterly      |

### MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 08/30/2016  | Source: Nuclear Regulatory Commission  |
| Date Data Arrived at EDR: 09/08/2016    | Telephone: 301-415-7169                |
| Date Made Active in Reports: 10/21/2016 | Last EDR Contact: 10/16/2017           |
| Number of Days to Update: 43            | Next Scheduled EDR Contact: 11/20/2017 |
|                                         | Data Release Frequency: Quarterly      |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### COAL ASH DOE: Steam-Electric Plant Operation Data

A listing of power plants that store ash in surface ponds.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 12/31/2005  | Source: Department of Energy           |
| Date Data Arrived at EDR: 08/07/2009    | Telephone: 202-586-8719                |
| Date Made Active in Reports: 10/22/2009 | Last EDR Contact: 12/05/2017           |
| Number of Days to Update: 76            | Next Scheduled EDR Contact: 03/19/2018 |
|                                         | Data Release Frequency: Varies         |

### COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 07/01/2014  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 09/10/2014    | Telephone: N/A                          |
| Date Made Active in Reports: 10/20/2014 | Last EDR Contact: 12/08/2017            |
| Number of Days to Update: 40            | Next Scheduled EDR Contact: 03/19/2018  |
|                                         | Data Release Frequency: Varies          |

### PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 05/24/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 11/30/2017    | Telephone: 202-566-0517                 |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 10/26/2017            |
| Number of Days to Update: 15            | Next Scheduled EDR Contact: 02/05/2018  |
|                                         | Data Release Frequency: Varies          |

### RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

|                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| Date of Government Version: 10/02/2017  | Source: Environmental Protection Agency |
| Date Data Arrived at EDR: 10/05/2017    | Telephone: 202-343-9775                 |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/05/2017            |
| Number of Days to Update: 8             | Next Scheduled EDR Contact: 01/15/2018  |
|                                         | Data Release Frequency: Quarterly       |

### HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| Date of Government Version: 10/19/2006  | Source: Environmental Protection Agency   |
| Date Data Arrived at EDR: 03/01/2007    | Telephone: 202-564-2501                   |
| Date Made Active in Reports: 04/10/2007 | Last EDR Contact: 12/17/2007              |
| Number of Days to Update: 40            | Next Scheduled EDR Contact: 03/17/2008    |
|                                         | Data Release Frequency: No Update Planned |

### HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/19/2006  
Date Data Arrived at EDR: 03/01/2007  
Date Made Active in Reports: 04/10/2007  
Number of Days to Update: 40

Source: Environmental Protection Agency  
Telephone: 202-564-2501  
Last EDR Contact: 12/17/2008  
Next Scheduled EDR Contact: 03/17/2008  
Data Release Frequency: No Update Planned

### DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 07/31/2012  
Date Data Arrived at EDR: 08/07/2012  
Date Made Active in Reports: 09/18/2012  
Number of Days to Update: 42

Source: Department of Transportation, Office of Pipeline Safety  
Telephone: 202-366-4595  
Last EDR Contact: 10/31/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 06/30/2017  
Date Data Arrived at EDR: 08/03/2017  
Date Made Active in Reports: 10/20/2017  
Number of Days to Update: 78

Source: Department of Justice, Consent Decree Library  
Telephone: Varies  
Last EDR Contact: 12/18/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: Varies

### BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2015  
Date Data Arrived at EDR: 02/22/2017  
Date Made Active in Reports: 09/28/2017  
Number of Days to Update: 218

Source: EPA/NTIS  
Telephone: 800-424-9346  
Last EDR Contact: 11/20/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Biennially

### INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2014  
Date Data Arrived at EDR: 07/14/2015  
Date Made Active in Reports: 01/10/2017  
Number of Days to Update: 546

Source: USGS  
Telephone: 202-208-3710  
Last EDR Contact: 10/11/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Semi-Annually

### FUSRAP: Formerly Utilized Sites Remedial Action Program

DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission (AEC) operations.

Date of Government Version: 12/23/2016  
Date Data Arrived at EDR: 12/27/2016  
Date Made Active in Reports: 02/17/2017  
Number of Days to Update: 52

Source: Department of Energy  
Telephone: 202-586-3559  
Last EDR Contact: 11/02/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Varies

### UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 06/23/2017  
Date Data Arrived at EDR: 10/11/2017  
Date Made Active in Reports: 11/03/2017  
Number of Days to Update: 23

Source: Department of Energy  
Telephone: 505-845-0011  
Last EDR Contact: 11/22/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

### LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 10/10/2017  
Date Data Arrived at EDR: 11/03/2017  
Date Made Active in Reports: 12/15/2017  
Number of Days to Update: 42

Source: Environmental Protection Agency  
Telephone: 703-603-8787  
Last EDR Contact: 12/22/2017  
Next Scheduled EDR Contact: 01/15/2018  
Data Release Frequency: Varies

### LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931 and 1964. These sites may pose a threat to public health through ingestion or inhalation of contaminated soil or dust.

Date of Government Version: 04/05/2001  
Date Data Arrived at EDR: 10/27/2010  
Date Made Active in Reports: 12/02/2010  
Number of Days to Update: 36

Source: American Journal of Public Health  
Telephone: 703-305-6451  
Last EDR Contact: 12/02/2009  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

### US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/12/2016  
Date Data Arrived at EDR: 10/26/2016  
Date Made Active in Reports: 02/03/2017  
Number of Days to Update: 100

Source: EPA  
Telephone: 202-564-2496  
Last EDR Contact: 09/26/2017  
Next Scheduled EDR Contact: 01/08/2018  
Data Release Frequency: Annually

### US AIRS MINOR: Air Facility System Data

A listing of minor source facilities.

Date of Government Version: 10/12/2016  
Date Data Arrived at EDR: 10/26/2016  
Date Made Active in Reports: 02/03/2017  
Number of Days to Update: 100

Source: EPA  
Telephone: 202-564-2496  
Last EDR Contact: 09/26/2017  
Next Scheduled EDR Contact: 01/08/2018  
Data Release Frequency: Annually

### US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 07/31/2017  
Date Data Arrived at EDR: 08/30/2017  
Date Made Active in Reports: 10/13/2017  
Number of Days to Update: 44

Source: Department of Labor, Mine Safety and Health Administration  
Telephone: 303-231-5959  
Last EDR Contact: 11/28/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Semi-Annually

### US MINES 2: Ferrous and Nonferrous Metal Mines Database Listing

This map layer includes ferrous (ferrous metal mines are facilities that extract ferrous metals, such as iron ore or molybdenum) and nonferrous (Nonferrous metal mines are facilities that extract nonferrous metals, such as gold, silver, copper, zinc, and lead) metal mines in the United States.



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/05/2005  
Date Data Arrived at EDR: 02/29/2008  
Date Made Active in Reports: 04/18/2008  
Number of Days to Update: 49

Source: USGS  
Telephone: 703-648-7709  
Last EDR Contact: 12/01/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Varies

### US MINES 3: Active Mines & Mineral Plants Database Listing

Active Mines and Mineral Processing Plant operations for commodities monitored by the Minerals Information Team of the USGS.

Date of Government Version: 04/14/2011  
Date Data Arrived at EDR: 06/08/2011  
Date Made Active in Reports: 09/13/2011  
Number of Days to Update: 97

Source: USGS  
Telephone: 703-648-7709  
Last EDR Contact: 12/01/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Varies

### ABANDONED MINES: Abandoned Mines

An inventory of land and water impacted by past mining (primarily coal mining) is maintained by OSMRE to provide information needed to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The inventory contains information on the location, type, and extent of AML impacts, as well as, information on the cost associated with the reclamation of those problems. The inventory is based upon field surveys by State, Tribal, and OSMRE program officials. It is dynamic to the extent that it is modified as new problems are identified and existing problems are reclaimed.

Date of Government Version: 09/25/2017  
Date Data Arrived at EDR: 09/26/2017  
Date Made Active in Reports: 10/20/2017  
Number of Days to Update: 24

Source: Department of Interior  
Telephone: 202-208-2609  
Last EDR Contact: 12/19/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Quarterly

### FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 07/23/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 09/15/2017  
Number of Days to Update: 9

Source: EPA  
Telephone: (415) 947-8000  
Last EDR Contact: 12/05/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

### ECHO: Enforcement & Compliance History Information

ECHO provides integrated compliance and enforcement information for about 800,000 regulated facilities nationwide.

Date of Government Version: 09/02/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 10/20/2017  
Number of Days to Update: 44

Source: Environmental Protection Agency  
Telephone: 202-564-2280  
Last EDR Contact: 12/05/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

### DOCKET HWC: Hazardous Waste Compliance Docket Listing

A complete list of the Federal Agency Hazardous Waste Compliance Docket Facilities.

Date of Government Version: 02/13/2017  
Date Data Arrived at EDR: 02/15/2017  
Date Made Active in Reports: 11/03/2017  
Number of Days to Update: 261

Source: Environmental Protection Agency  
Telephone: 202-564-0527  
Last EDR Contact: 11/21/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: Varies

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### UXO: Unexploded Ordnance Sites

A listing of unexploded ordnance site locations

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 10/25/2016  | Source: Department of Defense          |
| Date Data Arrived at EDR: 06/02/2017    | Telephone: 703-704-1564                |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 10/16/2017           |
| Number of Days to Update: 133           | Next Scheduled EDR Contact: 01/29/2018 |
|                                         | Data Release Frequency: Varies         |

### FUELS PROGRAM: EPA Fuels Program Registered Listing

This listing includes facilities that are registered under the Part 80 (Code of Federal Regulations) EPA Fuels Programs. All companies now are required to submit new and updated registrations.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 08/17/2017  | Source: EPA                            |
| Date Data Arrived at EDR: 08/17/2017    | Telephone: 800-385-6164                |
| Date Made Active in Reports: 09/15/2017 | Last EDR Contact: 11/20/2017           |
| Number of Days to Update: 29            | Next Scheduled EDR Contact: 03/05/2018 |
|                                         | Data Release Frequency: Quarterly      |

### CA BOND EXP. PLAN: Bond Expenditure Plan

Department of Health Services developed a site-specific expenditure plan as the basis for an appropriation of Hazardous Substance Cleanup Bond Act funds. It is not updated.

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| Date of Government Version: 01/01/1989  | Source: Department of Health Services     |
| Date Data Arrived at EDR: 07/27/1994    | Telephone: 916-255-2118                   |
| Date Made Active in Reports: 08/02/1994 | Last EDR Contact: 05/31/1994              |
| Number of Days to Update: 6             | Next Scheduled EDR Contact: N/A           |
|                                         | Data Release Frequency: No Update Planned |

### CORTESE: "Cortese" Hazardous Waste & Substances Sites List

The sites for the list are designated by the State Water Resource Control Board (LUST), the Integrated Waste Board (SWF/LS), and the Department of Toxic Substances Control (Cal-Sites).

|                                         |                                                 |
|-----------------------------------------|-------------------------------------------------|
| Date of Government Version: 09/21/2017  | Source: CAL EPA/Office of Emergency Information |
| Date Data Arrived at EDR: 09/21/2017    | Telephone: 916-323-3400                         |
| Date Made Active in Reports: 10/13/2017 | Last EDR Contact: 09/21/2017                    |
| Number of Days to Update: 22            | Next Scheduled EDR Contact: 01/01/2018          |
|                                         | Data Release Frequency: Quarterly               |

### DRYCLEANERS: Cleaner Facilities

A list of drycleaner related facilities that have EPA ID numbers. These are facilities with certain SIC codes: power laundries, family and commercial; garment pressing and cleaner's agents; linen supply; coin-operated laundries and cleaning; drycleaning plants, except rugs; carpet and upholster cleaning; industrial launderers; laundry and garment services.

|                                         |                                               |
|-----------------------------------------|-----------------------------------------------|
| Date of Government Version: 08/02/2017  | Source: Department of Toxic Substance Control |
| Date Data Arrived at EDR: 08/08/2017    | Telephone: 916-327-4498                       |
| Date Made Active in Reports: 10/16/2017 | Last EDR Contact: 11/30/2017                  |
| Number of Days to Update: 69            | Next Scheduled EDR Contact: 03/19/2018        |
|                                         | Data Release Frequency: Annually              |

### EMI: Emissions Inventory Data

Toxics and criteria pollutant emissions data collected by the ARB and local air pollution agencies.

|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Date of Government Version: 12/31/2015  | Source: California Air Resources Board |
| Date Data Arrived at EDR: 03/21/2017    | Telephone: 916-322-2990                |
| Date Made Active in Reports: 08/15/2017 | Last EDR Contact: 12/22/2017           |
| Number of Days to Update: 147           | Next Scheduled EDR Contact: 04/02/2018 |
|                                         | Data Release Frequency: Varies         |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### ENF: Enforcement Action Listing

A listing of Water Board Enforcement Actions. Formal is everything except Oral/Verbal Communication, Notice of Violation, Expedited Payment Letter, and Staff Enforcement Letter.

|                                         |                                             |
|-----------------------------------------|---------------------------------------------|
| Date of Government Version: 11/01/2017  | Source: State Water Resources Control Board |
| Date Data Arrived at EDR: 11/03/2017    | Telephone: 916-445-9379                     |
| Date Made Active in Reports: 12/07/2017 | Last EDR Contact: 11/01/2017                |
| Number of Days to Update: 34            | Next Scheduled EDR Contact: 02/05/2018      |
|                                         | Data Release Frequency: Varies              |

### Financial Assurance 1: Financial Assurance Information Listing

Financial Assurance information

|                                         |                                                |
|-----------------------------------------|------------------------------------------------|
| Date of Government Version: 10/23/2017  | Source: Department of Toxic Substances Control |
| Date Data Arrived at EDR: 10/24/2017    | Telephone: 916-255-3628                        |
| Date Made Active in Reports: 12/15/2017 | Last EDR Contact: 10/23/2017                   |
| Number of Days to Update: 52            | Next Scheduled EDR Contact: 02/05/2018         |
|                                         | Data Release Frequency: Varies                 |

### Financial Assurance 2: Financial Assurance Information Listing

A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

|                                         |                                                      |
|-----------------------------------------|------------------------------------------------------|
| Date of Government Version: 11/14/2017  | Source: California Integrated Waste Management Board |
| Date Data Arrived at EDR: 11/17/2017    | Telephone: 916-341-6066                              |
| Date Made Active in Reports: 12/18/2017 | Last EDR Contact: 11/09/2017                         |
| Number of Days to Update: 31            | Next Scheduled EDR Contact: 02/26/2018               |
|                                         | Data Release Frequency: Varies                       |

### HAZNET: Facility and Manifest Data

Facility and Manifest Data. The data is extracted from the copies of hazardous waste manifests received each year by the DTSC. The annual volume of manifests is typically 700,000 - 1,000,000 annually, representing approximately 350,000 - 500,000 shipments. Data are from the manifests submitted without correction, and therefore many contain some invalid values for data elements such as generator ID, TSD ID, waste category, and disposal method. This database begins with calendar year 1993.

|                                         |                                                    |
|-----------------------------------------|----------------------------------------------------|
| Date of Government Version: 12/31/2016  | Source: California Environmental Protection Agency |
| Date Data Arrived at EDR: 07/12/2017    | Telephone: 916-255-1136                            |
| Date Made Active in Reports: 10/17/2017 | Last EDR Contact: 10/10/2017                       |
| Number of Days to Update: 97            | Next Scheduled EDR Contact: 01/22/2018             |
|                                         | Data Release Frequency: Annually                   |

### ICE: ICE

Contains data pertaining to the Permitted Facilities with Inspections / Enforcements sites tracked in Envirostor.

|                                         |                                                |
|-----------------------------------------|------------------------------------------------|
| Date of Government Version: 08/21/2017  | Source: Department of Toxic Substances Control |
| Date Data Arrived at EDR: 08/22/2017    | Telephone: 877-786-9427                        |
| Date Made Active in Reports: 10/25/2017 | Last EDR Contact: 11/20/2017                   |
| Number of Days to Update: 64            | Next Scheduled EDR Contact: 03/05/2018         |
|                                         | Data Release Frequency: Quarterly              |

### HIST CORTESE: Hazardous Waste & Substance Site List

The sites for the list are designated by the State Water Resource Control Board [LUST], the Integrated Waste Board [SWF/LS], and the Department of Toxic Substances Control [CALSITES]. This listing is no longer updated by the state agency.

|                                         |                                                |
|-----------------------------------------|------------------------------------------------|
| Date of Government Version: 04/01/2001  | Source: Department of Toxic Substances Control |
| Date Data Arrived at EDR: 01/22/2009    | Telephone: 916-323-3400                        |
| Date Made Active in Reports: 04/08/2009 | Last EDR Contact: 01/22/2009                   |
| Number of Days to Update: 76            | Next Scheduled EDR Contact: N/A                |
|                                         | Data Release Frequency: No Update Planned      |

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### HWP: EnviroStor Permitted Facilities Listing

Detailed information on permitted hazardous waste facilities and corrective action ("cleanups") tracked in EnviroStor.

Date of Government Version: 08/21/2017  
Date Data Arrived at EDR: 08/22/2017  
Date Made Active in Reports: 10/25/2017  
Number of Days to Update: 64

Source: Department of Toxic Substances Control  
Telephone: 916-323-3400  
Last EDR Contact: 11/20/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Quarterly

### HWT: Registered Hazardous Waste Transporter Database

A listing of hazardous waste transporters. In California, unless specifically exempted, it is unlawful for any person to transport hazardous wastes unless the person holds a valid registration issued by DTSC. A hazardous waste transporter registration is valid for one year and is assigned a unique registration number.

Date of Government Version: 10/10/2017  
Date Data Arrived at EDR: 10/10/2017  
Date Made Active in Reports: 10/17/2017  
Number of Days to Update: 7

Source: Department of Toxic Substances Control  
Telephone: 916-440-7145  
Last EDR Contact: 10/10/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Quarterly

### MINES: Mines Site Location Listing

A listing of mine site locations from the Office of Mine Reclamation.

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/12/2017  
Date Made Active in Reports: 11/01/2017  
Number of Days to Update: 50

Source: Department of Conservation  
Telephone: 916-322-1080  
Last EDR Contact: 12/12/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Quarterly

### MWMP: Medical Waste Management Program Listing

The Medical Waste Management Program (MWMP) ensures the proper handling and disposal of medical waste by permitting and inspecting medical waste Offsite Treatment Facilities (PDF) and Transfer Stations (PDF) throughout the state. MWMP also oversees all Medical Waste Transporters.

Date of Government Version: 09/01/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 63

Source: Department of Public Health  
Telephone: 916-558-1784  
Last EDR Contact: 12/05/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Varies

### NPDES: NPDES Permits Listing

A listing of NPDES permits, including stormwater.

Date of Government Version: 11/13/2017  
Date Data Arrived at EDR: 11/14/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 23

Source: State Water Resources Control Board  
Telephone: 916-445-9379  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 02/26/2018  
Data Release Frequency: Quarterly

### PEST LIC: Pesticide Regulation Licenses Listing

A listing of licenses and certificates issued by the Department of Pesticide Regulation. The DPR issues licenses and/or certificates to: Persons and businesses that apply or sell pesticides; Pest control dealers and brokers; Persons who advise on agricultural pesticide applications.

Date of Government Version: 09/05/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 63

Source: Department of Pesticide Regulation  
Telephone: 916-445-4038  
Last EDR Contact: 12/05/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### PROC: Certified Processors Database

A listing of certified processors.

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/12/2017  
Date Made Active in Reports: 10/18/2017  
Number of Days to Update: 36

Source: Department of Conservation  
Telephone: 916-323-3836  
Last EDR Contact: 12/12/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Quarterly

### NOTIFY 65: Proposition 65 Records

Listings of all Proposition 65 incidents reported to counties by the State Water Resources Control Board and the Regional Water Quality Control Board. This database is no longer updated by the reporting agency.

Date of Government Version: 06/16/2017  
Date Data Arrived at EDR: 06/20/2017  
Date Made Active in Reports: 10/17/2017  
Number of Days to Update: 119

Source: State Water Resources Control Board  
Telephone: 916-445-3846  
Last EDR Contact: 12/13/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: No Update Planned

### UIC: UIC Listing

A listing of wells identified as underground injection wells, in the California Oil and Gas Wells database.

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/12/2017  
Date Made Active in Reports: 12/15/2017  
Number of Days to Update: 94

Source: Department of Conservation  
Telephone: 916-445-2408  
Last EDR Contact: 12/12/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Varies

### WASTEWATER PITS: Oil Wastewater Pits Listing

Water officials discovered that oil producers have been dumping chemical-laden wastewater into hundreds of unlined pits that are operating without proper permits. Inspections completed by the Central Valley Regional Water Quality Control Board revealed the existence of previously unidentified waste sites. The water board's review found that more than one-third of the region's active disposal pits are operating without permission.

Date of Government Version: 04/15/2015  
Date Data Arrived at EDR: 04/17/2015  
Date Made Active in Reports: 06/23/2015  
Number of Days to Update: 67

Source: RWQCB, Central Valley Region  
Telephone: 559-445-5577  
Last EDR Contact: 10/13/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Varies

### WDS: Waste Discharge System

Sites which have been issued waste discharge requirements.

Date of Government Version: 06/19/2007  
Date Data Arrived at EDR: 06/20/2007  
Date Made Active in Reports: 06/29/2007  
Number of Days to Update: 9

Source: State Water Resources Control Board  
Telephone: 916-341-5227  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Quarterly

### WIP: Well Investigation Program Case List

Well Investigation Program case in the San Gabriel and San Fernando Valley area.

Date of Government Version: 07/03/2009  
Date Data Arrived at EDR: 07/21/2009  
Date Made Active in Reports: 08/03/2009  
Number of Days to Update: 13

Source: Los Angeles Water Quality Control Board  
Telephone: 213-576-6726  
Last EDR Contact: 12/19/2017  
Next Scheduled EDR Contact: 04/09/2018  
Data Release Frequency: Varies

# GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

## EDR HIGH RISK HISTORICAL RECORDS

### ***EDR Exclusive Records***

#### EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A  
Date Data Arrived at EDR: N/A  
Date Made Active in Reports: N/A  
Number of Days to Update: N/A

Source: EDR, Inc.  
Telephone: N/A  
Last EDR Contact: N/A  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: No Update Planned

#### EDR Hist Auto: EDR Exclusive Historical Auto Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A  
Date Data Arrived at EDR: N/A  
Date Made Active in Reports: N/A  
Number of Days to Update: N/A

Source: EDR, Inc.  
Telephone: N/A  
Last EDR Contact: N/A  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: Varies

#### EDR Hist Cleaner: EDR Exclusive Historical Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A  
Date Data Arrived at EDR: N/A  
Date Made Active in Reports: N/A  
Number of Days to Update: N/A

Source: EDR, Inc.  
Telephone: N/A  
Last EDR Contact: N/A  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: Varies

## EDR RECOVERED GOVERNMENT ARCHIVES

### ***Exclusive Recovered Govt. Archives***

#### RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Resources Recycling and Recovery in California.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: N/A  
Date Data Arrived at EDR: 07/01/2013  
Date Made Active in Reports: 01/13/2014  
Number of Days to Update: 196

Source: Department of Resources Recycling and Recovery  
Telephone: N/A  
Last EDR Contact: 06/01/2012  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: Varies

### RGA LUST: Recovered Government Archive Leaking Underground Storage Tank

The EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the State Water Resources Control Board in California.

Date of Government Version: N/A  
Date Data Arrived at EDR: 07/01/2013  
Date Made Active in Reports: 12/30/2013  
Number of Days to Update: 182

Source: State Water Resources Control Board  
Telephone: N/A  
Last EDR Contact: 06/01/2012  
Next Scheduled EDR Contact: N/A  
Data Release Frequency: Varies

### COUNTY RECORDS

#### ALAMEDA COUNTY:

##### Contaminated Sites

A listing of contaminated sites overseen by the Toxic Release Program (oil and groundwater contamination from chemical releases and spills) and the Leaking Underground Storage Tank Program (soil and ground water contamination from leaking petroleum USTs).

Date of Government Version: 09/22/2017  
Date Data Arrived at EDR: 09/22/2017  
Date Made Active in Reports: 10/10/2017  
Number of Days to Update: 18

Source: Alameda County Environmental Health Services  
Telephone: 510-567-6700  
Last EDR Contact: 09/21/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Semi-Annually

##### Underground Tanks

Underground storage tank sites located in Alameda county.

Date of Government Version: 10/11/2017  
Date Data Arrived at EDR: 10/12/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 27

Source: Alameda County Environmental Health Services  
Telephone: 510-567-6700  
Last EDR Contact: 10/10/2017  
Next Scheduled EDR Contact: 04/24/2047  
Data Release Frequency: Semi-Annually

#### AMADOR COUNTY:

##### CUPA Facility List

Cupa Facility List

Date of Government Version: 09/13/2017  
Date Data Arrived at EDR: 09/15/2017  
Date Made Active in Reports: 11/14/2017  
Number of Days to Update: 60

Source: Amador County Environmental Health  
Telephone: 209-223-6439  
Last EDR Contact: 11/30/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Varies

#### BUTTE COUNTY:

##### CUPA Facility Listing

Cupa facility list.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/21/2017  
Date Data Arrived at EDR: 04/25/2017  
Date Made Active in Reports: 08/09/2017  
Number of Days to Update: 106

Source: Public Health Department  
Telephone: 530-538-7149  
Last EDR Contact: 09/18/2017  
Next Scheduled EDR Contact: 10/23/2017  
Data Release Frequency: No Update Planned

### CALVERAS COUNTY:

#### CUPA Facility Listing Cupa Facility Listing

Date of Government Version: 08/31/2017  
Date Data Arrived at EDR: 09/05/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 64

Source: Calveras County Environmental Health  
Telephone: 209-754-6399  
Last EDR Contact: 12/20/2017  
Next Scheduled EDR Contact: 10/09/2017  
Data Release Frequency: Quarterly

### COLUSA COUNTY:

#### CUPA Facility List Cupa facility list.

Date of Government Version: 08/07/2017  
Date Data Arrived at EDR: 08/08/2017  
Date Made Active in Reports: 10/16/2017  
Number of Days to Update: 69

Source: Health & Human Services  
Telephone: 530-458-0396  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Semi-Annually

### CONTRA COSTA COUNTY:

#### Site List

List includes sites from the underground tank, hazardous waste generator and business plan/2185 programs.

Date of Government Version: 08/17/2017  
Date Data Arrived at EDR: 08/22/2017  
Date Made Active in Reports: 10/25/2017  
Number of Days to Update: 64

Source: Contra Costa Health Services Department  
Telephone: 925-646-2286  
Last EDR Contact: 10/30/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Semi-Annually

### DEL NORTE COUNTY:

#### CUPA Facility List Cupa Facility list

Date of Government Version: 10/31/2017  
Date Data Arrived at EDR: 11/01/2017  
Date Made Active in Reports: 11/14/2017  
Number of Days to Update: 13

Source: Del Norte County Environmental Health Division  
Telephone: 707-465-0426  
Last EDR Contact: 10/25/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### EL DORADO COUNTY:

#### CUPA Facility List CUPA facility list.



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/18/2017  
Date Data Arrived at EDR: 08/22/2017  
Date Made Active in Reports: 10/24/2017  
Number of Days to Update: 63

Source: El Dorado County Environmental Management Department  
Telephone: 530-621-6623  
Last EDR Contact: 10/30/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### FRESNO COUNTY:

#### CUPA Resources List

Certified Unified Program Agency. CUPA's are responsible for implementing a unified hazardous materials and hazardous waste management regulatory program. The agency provides oversight of businesses that deal with hazardous materials, operate underground storage tanks or aboveground storage tanks.

Date of Government Version: 10/03/2017  
Date Data Arrived at EDR: 10/06/2017  
Date Made Active in Reports: 11/15/2017  
Number of Days to Update: 40

Source: Dept. of Community Health  
Telephone: 559-445-3271  
Last EDR Contact: 09/27/2017  
Next Scheduled EDR Contact: 01/15/2018  
Data Release Frequency: Semi-Annually

### GLENN COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 10/25/2017  
Date Data Arrived at EDR: 10/27/2017  
Date Made Active in Reports: 11/15/2017  
Number of Days to Update: 19

Source: Glenn County Air Pollution Control District  
Telephone: 830-934-6500  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### HUMBOLDT COUNTY:

#### CUPA Facility List

CUPA facility list.

Date of Government Version: 08/03/2017  
Date Data Arrived at EDR: 08/08/2017  
Date Made Active in Reports: 10/16/2017  
Number of Days to Update: 69

Source: Humboldt County Environmental Health  
Telephone: N/A  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Semi-Annually

### IMPERIAL COUNTY:

#### CUPA Facility List

Cupa facility list.

Date of Government Version: 10/23/2017  
Date Data Arrived at EDR: 10/24/2017  
Date Made Active in Reports: 11/15/2017  
Number of Days to Update: 22

Source: San Diego Border Field Office  
Telephone: 760-339-2777  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### INYO COUNTY:

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### CUPA Facility List

Cupa facility list.

Date of Government Version: 06/08/2017

Date Data Arrived at EDR: 06/09/2017

Date Made Active in Reports: 08/04/2017

Number of Days to Update: 56

Source: Inyo County Environmental Health Services

Telephone: 760-878-0238

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

### KERN COUNTY:

#### Underground Storage Tank Sites & Tank Listing

Kern County Sites and Tanks Listing.

Date of Government Version: 11/02/2017

Date Data Arrived at EDR: 11/07/2017

Date Made Active in Reports: 12/20/2017

Number of Days to Update: 43

Source: Kern County Environment Health Services Department

Telephone: 661-862-8700

Last EDR Contact: 11/01/2017

Next Scheduled EDR Contact: 02/19/2018

Data Release Frequency: Quarterly

### KINGS COUNTY:

#### CUPA Facility List

A listing of sites included in the county's Certified Unified Program Agency database. California's Secretary for Environmental Protection established the unified hazardous materials and hazardous waste regulatory program as required by chapter 6.11 of the California Health and Safety Code. The Unified Program consolidates the administration, permits, inspections, and enforcement activities.

Date of Government Version: 11/14/2017

Date Data Arrived at EDR: 11/17/2017

Date Made Active in Reports: 12/15/2017

Number of Days to Update: 28

Source: Kings County Department of Public Health

Telephone: 559-584-1411

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

### LAKE COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 11/09/2017

Date Data Arrived at EDR: 11/10/2017

Date Made Active in Reports: 11/15/2017

Number of Days to Update: 5

Source: Lake County Environmental Health

Telephone: 707-263-1164

Last EDR Contact: 10/16/2017

Next Scheduled EDR Contact: 01/29/2018

Data Release Frequency: Varies

### LASSEN COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 07/24/2017

Date Data Arrived at EDR: 07/26/2017

Date Made Active in Reports: 10/16/2017

Number of Days to Update: 82

Source: Lassen County Environmental Health

Telephone: 530-251-8528

Last EDR Contact: 10/23/2017

Next Scheduled EDR Contact: 02/05/2018

Data Release Frequency: Varies

### LOS ANGELES COUNTY:

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### San Gabriel Valley Areas of Concern

San Gabriel Valley areas where VOC contamination is at or above the MCL as designated by region 9 EPA office.

Date of Government Version: 03/30/2009  
Date Data Arrived at EDR: 03/31/2009  
Date Made Active in Reports: 10/23/2009  
Number of Days to Update: 206

Source: EPA Region 9  
Telephone: 415-972-3178  
Last EDR Contact: 12/13/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: No Update Planned

### HMS: Street Number List

Industrial Waste and Underground Storage Tank Sites.

Date of Government Version: 10/11/2017  
Date Data Arrived at EDR: 10/12/2017  
Date Made Active in Reports: 10/17/2017  
Number of Days to Update: 5

Source: Department of Public Works  
Telephone: 626-458-3517  
Last EDR Contact: 10/10/2017  
Next Scheduled EDR Contact: 01/22/2018  
Data Release Frequency: Semi-Annually

### List of Solid Waste Facilities

Solid Waste Facilities in Los Angeles County.

Date of Government Version: 10/16/2017  
Date Data Arrived at EDR: 10/17/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 51

Source: La County Department of Public Works  
Telephone: 818-458-5185  
Last EDR Contact: 10/17/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Varies

### City of Los Angeles Landfills

Landfills owned and maintained by the City of Los Angeles.

Date of Government Version: 01/01/2017  
Date Data Arrived at EDR: 04/21/2017  
Date Made Active in Reports: 10/09/2017  
Number of Days to Update: 171

Source: Engineering & Construction Division  
Telephone: 213-473-7869  
Last EDR Contact: 10/16/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Varies

### Site Mitigation List

Industrial sites that have had some sort of spill or complaint.

Date of Government Version: 11/01/2017  
Date Data Arrived at EDR: 11/14/2017  
Date Made Active in Reports: 12/15/2017  
Number of Days to Update: 31

Source: Community Health Services  
Telephone: 323-890-7806  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Annually

### City of El Segundo Underground Storage Tank

Underground storage tank sites located in El Segundo city.

Date of Government Version: 01/21/2017  
Date Data Arrived at EDR: 04/19/2017  
Date Made Active in Reports: 05/10/2017  
Number of Days to Update: 21

Source: City of El Segundo Fire Department  
Telephone: 310-524-2236  
Last EDR Contact: 10/16/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Semi-Annually

### City of Long Beach Underground Storage Tank

Underground storage tank sites located in the city of Long Beach.

Date of Government Version: 03/09/2017  
Date Data Arrived at EDR: 03/10/2017  
Date Made Active in Reports: 05/03/2017  
Number of Days to Update: 54

Source: City of Long Beach Fire Department  
Telephone: 562-570-2563  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Annually

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### City of Torrance Underground Storage Tank

Underground storage tank sites located in the city of Torrance.

Date of Government Version: 07/11/2017

Date Data Arrived at EDR: 07/14/2017

Date Made Active in Reports: 09/21/2017

Number of Days to Update: 69

Source: City of Torrance Fire Department

Telephone: 310-618-2973

Last EDR Contact: 10/10/2017

Next Scheduled EDR Contact: 01/22/2018

Data Release Frequency: Semi-Annually

### MADERA COUNTY:

#### CUPA Facility List

A listing of sites included in the county's Certified Unified Program Agency database. California's Secretary for Environmental Protection established the unified hazardous materials and hazardous waste regulatory program as required by chapter 6.11 of the California Health and Safety Code. The Unified Program consolidates the administration, permits, inspections, and enforcement activities.

Date of Government Version: 10/26/2017

Date Data Arrived at EDR: 10/27/2017

Date Made Active in Reports: 11/06/2017

Number of Days to Update: 10

Source: Madera County Environmental Health

Telephone: 559-675-7823

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

### MARIN COUNTY:

#### Underground Storage Tank Sites

Currently permitted USTs in Marin County.

Date of Government Version: 09/28/2017

Date Data Arrived at EDR: 10/05/2017

Date Made Active in Reports: 11/08/2017

Number of Days to Update: 34

Source: Public Works Department Waste Management

Telephone: 415-473-6647

Last EDR Contact: 09/27/2017

Next Scheduled EDR Contact: 01/15/2018

Data Release Frequency: Semi-Annually

### MERCED COUNTY:

#### CUPA Facility List

CUPA facility list.

Date of Government Version: 10/02/2017

Date Data Arrived at EDR: 10/03/2017

Date Made Active in Reports: 10/17/2017

Number of Days to Update: 14

Source: Merced County Environmental Health

Telephone: 209-381-1094

Last EDR Contact: 11/30/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

### MONO COUNTY:

#### CUPA Facility List

CUPA Facility List

Date of Government Version: 08/08/2017

Date Data Arrived at EDR: 09/06/2017

Date Made Active in Reports: 10/16/2017

Number of Days to Update: 40

Source: Mono County Health Department

Telephone: 760-932-5580

Last EDR Contact: 11/21/2017

Next Scheduled EDR Contact: 03/12/2018

Data Release Frequency: Varies

### MONTEREY COUNTY:

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### CUPA Facility Listing

CUPA Program listing from the Environmental Health Division.

Date of Government Version: 09/11/2017  
Date Data Arrived at EDR: 09/15/2017  
Date Made Active in Reports: 11/28/2017  
Number of Days to Update: 74

Source: Monterey County Health Department  
Telephone: 831-796-1297  
Last EDR Contact: 11/20/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

### NAPA COUNTY:

#### Sites With Reported Contamination

A listing of leaking underground storage tank sites located in Napa county.

Date of Government Version: 01/09/2017  
Date Data Arrived at EDR: 01/11/2017  
Date Made Active in Reports: 03/02/2017  
Number of Days to Update: 50

Source: Napa County Department of Environmental Management  
Telephone: 707-253-4269  
Last EDR Contact: 11/21/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: No Update Planned

#### Closed and Operating Underground Storage Tank Sites

Underground storage tank sites located in Napa county.

Date of Government Version: 11/22/2017  
Date Data Arrived at EDR: 11/27/2017  
Date Made Active in Reports: 12/19/2017  
Number of Days to Update: 22

Source: Napa County Department of Environmental Management  
Telephone: 707-253-4269  
Last EDR Contact: 11/21/2017  
Next Scheduled EDR Contact: 03/12/2018  
Data Release Frequency: No Update Planned

### NEVADA COUNTY:

#### CUPA Facility List

CUPA facility list.

Date of Government Version: 11/02/2017  
Date Data Arrived at EDR: 11/07/2017  
Date Made Active in Reports: 11/15/2017  
Number of Days to Update: 8

Source: Community Development Agency  
Telephone: 530-265-1467  
Last EDR Contact: 10/25/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Varies

### ORANGE COUNTY:

#### List of Industrial Site Cleanups

Petroleum and non-petroleum spills.

Date of Government Version: 11/02/2017  
Date Data Arrived at EDR: 11/09/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 28

Source: Health Care Agency  
Telephone: 714-834-3446  
Last EDR Contact: 11/06/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Annually

#### List of Underground Storage Tank Cleanups

Orange County Underground Storage Tank Cleanups (LUST).

Date of Government Version: 11/02/2017  
Date Data Arrived at EDR: 11/09/2017  
Date Made Active in Reports: 12/15/2017  
Number of Days to Update: 36

Source: Health Care Agency  
Telephone: 714-834-3446  
Last EDR Contact: 11/06/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Quarterly

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### List of Underground Storage Tank Facilities

Orange County Underground Storage Tank Facilities (UST).

Date of Government Version: 11/02/2017

Date Data Arrived at EDR: 11/07/2017

Date Made Active in Reports: 12/19/2017

Number of Days to Update: 42

Source: Health Care Agency

Telephone: 714-834-3446

Last EDR Contact: 11/07/2017

Next Scheduled EDR Contact: 02/19/2018

Data Release Frequency: Quarterly

### PLACER COUNTY:

#### Master List of Facilities

List includes aboveground tanks, underground tanks and cleanup sites.

Date of Government Version: 09/05/2017

Date Data Arrived at EDR: 09/06/2017

Date Made Active in Reports: 11/08/2017

Number of Days to Update: 63

Source: Placer County Health and Human Services

Telephone: 530-745-2363

Last EDR Contact: 11/30/2017

Next Scheduled EDR Contact: 03/19/2018

Data Release Frequency: Semi-Annually

### PLUMAS COUNTY:

#### CUPA Facility List

Plumas County CUPA Program facilities.

Date of Government Version: 10/23/2017

Date Data Arrived at EDR: 11/03/2017

Date Made Active in Reports: 11/15/2017

Number of Days to Update: 12

Source: Plumas County Environmental Health

Telephone: 530-283-6355

Last EDR Contact: 11/01/2017

Next Scheduled EDR Contact: 02/05/2018

Data Release Frequency: Varies

### RIVERSIDE COUNTY:

#### Listing of Underground Tank Cleanup Sites

Riverside County Underground Storage Tank Cleanup Sites (LUST).

Date of Government Version: 10/11/2017

Date Data Arrived at EDR: 10/12/2017

Date Made Active in Reports: 11/09/2017

Number of Days to Update: 28

Source: Department of Environmental Health

Telephone: 951-358-5055

Last EDR Contact: 12/15/2017

Next Scheduled EDR Contact: 04/02/2018

Data Release Frequency: Quarterly

#### Underground Storage Tank Tank List

Underground storage tank sites located in Riverside county.

Date of Government Version: 10/12/2017

Date Data Arrived at EDR: 10/12/2017

Date Made Active in Reports: 11/08/2017

Number of Days to Update: 27

Source: Department of Environmental Health

Telephone: 951-358-5055

Last EDR Contact: 12/15/2017

Next Scheduled EDR Contact: 04/02/2018

Data Release Frequency: Quarterly

### SACRAMENTO COUNTY:

#### Toxic Site Clean-Up List

List of sites where unauthorized releases of potentially hazardous materials have occurred.

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/02/2017  
Date Data Arrived at EDR: 10/03/2017  
Date Made Active in Reports: 10/06/2017  
Number of Days to Update: 3

Source: Sacramento County Environmental Management  
Telephone: 916-875-8406  
Last EDR Contact: 10/03/2017  
Next Scheduled EDR Contact: 01/15/2018  
Data Release Frequency: Quarterly

### Master Hazardous Materials Facility List

Any business that has hazardous materials on site - hazardous material storage sites, underground storage tanks, waste generators.

Date of Government Version: 08/02/2017  
Date Data Arrived at EDR: 10/03/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 44

Source: Sacramento County Environmental Management  
Telephone: 916-875-8406  
Last EDR Contact: 10/03/2017  
Next Scheduled EDR Contact: 01/15/2018  
Data Release Frequency: Quarterly

### SAN BENITO COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 11/01/2017  
Date Data Arrived at EDR: 11/03/2017  
Date Made Active in Reports: 11/17/2017  
Number of Days to Update: 14

Source: San Benito County Environmental Health  
Telephone: N/A  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Varies

### SAN BERNARDINO COUNTY:

#### Hazardous Material Permits

This listing includes underground storage tanks, medical waste handlers/generators, hazardous materials handlers, hazardous waste generators, and waste oil generators/handlers.

Date of Government Version: 08/31/2017  
Date Data Arrived at EDR: 09/19/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 58

Source: San Bernardino County Fire Department Hazardous Materials Division  
Telephone: 909-387-3041  
Last EDR Contact: 11/06/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Quarterly

### SAN DIEGO COUNTY:

#### Hazardous Materials Management Division Database

The database includes: HE58 - This report contains the business name, site address, business phone number, establishment 'H' permit number, type of permit, and the business status. HE17 - In addition to providing the same information provided in the HE58 listing, HE17 provides inspection dates, violations received by the establishment, hazardous waste generated, the quantity, method of storage, treatment/disposal of waste and the hauler, and information on underground storage tanks. Unauthorized Release List - Includes a summary of environmental contamination cases in San Diego County (underground tank cases, non-tank cases, groundwater contamination, and soil contamination are included.)

Date of Government Version: 09/05/2017  
Date Data Arrived at EDR: 09/06/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 63

Source: Hazardous Materials Management Division  
Telephone: 619-338-2268  
Last EDR Contact: 12/05/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### Solid Waste Facilities

San Diego County Solid Waste Facilities.

Date of Government Version: 10/31/2015  
Date Data Arrived at EDR: 11/07/2015  
Date Made Active in Reports: 01/04/2016  
Number of Days to Update: 58

Source: Department of Health Services  
Telephone: 619-338-2209  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### Environmental Case Listing

The listing contains all underground tank release cases and projects pertaining to properties contaminated with hazardous substances that are actively under review by the Site Assessment and Mitigation Program.

Date of Government Version: 03/23/2010  
Date Data Arrived at EDR: 06/15/2010  
Date Made Active in Reports: 07/09/2010  
Number of Days to Update: 24

Source: San Diego County Department of Environmental Health  
Telephone: 619-338-2371  
Last EDR Contact: 11/29/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: No Update Planned

### SAN FRANCISCO COUNTY:

#### Local Oversight Facilities

A listing of leaking underground storage tank sites located in San Francisco county.

Date of Government Version: 09/19/2008  
Date Data Arrived at EDR: 09/19/2008  
Date Made Active in Reports: 09/29/2008  
Number of Days to Update: 10

Source: Department Of Public Health San Francisco County  
Telephone: 415-252-3920  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Quarterly

#### Underground Storage Tank Information

Underground storage tank sites located in San Francisco county.

Date of Government Version: 11/02/2017  
Date Data Arrived at EDR: 11/07/2017  
Date Made Active in Reports: 12/19/2017  
Number of Days to Update: 42

Source: Department of Public Health  
Telephone: 415-252-3920  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Quarterly

### SAN JOAQUIN COUNTY:

#### San Joaquin Co. UST

A listing of underground storage tank locations in San Joaquin county.

Date of Government Version: 10/03/2017  
Date Data Arrived at EDR: 10/06/2017  
Date Made Active in Reports: 10/10/2017  
Number of Days to Update: 4

Source: Environmental Health Department  
Telephone: N/A  
Last EDR Contact: 12/13/2017  
Next Scheduled EDR Contact: 04/02/2018  
Data Release Frequency: Semi-Annually

### SAN LUIS OBISPO COUNTY:

#### CUPA Facility List

Cupa Facility List.

Date of Government Version: 11/16/2017  
Date Data Arrived at EDR: 11/17/2017  
Date Made Active in Reports: 12/18/2017  
Number of Days to Update: 31

Source: San Luis Obispo County Public Health Department  
Telephone: 805-781-5596  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

### SAN MATEO COUNTY:



## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### Business Inventory

List includes Hazardous Materials Business Plan, hazardous waste generators, and underground storage tanks.

Date of Government Version: 09/15/2017

Date Data Arrived at EDR: 09/19/2017

Date Made Active in Reports: 10/17/2017

Number of Days to Update: 28

Source: San Mateo County Environmental Health Services Division

Telephone: 650-363-1921

Last EDR Contact: 12/06/2017

Next Scheduled EDR Contact: 03/26/2018

Data Release Frequency: Annually

### Fuel Leak List

A listing of leaking underground storage tank sites located in San Mateo county.

Date of Government Version: 09/15/2017

Date Data Arrived at EDR: 09/19/2017

Date Made Active in Reports: 11/09/2017

Number of Days to Update: 51

Source: San Mateo County Environmental Health Services Division

Telephone: 650-363-1921

Last EDR Contact: 12/06/2017

Next Scheduled EDR Contact: 03/26/2018

Data Release Frequency: Semi-Annually

### SANTA BARBARA COUNTY:

#### CUPA Facility Listing

CUPA Program Listing from the Environmental Health Services division.

Date of Government Version: 09/08/2011

Date Data Arrived at EDR: 09/09/2011

Date Made Active in Reports: 10/07/2011

Number of Days to Update: 28

Source: Santa Barbara County Public Health Department

Telephone: 805-686-8167

Last EDR Contact: 12/13/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

### SANTA CLARA COUNTY:

#### Cupa Facility List

Cupa facility list

Date of Government Version: 08/07/2017

Date Data Arrived at EDR: 08/10/2017

Date Made Active in Reports: 10/16/2017

Number of Days to Update: 67

Source: Department of Environmental Health

Telephone: 408-918-1973

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 03/05/2018

Data Release Frequency: Varies

#### HIST LUST - Fuel Leak Site Activity Report

A listing of open and closed leaking underground storage tanks. This listing is no longer updated by the county. Leaking underground storage tanks are now handled by the Department of Environmental Health.

Date of Government Version: 03/29/2005

Date Data Arrived at EDR: 03/30/2005

Date Made Active in Reports: 04/21/2005

Number of Days to Update: 22

Source: Santa Clara Valley Water District

Telephone: 408-265-2600

Last EDR Contact: 03/23/2009

Next Scheduled EDR Contact: 06/22/2009

Data Release Frequency: No Update Planned

#### LOP Listing

A listing of leaking underground storage tanks located in Santa Clara county.

Date of Government Version: 03/03/2014

Date Data Arrived at EDR: 03/05/2014

Date Made Active in Reports: 03/18/2014

Number of Days to Update: 13

Source: Department of Environmental Health

Telephone: 408-918-3417

Last EDR Contact: 11/21/2017

Next Scheduled EDR Contact: 03/12/2018

Data Release Frequency: Annually

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### Hazardous Material Facilities

Hazardous material facilities, including underground storage tank sites.

Date of Government Version: 11/01/2017  
Date Data Arrived at EDR: 11/03/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 34

Source: City of San Jose Fire Department  
Telephone: 408-535-7694  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Annually

### SANTA CRUZ COUNTY:

#### CUPA Facility List

CUPA facility listing.

Date of Government Version: 01/21/2017  
Date Data Arrived at EDR: 02/22/2017  
Date Made Active in Reports: 05/23/2017  
Number of Days to Update: 30

Source: Santa Cruz County Environmental Health  
Telephone: 831-464-2761  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

### SHASTA COUNTY:

#### CUPA Facility List

Cupa Facility List.

Date of Government Version: 06/15/2017  
Date Data Arrived at EDR: 06/19/2017  
Date Made Active in Reports: 08/09/2017  
Number of Days to Update: 51

Source: Shasta County Department of Resource Management  
Telephone: 530-225-5789  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Varies

### SOLANO COUNTY:

#### Leaking Underground Storage Tanks

A listing of leaking underground storage tank sites located in Solano county.

Date of Government Version: 09/26/2017  
Date Data Arrived at EDR: 09/27/2017  
Date Made Active in Reports: 11/10/2017  
Number of Days to Update: 44

Source: Solano County Department of Environmental Management  
Telephone: 707-784-6770  
Last EDR Contact: 12/08/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

#### Underground Storage Tanks

Underground storage tank sites located in Solano county.

Date of Government Version: 09/26/2017  
Date Data Arrived at EDR: 09/27/2017  
Date Made Active in Reports: 11/08/2017  
Number of Days to Update: 42

Source: Solano County Department of Environmental Management  
Telephone: 707-784-6770  
Last EDR Contact: 12/08/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Quarterly

### SONOMA COUNTY:

#### Cupa Facility List

Cupa Facility list

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/25/2017  
Date Data Arrived at EDR: 09/27/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 50

Source: County of Sonoma Fire & Emergency Services Department  
Telephone: 707-565-1174  
Last EDR Contact: 12/19/2017  
Next Scheduled EDR Contact: 04/09/2018  
Data Release Frequency: Varies

### Leaking Underground Storage Tank Sites

A listing of leaking underground storage tank sites located in Sonoma county.

Date of Government Version: 10/03/2017  
Date Data Arrived at EDR: 10/06/2017  
Date Made Active in Reports: 11/10/2017  
Number of Days to Update: 35

Source: Department of Health Services  
Telephone: 707-565-6565  
Last EDR Contact: 12/19/2017  
Next Scheduled EDR Contact: 04/09/2018  
Data Release Frequency: Quarterly

### STANISLAUS COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 11/01/2017  
Date Data Arrived at EDR: 11/10/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 6

Source: Stanislaus County Department of Environmental Protection  
Telephone: 209-525-6751  
Last EDR Contact: 10/16/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Varies

### SUTTER COUNTY:

#### Underground Storage Tanks

Underground storage tank sites located in Sutter county.

Date of Government Version: 12/01/2017  
Date Data Arrived at EDR: 12/04/2017  
Date Made Active in Reports: 12/19/2017  
Number of Days to Update: 15

Source: Sutter County Department of Agriculture  
Telephone: 530-822-7500  
Last EDR Contact: 12/01/2017  
Next Scheduled EDR Contact: 03/19/2018  
Data Release Frequency: Semi-Annually

### TEHAMA COUNTY:

#### CUPA Facility List

Cupa facilities

Date of Government Version: 11/16/2017  
Date Data Arrived at EDR: 11/17/2017  
Date Made Active in Reports: 12/18/2017  
Number of Days to Update: 31

Source: Tehama County Department of Environmental Health  
Telephone: 530-527-8020  
Last EDR Contact: 11/14/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Varies

### TRINITY COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 10/23/2017  
Date Data Arrived at EDR: 10/24/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 23

Source: Department of Toxic Substances Control  
Telephone: 760-352-0381  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### TULARE COUNTY:

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### CUPA Facility List

Cupa program facilities

Date of Government Version: 09/27/2017  
Date Data Arrived at EDR: 09/28/2017  
Date Made Active in Reports: 10/16/2017  
Number of Days to Update: 18

Source: Tulare County Environmental Health Services Division  
Telephone: 559-624-7400  
Last EDR Contact: 12/18/2017  
Next Scheduled EDR Contact: 02/19/2018  
Data Release Frequency: Varies

### TUOLUMNE COUNTY:

#### CUPA Facility List

Cupa facility list

Date of Government Version: 10/24/2017  
Date Data Arrived at EDR: 10/25/2017  
Date Made Active in Reports: 11/16/2017  
Number of Days to Update: 22

Source: Divison of Environmental Health  
Telephone: 209-533-5633  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Varies

### VENTURA COUNTY:

#### Business Plan, Hazardous Waste Producers, and Operating Underground Tanks

The BWT list indicates by site address whether the Environmental Health Division has Business Plan (B), Waste Producer (W), and/or Underground Tank (T) information.

Date of Government Version: 09/26/2017  
Date Data Arrived at EDR: 10/25/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 43

Source: Ventura County Environmental Health Division  
Telephone: 805-654-2813  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Quarterly

#### Inventory of Illegal Abandoned and Inactive Sites

Ventura County Inventory of Closed, Illegal Abandoned, and Inactive Sites.

Date of Government Version: 12/01/2011  
Date Data Arrived at EDR: 12/01/2011  
Date Made Active in Reports: 01/19/2012  
Number of Days to Update: 49

Source: Environmental Health Division  
Telephone: 805-654-2813  
Last EDR Contact: 09/27/2017  
Next Scheduled EDR Contact: 01/15/2018  
Data Release Frequency: Annually

#### Listing of Underground Tank Cleanup Sites

Ventura County Underground Storage Tank Cleanup Sites (LUST).

Date of Government Version: 05/29/2008  
Date Data Arrived at EDR: 06/24/2008  
Date Made Active in Reports: 07/31/2008  
Number of Days to Update: 37

Source: Environmental Health Division  
Telephone: 805-654-2813  
Last EDR Contact: 11/08/2017  
Next Scheduled EDR Contact: 02/26/2018  
Data Release Frequency: Quarterly

#### Medical Waste Program List

To protect public health and safety and the environment from potential exposure to disease causing agents, the Environmental Health Division Medical Waste Program regulates the generation, handling, storage, treatment and disposal of medical waste throughout the County.

Date of Government Version: 09/26/2017  
Date Data Arrived at EDR: 10/25/2017  
Date Made Active in Reports: 12/07/2017  
Number of Days to Update: 43

Source: Ventura County Resource Management Agency  
Telephone: 805-654-2813  
Last EDR Contact: 10/23/2017  
Next Scheduled EDR Contact: 02/05/2018  
Data Release Frequency: Quarterly

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### Underground Tank Closed Sites List

Ventura County Operating Underground Storage Tank Sites (UST)/Underground Tank Closed Sites List.

Date of Government Version: 08/28/2017

Date Data Arrived at EDR: 09/12/2017

Date Made Active in Reports: 09/21/2017

Number of Days to Update: 9

Source: Environmental Health Division

Telephone: 805-654-2813

Last EDR Contact: 12/11/2017

Next Scheduled EDR Contact: 03/26/2018

Data Release Frequency: Quarterly

### YOLO COUNTY:

#### Underground Storage Tank Comprehensive Facility Report

Underground storage tank sites located in Yolo county.

Date of Government Version: 09/27/2017

Date Data Arrived at EDR: 10/02/2017

Date Made Active in Reports: 11/14/2017

Number of Days to Update: 43

Source: Yolo County Department of Health

Telephone: 530-666-8646

Last EDR Contact: 09/27/2017

Next Scheduled EDR Contact: 01/15/2018

Data Release Frequency: Annually

### YUBA COUNTY:

#### CUPA Facility List

CUPA facility listing for Yuba County.

Date of Government Version: 11/08/2017

Date Data Arrived at EDR: 11/10/2017

Date Made Active in Reports: 11/16/2017

Number of Days to Update: 6

Source: Yuba County Environmental Health Department

Telephone: 530-749-7523

Last EDR Contact: 10/25/2017

Next Scheduled EDR Contact: 02/12/2018

Data Release Frequency: Varies

### OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

#### CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 11/11/2017

Date Data Arrived at EDR: 11/14/2017

Date Made Active in Reports: 12/18/2017

Number of Days to Update: 34

Source: Department of Energy & Environmental Protection

Telephone: 860-424-3375

Last EDR Contact: 11/14/2017

Next Scheduled EDR Contact: 02/26/2018

Data Release Frequency: No Update Planned

#### NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2016

Date Data Arrived at EDR: 04/11/2017

Date Made Active in Reports: 07/27/2017

Number of Days to Update: 107

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 10/05/2017

Next Scheduled EDR Contact: 01/22/2018

Data Release Frequency: Annually

## GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

### NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

Date of Government Version: 10/01/2017  
Date Data Arrived at EDR: 11/01/2017  
Date Made Active in Reports: 11/13/2017  
Number of Days to Update: 12

Source: Department of Environmental Conservation  
Telephone: 518-402-8651  
Last EDR Contact: 11/01/2017  
Next Scheduled EDR Contact: 02/12/2018  
Data Release Frequency: Quarterly

### PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2016  
Date Data Arrived at EDR: 07/25/2017  
Date Made Active in Reports: 09/25/2017  
Number of Days to Update: 62

Source: Department of Environmental Protection  
Telephone: 717-783-8990  
Last EDR Contact: 10/16/2017  
Next Scheduled EDR Contact: 01/29/2018  
Data Release Frequency: Annually

### RI MANIFEST: Manifest information

Hazardous waste manifest information

Date of Government Version: 12/31/2013  
Date Data Arrived at EDR: 06/19/2015  
Date Made Active in Reports: 07/15/2015  
Number of Days to Update: 26

Source: Department of Environmental Management  
Telephone: 401-222-2797  
Last EDR Contact: 11/16/2017  
Next Scheduled EDR Contact: 03/05/2018  
Data Release Frequency: Annually

### WI MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2016  
Date Data Arrived at EDR: 04/13/2017  
Date Made Active in Reports: 07/14/2017  
Number of Days to Update: 92

Source: Department of Natural Resources  
Telephone: N/A  
Last EDR Contact: 12/11/2017  
Next Scheduled EDR Contact: 03/26/2018  
Data Release Frequency: Annually

### Oil/Gas Pipelines

Source: PennWell Corporation

Petroleum Bundle (Crude Oil, Refined Products, Petrochemicals, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)) N = Natural Gas Bundle (Natural Gas, Gas Liquids (LPG/NGL), and Specialty Gases (Miscellaneous)). This map includes information copyrighted by PennWell Corporation. This information is provided on a best effort basis and PennWell Corporation does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of PennWell.

### Electric Power Transmission Line Data

Source: PennWell Corporation

This map includes information copyrighted by PennWell Corporation. This information is provided on a best effort basis and PennWell Corporation does not guarantee its accuracy nor warrant its fitness for any particular purpose. Such information has been reprinted with the permission of PennWell.

**Sensitive Receptors:** There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

### AHA Hospitals:

Source: American Hospital Association, Inc.  
Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

### Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services  
Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

### Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

### Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

### Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

### Daycare Centers: Licensed Facilities

Source: Department of Social Services

Telephone: 916-657-4041

**Flood Zone Data:** This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

**NWI:** National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

### State Wetlands Data: Wetland Inventory

Source: Department of Fish & Game

Telephone: 916-445-0411

### Current USGS 7.5 Minute Topographic Map

Source: U.S. Geological Survey

## **STREET AND ADDRESS INFORMATION**

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## **GEOCHECK<sup>®</sup> - PHYSICAL SETTING SOURCE ADDENDUM**

### **TARGET PROPERTY ADDRESS**

SCDC PARK VICTORIA  
1005 NORTH PARK VICTORIA  
MILPITAS, CA 95035

### **TARGET PROPERTY COORDINATES**

|                                |                             |
|--------------------------------|-----------------------------|
| Latitude (North):              | 37.449804 - 37° 26' 59.29"  |
| Longitude (West):              | 121.88927 - 121° 53' 21.37" |
| Universal Transverse Mercator: | Zone 10                     |
| UTM X (Meters):                | 598247.2                    |
| UTM Y (Meters):                | 4145147.2                   |
| Elevation:                     | 36 ft. above sea level      |

### **USGS TOPOGRAPHIC MAP**

|                      |                                 |
|----------------------|---------------------------------|
| Target Property Map: | 5640070 MILPITAS, CA            |
| Version Date:        | 2012                            |
| East Map:            | 5640636 CALAVERAS RESERVOIR, CA |
| Version Date:        | 2012                            |

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principal investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.



## GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

### GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

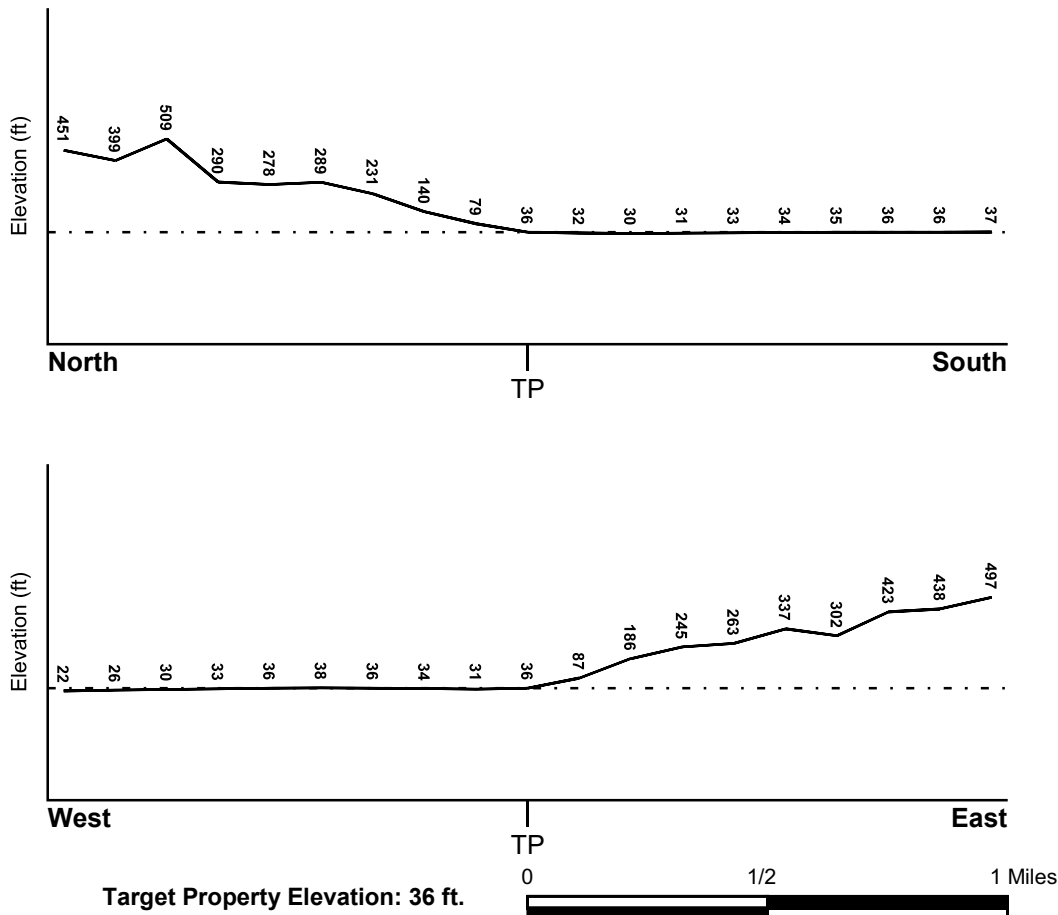
### TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

### TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General SW

### SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

## GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

### HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

### FEMA FLOOD ZONE

| <u>Flood Plain Panel at Target Property</u> | <u>FEMA Source Type</u> |
|---------------------------------------------|-------------------------|
| 06001C0609G                                 | FEMA FIRM Flood data    |
| <u>Additional Panels in search area:</u>    | <u>FEMA Source Type</u> |
| 06001C0650G                                 | FEMA FIRM Flood data    |
| 06001C0608G                                 | FEMA FIRM Flood data    |
| 06085C0067J                                 | FEMA FIRM Flood data    |

### NATIONAL WETLAND INVENTORY

| <u>NWI Quad at Target Property</u> | <u>NWI Electronic Data Coverage</u>            |
|------------------------------------|------------------------------------------------|
| MILPITAS                           | YES - refer to the Overview Map and Detail Map |

### HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

#### *Site-Specific Hydrogeological Data\*:*

|                |            |
|----------------|------------|
| Search Radius: | 1.25 miles |
| Status:        | Not found  |

### AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

| <u>MAP ID</u> | <u>LOCATION FROM TP</u> | <u>GENERAL DIRECTION GROUNDWATER FLOW</u> |
|---------------|-------------------------|-------------------------------------------|
| Not Reported  |                         |                                           |

## GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

### GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

### GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

#### ROCK STRATIGRAPHIC UNIT

Era: Cenozoic  
System: Quaternary  
Series: Quaternary  
Code: Q *(decoded above as Era, System & Series)*

#### GEOLOGIC AGE IDENTIFICATION

Category: Stratified Sequence

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

### DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps. The following information is based on Soil Conservation Service STATSGO data.

Soil Component Name: CLEAR LAKE

Soil Surface Texture: clay

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Not reported

Hydric Status: Soil does not meet the requirements for a hydric soil.

Corrosion Potential - Uncoated Steel: HIGH

Depth to Bedrock Min: > 60 inches

Depth to Bedrock Max: > 60 inches

## GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

| Soil Layer Information |           |           |                    |                                                                        |                                                                           |                           |                        |
|------------------------|-----------|-----------|--------------------|------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------|------------------------|
| Layer                  | Boundary  |           | Soil Texture Class | Classification                                                         |                                                                           | Permeability Rate (in/hr) | Soil Reaction (pH)     |
|                        | Upper     | Lower     |                    | AASHTO Group                                                           | Unified Soil                                                              |                           |                        |
| 1                      | 0 inches  | 13 inches | clay               | Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils. | FINE-GRAINED SOILS, Silts and Clays (liquid limit 50% or more), Fat Clay. | Max: 0.20<br>Min: 0.06    | Max: 8.40<br>Min: 6.10 |
| 2                      | 13 inches | 60 inches | clay               | Silt-Clay Materials (more than 35 pct. passing No. 200), Clayey Soils. | FINE-GRAINED SOILS, Silts and Clays (liquid limit 50% or more), Fat Clay. | Max: 0.20<br>Min: 0.06    | Max: 8.40<br>Min: 7.40 |

### OTHER SOIL TYPES IN AREA

Based on Soil Conservation Service STATSGO data, the following additional subordinant soil types may appear within the general area of target property.

Soil Surface Textures: silty clay loam  
clay loam  
loam  
silt loam

Surficial Soil Types: silty clay loam  
clay loam  
loam  
silt loam

Shallow Soil Types: clay  
gravelly - sandy clay loam  
clay loam  
stratified

Deeper Soil Types: clay loam  
stratified  
silty clay loam  
sandy clay loam  
silty clay loam  
weathered bedrock

### LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

## GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

### WELL SEARCH DISTANCE INFORMATION

| <u>DATABASE</u>  | <u>SEARCH DISTANCE (miles)</u> |
|------------------|--------------------------------|
| Federal USGS     | 1.000                          |
| Federal FRDS PWS | Nearest PWS within 1.000 miles |
| State Database   | 1.000                          |

### **FEDERAL USGS WELL INFORMATION**

| <u>MAP ID</u>  | <u>WELL ID</u> | <u>LOCATION<br/>FROM TP</u> |
|----------------|----------------|-----------------------------|
| No Wells Found |                |                             |

### **FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION**

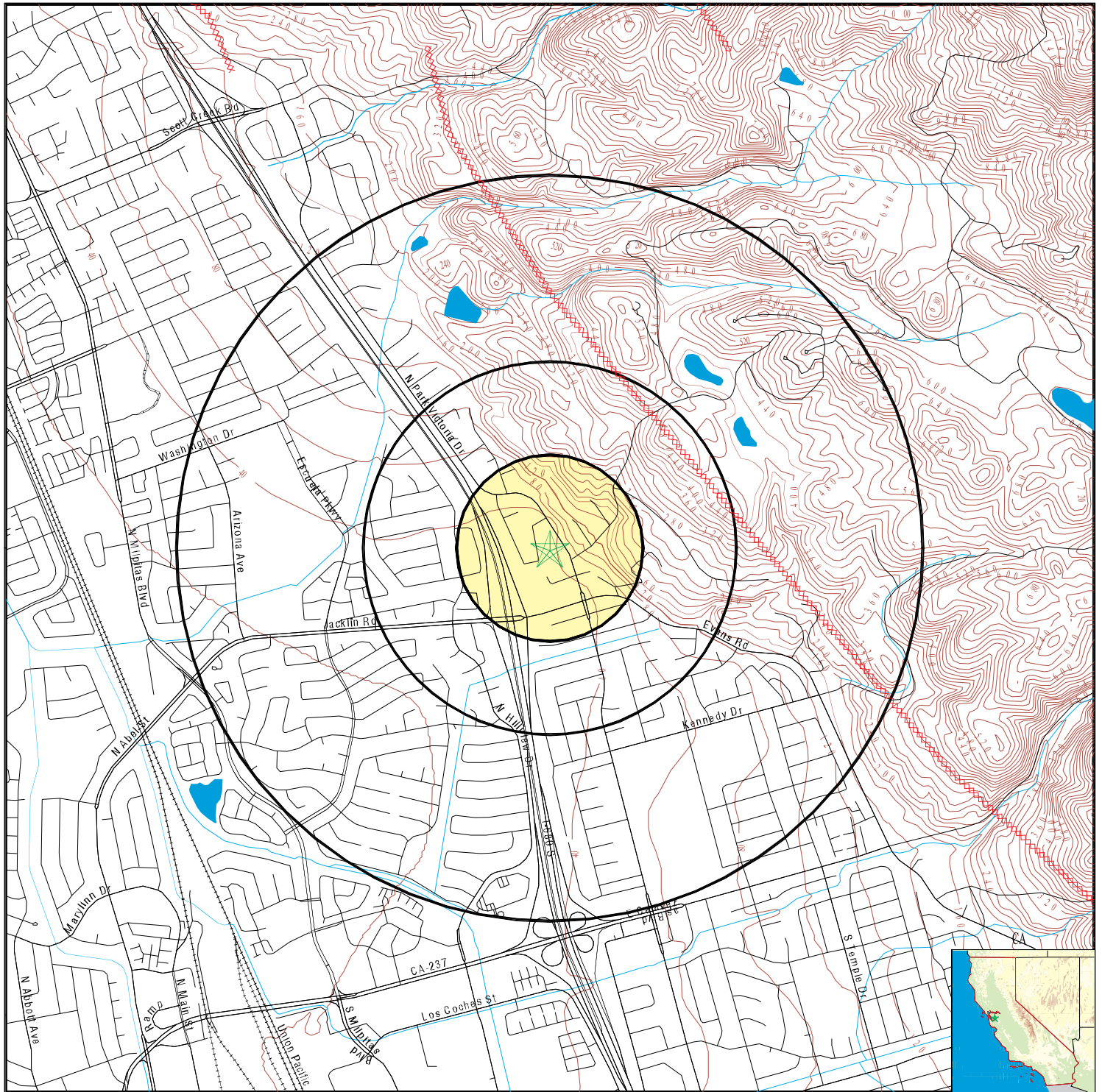
| <u>MAP ID</u>       | <u>WELL ID</u> | <u>LOCATION<br/>FROM TP</u> |
|---------------------|----------------|-----------------------------|
| No PWS System Found |                |                             |

Note: PWS System location is not always the same as well location.

### **STATE DATABASE WELL INFORMATION**

| <u>MAP ID</u>  | <u>WELL ID</u> | <u>LOCATION<br/>FROM TP</u> |
|----------------|----------------|-----------------------------|
| No Wells Found |                |                             |

# PHYSICAL SETTING SOURCE MAP - 05144783.2r



- County Boundary
- Major Roads
- Contour Lines
- Earthquake Fault Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons

- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location
- Closest Hydrogeological Data
- Oil, gas or related wells

0 1/4 1/2 1 Miles



SITE NAME: SCDC Park Victoria  
 ADDRESS: 1005 North Park Victoria  
 Milpitas CA 95035  
 LAT/LONG: 37.449804 / 121.88927

CLIENT: Ramboll Environ  
 CONTACT: Jason Kane  
 INQUIRY #: 05144783.2r  
 DATE: December 26, 2017 9:58 am

652

# GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

## RADON

### AREA RADON INFORMATION

State Database: CA Radon

#### Radon Test Results

| Zipcode | Num Tests | > 4 pCi/L |
|---------|-----------|-----------|
| 95035   | 32        | 0         |

Federal EPA Radon Zone for SANTA CLARA County: 2

Note: Zone 1 indoor average level > 4 pCi/L.  
 : Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.  
 : Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 95035

Number of sites tested: 1

| Area                    | Average Activity | % <4 pCi/L   | % 4-20 pCi/L | % >20 pCi/L  |
|-------------------------|------------------|--------------|--------------|--------------|
| Living Area - 1st Floor | 0.400 pCi/L      | 100%         | 0%           | 0%           |
| Living Area - 2nd Floor | Not Reported     | Not Reported | Not Reported | Not Reported |
| Basement                | Not Reported     | Not Reported | Not Reported | Not Reported |

# PHYSICAL SETTING SOURCE RECORDS SEARCHED

## TOPOGRAPHIC INFORMATION

### USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

### Current USGS 7.5 Minute Topographic Map

Source: U.S. Geological Survey

## HYDROLOGIC INFORMATION

**Flood Zone Data:** This data was obtained from the Federal Emergency Management Agency (FEMA). It depicts 100-year and 500-year flood zones as defined by FEMA. It includes the National Flood Hazard Layer (NFHL) which incorporates Flood Insurance Rate Map (FIRM) data and Q3 data from FEMA in areas not covered by NFHL.

Source: FEMA

Telephone: 877-336-2627

Date of Government Version: 2003, 2015

**NWI:** National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

### State Wetlands Data: Wetland Inventory

Source: Department of Fish & Game

Telephone: 916-445-0411

## HYDROGEOLOGIC INFORMATION

### AQUIFLOW<sup>R</sup> Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

## GEOLOGIC INFORMATION

### Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

### STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

### SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Service (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Service, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.



# PHYSICAL SETTING SOURCE RECORDS SEARCHED

## LOCAL / REGIONAL WATER AGENCY RECORDS

### FEDERAL WATER WELLS

#### PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

#### PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

#### USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

### STATE RECORDS

#### Water Well Database

Source: Department of Water Resources

Telephone: 916-651-9648

#### California Drinking Water Quality Database

Source: Department of Public Health

Telephone: 916-324-2319

The database includes all drinking water compliance and special studies monitoring for the state of California since 1984. It consists of over 3,200,000 individual analyses along with well and water system information.

## OTHER STATE DATABASE INFORMATION

#### California Oil and Gas Well Locations

Source: Department of Conservation

Telephone: 916-323-1779

Oil and Gas well locations in the state.

### RADON

#### State Database: CA Radon

Source: Department of Health Services

Telephone: 916-324-2208

Radon Database for California

#### Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

#### EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

## PHYSICAL SETTING SOURCE RECORDS SEARCHED

### OTHER

Airport Landing Facilities: Private and public use landing facilities  
Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater  
Source: Department of Commerce, National Oceanic and Atmospheric Administration

California Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary fault lines, prepared in 1975 by the United State Geological Survey. Additional information (also from 1975) regarding activity at specific fault lines comes from California's Preliminary Fault Activity Map prepared by the California Division of Mines and Geology.

### STREET AND ADDRESS INFORMATION

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## **Appendix C**

### **Historical Research Documentation**

## **Appendix C.1**

### **Aerial Photographs**

**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 4325114.12  
June 16, 2015

## The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th Floor  
Shelton, Connecticut 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

# EDR Aerial Photo Decade Package

Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

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**Date EDR Searched Historical Sources:**

Aerial Photography June 16, 2015

**Target Property:**

1005 North Park Victoria

Milpitas, CA 95035

| <u><i>Year</i></u> | <u><i>Scale</i></u>               | <u><i>Details</i></u>                                         | <u><i>Source</i></u> |
|--------------------|-----------------------------------|---------------------------------------------------------------|----------------------|
| 1939               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1939                                             | USGS                 |
| 1940               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1940                                             | USGS                 |
| 1948               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1948                                             | USGS                 |
| 1950               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1950                                             | USGS                 |
| 1956               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1956                                             | USGS                 |
| 1966               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1966                                             | USGS                 |
| 1968               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1968                                             | USGS                 |
| 1974               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1974                                             | USGS                 |
| 1979               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1979                                             | USGS                 |
| 1982               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1982                                             | USGS                 |
| 1993               | Aerial Photograph. Scale: 1"=500' | /DOQQ - acquisition dates: 1993                               | USGS/DOQQ            |
| 1998               | Aerial Photograph. Scale: 1"=500' | Flight Year: 1998<br>Best Copy Available from original source | USGS                 |
| 2005               | Aerial Photograph. Scale: 1"=500' | Flight Year: 2005                                             | USDA/NAIP            |
| 2006               | Aerial Photograph. Scale: 1"=500' | Flight Year: 2006                                             | USDA/NAIP            |
| 2009               | Aerial Photograph. Scale: 1"=500' | Flight Year: 2009                                             | USDA/NAIP            |
| 2010               | Aerial Photograph. Scale: 1"=500' | Flight Year: 2010                                             | USDA/NAIP            |
| 2012               | Aerial Photograph. Scale: 1"=500' | Flight Year: 2012                                             | USDA/NAIP            |



INQUIRY #: 4325114.12

YEAR: 1939

| = 500'







INQUIRY #: 4325114.12

YEAR: 1940

| = 500'



663





INQUIRY #: 4325114.12

YEAR: 1948

| = 500'







INQUIRY #: 4325114.12

YEAR: 1950

| = 500'







INQUIRY #: 4325114.12

YEAR: 1956

| = 500'







INQUIRY #: 4325114.12

YEAR: 1966

| = 500'



667





INQUIRY #: 4325114.12

YEAR: 1968

| = 500'



668





INQUIRY #: 4325114.12

YEAR: 1974

| = 500'







INQUIRY #: 4325114.12

YEAR: 1979

| = 500'



670





INQUIRY #: 4325114.12

YEAR: 1982

| = 500'







**INQUIRY #:** 4325114.12

**YEAR:** 1993

| = 500'







INQUIRY #: 4325114.12

YEAR: 1998

| = 500'







INQUIRY #: 4325114.12

YEAR: 2005

| = 500'



674





INQUIRY #: 4325114.12

YEAR: 2006

| = 500'



675





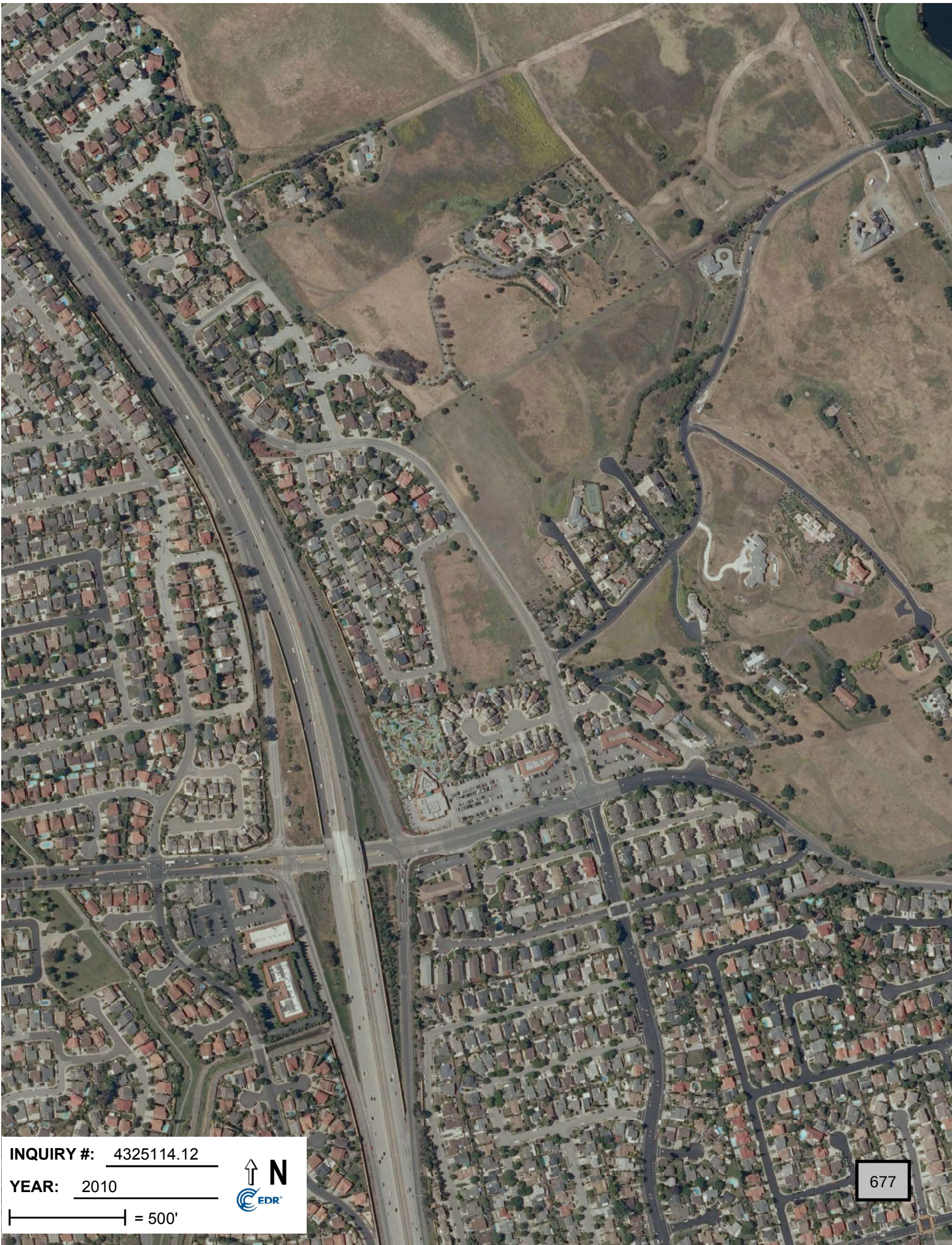
**INQUIRY #:** 4325114.12

**YEAR:** 2009

| = 500'







INQUIRY #: 4325114.12

YEAR: 2010

| = 500'



677





INQUIRY #: 4325114.12

YEAR: 2012

| = 500'



678



## **Appendix C.2**

### **Fire Insurance Maps**

**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 4325114.3  
June 15, 2015

## Certified Sanborn® Map Report



6 Armstrong Road, 4th Floor  
Shelton, Connecticut 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

## Certified Sanborn® Map Report

6/15/15

**Site Name:**

SCDC Park Victoria  
1005 North Park Victoria  
Milpitas, CA 95035

**Client Name:**

ENVIRON International  
2200 Powell St Suite 700  
Emeryville, CA 94608



EDR Inquiry # 4325114.3

Contact: Jason Kane

The Sanborn Library has been searched by EDR and maps covering the target property location as provided by ENVIRON International Corporation were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting [www.edrnet.com/sanborn](http://www.edrnet.com/sanborn).

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

### Certified Sanborn Results:

**Site Name:** SCDC Park Victoria  
**Address:** 1005 North Park Victoria  
**City, State, Zip:** Milpitas, CA 95035  
**Cross Street:**  
**P.O. #** 0321676DD  
**Project:** SCDC Park Victoria  
**Certification #** B178-446F-84D3



Sanborn® Library search results  
Certification # B178-446F-84D3

### UNMAPPED PROPERTY

This report certifies that the complete holdings of the Sanborn Library, LLC collection have been searched based on client supplied target property information, and fire insurance maps covering the target property were not found.

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ☒ Library of Congress
- ☒ University Publications of America
- ☒ EDR Private Collection

*The Sanborn Library LLC Since 1866™*

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## **Appendix C.3**

### **Topographic Maps**



**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 4325114.4  
June 15, 2015

## EDR Historical Topographic Map Report



6 Armstrong Road, 4th Floor  
Shelton, Connecticut 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

# EDR Historical Topographic Map Report

Environmental Data Resources, Inc.s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

***Thank you for your business.***  
Please contact EDR at 1-800-352-0050  
with any questions or comments.

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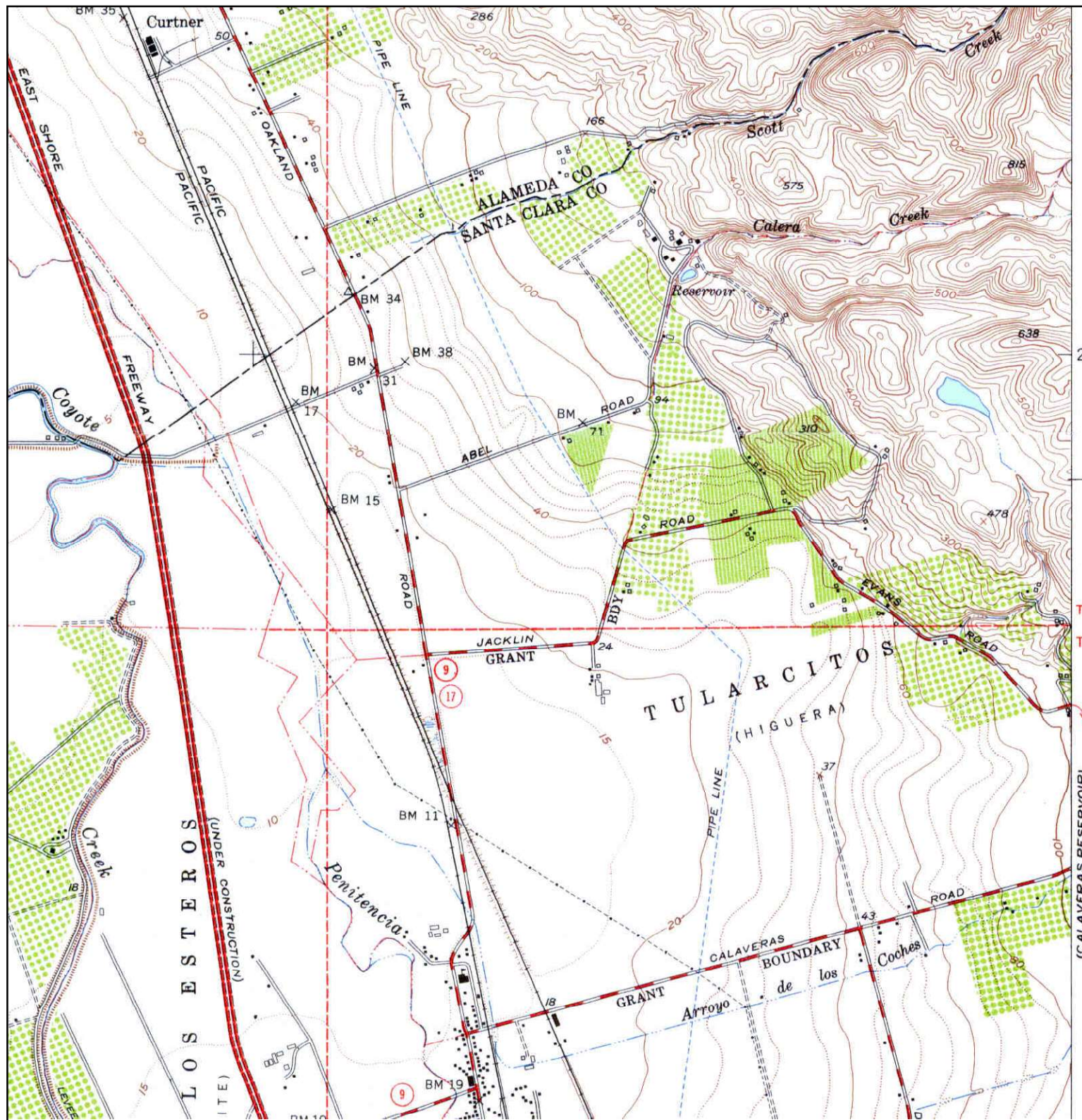
# Historical Topographic Map



|                                                                                    |                |            |                          |                |                                   |
|------------------------------------------------------------------------------------|----------------|------------|--------------------------|----------------|-----------------------------------|
|  | TARGET QUAD    | SITE NAME: | SCDC Park Victoria       | CLIENT:        | ENVIRON International Corporation |
|                                                                                    | NAME: SAN JOSE | ADDRESS:   | 1005 North Park Victoria | CONTACT:       | Jason Kane                        |
|                                                                                    | MAP YEAR: 1899 |            | Milpitas, CA 95035       | INQUIRY#:      | 4325114.4                         |
|                                                                                    | SERIES: 15     | LAT/LONG:  | 37.4499 / -121.8893      | RESEARCH DATE: | 06/15/2015                        |
|                                                                                    | SCALE: 1:62500 |            |                          |                |                                   |



# Historical Topographic Map



|                |                                                                                                              |                                                                                                                                                             |                                                                                                                                                               |
|----------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>N<br/>↑</p> | <p><b>TARGET QUAD</b><br/> NAME: MILPITAS<br/> MAP YEAR: 1953<br/> <br/> SERIES: 7.5<br/> SCALE: 1:24000</p> | <p><b>SITE NAME:</b> SCDC Park Victoria<br/> <b>ADDRESS:</b> 1005 North Park Victoria<br/> Milpitas, CA 95035<br/> <b>LAT/LONG:</b> 37.4499 / -121.8893</p> | <p><b>CLIENT:</b> ENVIRON International Corporation<br/> <b>CONTACT:</b> Jason Kane<br/> <b>INQUIRY#:</b> 4325114.4<br/> <b>RESEARCH DATE:</b> 06/15/2015</p> |
|----------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|



# Historical Topographic Map



## TARGET QUAD

NAME: SAN JOSE  
MAP YEAR: 1953

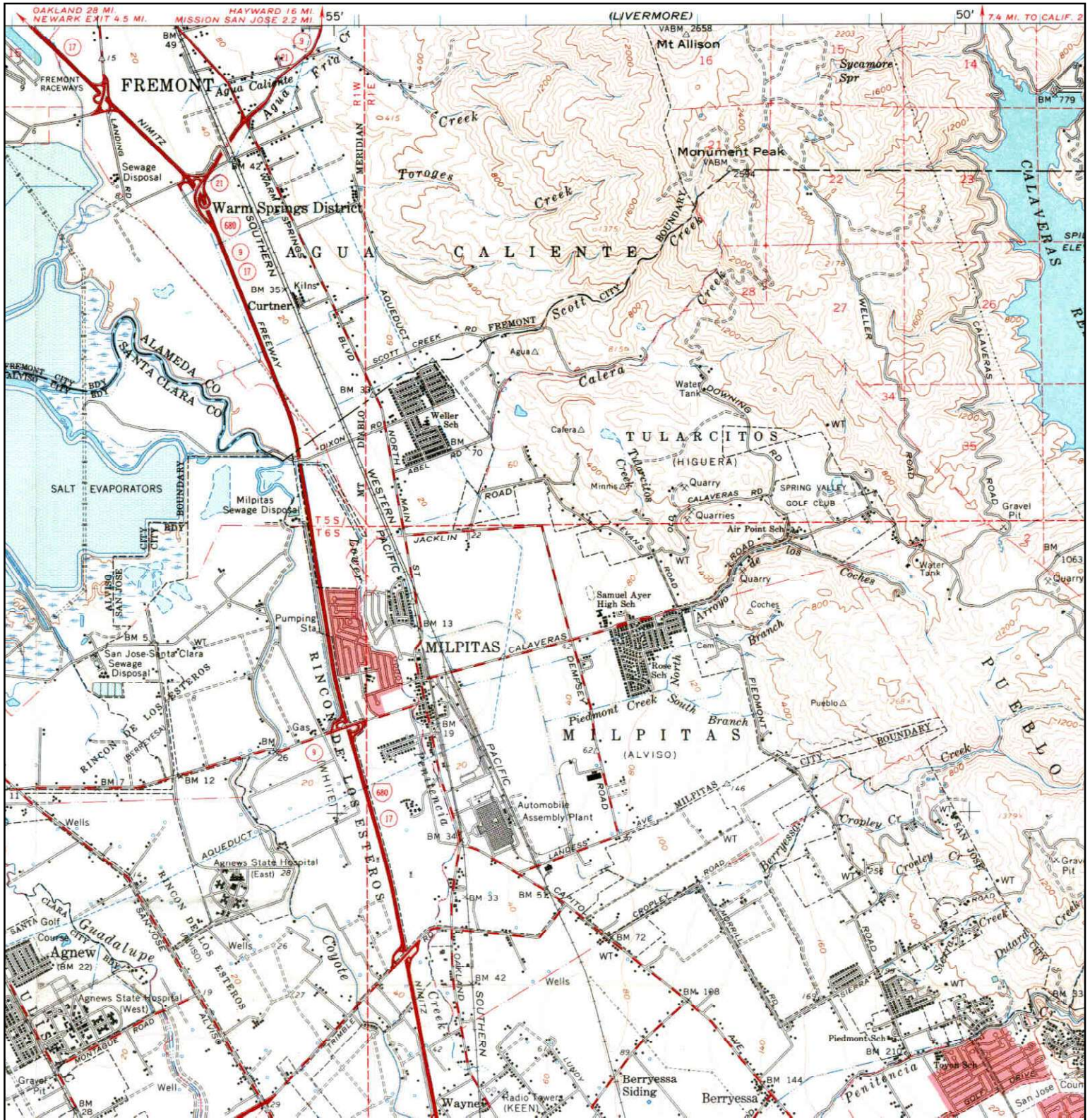
SERIES: 15  
SCALE: 1:62500

SITE NAME: SCDC Park Victoria  
ADDRESS: 1005 North Park Victoria  
Milpitas, CA 95035  
LAT/LONG: 37.4499 / -121.8893

CLIENT: ENVIRON International Corporation  
CONTACT: Jason Kane  
INQUIRY#: 4325114.4  
RESEARCH DATE: 06/15/2015



# Historical Topographic Map



## TARGET QUAD

NAME: SAN JOSE  
MAP YEAR: 1961

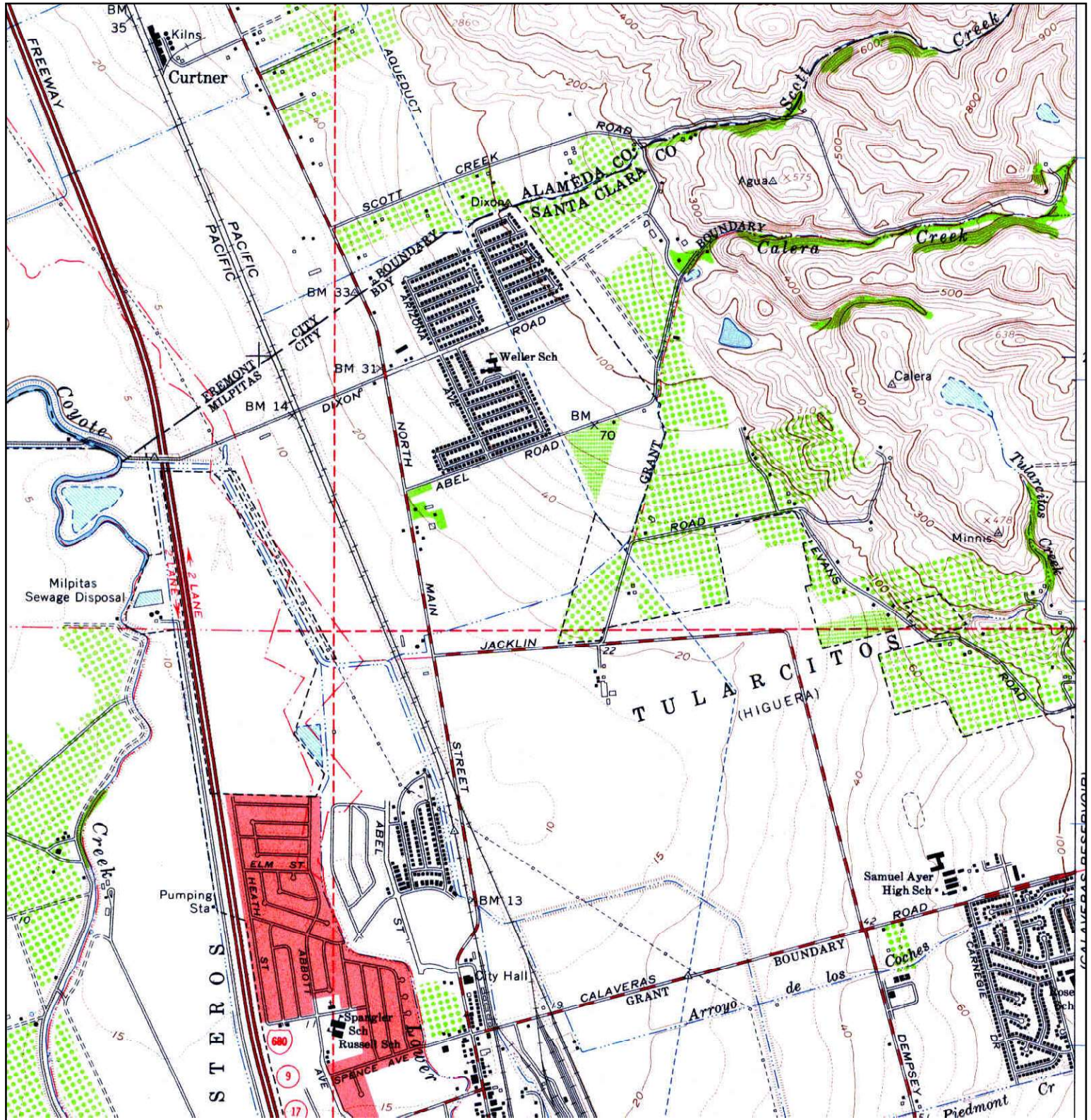
SERIES: 15  
SCALE: 1:62500

SITE NAME: SCDC Park Victoria  
ADDRESS: 1005 North Park Victoria  
Milpitas, CA 95035  
LAT/LONG: 37.4499 / -121.8893

CLIENT: ENVIRON International Corporation  
CONTACT: Jason Kane  
INQUIRY#: 4325114.4  
RESEARCH DATE: 06/15/2015



# Historical Topographic Map



## TARGET QUAD

NAME: MILPITAS  
MAP YEAR: 1961

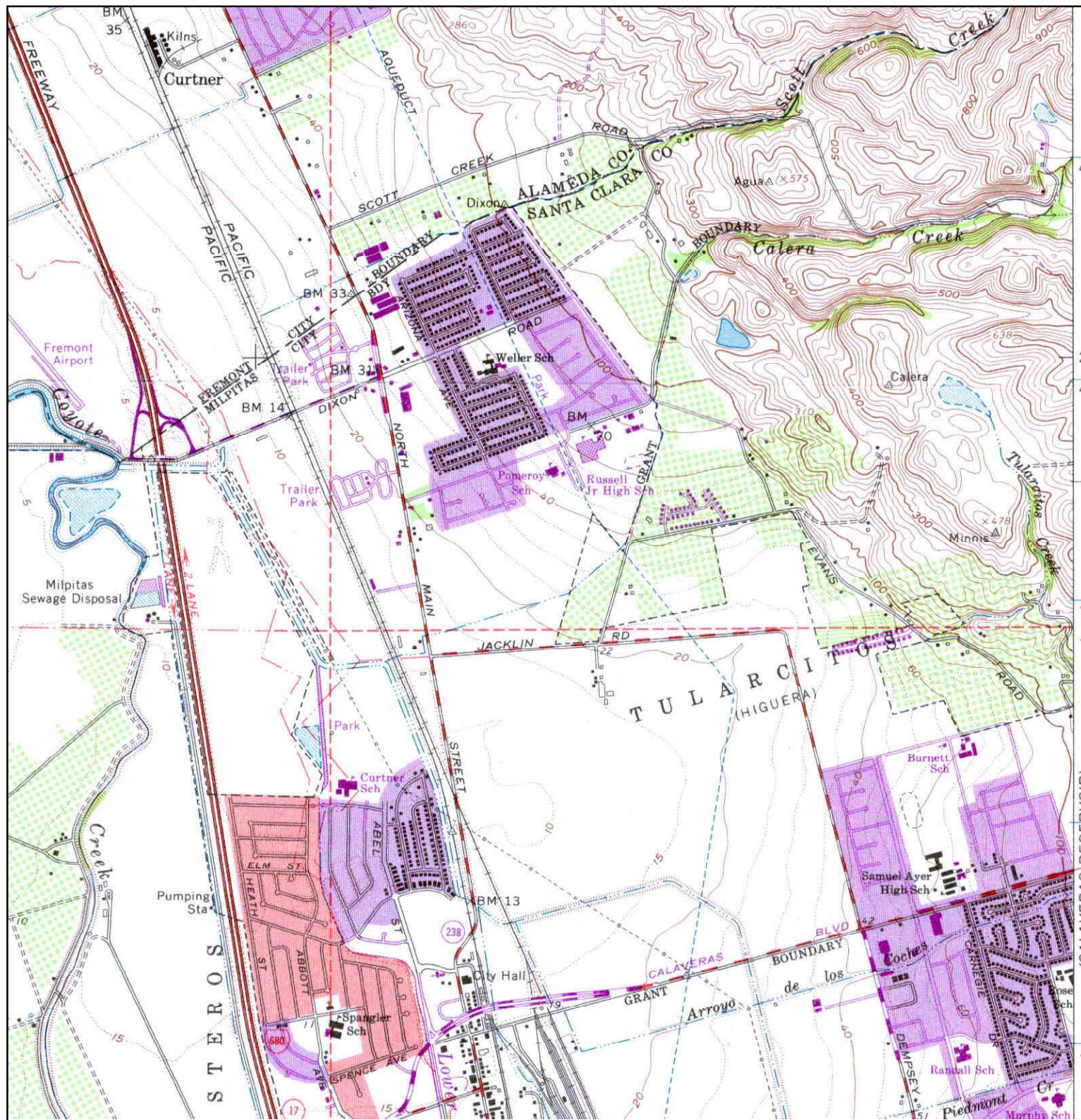
SERIES: 7.5  
SCALE: 1:24000

SITE NAME: SCDC Park Victoria  
ADDRESS: 1005 North Park Victoria  
Milpitas, CA 95035  
LAT/LONG: 37.4499 / -121.8893

CLIENT: ENVIRON International Corporation  
CONTACT: Jason Kane  
INQUIRY#: 4325114.4  
RESEARCH DATE: 06/15/2015



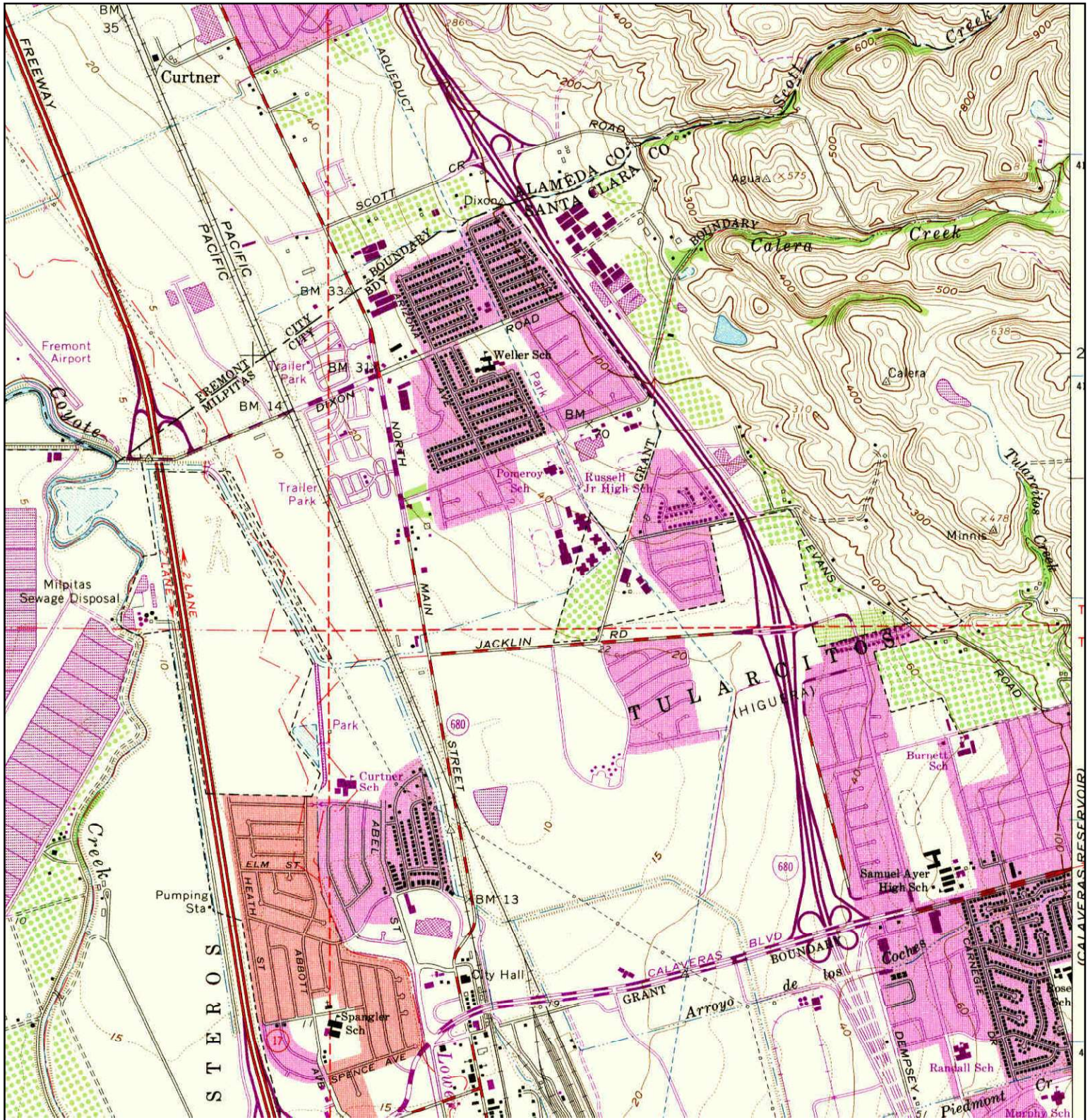
# Historical Topographic Map



|                |                                                                                                                                                                         |                                                                                                                                                             |                                                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>N<br/>↑</p> | <p><b>TARGET QUAD</b><br/> <b>NAME:</b> MILPITAS<br/> <b>MAP YEAR:</b> 1968<br/> <b>PHOTOREVISED FROM :</b> 1961<br/> <b>SERIES:</b> 7.5<br/> <b>SCALE:</b> 1:24000</p> | <p><b>SITE NAME:</b> SCDC Park Victoria<br/> <b>ADDRESS:</b> 1005 North Park Victoria<br/> Milpitas, CA 95035<br/> <b>LAT/LONG:</b> 37.4499 / -121.8893</p> | <p><b>CLIENT:</b> ENVIRON International Corporation<br/> <b>CONTACT:</b> Jason Kane<br/> <b>INQUIRY#:</b> 4325114.4<br/> <b>RESEARCH DATE:</b> 06/15/2015</p> |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|



# Historical Topographic Map



## TARGET QUAD

NAME: MILPITAS  
 MAP YEAR: 1973  
 PHOTOREVISED FROM :1961  
 SERIES: 7.5  
 SCALE: 1:24000

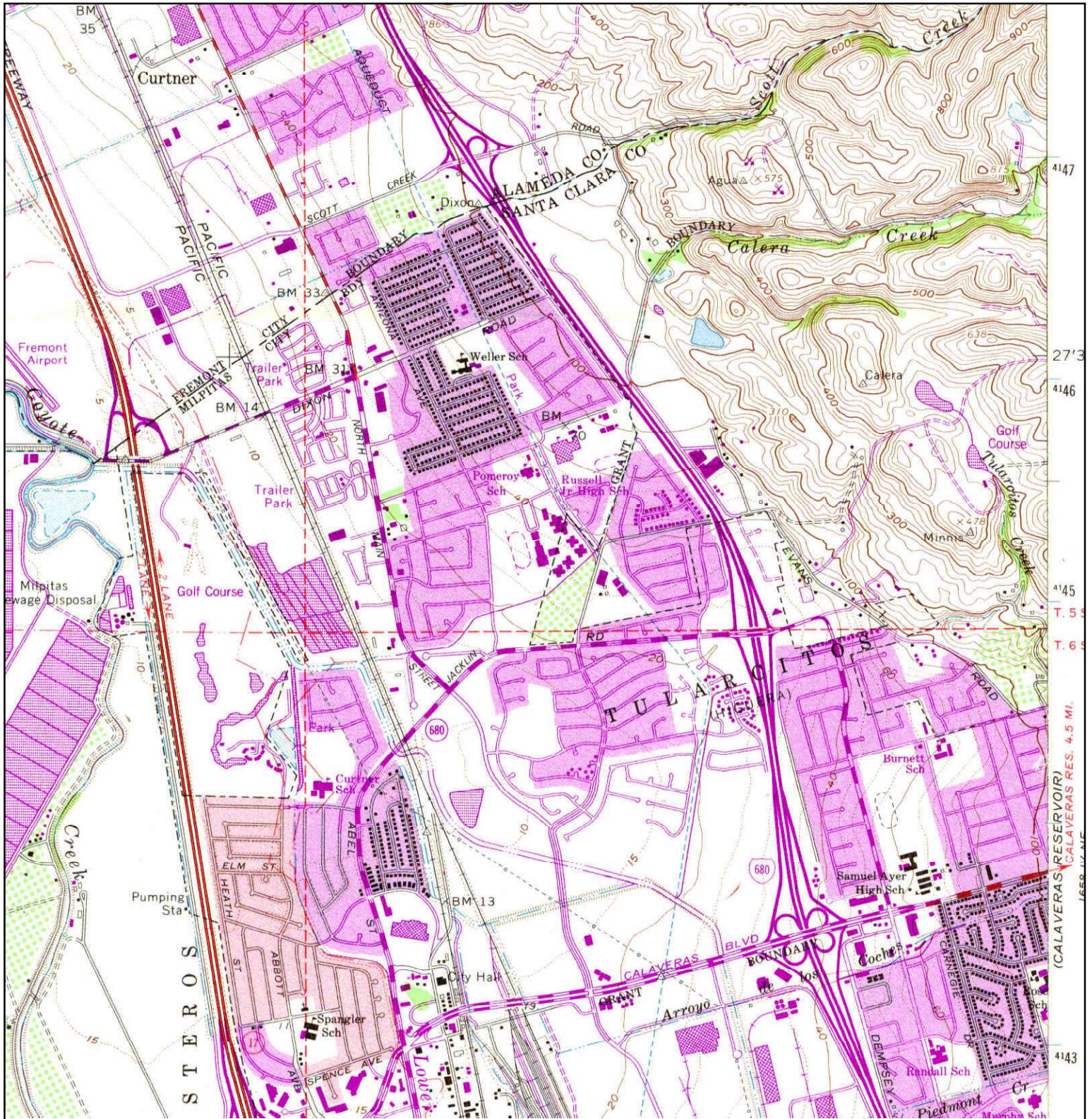
SITE NAME: SCD C Park Victoria  
 ADDRESS: 1005 North Park Victoria  
 Milpitas, CA 95035  
 LAT/LONG: 37.4499 / -121.8893

CLIENT: ENVIRON International Corporation

CONTACT: Jason Kane  
 INQUIRY#: 4325114.4  
 RESEARCH DATE: 06/15/2015



# Historical Topographic Map



## TARGET QUAD

NAME: MILPITAS  
 MAP YEAR: 1980  
 PHOTOREVISED FROM :1961  
 SERIES: 7.5  
 SCALE: 1:24000

SITE NAME: SCDC Park Victoria  
 ADDRESS: 1005 North Park Victoria  
 Milpitas, CA 95035  
 LAT/LONG: 37.4499 / -121.8893

CLIENT: ENVIRON International Corporation  
 CONTACT: Jason Kane  
 INQUIRY#: 4325114.4  
 RESEARCH DATE: 06/15/2015



## **Appendix C.4**

### **Abstract of City Directories**

**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 4325114.5  
June 29, 2015

## The EDR-City Directory Abstract



Environmental Data Resources Inc

6 Armstrong Road  
Shelton, CT 06484  
800.352.0050  
[www.edrnet.com](http://www.edrnet.com)



## TABLE OF CONTENTS

### SECTION

Executive Summary

Findings

City Directory Images

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## EXECUTIVE SUMMARY

### DESCRIPTION

Environmental Data Resources, Inc.'s (EDR) City Directory Abstract is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Abstract includes a search and abstract of available city directory data. For each address, the directory lists the name of the corresponding occupant at five year intervals.

Business directories including city, cross reference and telephone directories were reviewed, if available, at approximately five year intervals for the years spanning 1922 through 2013. This report compiles information gathered in this review by geocoding the latitude and longitude of properties identified and gathering information about properties within 660 feet of the target property.

A summary of the information obtained is provided in the text of this report.

### RESEARCH SUMMARY

The following research sources were consulted in the preparation of this report. An "X" indicates where information was identified in the source and provided in this report.

| <u>Year</u> | <u>Source</u>             | <u>TP</u> | <u>Adjoining</u> | <u>Text Abstract</u> | <u>Source Image</u> |
|-------------|---------------------------|-----------|------------------|----------------------|---------------------|
| 2013        | Cole Information Services | -         | -                | -                    | -                   |
| 2008        | Cole Information Services | -         | X                | X                    | -                   |
| 2006        | Haines Company, Inc.      | -         | X                | X                    | -                   |
|             | Haines Company, Inc.      | X         | X                | X                    | -                   |
| 2001        | Haines Company, Inc.      | -         | -                | -                    | -                   |
| 2000        | Haines & Company          | -         | X                | X                    | -                   |
|             | Haines & Company          | X         | X                | X                    | -                   |
| 1996        | Pacific Bell              | -         | X                | X                    | -                   |
|             | Pacific Bell              | X         | X                | X                    | -                   |
| 1991        | PACIFIC BELL WHITE PAGES  | -         | X                | X                    | -                   |
|             | PACIFIC BELL WHITE PAGES  | X         | X                | X                    | -                   |
| 1986        | Pacific Bell              | -         | X                | X                    | -                   |
| 1985        | Pacific Bell              | -         | X                | X                    | -                   |
|             | Pacific Bell              | X         | X                | X                    | -                   |
| 1982        | Pacific Telephone         | -         | X                | X                    | -                   |
| 1980        | Pacific Telephone         | -         | X                | X                    | -                   |
| 1978        | R. L. Polk & Co.          | -         | -                | -                    | -                   |
| 1975        | Pacific Telephone         | -         | X                | X                    | -                   |
| 1974        | R. L. Polk Co.            | -         | -                | -                    | -                   |
| 1970        | R. L. Polk Co.            | -         | -                | -                    | -                   |
| 1968        | R. L. Polk Co.            | -         | -                | -                    | -                   |
| 1966        | R. L. POLK                | -         | -                | -                    | -                   |
| 1965        | R. L. Polk Co.            | -         | -                | -                    | -                   |
| 1964        | R. L. Polk & Co.          | -         | -                | -                    | -                   |
| 1963        | Pacific Telephone         | -         | -                | -                    | -                   |

## EXECUTIVE SUMMARY

| <u>Year</u> | <u>Source</u>                | <u>TP</u> | <u>Adjoining</u> | <u>Text Abstract</u> | <u>Source Image</u> |
|-------------|------------------------------|-----------|------------------|----------------------|---------------------|
| 1962        | R. L. Polk & Co.             | -         | -                | -                    | -                   |
| 1960        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1957        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1955        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1950        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1946        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1945        | R. L. Polk & Co.             | -         | -                | -                    | -                   |
| 1942        | R.L. Polk                    | -         | -                | -                    | -                   |
| 1940        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1936        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1935        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1931        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1930        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1926        | R. L. Polk Co.               | -         | -                | -                    | -                   |
| 1925        | R. L. Polk Co. of California | -         | -                | -                    | -                   |
| 1922        | R. L. Polk Co.               | -         | -                | -                    | -                   |

## FINDINGS

### TARGET PROPERTY INFORMATION

#### ADDRESS

1005 North Park Victoria  
Milpitas, CA 95035

#### FINDINGS DETAIL

Target Property research detail.

#### N PARK VICTORIA DR

##### 1005 N PARK VICTORIA DR

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>            |
|-------------|--------------------|--------------------------|
| 2006        | No Current Listing | Haines Company, Inc.     |
| 1991        | COURTESY FENCE     | PACIFIC BELL WHITE PAGES |
| 1985        | ROBINSON JOHN E    | Pacific Bell             |

#### PARK VICTORIA DR N

##### 1005 PARK VICTORIA DR N

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>    |
|-------------|--------------|------------------|
| 2000        | MULLER Larry | Haines & Company |
| 1996        | Muller Larry | Pacific Bell     |

## FINDINGS

### ADJOINING PROPERTY DETAIL

The following Adjoining Property addresses were researched for this report. Detailed findings are provided for each address.

#### BLALOCK

##### 1025 BLALOCK

| <u>Year</u> | <u>Uses</u>  | <u>Source</u> |
|-------------|--------------|---------------|
| 1986        | Purewal Mani | Pacific Bell  |

##### 1049 BLALOCK

| <u>Year</u> | <u>Uses</u>   | <u>Source</u> |
|-------------|---------------|---------------|
| 1986        | Lin James C S | Pacific Bell  |

##### 1061 BLALOCK

| <u>Year</u> | <u>Uses</u>   | <u>Source</u> |
|-------------|---------------|---------------|
| 1996        | Jamilano Emil | Pacific Bell  |

#### BLALOCK ST

##### 1025 BLALOCK ST

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>        |
|-------------|--------------------|----------------------|
| 2006        | a PUREWAL Kawaljlt | Haines Company, Inc. |
| 2000        | PUREWAL Amar       | Haines & Company     |

##### 1037 BLALOCK ST

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | MACIAS Raymond | Haines Company, Inc. |
| 2000        | MACIAS Raymond | Haines & Company     |

##### 1048 BLALOCK ST

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | LIN James   | Haines & Company |

##### 1049 BLALOCK ST

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>            |
|-------------|----------------|--------------------------|
| 2006        | RANGEL Eric    | Haines Company, Inc.     |
|             | LIN James      | Haines Company, Inc.     |
| 1991        | Li Un James CS | PACIFIC BELL WHITE PAGES |
|             | LI UN JAMES CS | PACIFIC BELL WHITE PAGES |
| 1985        | LIN JAMES CS   | Pacific Bell             |

## FINDINGS

### 1061 BLALOCK ST

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | ALAPANLeo   | Haines Company, Inc. |
| 2000        | ALAPAN Leo  | Haines & Company     |
|             | DYE Matthew | Haines & Company     |

### 1073 BLALOCK ST

| <u>Year</u> | <u>Uses</u>      | <u>Source</u>            |
|-------------|------------------|--------------------------|
| 2006        | a NGUYEN Hue Kim | Haines Company, Inc.     |
| 2000        | NGUYEN Hue Kim   | Haines & Company         |
| 1991        | Chapin Alan      | PACIFIC BELL WHITE PAGES |
|             | CHAPIN ALAN      | PACIFIC BELL WHITE PAGES |

### CAMARILLO CT

#### 1033 CAMARILLO CT

| <u>Year</u> | <u>Uses</u>           | <u>Source</u>             |
|-------------|-----------------------|---------------------------|
| 2008        | ABLE ELDERLY SERVICES | Cole Information Services |
| 2006        | CHOW George           | Haines Company, Inc.      |
|             | ABLE ELDERLY          | Haines Company, Inc.      |
|             | SERVICES              | Haines Company, Inc.      |
| 2000        | CHOW George           | Haines & Company          |
| 1996        | Chow George           | Pacific Bell              |

#### 1035 CAMARILLO CT

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>             |
|-------------|--------------|---------------------------|
| 2008        | ELECTROTEST  | Cole Information Services |
| 2006        | NGUYEN Long  | Haines Company, Inc.      |
| 2000        | ONGUYEN Long | Haines & Company          |

#### 1037 CAMARILLO CT

| <u>Year</u> | <u>Uses</u>         | <u>Source</u>        |
|-------------|---------------------|----------------------|
| 2006        | a CHANGYen          | Haines Company, Inc. |
| 2000        | HIHT COMMUNICATIONS | Haines & Company     |
|             | CHANG Yen           | Haines & Company     |
| 1996        | Chang Yen           | Pacific Bell         |

#### 1039 CAMARILLO CT

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>        |
|-------------|--------------------|----------------------|
| 2006        | No Current Listing | Haines Company, Inc. |
| 2000        | FARSI Rostam       | Haines & Company     |

## FINDINGS

### **CERVANTEZ CT**

#### **1017 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | o SERTIC Darko | Haines Company, Inc. |
| 2000        | SETIC Darko    | Haines & Company     |

#### **1019 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>        |
|-------------|--------------|----------------------|
| 2006        | ITCHHAPORIA  | Haines Company, Inc. |
|             | Jaynadan     | Haines Company, Inc. |
| 2000        | ITCHHAPORIAJ | Haines & Company     |

#### **1025 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>        |
|-------------|--------------|----------------------|
| 2006        | E LEd Joseph | Haines Company, Inc. |
| 2000        | REINKEGay PI | Haines & Company     |

#### **1027 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u>              | <u>Source</u>             |
|-------------|--------------------------|---------------------------|
| 2008        | MULTI TASKS SERVICES INC | Cole Information Services |
| 2006        | e TORIBIO Rhea           | Haines Company, Inc.      |
| 2000        | TANOTHi                  | Haines & Company          |
|             | LEDinh NGUYENDiem        | Haines & Company          |

#### **1029 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | FRACHDamon  | Haines Company, Inc. |
| 2000        | SYUJohn     | Haines & Company     |

#### **1031 CERVANTEZ CT**

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>        |
|-------------|-------------------|----------------------|
| 2006        | o SANIDADNico las | Haines Company, Inc. |
| 2000        | YEEPhilip         | Haines & Company     |

### **COUNTRY CLUB DR**

#### **1200 COUNTRY CLUB DR**

| <u>Year</u> | <u>Uses</u>            | <u>Source</u>            |
|-------------|------------------------|--------------------------|
| 1991        | Summltpointe Golf Club | PACIFIC BELL WHITE PAGES |
| 1985        | NAN S OF TULARCITOS    | Pacific Bell             |

## FINDINGS

| <u>Year</u> | <u>Uses</u>                      | <u>Source</u>     |
|-------------|----------------------------------|-------------------|
| 1985        | TULARCITOS GOLF AND COUNTRY CLUB | Pacific Bell      |
|             | TULARCITOS GOLF AND COUNTRY CLUB | Pacific Bell      |
|             | TULARCITOS GOLF AND COUNTRY CLUB | Pacific Bell      |
|             | NAN S OF TULARCITOS              | Pacific Bell      |
|             | NAN S LIQUOR CATERING            | Pacific Bell      |
| 1980        | Pro Shop                         | Pacific Telephone |
|             | TULARCITOS GOLF AND COUNTRY CLUB | Pacific Telephone |

### 1220 COUNTRY CLUB DR

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>             |
|-------------|-------------------|---------------------------|
| 2008        | ENGEOTECH INC     | Cole Information Services |
| 2006        | ENGEOTECH INC     | Haines Company, Inc.      |
|             | HUSSAI N Muhammad | Haines Company, Inc.      |

### CREED

#### 1090 CREED

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>     |
|-------------|--------------------|-------------------|
| 1980        | boo Giang T & Dung | Pacific Telephone |
|             | Danzos Jesus       | Pacific Telephone |

#### 1114 CREED

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>     |
|-------------|-------------------|-------------------|
| 1980        | Montello Steven R | Pacific Telephone |

### CREED AVE

#### 1081 CREED AVE

| <u>Year</u> | <u>Uses</u>     | <u>Source</u>     |
|-------------|-----------------|-------------------|
| 1975        | GUPTA VEERENDRA | Pacific Telephone |

#### 1105 CREED AVE

| <u>Year</u> | <u>Uses</u>      | <u>Source</u>     |
|-------------|------------------|-------------------|
| 1975        | Erickson Roger A | Pacific Telephone |

#### 1119 CREED AVE

| <u>Year</u> | <u>Uses</u> | <u>Source</u>     |
|-------------|-------------|-------------------|
| 1975        | Pihl C      | Pacific Telephone |



## FINDINGS

### 1129 CREED AVE

| <u>Year</u> | <u>Uses</u>     | <u>Source</u>     |
|-------------|-----------------|-------------------|
| 1982        | Aguilar Helen M | Pacific Telephone |

### CREED ST

#### 1090 CREED ST

| <u>Year</u> | <u>Uses</u>         | <u>Source</u>        |
|-------------|---------------------|----------------------|
| 2006        | NGUYEN Hanh Van     | Haines Company, Inc. |
|             | a DAOGiang          | Haines Company, Inc. |
| 2000        | SHIREY Elizabeth A  | Haines & Company     |
|             | DAO Giang           | Haines & Company     |
|             | MIZOBUCHI Toshikazu | Haines & Company     |
| 1985        | DAO GIANG T & DUNG  | Pacific Bell         |

#### 1096 CREED ST

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>        |
|-------------|-------------------|----------------------|
| 2006        | a RAMIREZ Evelyn  | Haines Company, Inc. |
|             | NAGAYAMA Brar     | Haines Company, Inc. |
| 2000        | RAMIREZ Evelyn    | Haines & Company     |
| 1985        | CONSTANTINO LORNA | Pacific Bell         |

#### 1102 CREED ST

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | YIP Kevin   | Haines Company, Inc. |
| 2000        | VIP Kevin   | Haines & Company     |

#### 1108 CREED ST

| <u>Year</u> | <u>Uses</u>         | <u>Source</u>        |
|-------------|---------------------|----------------------|
| 2006        | MABUTAS Benito      | Haines Company, Inc. |
|             | Panay               | Haines Company, Inc. |
|             | a VALDEZ Prudencio  | Haines Company, Inc. |
| 2000        | MABUTAS Bendo Panay | Haines & Company     |
|             | VALDEZ Prudencio    | Haines & Company     |

#### 1114 CREED ST

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>        |
|-------------|-------------------|----------------------|
| 2006        | a PHAMLaurent     | Haines Company, Inc. |
| 2000        | KUNZ Wilbert C Jr | Haines & Company     |

## FINDINGS

### **FOX HOLLOW CT**

#### **1101 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | TRAN Billy  | Haines Company, Inc. |

#### **1102 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u>      | <u>Source</u>            |
|-------------|------------------|--------------------------|
| 2006        | 9 BARIANA Jagdev | Haines Company, Inc.     |
| 1996        | Parmar Kirti     | Pacific Bell             |
| 1991        | PARMAR KIRTI     | PACIFIC BELL WHITE PAGES |
|             | Parmar Kirti     | PACIFIC BELL WHITE PAGES |

#### **1109 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>            |
|-------------|-------------|--------------------------|
| 2006        | NGUYEN H    | Haines Company, Inc.     |
| 1996        | Nguyen H    | Pacific Bell             |
| 1991        | NGUYEN H    | PACIFIC BELL WHITE PAGES |
|             | Nguyen H    | PACIFIC BELL WHITE PAGES |

#### **1110 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u>                       | <u>Source</u>             |
|-------------|-----------------------------------|---------------------------|
| 2008        | QUALITY HARDWARE SOFTWARE SERVICE | Cole Information Services |
| 2006        | BARFOROSHI Khalil                 | Haines Company, Inc.      |
| 1991        | PRINCE WILLIAM                    | PACIFIC BELL WHITE PAGES  |
|             | Prince William                    | PACIFIC BELL WHITE PAGES  |

#### **1117 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>            |
|-------------|-------------|--------------------------|
| 2006        | e LEHuy     | Haines Company, Inc.     |
|             | PHAM Trn I  | Haines Company, Inc.     |
| 1991        | Nguyen Hoa  | PACIFIC BELL WHITE PAGES |
|             | NGUYEN HOA  | PACIFIC BELL WHITE PAGES |

#### **1118 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | e LEJerry   | Haines Company, Inc. |

#### **1125 FOX HOLLOW CT**

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | a NOBLE Lou | Haines Company, Inc. |

## FINDINGS

### 1126 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | WALJIKarim  | Haines Company, Inc. |

### 1133 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | o TRAJANOCh In | Haines Company, Inc. |

### 1134 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | WALJIKarim  | Haines Company, Inc. |

### 1141 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>        |
|-------------|---------------|----------------------|
| 2006        | TRUONG Daniel | Haines Company, Inc. |

### 1142 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | NGUYEN Hong | Haines Company, Inc. |

### 1149 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>        |
|-------------|--------------|----------------------|
| 2006        | VALLIANIAzcz | Haines Company, Inc. |

### 1150 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | GHOSH Nirmalya | Haines Company, Inc. |

### 1157 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>        |
|-------------|-------------------|----------------------|
| 2006        | e ANDERSON Mark J | Haines Company, Inc. |
| 1996        | Anderson Mark J   | Pacific Bell         |

### 1158 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | SELVANESAN  | Haines Company, Inc. |
|             | Rajeshwaren | Haines Company, Inc. |

### 1165 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | e PIAM Iep  | Haines Company, Inc. |

## FINDINGS

### 1166 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>              | <u>Source</u>                                |
|-------------|--------------------------|----------------------------------------------|
| 2006        | VANKAYALAPATI<br>Venkata | Haines Company, Inc.<br>Haines Company, Inc. |

### 1173 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>        |
|-------------|--------------------|----------------------|
| 2006        | No Current Listing | Haines Company, Inc. |

### 1174 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | NGUYEN Loc  | Haines Company, Inc. |

### 1181 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | LUOLuen jyh | Haines Company, Inc. |

### 1182 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | e TRANBa    | Haines Company, Inc. |

### 1189 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>        |
|-------------|--------------|----------------------|
| 2006        | QUACH Sylvia | Haines Company, Inc. |

### 1190 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | DOANTEac    | Haines Company, Inc. |

### 1197 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>        |
|-------------|---------------|----------------------|
| 2006        | e CHUNG Peter | Haines Company, Inc. |

### 1198 FOX HOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | a NGOVINh   | Haines Company, Inc. |

### FOXHOLLOW CT

### 1101 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | IRACE Bien  | Haines & Company |

## FINDINGS

### 1102 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>    |
|-------------|----------------|------------------|
| 2000        | BARIANA Jagdev | Haines & Company |

### 1109 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGUYEN H    | Haines & Company |

### 1110 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>    |
|-------------|-------------------|------------------|
| 2000        | BARFOROSHI Khaill | Haines & Company |

### 1117 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>     | <u>Source</u>    |
|-------------|-----------------|------------------|
| 2000        | CHAUDHARI Sunil | Haines & Company |

### 1125 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>      | <u>Source</u>    |
|-------------|------------------|------------------|
| 2000        | MEDEL Ricardo    | Haines & Company |
|             | GEVARGIESS Helen | Haines & Company |

### 1126 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>    |
|-------------|--------------|------------------|
| 2000        | NGUYEN Cuong | Haines & Company |

### 1133 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>    |
|-------------|----------------|------------------|
| 2000        | TRAJANO Enrico | Haines & Company |

### 1134 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | WALJI Karim | Haines & Company |

### 1141 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>    |
|-------------|---------------|------------------|
| 2000        | TRUONG Daniel | Haines & Company |

### 1142 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGUYEN Hong | Haines & Company |

## FINDINGS

### 1149 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>    |
|-------------|---------------|------------------|
| 2000        | VALLIANI Aziz | Haines & Company |

### 1150 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>    |
|-------------|----------------|------------------|
| 2000        | HOSSEINZADEH K | Haines & Company |

### 1157 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>     | <u>Source</u>    |
|-------------|-----------------|------------------|
| 2000        | ANDERSON Mark J | Haines & Company |

### 1158 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | TSAO Wen    | Haines & Company |

### 1165 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | PHAM Hiep   | Haines & Company |

### 1166 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>    |
|-------------|---------------|------------------|
| 2000        | VANKAYALAPATV | Haines & Company |

### 1173 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGUYEN Rang | Haines & Company |

### 1174 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGUYEN Loc  | Haines & Company |

### 1181 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | LUO Luen    | Haines & Company |

### 1189 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGO Tri     | Haines & Company |

### 1190 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGUYEN Duy  | Haines & Company |

## FINDINGS

| <u>Year</u> | <u>Uses</u>           | <u>Source</u>    |
|-------------|-----------------------|------------------|
| 2000        | BLUE SKY POOL SERVICE | Haines & Company |

### 1197 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | CHUNG Peter | Haines & Company |

### 1198 FOXHOLLOW CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u>    |
|-------------|-------------|------------------|
| 2000        | NGO Vinh    | Haines & Company |

### N PARK VICTORIA DR

#### 1015 N PARK VICTORIA DR

| <u>Year</u> | <u>Uses</u>       | <u>Source</u> |
|-------------|-------------------|---------------|
| 1986        | Rakitin Dimitri M | Pacific Bell  |

#### 1020 N PARK VICTORIA DR

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>            |
|-------------|---------------|--------------------------|
| 2006        | PEDRO Jerry   | Haines Company, Inc.     |
| 1991        | PEDRO FRANK M | PACIFIC BELL WHITE PAGES |
|             | Pedro Frank M | PACIFIC BELL WHITE PAGES |
| 1986        | Pedro Frank M | Pacific Bell             |
| 1985        | PEDRO FRANK M | Pacific Bell             |

#### 930 N PARK VICTORIA DR

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>        |
|-------------|---------------|----------------------|
| 2006        | CHEUNG Lizzie | Haines Company, Inc. |

### NICKLAUS AVE

#### 1009 NICKLAUS AVE

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | OJOLLEYChas R  | Haines Company, Inc. |
| 2000        | JOLLEY Chas R  | Haines & Company     |
|             | JOLLEY Chas R  | Haines & Company     |
|             | JOLLEY Charles | Haines & Company     |
| 1996        | Jolley Chas R  | Pacific Bell         |
|             | Jolley Charles | Pacific Bell         |
|             | Jolley Chas R  | Pacific Bell         |
| 1986        | Jolley Charles | Pacific Bell         |
|             | Jolley Chas R  | Pacific Bell         |

## FINDINGS

| <u>Year</u> | <u>Uses</u>    | <u>Source</u> |
|-------------|----------------|---------------|
| 1985        | JOLLEY CHARLES | Pacific Bell  |
|             | JOLLEY CHAS R  | Pacific Bell  |

### 1017 NICKLAUS AVE

| <u>Year</u> | <u>Uses</u>     | <u>Source</u>        |
|-------------|-----------------|----------------------|
| 2006        | ABUAN Bonifacio | Haines Company, Inc. |
| 2000        | ABUAN Bonifacio | Haines & Company     |
| 1996        | Abuan Bonifacio | Pacific Bell         |
| 1986        | Abuan Bonifacio | Pacific Bell         |
| 1985        | ABUAN BONIFACIO | Pacific Bell         |
| 1980        | Abuen Bonifacio | Pacific Telephone    |

### PARK VICTORIA DR

#### 1045 PARK VICTORIA DR

| <u>Year</u> | <u>Uses</u> | <u>Source</u>     |
|-------------|-------------|-------------------|
| 1980        | Rice D      | Pacific Telephone |

### PARK VICTORIA DR N

#### 1015 PARK VICTORIA DR N

| <u>Year</u> | <u>Uses</u>        | <u>Source</u>    |
|-------------|--------------------|------------------|
| 2000        | NO CURRENT LISTING | Haines & Company |

#### 1020 PARK VICTORIA DR N

| <u>Year</u> | <u>Uses</u>  | <u>Source</u>    |
|-------------|--------------|------------------|
| 2000        | OPEDROJe Iry | Haines & Company |

### RANKIN DR

#### 1013 RANKIN DR

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>        |
|-------------|----------------|----------------------|
| 2006        | o BALJoginder  | Haines Company, Inc. |
|             | REGHMINDER Bal | Haines Company, Inc. |
| 2000        | BERCHEM James  | Haines & Company     |

#### 1025 RANKIN DR

| <u>Year</u> | <u>Uses</u>           | <u>Source</u>        |
|-------------|-----------------------|----------------------|
| 2006        | a NGOHoang            | Haines Company, Inc. |
| 2000        | NGO Hoang             | Haines & Company     |
| 1986        | Palla Mohammed Yousuf | Pacific Bell         |



## FINDINGS

| <u>Year</u> | <u>Uses</u>           | <u>Source</u>     |
|-------------|-----------------------|-------------------|
| 1985        | PALLS MOHAMMED YOUSUF | Pacific Bell      |
| 1980        | Palla Mohammed Yousuf | Pacific Telephone |

### 1037 RANKIN DR

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>        |
|-------------|---------------|----------------------|
| 2006        | VEGA Humberto | Haines Company, Inc. |
| 2000        | BROWN Ronald  | Haines & Company     |

### 1049 RANKIN DR

| <u>Year</u> | <u>Uses</u>         | <u>Source</u>        |
|-------------|---------------------|----------------------|
| 2006        | EVANS Frank         | Haines Company, Inc. |
| 2000        | EVANS Nelda         | Haines & Company     |
|             | EVANS Frank         | Haines & Company     |
| 1996        | Evans Frank & Nelda | Pacific Bell         |
| 1986        | Evans Frank         | Pacific Bell         |
| 1985        | EVANS FRANK         | Pacific Bell         |
| 1980        | Evans Frank         | Pacific Telephone    |

### 1057 RANKIN DR

| <u>Year</u> | <u>Uses</u>   | <u>Source</u>        |
|-------------|---------------|----------------------|
| 2006        | FONG Steven a | Haines Company, Inc. |
| 2000        | FONG Steven   | Haines & Company     |

### 1065 RANKIN DR

| <u>Year</u> | <u>Uses</u>       | <u>Source</u>        |
|-------------|-------------------|----------------------|
| 2006        | TURNER John       | Haines Company, Inc. |
| 2000        | TURNER Jonn       | Haines & Company     |
| 1986        | Peoples J M & H P | Pacific Bell         |
| 1985        | PEOPLES J M & H P | Pacific Bell         |

### 1077 RANKIN DR

| <u>Year</u> | <u>Uses</u>    | <u>Source</u>            |
|-------------|----------------|--------------------------|
| 2006        | ODJHACHander M | Haines Company, Inc.     |
| 2000        | OJHA Chander M | Haines & Company         |
| 1991        | OHA CHANDER M  | PACIFIC BELL WHITE PAGES |
|             | O ha Chander M | PACIFIC BELL WHITE PAGES |
| 1986        | Ojha Chander M | Pacific Bell             |
| 1985        | OJHA CHANDER M | Pacific Bell             |

## FINDINGS

### 1089 RANKIN DR

| <u>Year</u> | <u>Uses</u> | <u>Source</u>        |
|-------------|-------------|----------------------|
| 2006        | o LAUMan    | Haines Company, Inc. |
| 2000        | LAU Man     | Haines & Company     |

### SAINT JOSEPH CT

#### 1200 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>     | <u>Source</u> |
|-------------|-----------------|---------------|
| 1986        | MC DANIEL JAS R | Pacific Bell  |

#### 1201 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u> |
|-------------|-------------|---------------|
| 1986        | COOMBES G   | Pacific Bell  |

#### 1208 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u> |
|-------------|---------------|---------------|
| 1986        | DUNKEL ROBT D | Pacific Bell  |

#### 1211 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u> | <u>Source</u> |
|-------------|-------------|---------------|
| 1986        | GULICK ED   | Pacific Bell  |

#### 1214 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>      | <u>Source</u> |
|-------------|------------------|---------------|
| 1986        | HACKER RUSSELL P | Pacific Bell  |

#### 1230 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>         | <u>Source</u> |
|-------------|---------------------|---------------|
| 1986        | FERRIANS OSCAR J JR | Pacific Bell  |

#### 1240 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u> |
|-------------|---------------|---------------|
| 1986        | SCHMITZ GEO L | Pacific Bell  |

#### 1250 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>   | <u>Source</u> |
|-------------|---------------|---------------|
| 1986        | ROBLES ELAINE | Pacific Bell  |

#### 1271 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>     | <u>Source</u> |
|-------------|-----------------|---------------|
| 1986        | TAYLOR ROBERT H | Pacific Bell  |

## FINDINGS

### 1291 SAINT JOSEPH CT

| <u>Year</u> | <u>Uses</u>          | <u>Source</u> |
|-------------|----------------------|---------------|
| 1986        | LANES EART V CDR RET | Pacific Bell  |

## FINDINGS

### TARGET PROPERTY: ADDRESS NOT IDENTIFIED IN RESEARCH SOURCE

The following Target Property addresses were researched for this report, and the addresses were not identified in the research source.

#### Address Researched

1005 North Park Victoria

#### Address Not Identified in Research Source

2013, 2008, 2001, 1986, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

### ADJOINING PROPERTY: ADDRESSES NOT IDENTIFIED IN RESEARCH SOURCE

The following Adjoining Property addresses were researched for this report, and the addresses were not identified in research source.

#### Address Researched

1009 NICKLAUS AVE

#### Address Not Identified in Research Source

2013, 2008, 2001, 1991, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1013 RANKIN DR

2013, 2008, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1015 N PARK VICTORIA DR

2013, 2008, 2006, 2001, 2000, 1996, 1991, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1015 PARK VICTORIA DR N

2013, 2008, 2006, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1017 CERVANTEZ CT

2013, 2008, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1017 NICKLAUS AVE

2013, 2008, 2001, 1991, 1982, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1019 CERVANTEZ CT

2013, 2008, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1020 N PARK VICTORIA DR

2013, 2008, 2001, 2000, 1996, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1020 PARK VICTORIA DR N

2013, 2008, 2006, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1025 BLALOCK

2013, 2008, 2006, 2001, 2000, 1996, 1991, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922

1025 BLALOCK ST

2013, 2008, 2001, 1996, 1991, 1986, 1985, 1982, 1980, 1978, 1975, 1974, 1970, 1968, 1966, 1965, 1964, 1963, 1962, 1960, 1957, 1955, 1950, 1946, 1945, 1942, 1940, 1936, 1935, 1931, 1930, 1926, 1925, 1922



## FINDINGS

**Address Not Identified in Research Source**

[illegible]











## **Appendix C.5**

### **Environmental Lien Search**

**SCDC Park Victoria**

1005 North Park Victoria  
Milpitas, CA 95035

Inquiry Number: 5144783.5  
December 27, 2017

## EDR Environmental Lien and AUL Search

## EDR Environmental Lien and AUL Search

The EDR Environmental Lien and AUL Search Report provides results from a search of available current land title records for environmental cleanup liens and other activity and use limitations, such as engineering controls and institutional controls.

A network of professional, trained researchers, following established procedures, uses client supplied address information to:

- search for parcel information and/or legal description;
- search for ownership information;
- research official land title documents recorded at jurisdictional agencies such as recorders' offices, registries of deeds, county clerks' offices, etc.;
- access a copy of the deed;
- search for environmental encumbering instrument(s) associated with the deed;
- provide a copy of any environmental encumbrance(s) based upon a review of key words in the instrument(s) (title, parties involved, and description); and
- provide a copy of the deed or cite documents reviewed.

***Thank you for your business.***

Please contact EDR at 1-800-352-0050  
with any questions or comments.

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## EDR Environmental Lien and AUL Search

### TARGET PROPERTY INFORMATION

#### ADDRESS

1005 North Park Victoria  
SCDC Park Victoria  
Milpitas, CA 95035

#### RESEARCH SOURCE

##### **Source 1:**

Santa Clara county recorder  
Santa Clara, CA

### PROPERTY INFORMATION

#### **Deed 1:**

Type of Deed: Deed  
Title is vested in: Hooshang N Salem  
Title received from: Ciema INC  
Deed Dated: 5/17/2016  
Deed Recorded: 1/11/2017  
Book: NA  
Page: na  
Volume: na  
Instrument: na  
Docket: NA  
Land Record Comments: see exhibit  
Miscellaneous Comments: na

**Legal Description:** see exhibit

**Legal Current Owner:** Hooshang N Salem

**Parcel # / Property Identifier:** 02904040

**Comments:** see exhibit

### ENVIRONMENTAL LIEN

Environmental Lien: Found ☐ Not Found ☒

### OTHER ACTIVITY AND USE LIMITATIONS (AULs)

AULs: Found ☐ Not Found ☒

## **Deed Exhibit 1**

23555338

Regina Alcomendras  
Santa Clara County - Clerk-Recorder

01/11/2017 11:13 AM

Titles: 1 Pages: 4

Fees: \$34.00  
Taxes: \$0.00  
Total: \$34.00



**RECORDING REQUESTED BY**

First American Title Insurance Company  
National Commercial Services

**AND WHEN RECORDED MAIL TO:**

Robson Homes, LLC  
2185 The Alameda, Suite 150  
San Jose, CA 95126-1432  
Attn: Pamela Gulsvig

Space Above This Line for Recorder's Use Only

A.P.N.: 029-04-040

File No.: \_\_\_\_\_

**GRANT DEED**

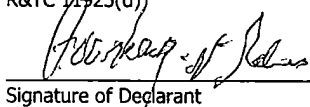
The Undersigned Grantor(s) Declare(s):

DOCUMENTARY TRANSFER TAX \$

CITY TRANSFER TAX \$

SURVEY MONUMENT FEE \$

- [ ] computed on the consideration or full value of property conveyed, OR  
[ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,  
[ ] unincorporated area; [ ] City of **Milpitas**, and  
[ X ] Exempt from transfer tax, reason: **R&TC 11925(d)** (this conveyance results in a change in the method of holding title to the realty and in which proportional ownership interests in the realty remain the same immediately after the transfer pursuant to R&TC 11925(d))

  
\_\_\_\_\_  
Signature of Declarant

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CIEMA, INC., a California corporation (successor by name change to Cymer Inc., a California corporation)**

hereby GRANTS to **HOOSHANG N. SALEM, a married man, as his sole and separate property\***

the following described property in the City of **Milpitas**, County of **Santa Clara**, State of **California**:

**SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A AND INCORPORATED  
HEREIN BY THIS REFERENCE.**

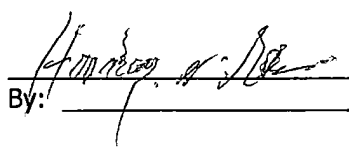
**\*It is the intent of this conveyance to evidence an August 13, 1984 unrecorded conveyance of the Property to HOOSHANG N. SALEM.**



Dated: \_\_\_\_\_

**GRANTOR:**

CIEMA, INC., a California corporation

By: \_\_\_\_\_  


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

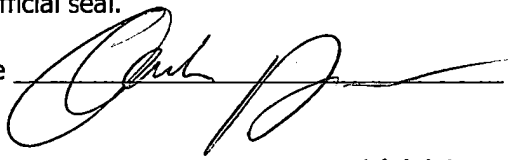
State of California

County of Santa Clara

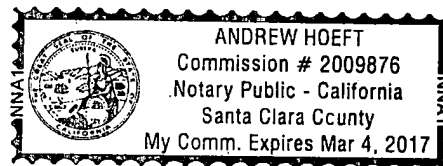
On 5/17/2016 before me, Andrew Hoeft, Notary Public personally appeared Howang Salem, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature \_\_\_\_\_  


(Seal)



**Exhibit "A"****Legal Description**

Real property in the City of Milpitas, County of Santa Clara, State of California, described as follows:

**PARCEL ONE:**

BEGINNING AT A ONE INCH PIPE AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF EVANS ROAD, 50 FEET WIDE, AS CONVEYED BY JOSEPH G. SANTOS, ET UX, TO THE COUNTY OF SANTA CLARA, AS RECORDED IN VOLUME 284 OF OFFICIAL RECORDS, AT PAGE 156, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, WITH THE SOUTHERLY LINE OF THAT CERTAIN 39.56 ACRE TRACT OF LAND CONVEYED BY JOSEPH G. SANTOS, ET UX, TO HENRY THOLE, ET UX, BY DEED DATED FEBRUARY 21, 1944 AND RECORDED ON FEBRUARY 24, 1944 IN BOOK 1191 OF OFFICIAL RECORDS, PAGE 58 AND  
 RUNNING THENCE ALONG THE SOUTHERLY LINE OF SAID 39.56 ACRE TRACT OF LAND, SOUTH 79° 36' WEST 470.76 FEET TO A ONE INCH PIPE;  
 THENCE RUNNING NORTH 10° 16' WEST 656.76 FEET TO A ONE INCH PIPE;  
 THENCE NORTH 79° 49' EAST 197.72 FEET TO A ONE INCH PIPE IN THE SOUTHWESTERLY LINE OF SAID EVANS ROAD;  
 THENCE ALONG THE SOUTHWESTERLY LINE OF EVANS ROAD, SOUTH 32° 32' EAST 649.20 FEET;  
 THENCE CONTINUING ALONG SAID LINE OF EVANS ROAD ON A CURVE TO THE LEFT, WITH A RADIUS OF 425 FEET, THROUGH A CENTRAL ANGLE OF 8° 13' 15" FOR A DISTANCE OF 60.97 FEET TO THE PLACE OF BEGINNING; SITUATED IN THE TULARCITOS RANCHO, SANTA CLARA COUNTY, CALIFORNIA.

**EXCEPTING THEREFROM THE FOLLOWING:**

BEGINNING AT THE NORTHWESTERN CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE DEED FROM HENRY THOLE TO LOUIE R. GOMES RECORDED MARCH 09, 1949 IN BOOK 1756, PAGE 76 OF SANTA CLARA COUNTY OFFICIAL RECORDS;  
 THENCE ALONG SAID NORTHWESTERLY LINE NORTH 79° 40' 08" EAST, 92.78 FEET;  
 THENCE LEAVING LAST NAMED LINE SOUTH 60° 15' 00" WEST 98.30 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL ONE (BOOK 1756 PAGE 76);  
 THENCE NORTH 10° 27' 28" WEST 32.68 FEET TO THE POINT OF BEGINNING.

**ALSO EXCEPTING THEREFROM THE FOLLOWING:**

BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT NO. 8112, "FOX HOLLOW" AS SAID TRACT IS SHOWN ON THAT MAP RECORDED IN BOOK 586 OF MAPS AT PAGES 8 & 9. SAID POINT OF BEGINNING ALSO BEING IN THE SOUTHWESTERLY LINE OF EVANS ROAD (50.00 FEET WIDE);  
 THENCE SOUTHWESTERLY ALONG THE NORTHERN BOUNDARY OF SAID TRACT, SOUTH 79° 32' 29" WEST 58.50 FEET TO A POINT OF CUSP;  
 THENCE ALONG A NON-TANGENT CURVE TO THE LEFT WHOSE RADIUS BEARS SOUTH 73° 00' 24" WEST 1325.00 FEET, THROUGH A CENTRAL ANGLE OF 15° 45' 06" AN ARC LENGTH OF 364.27 FEET TO A POINT OF TANGENCY WITH THE SOUTHWESTERLY LINE OF EVANS ROAD (50.00 FEET WIDE);  
 THENCE SOUTHEASTERLY ALONG SAID LINE SOUTH 32° 44' 43" EAST 321.09 FEET TO A POINT OF CURVATURE;  
 THENCE ALONG A TANGENT CURVE TO THE LEFT WHOSE RADIUS IS 425.00 FEET, THROUGH A CENTRAL ANGLE OF 8° 13' 25", AN ARC LENGTH OF 61.00 FEET TO THE POINT OF BEGINNING.

**PARCEL TWO:**

ALL THAT PORTION OF LAND BEING WITHIN THE BOUNDARIES OF EVANS ROAD, LYING BETWEEN THE NORTHEASTERLY LINE OF THE ABOVE MENTIONED 39.56 ACRE TRACT OF LAND, AND THE SOUTHWESTERLY LINE OF SAID EVANS ROAD AND BETWEEN THE NORTHEASTERLY PROLONGATIONS OF THE NORTHWESTERLY AND SOUTHEASTERLY LINES OF THE HEREIN DESCRIBED 5 ACRE TRACT OF LAND.

## PARCEL THREE:

BEGINNING AT A FOUND ONE-INCH IRON PIPE IN THE SOUTHWESTERLY LINE OF EVANS ROAD, 50 FEET WIDE, AS CONVEYED BY JOSEPH G. SANTOS ET UX TO THE COUNTY OF SANTA CLARA, RECORDED IN VOLUME 284 OF OFFICIAL RECORDS, PAGE 156, SANTA CLARA COUNTY RECORDS; SAID POINT ALSO BEING THE MOST NORTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED AS PARCEL ONE IN THE DEED FROM HENRY V. THOLE TO LOUIE R. GOMES, RECORDED MARCH 09, 1949 IN BOOK 1756, PAGE 76, SANTA CLARA COUNTY RECORDS;  
THENCE ALONG SAID SOUTHWESTERN LINE OF SAID EVANS ROAD NORTH 32° 45' 34" WEST, 35.00 FEET;  
THENCE LEAVING SAID SOUTHWESTERN LINE OF SAID EVANS ROAD SOUTH 60° 15' 00" WEST, 97.31 FEET TO A POINT IN THE NORTHWESTERN LINE OF SAID PARCEL ONE (BOOK 1756, PAGE 76);  
THENCE ALONG LAST NAMED LINE NORTH 79° 40' 08" EAST 105.13 FEET TO THE POINT OF BEGINNING.

APN: 029-04-040

## **Appendix D**

### **Ramboll Environ 2015 Phase I Report**



## **Phase I Environmental Site Assessment and Surface Soil Investigation**

1005 North Park Victoria Drive  
APN 029-04-040  
Milpitas, California

Prepared for:

**Robson Homes, LLC  
San Jose, CA**

Prepared by:

**Ramboll Environ US Corporation  
Emeryville, CA**

Date:

**August 18, 2015**

Project Number:

**03-21676DD**

## Signature and Environmental Professional Statement

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in 40 CFR §312.10.

Further, 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 and practices set forth in 40 CFR Part 312.



---

Anne W. Gates, P.E.

Ramboll Environ US Corporation  
2200 Powell Street, Suite 700  
Emeryville, CA

# Contents

|                                                                     | Page      |
|---------------------------------------------------------------------|-----------|
| <b>1 Summary of Conclusions</b>                                     | <b>1</b>  |
| 1.1 Recognized Environmental Conditions                             | 1         |
| 1.2 Other Findings                                                  | 1         |
| <b>2 Introduction</b>                                               | <b>2</b>  |
| 2.1 Purpose                                                         | 2         |
| 2.2 Scope of the Phase I ESA                                        | 2         |
| 2.3 Significant Assumptions                                         | 4         |
| 2.4 Reliance and General Limitations                                | 4         |
| <b>3 Site Description</b>                                           | <b>6</b>  |
| 3.1 Site Setting                                                    | 6         |
| 3.2 Current Use of Property                                         | 8         |
| 3.3 Current Uses of Adjoining Properties                            | 8         |
| <b>4 Review of Public Records and Other Information Sources</b>     | <b>9</b>  |
| 4.1 Environmental Regulatory Database Review                        | 9         |
| 4.2 Historical Uses of the Site and Adjacent Sites                  | 11        |
| 4.3 Review of Local and State Agency Information                    | 11        |
| 4.4 Environmental Lien Record Search                                | 12        |
| 4.5 Previous Environmental Assessments and Activities               | 12        |
| 4.6 User-Provided Information                                       | 13        |
| <b>5 Site Reconnaissance</b>                                        | <b>14</b> |
| 5.1 Methodology and Limiting Conditions                             | 14        |
| 5.2 General Site Setting and Observations                           | 14        |
| <b>6 Soil Sampling and Analysis</b>                                 | <b>17</b> |
| 6.1 Pre-Field Activities                                            | 17        |
| 6.2 Collection of Soil Samples for Chemical Analysis                | 17        |
| 6.3 Collection of Samples for Naturally Occurring Asbestos Analysis | 17        |
| 6.4 Soil Analytical Results – Chemical Analyses                     | 17        |
| 6.5 Soil Analytical Results – NOA Analyses                          | 18        |
| 6.6 Geophysical Investigation and Potholing Activities              | 18        |
| <b>7 Findings, Opinion, and Conclusions</b>                         | <b>19</b> |
| 7.1 Findings and Opinion                                            | 19        |
| 7.2 Conclusions                                                     | 19        |
| 7.3 Analysis of Data Gaps                                           | 19        |
| <b>8 References</b>                                                 | <b>21</b> |
| 8.1 Documents                                                       | 21        |
| 8.2 Interviews                                                      | 21        |

### List of Tables

|          |                                                    |
|----------|----------------------------------------------------|
| Table 1: | Metals in Soil Samples                             |
| Table 2: | Organochlorine Pesticides Detected in Soil Samples |
| Table 3: | Total Petroleum Hydrocarbons in Soil Samples       |
| Table 4: | Naturally-Occurring Asbestos in Soil Samples       |

### List of Figures

|           |                   |
|-----------|-------------------|
| Figure 1: | Site Location Map |
| Figure 2: | Site Layout       |

### Appendices

|             |                                               |
|-------------|-----------------------------------------------|
| Appendix A: | Site Photographs                              |
| Appendix B: | Environmental Database Report                 |
| Appendix C: | Historical Research Documentation             |
|             | C.1: Aerial Photographs                       |
|             | C.2: Sanborn Maps                             |
|             | C.3: Topographic Maps                         |
|             | C.4: Abstract of City Directories             |
|             | C.5: Environmental Lien Search                |
| Appendix D: | JR Associates Magnetic Investigation Report   |
| Appendix E: | Laboratory Analytical Reports                 |
| Appendix F: | Qualifications of Environmental Professionals |



# 1 Summary of Conclusions

Ramboll Environ US Corporation (Environ) was retained by Robson Homes, LLC (“Robson Homes”) to perform a Phase I Environmental Site Assessment (ESA) and surface soil investigation of the property located at 1005 North Park Victoria Drive in Milpitas, California (herein referred to as the “site” or “property”). Environ’s assessment was conducted in connection with the purchase of the property. The ESA described in this report was performed in general conformance with the scope and limitations of the ASTM International’s *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* E-1527-13 (the “ASTM Standard”), as stated in Chapter 2.0 (Introduction). Any exceptions to, or deletions from, this practice are described in Section 7.3 of this report.

## 1.1 Recognized Environmental Conditions

Environ did not identify any “recognized environmental condition[s]” (REC[s]), as defined by ASTM (see Chapter 2.0), in connection with unrestricted residential use of the property. No further investigation of the site is warranted at this time.

## 1.2 Other Findings

Although not considered a REC based on currently available information, Environ identified the following other finding:

- **Former Agricultural Use.** Between at least 1939 and the purchase of the site by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Shallow soil sampling was conducted by Environ at the site to identify impacts from potential pesticide use. All concentrations of pesticides and metals were less than residential regulatory screening levels (RSLs) with the exception of the sample from location SB04 that reported a concentration of the pesticide dichlorodiphenylethylene (p,p-DDE) slightly above the residential RSL. The low concentration and localized presence of p,p-DDE at location SB04 is not a concern for the site.

*De minimis* conditions, as defined in Chapter 2.0, along with other site conditions observed during the site visits, are discussed within relevant sections of this report and are summarized in Chapter 7.0.

## 2 Introduction

### 2.1 Purpose

Environ was retained by Robson Homes to conduct a Phase I ESA and surface soil investigation of the property located at 1005 North Park Victoria Drive in Milpitas, California (Assessor's Parcel Number [APN] 029-04-040). Environ's assessment was conducted in connection with the purchase of the property. The purpose of the assessment was to identify RECs, which are defined in the ASTM Standard as:

"The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions."

### 2.2 Scope of the Phase I ESA

Environ completed the following tasks, consistent with the ASTM Standard, during its Phase I ESA of the property:

- Visits to the site by Jason Kane of Environ on June 16 and July 2, 2015 to observe the features of the site and to identify the uses and conditions specified in the ASTM Standard. During the site visit, Environ observed the adjoining properties from the site or adjacent public thoroughfares. Photographs taken during the site visits are presented in Appendix A.
- An interview on June 23, 2015 with Ciema Salem, the daughter of the owner of the site since approximately 1978. Ms. Salem is herein referred to as the "site personnel". The site personnel interviewed by Environ were identified as having good knowledge of the current and historical uses and physical characteristics of the site.
- A review of information contained in federal and state environmental databases, as obtained from the sources noted below:
  - A radius report prepared by Environmental Data Resources, Inc. (EDR) on June 15, 2015 for the site and off-site properties in the vicinity of the site. A copy of the EDR radius report is included as Appendix B. The databases and the radius searched for each database were selected in accordance with the ASTM Standard and are identified in the EDR database report. The dates of the most recent updates of the environmental databases are also listed in the database report.
  - The United States Environmental Protection Agency's (USEPA's) Envirofacts database, which provides site information contained in multiple USEPA regulatory databases.
  - The USEPA's Enforcement and Compliance History Online (ECHO) database, which provides information on sites' enforcement and compliance history.

- The State of California's Regional Water Quality Control Board (RWQCB) Geotracker online database and the California Environmental Protection Agency (Cal/EPA) Department of Toxic Substances Control (DTSC) Envirostor online database.
- A review of the EDR Environmental Lien Search Report dated June 19, 2015 to identify environmental liens or activity use limitations (AULs) imposed by judicial authorities with respect to the property.
- A review of standard historical sources (included as Appendix C) and local agency inquiries, as defined in the ASTM Standard. The following resources were reviewed:
  - Readily available historical sources, including (where available) historical topographic maps and aerial photographs, city directories, and Sanborn Maps, to develop a history of the previous uses of the site and surrounding area.
  - Historical and site-specific information obtained from the following local agencies: Santa Clara County Assessor's Office (Assessor), the City of Milpitas Fire Prevention (Fire Prevention), and the City of Milpitas Building Department (Building Department). Environ also requested files from Santa Clara County Environmental Health Department (SCCDEH), Santa Clara Valley Water District (SCVWD), and the City of Milpitas Department of Public Works.
  - A review of electronic files was performed by Environ on June 16, 2015 at the Building Department office.
- A review of physical setting sources, as defined in the ASTM Standard, including:
  - The current USGS 7.5-minute topographic map that shows the area on which the site is located.
  - Geologic, hydrogeologic, or hydrologic sources as provided in the EDR report.
- A review of the *ALTA/ASCM Land Title Survey, 1005 North Park Victoria Drive, Milpitas, California*, prepared by Civil Engineering Associates (CEA), dated July 22, 2015.
- A review of the geophysical survey report for the site titled *Magnetic Investigation at 1005 North Park Victoria Drive in Milpitas, California*, prepared by JR Associates, June 11, 2015 (included as Appendix D).
- A review of the *Alquist Priolo Special Studies Zone Investigation, 1005 North Park Victoria Drive, Milpitas, California*, prepared by Geo-Logic Associates, dated July 16, 2015.
- The collection of surface soil samples during the site visit on June 16, 2015.
- ENVIRON provided Robson Homes with a User Questionnaire consistent with Appendix X3 of the ASTM Standard. Pertinent responses, if any, are discussed in the appropriate sections of this report.

This assessment was conducted in accordance with ASTM Standard E1527-13, as agreed upon by Environ and Robson Homes in June 2015. Certain "non-scope considerations," as defined in the ASTM Standard (i.e., asbestos-containing materials [ACM], radon, lead-based paint, mold) are not directly addressed in this Phase I ESA.

## 2.3 Significant Assumptions

In conducting this review, no significant assumptions were made, except for the following:

- Site-specific field measurements of groundwater gradient are not available. Groundwater flow directions at nearby sites (available in closure documentation for leaking underground storage tank [LUST] cases posted to the RWQCB Geotracker website) indicated a range of groundwater flow directions in the area, ranging from west to south. Based on these measurements and the local topographic gradient (generally to the west-southwest), Environ has assumed that the groundwater flow direction beneath the site is approximately to the southwest. In evaluating potential on-site impacts from off-site sources, those off-site facilities not located adjacent to or within one-quarter mile upgradient of the subject site are not considered to represent a significant concern to the subject site. This interpretation is based on the assumption that a hazardous material released to the subsurface generally does not migrate laterally within the unsaturated soil for a significant distance, although a hazardous material can migrate in the groundwater in a generally downgradient direction.

## 2.4 Reliance and General Limitations

This environmental review has been prepared exclusively without limitation for use by Robson Homes, LLC and affiliated entities including Santa Clara Development Company, Sun Lakes Construction Company of California, and Vesta Real Estate Company Inc., and such other persons or entities whose reliance is explicitly authorized in writing by Environ.

The report is considered current only for a period of 180 days from Environ's most recent site visit which was conducted on July 2, 2015. The conclusions presented in this report represent Environ's best professional judgment based upon the information available and conditions existing as of the date of the review. In performing its assignment, Environ must rely upon publicly available information, information provided by the client, and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to Environ was accurate and complete. This review is not intended as legal advice, nor is it an exhaustive review of site conditions or facility compliance.

The scope of work for this assessment did not include an asbestos survey or inspection. According to federal OSHA regulations (29 CFR §1910.1001) and the Model Accreditation Plan (MAP; 40 CFR Part 763, Subpart E, Appendix C), the inspection, testing, evaluation, and/or sampling of suspect asbestos-containing materials must be conducted by an accredited inspector; these activities were not performed as part of this environmental review. Comments in this report regarding the condition of building materials at the site, including presumed or suspect ACM, represent only Environ's observations at the time of the site visit and are not intended to be consistent with definitions regarding ACM condition in the Asbestos Hazard Emergency Response Act (AHERA) or in other federal or state asbestos regulations or industry standards.

Other issues considered outside the scope of the ASTM Standard and this review include radon, lead-based paint, lead in drinking water, wetlands, PCBs in building materials, cultural and historic resources, ecological resources, endangered species, and high voltage power lines.

### 3 Site Description

#### 3.1 Site Setting

The property is approximately 4.85 acres in area and is located in Milpitas, Santa Clara County, California (the “site” or “property”). According to the Santa Clara County Assessor’s Office, the APN for the site is 029-04-040. The site is located approximately 1.2 miles northeast of the City of Milpitas Civic Center (Figure 1).

The site is developed with a one-story house and one-story garage. The remaining portion of the site is an open field with scattered trees. An asphalt and gravel driveway connects the site to North Park Victoria Drive in the southeastern portion of the site. There are no on-site surface water bodies.

Table A provides an overview of physical setting and utility information for the site.

| Table A: Physical Setting and Utility Information |                                           |                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conditions                                        | Source                                    | Description                                                                                                                                                                                                                                                                                                                                                     |
| <b>Topography</b>                                 |                                           |                                                                                                                                                                                                                                                                                                                                                                 |
| Elevation (above mean sea level)                  | USGS topographic map; Google Earth        | Ranging from approximately 32 to 50 feet across the site.                                                                                                                                                                                                                                                                                                       |
| Topographic Gradient                              | USGS topographic map; visual observations | Gently sloping downward to the west across the site. Regional topography slopes gently downward to the west-southwest toward San Francisco Bay.                                                                                                                                                                                                                 |
| <b>Hydrology</b>                                  |                                           |                                                                                                                                                                                                                                                                                                                                                                 |
| Surface Water Runoff                              | Visual observations                       | Storm water from impervious surfaces at and in the vicinity of the house flows to the west and infiltrates into the on-site open field.                                                                                                                                                                                                                         |
| Nearest Surface Water Body                        | USGS topographic map; visual observations | An engineered channel is located approximately 400 feet to the west of the site. Tularcitos Creek is located approximately 0.4 mile east-southeast of site. The engineered channel and Tularcitos Creek joins with other channels and creeks in the San Jose area and ultimately drains to San Francisco Bay, located approximately 8.0 miles west of the site. |
| Flood Plain                                       | FEMA*; site personnel                     | Site personnel reported no historical flooding at the site. The site is not located within a 500-year flood zone.                                                                                                                                                                                                                                               |
| Wetlands                                          | NWI*                                      | There are no federally-designated wetlands on-site or within 0.5 mile of the site.                                                                                                                                                                                                                                                                              |

**Table A: Physical Setting and Utility Information**

| Conditions                                     | Source                                                                                                                                                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Geology and Hydrogeology</b>                |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Presumed Direction of Shallow Groundwater Flow | LUST case closure documentation for sites within approximately 1.0 mile of the site, reviewed on RWQCB Geotracker online database                                                                                                | Site-specific field measurements of groundwater gradient are not available. Groundwater flow directions at nearby sites (available in closure documentation for LUST cases posted to the RWQCB Geotracker website) indicated a range of groundwater flow directions in the area, ranging from west to south. Based on these measurements and the local topographic gradient (generally to the west-southwest), Environ has assumed that the groundwater flow direction beneath the site is approximately to the southwest.                                                                       |
| Depth to Groundwater                           | 1984 geotechnical investigation conducted adjacent to the south of the site and 2006 groundwater monitoring report for a site located approximately 0.2 mile southwest of the site, reviewed on RWQCB Geotracker online database | A 1984 geotechnical investigation conducted adjacent to the south of the site reported depth to groundwater to be approximately 14 feet below ground surface (bgs). Groundwater monitoring reports for a former LUST cleanup site located approximately 0.2 mile from the site indicate historical groundwater levels ranged between approximately 18 and 20 feet above mean sea level. Based on the site ground surface elevations ranging between approximately 32 to 50 feet above mean sea level across the site, depth to groundwater at the site likely ranges between 12 and 30 feet bgs. |
| On-site Wells                                  | Site personnel; visual observations                                                                                                                                                                                              | There are no on-site monitoring wells.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Nearest Groundwater Supply Wells               | EDR database report                                                                                                                                                                                                              | No state-registered, federally-registered, and/or public water-supply wells are present within one mile of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Geologic Conditions                            | 2015 geotechnical investigation at the site; EDR database report                                                                                                                                                                 | Environ observed the sidewalls of an approximately 3-feet wide, 12-feet deep trench during a geotechnical investigation conducted at the site in June 2015 by Geo-Logic Associates on behalf of Robson Homes. Silts and clays were observed on the sidewalls of the trench down to a depth of approximately 12 feet bgs. The EDR physical setting report indicates that surface soil types in the area consist of silty clays. Underlying sediments are reported to be silty clay loams and weathered bedrock.                                                                                   |
| <b>Site Utility Information</b>                |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Electricity Supplier                           | Site personnel                                                                                                                                                                                                                   | Pacific Gas & Electric (PG&E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Natural Gas Supplier                           | Site personnel                                                                                                                                                                                                                   | PG&E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Use of Fuel Oil for Building Heat              | Site owner; site personnel                                                                                                                                                                                                       | No current or former use of fuel oil reported.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Water Supplier                                 | Site personnel                                                                                                                                                                                                                   | City of Milpitas Public Works Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

**Table A: Physical Setting and Utility Information**

| Conditions                                                                                                                                                                               | Source                     | Description                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------|
| Sanitary Sewer                                                                                                                                                                           | Site personnel             | City of Milpitas Public Works Department                                                                          |
| Septic Systems                                                                                                                                                                           | Site owner; site personnel | Site personnel reported there may be an out-of service wooden septic tank at an unknown location at the property. |
| Notes:<br>FEMA = Federal Emergency Management Agency; NCCS = National Cooperative Soil Survey ; NWI = National Wetlands Inventory<br>* - Source was provided in the EDR database report. |                            |                                                                                                                   |

### 3.2 Current Use of Property

The property is approximately 4.85 acres and developed with a one-story house and one-story garage. Both the on-site house and garage have been abandoned with boarded windows and doors since approximately 1995. The remaining portion of the site is open field with scattered trees.

### 3.3 Current Uses of Adjoining Properties

The site is located in a residential land use area. Based on discussions with site personnel, Environ's visual observations from the property boundary and public rights-of-way, and a limited review of publicly available information, a general determination of the current use of adjacent properties was developed, as described in Table B.

**Table B: Current Use of Adjacent Properties**

| Direction                                                                                                                                                                            | Property/Land Use                                                    | Environ's Observations                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North, west, and south                                                                                                                                                               | Residential, located across Creed and Rankin Streets.                | No apparent exterior manufacturing or chemical storage operations were observed. Residential areas consist of single family homes. No concerns were noted. |
| East                                                                                                                                                                                 | Residential and vacant lot located across North Park Victoria Drive. | No apparent exterior manufacturing or chemical storage operations were observed. Residential areas consist of single family homes. No concerns were noted. |
| Notes:<br>During the site visit, Environ walked or drove by the borders of these properties that are shared with the subject site. Environ did not enter the neighboring properties. |                                                                      |                                                                                                                                                            |



## 4 Review of Public Records and Other Information Sources

### 4.1 Environmental Regulatory Database Review

Environ contracted with EDR to prepare a summary of listings in federal and state agency databases within applicable radii of the site as specified by the ASTM standard.<sup>1</sup> A copy of the EDR report, dated June 15, 2015, is presented in Appendix B.

#### 4.1.1 Database Review for Site

Environ reviewed the results of the state and federal environmental database searches performed by EDR (see Appendix B) and also searched the Geotracker and Envirostor databases. The site was not listed on any of the databases searched.

#### 4.1.2 Database Review for Adjoining Properties

Environ's analysis of adjoining properties was based on observations made during the site reconnaissance (as discussed in Table B) and location information for off-site listings as presented in the EDR report. The discussion of adjoining sites does not include listings for certain databases that are (by themselves) not necessarily indicative of a contamination concern (e.g., compliance listings beyond those specified in Section 8.2.1 of the ASTM Standard). Also, for purposes of this analysis, Environ considers "adjoining" properties to be immediately adjacent, even if separated by a road or other physical barrier.

- **Fox Hollow Development.** The Fox Hollow residential development is located adjacent to the south of the site and is listed on the Fuel Leak Site Activity Report (HIST LUST), Geotracker's Leaking Underground Fuel Tank Report (LUST), and Hazardous Waste & Substance Site List (HIST CORTESE) databases. According to documentation reviewed on the RWQCB Geotracker online database, two 500-gallon gasoline USTs were removed from the Fox Hollow development in May 1988. The USTs were reportedly used for the refuelling of farm equipment, as the Fox Hollow development was historically used for agricultural purposes. One of the Fox Hollow USTs was approximately located southeast of the site under what is currently the intersection of Fox Hollow Court and North Park Victoria Drive. The second Fox Hollow UST was approximately located in the lot of the current off-site residence that is adjacent to the on-site garage structure. The removal of the USTs and associated piping was conducted under the oversight of the Milpitas Fire Department. The USTs were observed to be in good condition upon removal with no holes or corrosion reported. No odor or visual indication of a release was observed in the bottom of the tank excavation pits. Soil samples were collected from the bottoms of the excavation pits at a depth of approximately 6 feet bgs and analyzed for total petroleum hydrocarbons in the gasoline range (TPH-g) and benzene, toluene, ethylbenzene, and xylene (BTEX). All concentrations were less than laboratory reporting limits with the exception of TPH-g and xylene, reported to be 5.9 and 0.15 parts per million (ppm), respectively, in a base confirmation sample from the former UST located in the lot of the

<sup>1</sup> EDR uses the term "radii" to refer to the ASTM terminology "approximate minimum search distance" in the environmental database report.

current off-site residence that is adjacent to the on-site garage structure. Based on the very low concentrations of TPH-g and xylene reported in only one of the confirmation samples and the presence of silty clay between the base of the former UST and underlying groundwater (reportedly 14 feet bgs), the case was recommended for closure by SCVWD on May 7, 1991 and granted closure by RWQCB on May 29, 1991. The Fox Hollow Development is not of concern to the subject site.

#### 4.1.3 Database Review for Non-Adjoining Properties

There are several listings in the EDR database report for off-site non-adjoining properties. A summary of the pertinent listings is provided below. As noted in Table A, shallow groundwater beneath the site likely flows to the southwest. Within this section, Environ did not discuss certain listings for off-site non-adjoining properties that are (by themselves) not necessarily indicative of a contamination concern (e.g., hazardous waste generators, registered storage tanks, compliance listings). Also, Environ did not discuss herein any off-site non-adjoining property that is listed on a database indicative of a contamination concern but for which regulatory closure has been issued, as the issuance of regulatory closure suggests that impacts to the subject site from the noted off-site property are unlikely. Finally, Environ did not discuss herein any off-site non-adjoining property that is presumed to be downgradient or crossgradient of the subject site. This analysis was based on the assumption that a hazardous material released to the subsurface generally does not migrate laterally within the unsaturated soil for a significant distance, but a hazardous material can migrate in the groundwater in a generally downgradient direction; however, the direction of groundwater flow may be affected by localized topographic, hydraulic, and hydrogeologic conditions.

- **Summitpointe Golf Club.** The Summitpointe Golf Club, also known as the Tularcitos Golf and Country Club, is located at 1200 Country Club Drive in Milpitas, California, approximately 0.5 mile to the east-northeast of the site. The property is listed on the Historical Substance Storage Container Database (HIST UST), Facility Inventory Database (CA FID UST), HIST CORTESE, LUST, Fuel Leak Lists (LUST REG 2), LUST SANTA CLARA, Fuel Leak Site Activity Report (HIST LUST SANTA CLARA), CUPA Facility List (CUPA SANTA CLARA), and Statewide Environmental Evaluation and Planning System Listing System (SWEEPS UST) databases. The listings refer to a closed underground fuel leak case. In April 1994, a 6,000-gallon gasoline UST, 2,000-gallon gasoline UST, 1,000-gallon diesel UST, and associated piping were removed from the property. Soil and groundwater sampling in the vicinity of the removed USTs indicated gasoline and diesel contamination. Approximately 200 cubic yards of soil was over-excavated and confirmation samples of the excavation reported concentrations of 38 ppm as TPH-g in soil and 250 parts per billion (ppb) as TPH in the diesel range (TPH-d) in grab groundwater. In December 2002, a monitoring well located adjacent to the former USTs was sampled by Environ and analyzed for TPH-g and BTEX. No constituents were reported above laboratory reporting limits. The Golf Club property was granted case closure by SCCDEH in July 2008 and is not of concern to the subject site.

## 4.2 Historical Uses of the Site and Adjacent Sites

### 4.2.1 Past Uses of the Site

The site was historically used for agricultural purposes, including as an apricot orchard. The residence was constructed at the site in approximately 1953. The current owner, Hooshang Salem, purchased the site in 1978, at which time agricultural operations ceased. Mr. Salem rented the site to various tenants who used the site for residential purposes until approximately 1995, when the house and adjacent garage were boarded to prevent vandalism.

A summary of Environ's key observations from the available historical sources is presented in Table C.

| <b>Table C: Summary of Key Observations from Historical Sources for the Subject Site</b>                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Historical Source</b>                                                                                                                                                                                                                                                                                            | <b>Key Observations Regarding Site History</b>                                                                                                                                                                                                                                                                                                    |
| Aerial Photographs and Satellite Imagery <sup>1</sup><br>(1939, 1940, 1948, 1950, 1956, 1966, 1968, 1974, 1979, 1982, 1993, 1998, 2000, 2002 – 2014)                                                                                                                                                                | Early photographs show the site as an orchard until the 1982 photograph, at which time the orchard has been converted to open field. The current residence first appears in the 1966 photograph. The current garage and an additional structure that is no longer present at the site first appear in the 1974 photograph. No concerns are noted. |
| Topographic Maps<br>(1899, 1953, 1961, 1968, 1973, 1980)                                                                                                                                                                                                                                                            | Development is first depicted in the vicinity of the site in 1961. No concerns are noted.                                                                                                                                                                                                                                                         |
| City Directory Abstracts<br>(1985, 1991, 1996, 2000, 2006)                                                                                                                                                                                                                                                          | The occupant of 1005 North Park Victoria Drive is listed as John Robinson in 1985, Courtesy Fence in 1991, Larry Muller in 1996 and 2000, and vacant in 2006.                                                                                                                                                                                     |
| <sup>1</sup> In addition to aerial photographs provided by EDR, Environ viewed historical satellite imagery provided via Google Earth. Printed copies were not obtained, and imagery dates were not independently verified.<br><br>EDR reported that Sanborn fire insurance coverage is not available for the site. |                                                                                                                                                                                                                                                                                                                                                   |

### 4.2.2 Past Uses of Adjacent Sites

The adjacent properties were used for agricultural purposes, including orchards, dating back to at least 1939. Based on a review of aerial photographs, residential development first appears adjacent to west of the site in 1979. In the 1993 aerial photograph, residential development is present to the south and east of the site.

## 4.3 Review of Local and State Agency Information

Environ visited or otherwise contacted local governmental agencies and regulatory bodies for information relating to the site. An overview of the findings of this review is presented in Table D.

**Table D: Local Agency Information for the Site**

| Agency Contacted / Document Reviewed                           | Information Obtained                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Santa Clara County Tax Assessor                                | Documents reviewed online using the Santa Clara County Tax Assessor's website included assessment roll information and a tax map. The map indicates that the APN for the site is 029-04-040.                                                                                                                                                                                                        |
| City of Milpitas Fire Prevention                               | Environ attempted to review available public records maintained in an online database by the City of Milpitas Fire Prevention. No files were available for the site.                                                                                                                                                                                                                                |
| City of Milpitas Building Department                           | Environ reviewed one available file through the City of Milpitas Building Department online database related to the removal of an on-site structure in 2008 that had been destroyed by a fire.                                                                                                                                                                                                      |
| Santa Clara County Department of Environmental Health (SCCDEH) | Environ requested records from SCCDEH for information regarding soil or groundwater investigations, USTs, LUSTs, hazardous materials inspections, or violations/permits for the property. Environ was informed that no records were found for the site. Environ also searched SCCDEH's online database of LUST, solvent release, and cleanup cases. The database contained no records for the site. |
| Santa Clara Valley Water District (SCVWD)                      | Environ requested records from the Santa Clara Valley Water District and was referred to the SCVWD online database of solvent files prior to 2004, at which time local agency oversight was transferred to the Department of Environmental Health. No records related to the site address were found on the online database.                                                                        |

#### 4.3.1 Interviews with Site Owner and Site Personnel

Environ conducted an interview on June 23, 2015 with Ciema Salem, the daughter of the owner of the site, Hooshang Salem. Mr. Salem has owned the site since approximately 1978, although he has never lived at the site. At the time the site was purchased, the field was planted with an apricot orchard. Agricultural operations ceased upon Mr. Salem's purchase of the site and the residence was subsequently rented by various tenants and used for residential purposes until approximately 1995. From approximately 1995 to the present, the site has remained vacant and has been the subject of multiple vandalism events including graffiti and fires. Due to repeated events of vandalism, the windows and doors of the residence and garage at the site are currently boarded to prevent further vandalism.

#### 4.4 Environmental Lien Record Search

A review of EDR Environmental Lien Search Report dated June 19, 2015 to identify environmental liens or activity use limitations (AULs) imposed by judicial authorities with respect to the property. No environmental liens or AULs were found.

#### 4.5 Previous Environmental Assessments and Activities

Environ and site personnel are not aware of any previous environmental site assessments conducted at the site.

#### **4.6 User-Provided Information**

Environ provided Robson Homes with a User Questionnaire (consistent with Appendix X3 of the ASTM Standard) that requested information relating to environmental liens, AULs, specialized knowledge of the property, property value diminution, chain-of-title, or any other commonly known or obvious indications of site contamination, that was not otherwise provided to Environ. Pertinent responses, if any, are discussed in the appropriate sections of this report.

## 5 Site Reconnaissance

### 5.1 Methodology and Limiting Conditions

Jason Kane of Environ conducted site reconnaissance visits on June 16 and July 2, 2015. During the site visits, observations of the site were made to evaluate if any RECs, as defined in Chapter 2, are present.

### 5.2 General Site Setting and Observations

Environ made observations during the site visits concerning all of the interior and exterior issues specified in Sections 9.4.2 through 9.4.4 of the ASTM E1527-13 Standard. The presence or absence of each issue of environmental interest or concern is noted in Table E. Only those areas of environmental interest or concern that were observed at the site are discussed further in the text below.

| <b>Table E: Summary of Site Reconnaissance Observations</b>                                                                                                                                                                                                                         |                     |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                        | <b>ASTM Section</b> | <b>Observation</b>                                 |
| <b>Interior and Exterior Issues</b>                                                                                                                                                                                                                                                 |                     |                                                    |
| Current use(s) of the property                                                                                                                                                                                                                                                      | 9.4.2.1             | See Section 3.2                                    |
| Past use(s) of the property                                                                                                                                                                                                                                                         | 9.4.2.2             | See Section 3.2 and 4.2                            |
| Hazardous substances and petroleum products used, treated, stored, disposed of, or generated on the property in connection with identified present or past uses                                                                                                                     | 9.4.2.3             | <b>Historically Present</b><br>(see Section 5.2.1) |
| Storage tanks:<br>Underground storage tanks (fill ports, vent pipes, manholes)<br>Aboveground storage tanks (ASTs)                                                                                                                                                                  | 9.4.2.4             | <b>Present</b><br>(see Section 5.2.2)              |
| Odors (strong, pungent or noxious)                                                                                                                                                                                                                                                  | 9.4.2.5             | Absent                                             |
| Pools of liquid, standing surface water or sumps                                                                                                                                                                                                                                    | 9.4.2.6             | Absent                                             |
| Drums of hazardous substances or petroleum products (for example, five-gallon, 55-gallon or totes)                                                                                                                                                                                  | 9.4.2.7             | Absent                                             |
| Hazardous substance and petroleum product containers (not necessarily in connection with identified uses)                                                                                                                                                                           | 9.4.2.8             | Absent                                             |
| Unidentified substance containers suspected of containing hazardous substances or petroleum products                                                                                                                                                                                | 9.4.2.9             | Absent                                             |
| Polychlorinated biphenyls (PCBs)<br>Electrical equipment on-site (e.g., transformers, capacitors)<br>Electrical equipment known or likely to contain PCBs<br>Hydraulic equipment on-site (e.g., elevators, truck dock lifts)<br>Hydraulic equipment known or likely to contain PCBs | 9.4.2.10            | Absent                                             |

| <b>Table E: Summary of Site Reconnaissance Observations</b>                                                                                                                                                                                                                                                                                                                                                       |                     |                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------|
| <b>Issue</b>                                                                                                                                                                                                                                                                                                                                                                                                      | <b>ASTM Section</b> | <b>Observation</b>                                |
| <b>Interior Issues</b>                                                                                                                                                                                                                                                                                                                                                                                            |                     |                                                   |
| Heating/cooling systems                                                                                                                                                                                                                                                                                                                                                                                           | 9.4.3.1             | Absent                                            |
| Stains or corrosion on interior floors, walls or ceilings (except for staining from water)                                                                                                                                                                                                                                                                                                                        | 9.4.3.2             | Absent                                            |
| Floor drains and interior sumps                                                                                                                                                                                                                                                                                                                                                                                   | 9.4.3.3             | Absent                                            |
| <b>Exterior Issues</b>                                                                                                                                                                                                                                                                                                                                                                                            |                     |                                                   |
| Pits, ponds or lagoons on property or adjacent sites                                                                                                                                                                                                                                                                                                                                                              | 9.4.4.1             | Absent                                            |
| Stained soil or pavement                                                                                                                                                                                                                                                                                                                                                                                          | 9.4.4.2             | Absent                                            |
| Stressed vegetation (from other than insufficient water)                                                                                                                                                                                                                                                                                                                                                          | 9.4.4.3             | Absent                                            |
| On-site solid waste disposal; areas apparently filled or graded by non-natural causes; or mounds or depressions suggesting solid waste disposal                                                                                                                                                                                                                                                                   | 9.4.4.4             | Absent                                            |
| Wastewater or other liquid (including storm water) or any discharge into a drain, ditch, underground injection system or stream on or adjacent to the property                                                                                                                                                                                                                                                    | 9.4.4.5             | Absent                                            |
| Wells (including dry wells, irrigation wells, injection wells, abandoned wells, or other wells)                                                                                                                                                                                                                                                                                                                   | 9.4.4.6             | Absent                                            |
| Septic systems or cesspools                                                                                                                                                                                                                                                                                                                                                                                       | 9.4.4.7             | <b>Potentially Present</b><br>(see Section 5.2.3) |
| <b>Notes:</b><br>Observations noted in this table and discussed further below are based on information obtained during the site visits and from a review of the sources summarized in Chapter 4.<br>See the ASTM Standard for a detailed description of the issues included in each referenced ASTM section.<br>Per the ASTM Standard, fluorescent light ballasts likely to contain PCBs do not need to be noted. |                     |                                                   |

### 5.2.1 Hazardous Substances and Petroleum Products

From at least 1939 until the site was purchased by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Surface soil sampling was conducted at the site to identify impacts from potential pesticide use at the site, as discussed in Section 6.

### 5.2.2 Aboveground Storage Tank

An abandoned aboveground storage tank is located on the eastern portion of the site. The metal tank is approximately 400 gallons in volume and appears to be a former hot water storage tank. Site personnel did not report knowing of the use or origin of the tank. No staining or indication of a release was observed in the vicinity of the tank. Shallow soil sampling was conducted in the immediate vicinity of the tank to identify any potential impacts from the tank, as discussed in Section 6. The abandoned tank is not considered to be a concern for the site.

### **5.2.3 Septic Tank**

Site personnel reported an underground wooden septic tank formerly used by the site may be located in the vicinity of the house. The exact location of the septic tank is not known. The wooden underground septic tank is not considered to be a concern for the site.



## 6 Soil Sampling and Analysis

Environ conducted surface soil sampling at the site on June 16, 2015. Figure 2 shows the locations of the soil samples and Tables 1 through 4 summarize the results of soil sample analyses.

### 6.1 Pre-Field Activities

Environ prepared a site-specific health and safety plan (HASP) and contracted with McCampbell Analytical Inc (MAI) to perform laboratory analytical services.

### 6.2 Collection of Soil Samples for Chemical Analysis

On June 16, 2015, soil samples were collected for chemical analyses at locations SB01 through SB08 (see Figure 2). At all locations a soil boring was advanced to a depth of approximately 6 inches bgs using a hand auger. Soil borings SB01, SB06, SB07, and SB08 were located in the open field to identify potential impacts from former agricultural operations at the site. Soil borings SB02, SB03, and SB04 were located in the vicinity of the residence and garage. Soil boring SB05 was located adjacent to the abandoned aboveground storage tank located on the eastern portion of the site. As discussed in Section 5.2.2, the tank was likely used as a hot water storage tank.

All soil samples were collected in laboratory-provided glass jars, labeled, placed in doubled zip-closure bags, and stored on ice in an insulated cooler. Samples were transported to McCampbell Analytical Inc. with chain-of-custody documentation for chemical analysis on a five-day turnaround. All soil samples were analyzed for CAM17 metals by Environmental Protection Agency (EPA) Method 6020, OCPs by EPA Method 8081A, and PCBs by EPA Method 8082. Sample SB05 was also analyzed for TPH (gasoline, diesel, motor oil ranges) by EPA Method 8015B.

### 6.3 Collection of Samples for Naturally Occurring Asbestos Analysis

Samples were also collected from gravel baserock at locations SB02, SB03, and SB04. The samples were placed in double zip-closure bags and transported to MAI with chain-of-custody documentation for chemical analysis on a standard 5-day turnaround where they were composited into one three-point composite sample and analyzed for naturally-occurring asbestos (NOA) by California Air Resources Board (CARB) Method 435.

### 6.4 Soil Analytical Results – Chemical Analyses

Sample analytical results for metals indicated that metal concentrations in all samples are below Cal-Modified or USEPA Regional Screening Levels (RSLs) for residential land use or, in the case of arsenic, consistent with typical naturally-occurring concentrations. Analytical results for metals are summarized in Table 1. The laboratory analytical report is provided in Appendix E.

Sample analytical results for OCPs indicated that low concentrations of pesticides are present at the site. Only the sample collected from SB04 reported a pesticide concentration above the residential RSL. The concentration of dichlorodiphenylethylene (p,p-DDE) at SB04 was 1.9 milligrams per kilogram (mg/kg), slightly above the residential RSL of 1.6 mg/kg. The low

concentration and localized presence of p,p-DDE at location SB04 is not considered a concern for the site. Concentrations of PCBs were not detected above laboratory screening levels. Analytical results for OCPs are summarized in Table 2. The laboratory analytical report is provided in Appendix E.

Concentrations of TPH as gasoline, diesel, and motor oil in sample SB05 were slightly above laboratory reporting limits but well below residential RSLs. Analytical results of TPH are summarized in Table 3. The laboratory analytical report is provided in Appendix E.

## **6.5 Soil Analytical Results – NOA Analyses**

One (1) three-point composite soil sample was collected and submitted for NOA analysis, as described in Section 6.3. The results of the analysis indicated asbestos was not detected in the composite sample. Analytical results for NOA are provided in Table 4. The laboratory analytical report is provided in Appendix E.

## **6.6 Geophysical Investigation and Potholing Activities**

A geophysical survey of the site was performed by JR Associates Inc. in June 2015. The purpose of the investigation was to look for geophysical indications of buried metal objects. The results of the survey indicated multiple locations across the site had subsurface metallic anomalies. On June 16, 2015 Robson Homes' contractor, Geo-Logic Associates, used an excavator to uncover the subsurface metallic anomalies. All anomalies were observed by Environ to be remnants of former fence posts and barb wire. Due to the benign nature of the uncovered fencing materials, Environ did not collect any soil samples associated with the metallic anomalies.

## 7 Findings, Opinion, and Conclusions

Environ has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E1527-13, as well as a shallow soil investigation, at the property located at 1005 North Park Victoria Drive in Milpitas, California. Any exceptions to, or deletions from, this practice are described in Section 7.3.

### 7.1 Findings and Opinion

#### 7.1.1 Recognized Environmental Conditions

Environ did not identify any “recognized environmental condition[s]” (REC[s]), as defined by ASTM (see Chapter 2.0), in connection with unrestricted residential use of the property. No further investigation of the site is warranted at this time.

#### 7.1.2 Other Findings

Environ identified the following additional finding that is not considered RECs based on available information:

- **Former Agricultural Use.** Between at least 1939 and the purchase of the site by the current site owner in 1978, the site was used for agricultural purposes including as an apricot orchard. Pesticides may have been used during the period of agricultural use at the site. Shallow soil sampling was conducted by Environ at the site to identify impacts from potential pesticide use. All concentrations of pesticides and metals were less than residential RSLs with the exception of the sample from location SB04 that reported a concentration of the pesticide p,p-DDE slightly above the residential RSL. The low concentration and localized presence of p,p-DDE at location SB04 is not a concern for the site.

#### 7.1.3 *De Minimis* Conditions

*De minimis* conditions are those that do not represent a material risk of harm to public health or the environment and that generally would not be the subject of enforcement action if brought to the attention of appropriate governmental agencies. Environ did not identify any *de minimis* conditions during the course of this assessment.

### 7.2 Conclusions

Environ has performed this Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-13, of the property located at 1005 North Park Victoria Drive in Milpitas, California. Any exceptions to, or deletions from, this practice are described in Section 7.3 of this report. This assessment has revealed evidence of no recognized environmental conditions at the site.

### 7.3 Analysis of Data Gaps

The ASTM Standard defines a data gap as “a lack of or inability to obtain information required by the practice despite good faith efforts by the environmental professional to gather such information.” A data gap is only significant if other information obtained during the ESA, or professional experience, raises reasonable concerns and affects the ability of the environmental

professional to identify whether a given issue is a REC. The ASTM Standard requires that the ESA report identify and comment on significant data gaps. Limiting conditions and deviations to the ASTM Standard for the assessment are discussed below.

- Due to the extended age of the site, it was not possible to interview representatives who have detailed knowledge of the agricultural operations at the site prior to 1978 when the site was purchased by the current owner.

None of the exceptions, deletions, deviations, or site reconnaissance limitations noted above are considered to represent significant data gaps.

## 8 References

### 8.1 Documents

- Civil Engineering Associates (CEA). 2015. *ALTA/ACSM Land Title Survey, 1005 N. Park Victoria, Milpitas, California*. July 22.
- EDR. 2015. *Aerial Photo Decade Package: Inquiry Number 4325114.12*. June 16.
- EDR. 2015. *City Directory, Abstract, Inquiry Number 4325114.5*. June 29.
- EDR. 2015. *Environmental Lien Search, Inquiry Number 4325114.7R*. June 19.
- EDR. 2015. *Historical Topographic Map Report, Inquiry Number 4325114.4*. June 15.
- EDR. 2015. *Radius Map, Inquiry Number: 04325114.2r*. June 15.
- EDR. 2015. *Sanborn® Map Report, Inquiry Number 4325114.3*. June 15.
- First American Title Company. 2015. *Property Report, 1005 North Park Victoria Drive, Milpitas, California*. May 27.
- Geo-Logic Associates. 2015. *Alquist Priolo Special Studies Zone Investigation, 1005 North Park Victoria Drive, Milpitas, California*. July 16.
- JR Associates. 2015. *Magnetic Investigation at 1005 North Park Victoria Drive, Milpitas, California*. June 11.

### 8.2 Interviews

- Ciema Salem. Site Personnel. 2015. Telephone interview. June 23.

## Tables

Table 1: Metals in Soil Samples  
Results of Soil Sampling  
1005 North Park Victoria, Milpitas, California

| Sample ID                 | Sample Depth (feet bgs) | Sample Date | Antimony | Arsenic* | Barium  | Beryllium        | Cadmium          | Chromium               | Cobalt | Copper | Lead             | Mercury  | Molybdenum | Nickel | Selenium | Silver  | Thallium | Vanadium | Zinc    |
|---------------------------|-------------------------|-------------|----------|----------|---------|------------------|------------------|------------------------|--------|--------|------------------|----------|------------|--------|----------|---------|----------|----------|---------|
| S801 0.5                  | 0.5                     | 6/16/2015   | 0.58     | 5.5      | 170     | 0.53             | 0.26             | 37                     | 9.8    | 26     | 17               | 0.078    | 1.3        | 37     | ND<0.50  | ND<0.50 | ND<0.50  | 45       | 59      |
| S802 0.5                  | 0.5                     | 6/16/2015   | 0.70     | 6.4      | 190     | 0.6              | 0.50             | 51                     | 10     | 42     | 22               | 0.10     | 1.1        | 52     | ND<0.50  | ND<0.50 | ND<0.50  | 51       | 87      |
| S803 0.5                  | 0.5                     | 6/16/2015   | 0.81     | 8.4      | 250     | 0.59             | 0.36             | 56                     | 12     | 55     | 19               | 0.050    | 4.0        | 63     | ND<0.50  | ND<0.50 | ND<0.50  | 63       | 77      |
| S804 0.5                  | 0.5                     | 6/16/2015   | 1.1      | 7.4      | 230     | 0.61             | 1.1              | 56                     | 13     | 79     | 57               | 0.23     | 1.4        | 81     | ND<0.50  | ND<0.50 | ND<0.50  | 58       | 130     |
| S805 0.5                  | 0.5                     | 6/16/2015   | 0.76     | 9.0      | 220     | 0.59             | 0.48             | 47                     | 12     | 98     | 33               | 0.071    | 1.3        | 46     | ND<0.50  | ND<0.50 | ND<0.50  | 58       | 69      |
| S806 0.5                  | 0.5                     | 6/16/2015   | ND<0.50  | 5.5      | 150     | ND<0.50          | ND<0.25          | 33                     | 11     | 27     | 13               | ND<0.050 | 1.3        | 31     | ND<0.50  | ND<0.50 | ND<0.50  | 44       | 37      |
| S807 0.5                  | 0.5                     | 6/16/2015   | 0.59     | 6.5      | 210     | 0.52             | 0.31             | 43                     | 12     | 50     | 18               | 0.078    | 1.3        | 43     | ND<0.50  | ND<0.50 | ND<0.50  | 56       | 50      |
| S808 0.5                  | 0.5                     | 6/16/2015   | 0.63     | 6.3      | 210     | 0.59             | 0.31             | 51                     | 13     | 29     | 18               | 0.093    | 0.98       | 51     | ND<0.50  | ND<0.50 | ND<0.50  | 58       | 55      |
| Industrial/Commercial RSL |                         |             | 470      | 3.0      | 220,000 | 180 <sup>1</sup> | 6.4 <sup>1</sup> | 1,800,000 <sup>2</sup> | 350    | 47,000 | 320 <sup>1</sup> | 40       | 5,800      | 22,000 | 5,800    | 5,800   | 12       | 5,800    | 350,000 |
| Residential RSL           |                         |             | 31       | 0.67     | 15,000  | 15 <sup>1</sup>  | 4.6 <sup>1</sup> | 120,000 <sup>2</sup>   | 23     | 3,100  | 80 <sup>1</sup>  | 9.4      | 390        | 1,500  | 390      | 390     | 0.78     | 390      | 23,000  |

Notes:

Detected compounds are shown in **bold**.

All data are reported in milligrams per kilogram (mg/kg), unless noted otherwise

\*Arsenic is naturally-occurring in soil at concentrations up to 20 mg/kg.

California Assessment Manual 17 (CAM17) metals analyzed by EPA Method 6020

<sup>1</sup> DTSC HHRA Note 3 value, July 14, 2014

<sup>2</sup> RSLs reported for chromium(III), insoluble salts

bgs = below ground surface

DTSC = Department of Toxic Substances Control

HHRA = Human Health Risk Assessment

ND = not detected at or above the laboratory reporting limit shown

RSL = regional screening level

Source : USEPA Screening Levels for Chemical Contaminants, January 2015 update. Regional Screening Level (RSL) Summary Table (TR=1E-6, HQ=1).

**Table 2: Organochlorine Pesticides Detected in Soil Samples**  
**Results of Soil Sampling**  
**1005 North Park Victoria, Milpitas, California**

| Sample ID                        | Sample Depth<br>(feet bgs) | Sample Date | Chlordane<br>(technical) | a-Chlordane   | g-Chlordane   | p,p-DDD       | p,p-DDE      | p,p-DDT       | Dieldrin      |
|----------------------------------|----------------------------|-------------|--------------------------|---------------|---------------|---------------|--------------|---------------|---------------|
| SB01_0.5                         | 0.5                        | 6/16/2015   | ND<0.025                 | <b>0.0011</b> | ND<0.0010     | <b>0.0027</b> | <b>0.16</b>  | <b>0.0092</b> | ND<0.0010     |
| SB02_0.5                         | 0.5                        | 6/16/2015   | ND<1.2                   | ND<0.050      | ND<0.050      | <b>0.051</b>  | <b>0.40</b>  | <b>0.19</b>   | ND<0.050      |
| SB03_0.5                         | 0.5                        | 6/16/2015   | ND<0.25                  | <b>0.0042</b> | <b>0.0019</b> | <b>0.0083</b> | <b>0.41</b>  | <b>0.045</b>  | ND<0.0010     |
| SB04_0.5                         | 0.5                        | 6/16/2015   | <b>0.58</b>              | <b>0.072</b>  | <b>0.063</b>  | <b>0.16</b>   | <b>1.9</b>   | <b>1.4</b>    | ND<0.020      |
| SB05_0.5                         | 0.5                        | 6/16/2015   | <b>0.69</b>              | <b>0.097</b>  | <b>0.064</b>  | <b>0.031</b>  | <b>1.2</b>   | <b>0.25</b>   | ND<0.010      |
| SB06_0.5                         | 0.5                        | 6/16/2015   | ND<0.025                 | ND<0.0010     | ND<0.0010     | <b>0.0025</b> | <b>0.12</b>  | <b>0.0042</b> | ND<0.0010     |
| SB07_0.5                         | 0.5                        | 6/16/2015   | <b>0.052</b>             | <b>0.011</b>  | <b>0.0035</b> | <b>0.013</b>  | <b>0.59</b>  | <b>0.050</b>  | <b>0.0015</b> |
| SB08_0.5                         | 0.5                        | 6/16/2015   | ND<0.25                  | ND<0.010      | ND<0.010      | ND<0.010      | <b>0.051</b> | ND<0.010      | ND<0.010      |
| <b>Industrial/Commercial RSL</b> |                            |             | 8.0                      | 8.0           | 8.0           | 9.6           | 6.8          | 8.6           | 0.14          |
| <b>Residential RSL</b>           |                            |             | 1.8                      | 1.8           | 1.8           | 2.2           | 1.6          | 1.9           | 0.033         |

*Notes:*

\*Analysis for PCBs reported no concentrations above analytical reporting limits.

Only compounds detected above the laboratory reporting limit are included in the table.

Detected compounds are shown in **bold**.

All data are reported in milligrams per kilogram (mg/kg).

Blue shading denotes detection above regulatory screening criteria or typical background concentration.

Organochlorine pesticides (OCPs) analyzed by EPA Method 8081A

Polychlorinated biphenyls (PCBs) analyzed by EPA Method 8082

bgs = below ground surface

DDD = dichlorodiphenyldichloroethane

DDE = dichlorodiphenylethylene

DDT = dichlorodiphenyltrichloroethane

EPA = Environmental Protection Agency

ND = not detected at or above the laboratory reporting limit shown

PCB = polychlorinated biphenyls

RSL = regional screening level

Source : USEPA Screening Levels for Chemical Contaminants, January 2015 update. Regional Screening Level (RSL) Summary Table (TR=1E-6, HQ=1).



**Table 3: Total Petroleum Hydrocarbons in Soil Samples**  
**Results of Soil Sampling**  
**1005 North Park Victoria, Milpitas, California**

| Sample ID                        | Sample Depth<br>(feet bgs) | Sample Date | TPH-G      | TPH-D      | TPH-MO     |
|----------------------------------|----------------------------|-------------|------------|------------|------------|
| SB05_0.5                         | 0.5                        | 6/16/2015   | <b>2.3</b> | <b>1.6</b> | <b>7.4</b> |
| <b>Commercial/Industrial RSL</b> |                            |             | 420        | 440        | 33,000     |
| <b>Residential RSL</b>           |                            |             | 82         | 96         | 2,500      |

*Notes:*

Detected compounds are shown in **bold**.

All data are reported in milligrams per kilogram (mg/kg).

Total Petroleum Hydrocarbons analyzed by EPA Method 8015B

bgs = below ground surface

EPA = Environmental Protection Agency

RSL = regional screening level

*Source* : USEPA Screening Levels for Chemical Contaminants, January 2015  
update. Regional Screening Level (RSL) Summary Table (TR=1E-6, HQ=1).

ND = not detected at or above the laboratory reporting limit shown

TPH-G = Total Petroleum Hydrocarbons as Gasoline (C6-C12)

TPH-D = Total Petroleum Hydrocarbons as Diesel (C10-C23)

TPH-MO = Total Petroleum Hydrocarbons as Motor Oil (C18-C36)

**Table 4: Natural Occurring Asbestos in Soil Samples  
Results of Soil Sampling  
1005 North Park Victoria, Milpitas, California**

| Location ID | Composite Sample ID | Sample Date | Percent Estimate in Matrix | Asbestos Type(s) Detected |
|-------------|---------------------|-------------|----------------------------|---------------------------|
| SB02        | SB020304_NOA        | 6/16/2015   | ND                         | ND                        |
| SB03        |                     |             |                            |                           |
| SB04        |                     |             |                            |                           |

*Notes:*

NOA analyzed by CARB Method 435

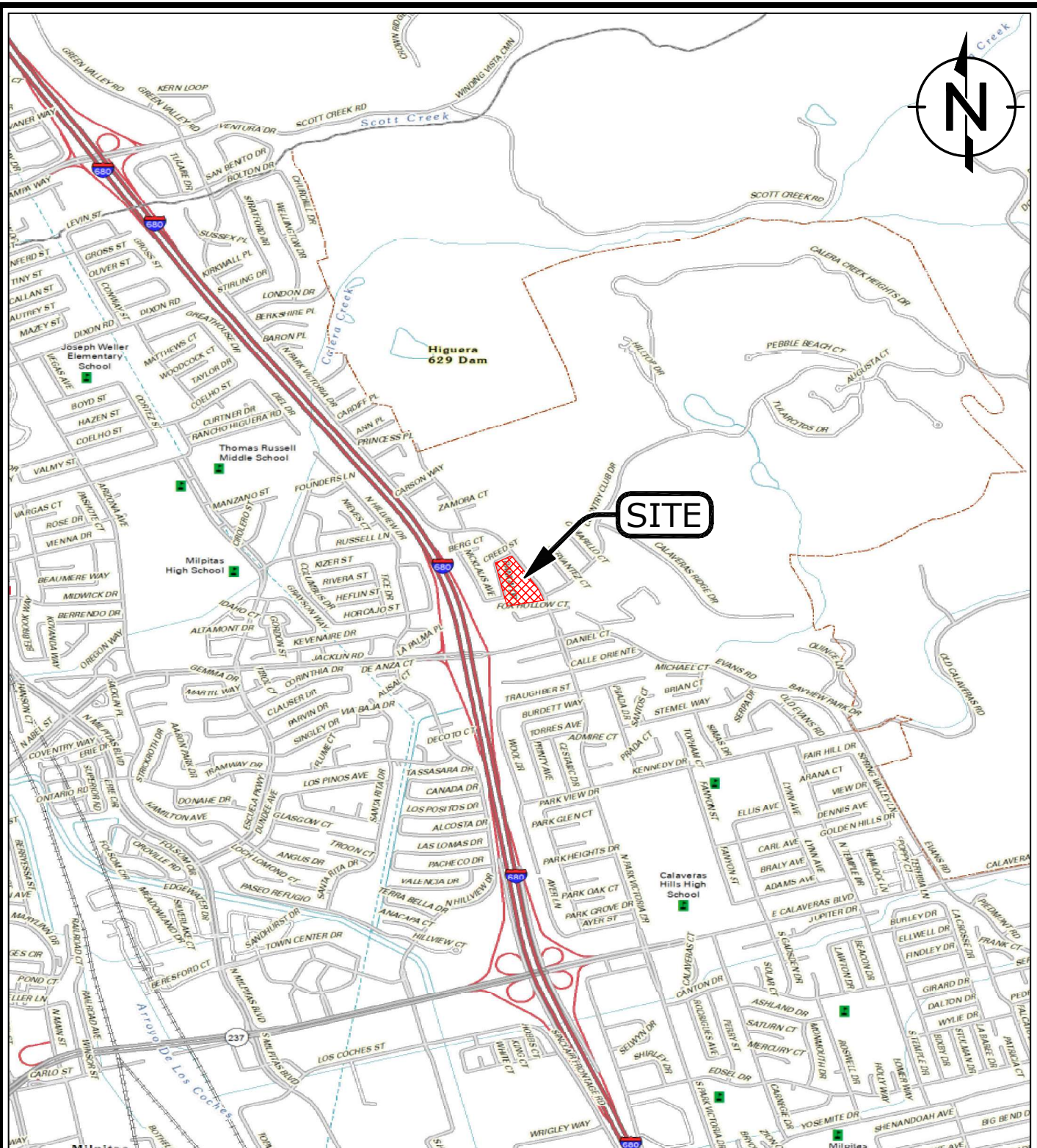
CARB 435 = California Air Resources Board Method 435; June 6, 1991.

ID = identification

ND = not detected

NOA = naturally occurring asbestos

## Figures



# LEGEND:

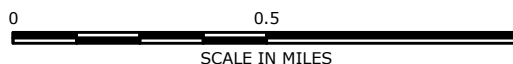


PROPERTY BOUNDARY

## NOTES:

CONTOUR INTERVAL 20 FEET

SOURCE: USGS TNM - National Structures Dataset; USGS TNM - National Transportation Dataset; TomTom Commercial Roads; U.S. Census Bureau - TIGER/Line; USGS TNM - National Boundaries Dataset; USGS TNM - Geographic Names Information System; USGS TNM - National Hydrography Dataset



SCALE IN MILES



SCALE IN FEET



QUADRANGLE KEY MAP

**RAMBOLL**

**ENVIRON**

**Site Layout**  
1005 North Park Victoria Drive  
Milpitas, California

**FIGURE**

**762**

DRAFTED BY: RS

DATE: 6/29/2015

PROJECT: 03-21676DD

Q:\DRAWINGS\0321676dd\0321676dd-locmap.mxd





## **Appendix E**

### **JR Associates Magnetic Investigation Report**

**J R ASSOCIATES**

Engineering Geophysics  
1886 Emory Street  
San Jose, CA 95126  
(408) 293-7390

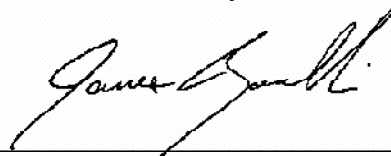
MAGNETIC INVESTIGATION AT  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CALIFORNIA

June 11, 2015

For

Robson Homes, LLC  
2185 The Alameda  
San Jose, California 95126

By

A handwritten signature in black ink, appearing to read "James Rezowalli", is written over a light gray rectangular background.

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James Rezowalli, GP-921

## TABLE OF CONTENTS

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|                                    |     |
|------------------------------------|-----|
| LIST OF ILLUSTRATIONS .....        | iii |
| I INTRODUCTION .....               | 1   |
| A. Site .....                      | 1   |
| II METHODS .....                   | 2   |
| A. Magnetic Instrumentation .....  | 2   |
| B. Magnetic Field Procedures ..... | 2   |
| III RESULTS .....                  | 3   |
| A. Magnetic Anomalies .....        | 3   |
| B. Limitations .....               | 4   |
| IV DRAWINGS                        |     |



## LIST OF ILLUSTRATIONS

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Drawing 1 Vicinity Map

Drawing 2 Magnetic Contour Map

## I INTRODUCTION

This report presents the results of a geophysical investigation performed at 1005 North Victoria Drive in Milpitas, California. The investigation was performed for Robson Homes, LLC, by J R Associates. The purpose of the investigation was to look for geophysical indications of buried metal objects. James Rezowalli, Principal Geophysicist, and Brian Rezowalli, Technician, of J R Associates performed the field work in June of 2015.

### A. Site

The site is at the corner of North Park Victoria Drive and Creed Street in Milpitas, California (Drawing 1). The site is approximately 4.85 acres and consists of a large dirt lot with a small house in one corner. Fences surround two sides of the site and we saw an abandoned fuel storage tank filled with concrete laying on the ground surface under a tree. The purpose of our magnetic investigation was to look for geophysical indications of buried metal objects. Encountering buried objects like old tanks, buried trash, and old wells can hinder future redevelopment. Encountering unexpected buried objects can slow reconstruction and add to its cost.

## II METHODS

We performed a magnetic investigation at the property. A magnetic investigation maps the earth's vertical magnetic gradient. The magnetic gradient is uniform throughout a site free of metal. The magnetic gradient at a site that contains ferrous metal is not uniform. Metal objects produce magnetic anomalies with characteristic shapes and magnitudes. For example, an anomaly caused by a buried fuel storage tank is characterized by a strong magnetic low just south of the center of the tank and a weaker magnetic high just north of the tank. This type of anomaly is what we use to locate buried fuel storage tanks.

### A. Magnetic Instrumentation

We used a Geometrics model 858 cesium vapor magnetometer to collect magnetic data at the site. The magnetometer had two sensors and an electronics package. The magnetometer collected both total field data and vertical gradient data. The magnetometer can discriminate to 0.1 gammas in a total field of 40,000 to 60,000 gammas. Magnetic readings were stored in memory with the time of day, station numbers and line numbers of the readings.

### B. Magnetic Field Procedures

Magnetic data were collected at half second intervals along lines spaced 10 feet apart in the area investigated. At the end of the field day the magnetic data were downloaded and contoured. An anomaly is indicated by one or more concentric magnetic contours.

### III RESULTS

#### A. Magnetic Anomalies

Drawing 2 shows the contour map of the magnetic data. There were many magnetic anomalies at the site. Some were caused by surface metal. The surface metal included a cyclone fence, the house, and cars parked along Creed Street. We found 23 anomalies that needed further investigation. The 23 anomalies are marked on Drawing 2. We revisited the site and looked at each of the 23 anomalies. Table 1 lists the anomalies and what we found at each anomaly location.

Table 1. Magnetic anomalies, locations, and comments.

| Number | X    | Y   | Flagged | Comment                                        |
|--------|------|-----|---------|------------------------------------------------|
| 1      | -10  | 145 |         | Metal bar on surface.                          |
| 2      | -11  | 9   |         | Metal bar on surface.                          |
| 3      | -11  | 245 | X       | Small buried object, possibly concrete debris. |
| 4      | -20  | 93  |         | Metal bar on surface.                          |
| 5      | -20  | 300 | X       | Unknown buried object.                         |
| 6      | -60  | 31  | X       | Small fill pile.                               |
| 7      | -80  | 231 | X       | Unknown buried object, possibly a metal bar.   |
| 8      | -115 | 80  | X       | Unknown buried object.                         |
| 9      | -117 | 333 |         | Concrete with metal on surface                 |
| 10     | -149 | 321 | X       | Small buried object.                           |
| 11     | -150 | 241 |         | Pipe on surface.                               |
| 12     | -160 | 282 | X       | Small buried object.                           |
| 13     | -199 | 154 | X       | Very small buried object.                      |
| 14     | -203 | 270 |         | Pipe on surface.                               |

|    |      |     |   |                                |
|----|------|-----|---|--------------------------------|
| 15 | -253 | 252 |   | Debris pile on surface.        |
| 16 | -270 | 321 |   | Nothing.                       |
| 17 | -380 | 155 | X | Very small buried object.      |
| 18 | -559 | 38  | X | Debris pile.                   |
| 19 | -578 | 168 | X | Small buried object.           |
| 20 | -610 | 105 |   | Concrete with metal on surface |
| 21 | -620 | 187 |   | Concrete with metal on surface |
| 22 | -628 | 36  |   | Sign                           |
| 23 | -639 | 72  |   | Light                          |

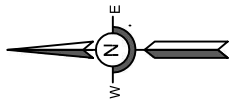
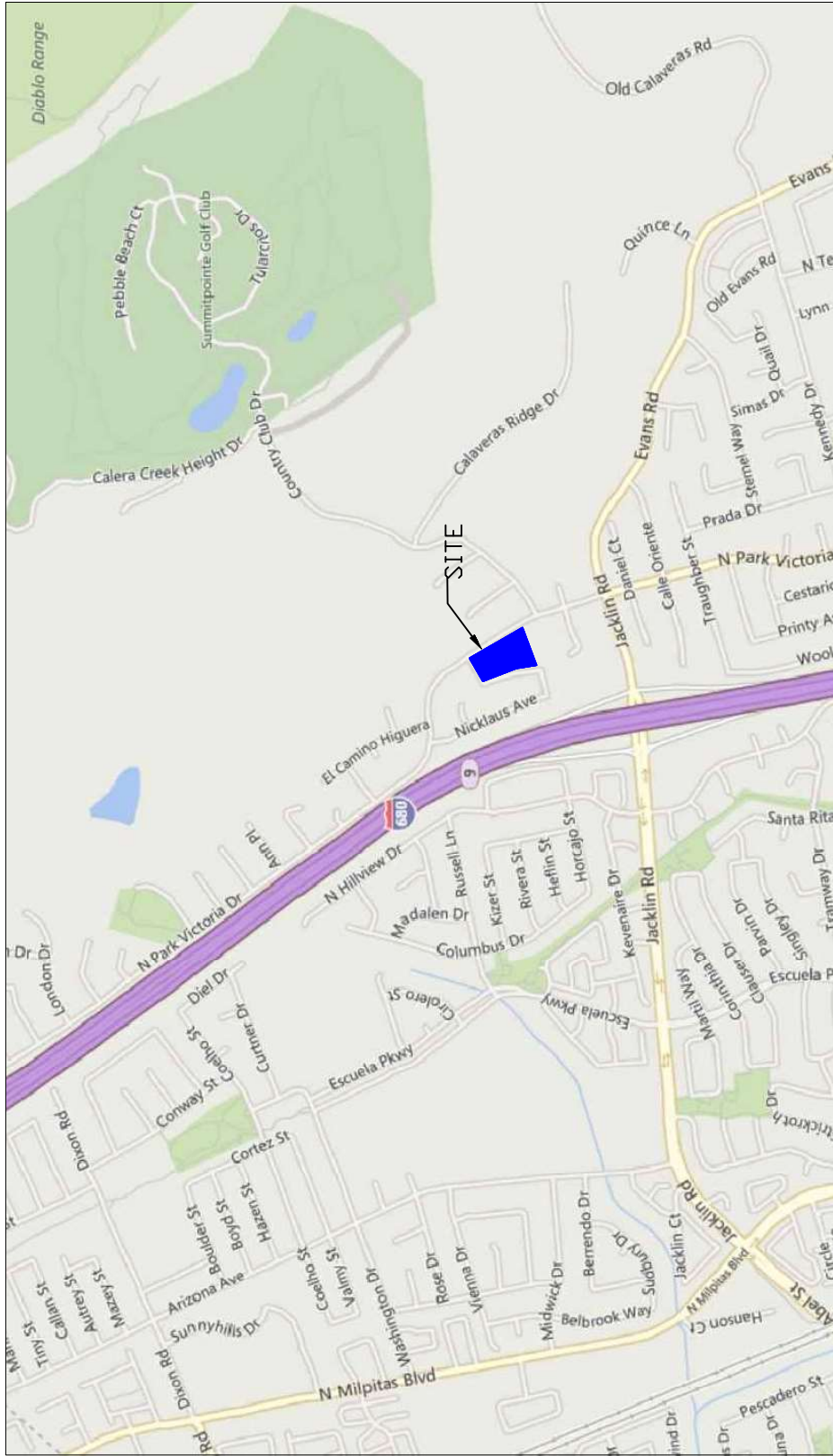
Of the 23 anomalies 12 turned out to be caused by surface metal. The surface metal consisted mostly of short sections of steel bar, metal reinforced concrete chunks, and short sections of pipe.

We flagged in the field eleven anomalies that appeared to be caused by buried metal. All the objects appeared to be buried within three feet of the ground surface. The size and magnitude of the eleven anomalies suggest they are probably caused by objects similar to what we found on the surface, i.e. pieces of metal, reinforced concrete, or sections of pipe. We recommend potholing the anomalies to determine their cause.

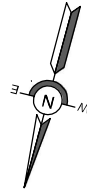
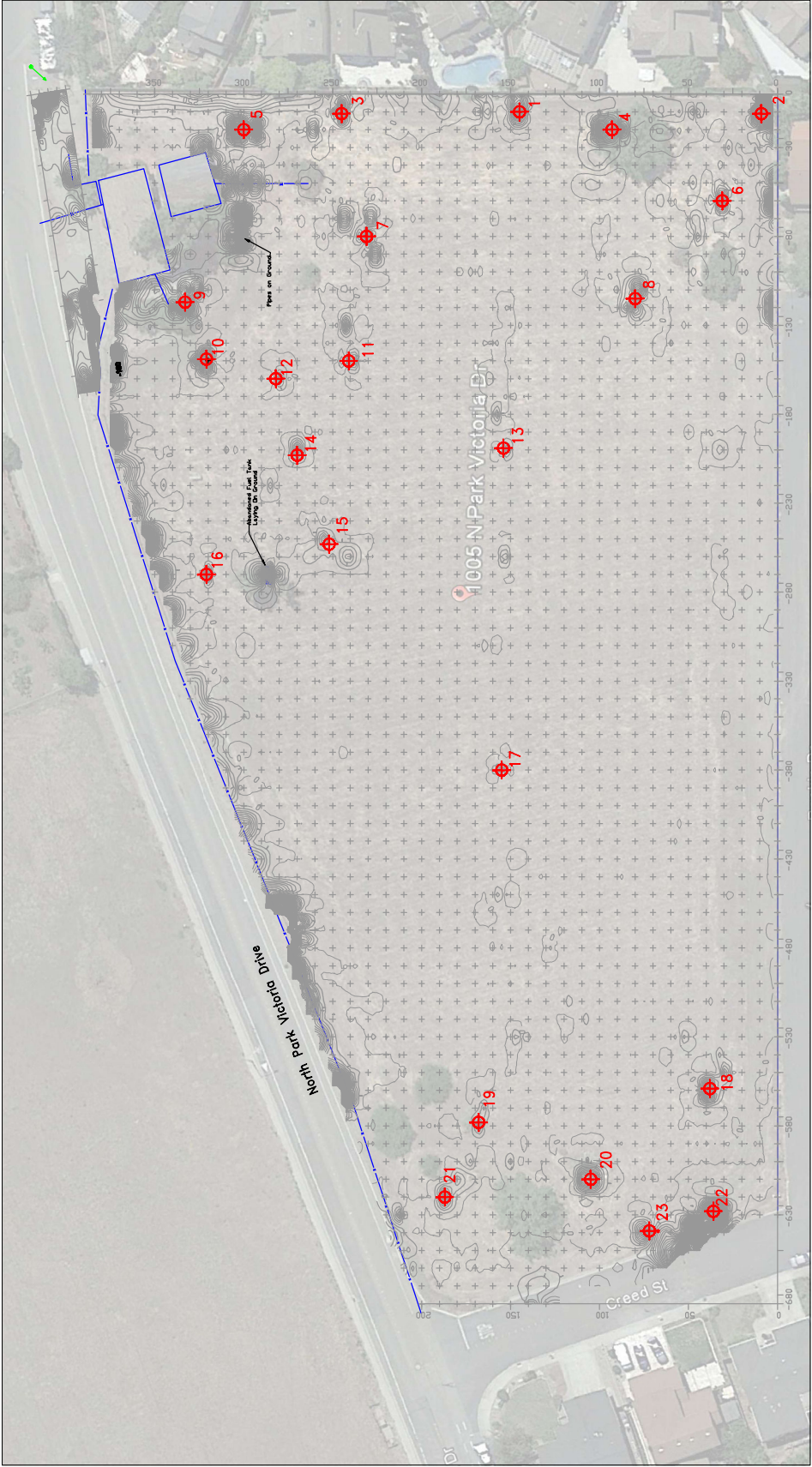
## B. Limitations

Magnetic methods locate ferrous objects from the anomalies they produce in the earth's magnetic field. It is possible some ferrous objects will not produce an anomaly. Some possible reasons are that the object is buried too deep, the object is too small, the object is buried under or near another metal object, or an object is buried near a utility. It is possible there are materials buried at the site that were not detected by the magnetometer. We recommend rerunning part of the magnetic survey after the building is removed.

## IV DRAWINGS



|                                                                                                            |           |             |            |
|------------------------------------------------------------------------------------------------------------|-----------|-------------|------------|
| <b>Vicinity Map</b><br>1005 North Park Victoria<br>Milpitas, California                                    |           |             |            |
| SCALE:                                                                                                     | No Scale  | DRAWN BY:   | J.J.R.     |
| DATE:                                                                                                      | 6-10-2015 | JOB NUMBER: | 127-209-15 |
| <b>J R Associates</b> Civil and Environmental Geophysics<br>1886 Emory Street, San Jose, CA (408) 293-7390 |           |             |            |
| DRAWING NUMBER:                                                                                            |           |             | <b>1</b>   |



⬢ Magnetic Anomaly

**Magnetic Contour Map**  
1005 North Park Victoria  
Milpitas, California

DRAWN BY: J.J.R.

REVISED:

SCALE: 1" = 60'

DATE: 6-10-2015

JOB NUMBER: 127-209-15

**J R Associates** Civil and Environmental Geophysics  
1886 Emory Street, San Jose, CA (408) 293-7390

DRAWING NUMBER: 2



## **Appendix F**

### **Qualifications of Environmental Professionals**

# ANNE W GATES, PE

## Senior Manager

Anne Gates has been a licensed professional engineer in California since 1987, with over 25 years of experience in consulting engineering related to environmental investigations, feasibility study analyses, civil/environmental design and remediation construction. For both private- and public-sector clients, she provides overall technical management related to investigation and remediation of contaminated property. She has prepared feasibility studies, engineering evaluations/cost analysis (EE/CA) reports and remedial action plans (RAPs) to analyze and select alternatives for site remediation. The alternatives evaluated in these reports have included innovative technologies, risk management strategies and traditional remedies. For the past 10 years, Anne's environmental engineering work has focused on remediation of sites for the purposes of redevelopment. These projects have included preparation of detailed cost estimates for the design, construction and monitoring of environmental remediation alternatives. She has also provided expert testimony on projects involving environmental investigation and remediation.

## EDUCATION

- 1988 **MS, Civil Engineering (Oceans and Hydraulics),**  
University of California at Berkeley
- 1984 **BS, Civil Engineering,** Stanford University

## LITIGATION EXPERIENCE

Ms. Gates experience has provided litigation support in cases involving the responsibility, extent and remediation costs of soil and ground water contamination, consistency of remedial investigations and remedial/removal actions with the NCP, and Superfund cost allocation. Representative project examples are as follows:

- Served as an expert witness (included deposition and trial testimony) for Valley Industrial Services in Ameripride Services, Inc. versus Valley Industrial Services, Inc., US District Court, Eastern District of California, 2011 to March 2012. The case involved an assessment of the source of impacts from a wastewater system operated by a former dry cleaner and industrial laundry.
- Served as an expert witness (included deposition and trial testimony) for Chevron USA in Panetta versus Chevron USA, Superior Court of California, San Joaquin County, 2010 to present. The case involves an assessment of the source of hydrocarbon impacts to property owned by the Panetta family.

## CONTACT INFORMATION

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+1 (510) 420 2524

Ramboll Environ  
2200 Powell Street  
Suite 700  
Emeryville, CA 94608  
United States of America

- Served as an expert witness (included deposition and pending trial testimony) for Chevron USA, in GCM Air Group versus Chevron USA, US District Court, Nevada, 2007 to present. The case involves an assessment of Chevron remediation activities at a site in Incline Village, Nevada.
- Served as an expert witness (included deposition and pending trial testimony) for Universal Paragon Corp. versus Ingersoll-Rand- US District Court, Northern District, 2006 to present. The case involves environmental remediation costs related to redevelopment of property in San Francisco, California.
- Served as an expert witness (included deposition and trial testimony) for Bay Street Partners versus Kemper Surplus Lines- US District Court, Northern District in 2004. The case involved environmental remediation and cost allocation related to redevelopment of property in Emeryville, California.
- Prepared and evaluated the potential cost differentials related to the presence of residual contamination associated with a condemnation valuation of a property acquired by the NAPA County Flood Control District.
- Provided litigation support regarding the extent and source of petroleum releases at a site adjacent to San Diego Bay.
- Provided litigation support regarding the extent and source of contamination and the allocation of remedial costs among various PRPs at a former foundry and wood-stove manufacturing site in Alameda County, California
- Prepared a cost allocation analysis for litigation involving remediation of hydrocarbons at the San Francisco airport.
- Prepared a cost analysis of various cleanup alternatives for cadmium contaminated ground water at a State NPL site in South Carolina.

## PROJECTS

### Bay Street, Emeryville

- Worked closely with a private developer, the City of Emeryville Redevelopment Agency and the California DTSC to negotiate closure and redevelopment of a 20-acre former industrial site contaminated with heavy metals, benzene and pesticides /PCBs.
- Closure of the site was contingent upon implementation of deed restrictions and a risk management plan and Anne worked closely with the relevant agencies and the private developer to finalize the risk management plan and obtain site closure.
- Implemented the risk management plan during site construction and development activities. Additional contamination was found during development and Anne worked closely with the developer and DTSC to ensure the additional contamination was remediated. She is currently working with the developer on several cost recovery actions with respect to the additional contamination that was identified during development.

### Bay Area Research and Extension Center (BAREC) in Santa Clara

- Assisting the State of California in investigating and remediating a former pesticide research and testing facility in Santa Clara, California. The 17-acre parcel is slated for redevelopment into single- and multi- family homes and a small park. Responsibilities include preparation of a Site Characterization Report and Remedial Action Workplan to obtain site closure from DTSC.

### Mission Bay in San Francisco

- Assisted with Catellus's redevelopment of the one of the largest "Brownfields" developments in Northern California.
- Analyzed different remediation scenarios for petroleum hydrocarbons in soil and ground water and the potential impact of these remedies on future development activities.
- In addition, provided technical assistance with respect to risk communication and environmental risk management procedures to be performed during site redevelopment and construction.

### San Quentin Prison

- Assisted the State of California in preparation of a study of alternatives for redevelopment of the roughly 200-acre San Quentin Prison. Responsible for identifying the redevelopment issues and costs related to potential releases of chemicals from current/former prison industries, the gas chamber and former waste disposal areas, assuming different land use scenarios.

#### **City of Emeryville, Emeryville Project**

- Successfully negotiated site closure with the California RWQCB for a former industrial site that was contaminated with petroleum hydrocarbons and VOCs in soil and ground water.
- Integral to negotiating this site closure was communication of potential environmental risks and risk management procedures to be followed during construction and redevelopment.

#### **Comprehensive Engineering Design Packages**

- Prepared comprehensive engineering design packages for implementation of selected remediation alternatives. The design packages typically include detailed plans and specifications; a cost estimate and schedule; a Basis of Design Report; Operation and Maintenance Plan; Waste Management Plan; System Monitoring and Sampling Plan; and Health and Safety Plan. She has prepared design packages which have involved the following:
  - Excavation and treatment of contaminated soil (hydrocarbons, solvents, PCBs, metals);
  - Ground-water pump and treat systems;
  - Dual phase extraction of ground-water and free-phase fuel hydrocarbons;
  - Vapor extraction for chlorinated VOCs and hydrocarbons; and
  - Landfill capping and containment systems.
- Examples of this experience include her work as project manager for closure of two solid waste landfills. Both projects involved preparation of an EE/CA to evaluate different closure alternatives, preparation of plans and specifications, and preparation of construction and environmental monitoring plans. Anne was instrumental in negotiating with EPA Region IX to accept closure of one of the landfills, which was located in a remote area using locally available materials. Although these materials did not directly meet the requirements of RCRA Subtitle D, Anne was able to demonstrate that they were adequate for protection of potentially-exposed populations and environmental receptors.

#### **Additional Representative Project Examples**

- Managed preparation of design plans and specifications for a vapor extraction system to remediate explosive levels of gasoline vapors and methane gas.
- Managed a remediation project for an active gas station and fuel oil recovery facility. Project involved implementation of a pilot-scale ground-water remediation system, site characterization sampling, collection of tidal monitoring data, aquifer-testing and use of ground-watering flow model to determine location and spacing of ground-water extraction wells and trenches to collect and extract floating hydrocarbons. Also evaluated different free phase hydrocarbon recovery system alternatives, developed plans and specifications for implementation of the selected remedial alternative, provided construction oversight during implementation, and provided operation, maintenance and performance monitoring of the final remedial alternative.
- Managed a remediation project for cleanup of diesel and fuel oil from a former power plant. Project involved site characterization sampling, collection of tidal monitoring data, aquifer-testing and use of a ground-watering flow model to determine location and spacing of ground-water extraction wells and trenches to collect and extract floating hydrocarbons. Also evaluated different free phase hydrocarbon recovery system alternatives, developed plans and specifications for implementation of the selected remedial alternative, provided construction oversight during implementation, and provided operation, maintenance and performance monitoring of the final remedial alternative.
- Managed an investigation and remediation of PCE-, TCE- and vinyl chloride-containing vapors at a laundry facility and adjacent elementary school. Project involved: investigating the extent of the vapor plume in soil gas and ambient air; performing a risk assessment and fate and transport

modeling to determine whether adjacent school children were at risk; performing fate and transport modeling to determine whether potential marine ecological receptors were potentially impacted; performing a vapor extraction pilot-test to analyze remedial alternatives; evaluating removal action alternatives for cost, effectiveness and implementability; preparing plans and specifications for design of a horizontal and vertical vapor extraction system with a catalytic oxidation treatment system; and construction, operation and maintenance of the selected removal action alternative.

- Assisted with design, implementation and construction oversight of a remediation system for hydrocarbon contaminated soil at a former military base in Alaska. Project involved installation and operation of a soil vapor extraction system.
- Managed the design/analysis of an electrokinetic remediation system for cleanup of a former battery acid pit contaminated with lead. Project involved analysis of site-specific data to determine the applicability of the technology for the site and detailed comparisons of other technologies in terms of cost, effectiveness and implementability.
- Managed the preparation of a Removal Action Site Evaluation Report, Engineering Evaluation/Cost Analysis and engineering design package for closure of a landfill. Project involved collection/analysis of additional site data, evaluation of different landfill capping alternatives performance of a streamlined risk assessment and development of a ground-water monitoring plan. Project also involved assessing engineering risks with future development of the closed landfill. Successfully negotiated with USEPA to obtain an exemption from RCRA Subtitle D landfill closure requirements because it was demonstrated that the selected alternative was effective in minimizing risks associated with the former landfill.
- Managed preparation of an Engineering Evaluation/Cost Analysis and plans and specifications for closure of an oily waste pit. Project included analysis and design of alternatives for remediating oily contaminated soil and design of a protective cap to prevent the migration of gases to the ground surface.
- Provided litigation support in cases involving the responsibility, extent and remediation costs of soil and ground water contamination, consistency of remedial investigations and remedial/removal actions with the NCP, and Superfund cost allocation.
  - Provided litigation support regarding the extent and source of petroleum releases at a site adjacent to San Diego Bay.
  - Provided litigation support regarding the extent and source of contamination and the allocation of remedial costs among various PRPs at a former foundry and wood-stove manufacturing site in Alameda County, California
  - Prepared a cost allocation analysis for litigation involving remediation of hydrocarbons at the San Francisco airport.
  - Prepared a cost analysis of various cleanup alternatives for cadmium contaminated ground water at a State NPL site in South Carolina.

#### **Other Environmental Projects**

- Assisted with preparation and development of a ground-water monitoring plan for a hazardous waste landfill. Assisted with vadose zone and ground-water modeling to simulate leaks from waste management units (WMUs) and for determination of the location and spacing of ground-water monitoring wells. Designed a vadose zone monitoring system using an additional model to simulate releases of moisture from a newly constructed WMU due to consolidation of the WMUs clay liner. The project also included design and installation of the vadose zone and ground-water monitoring system and additional ground-water modeling studies to determine if a deep (>800 feet) water supply well had a hydraulic effect on the shallow ground-water monitoring well system.
- Assisted in investigation and characterization of solid waste management units and report preparation as part of a RCRA Facility Investigation.

- Prepared a solid waste management permit application for nonhazardous waste disposal units at a waste disposal facility.
- Assisted in chemical characterization of waste disposed in landfill for modeling air emission rates from active hazardous waste landfill. Results of model were basis for air permit application for hazardous waste landfill.
- Performed environmental assessments of several solid waste/sanitary landfills in Michigan, Indiana, Oklahoma for possible conversion to hazardous waste facilities. Project involved assessing engineering feasibility for landfill unit conversion and expansion, review of historical regulatory compliance, and potential for release of contaminants from landfill wastes.
- Performed environmental compliance audits, due diligence reviews and site assessments of more than 50 facilities to identify environmental liabilities associated with federal, state and local regulations (e.g., CERCLA, RCRA, wastewater, Federal Safe Drinking Water Act, air emissions, underground storage tanks, California's Proposition 65, and other hazardous waste regulations, asbestos). The types of facilities included motor and pump repair facilities in Ohio, West Virginia, Florida, Alabama, California, and Mexico; computer and electronics-related manufacturing facilities in California, chemical processing facilities in Michigan and California; wood treatment facilities in Wisconsin; hazardous and nonhazardous waste treatment, storage, and disposal facilities in Indiana, Alabama, Louisiana, Arizona, and California; a garment manufacturing facility in Texas; a newspaper printing facility in California; a metal tubing manufacturer in Canada; pump manufacturing facilities in the United Kingdom, Germany, and Nebraska; and an industrial port facility in California.
- Assisted with design, implementation and construction oversight of a remediation system for hydrocarbon contaminated soil and ground water from an oil recovery facility in Louisiana. Project involved excavation of a former hydrocarbon waste pit and installation of ground water "pump and treat" remediation system. "Pump and treat" remediation system design involved application of a ground water flow model to determine and locate extraction wells.
- Assisted with implementation of the Superfund selected remedial alternative for a former asbestos mine in California. Project involved preparation of preliminary design documents for sediment retention ponds and diversion channels which included review and application of hydrogeologic and sediment transport flow models.
- Developed and prepared a ground-water monitoring plan for cleanup of hydrocarbon contaminated ground water via an extraction trench for an auto manufacturing facility.
- Assisted with preparation of a Remedial Investigation/Feasibility Study (RI/FS) of chlorinated-solvent contamination from an electronics manufacturer. Project responsibilities involved application of a ground-water model to determine contaminant transport between two aquifers.
- Managed preparation of NPDES storm water permit applications for discharges from construction sites, hazardous waste storage facilities, and fuel recovery facilities in California, Hawaii and Louisiana.
- Directed study to determine compliance with California's Proposition No. 65 for numerous food manufacturing plants. Project involved use of USEPA air emissions models to estimate potential air exposure to contaminants and development of a vadose model to estimate concentrations of ground-water contaminants.
- Managed closure and removal of several petroleum-containing USTs in California and New York. Projects involved oversight of tank removals, soil sampling, installation of ground-water monitoring wells, coordination with regulatory agencies and preparation of site investigation and closure reports.
- Managed closure of a microchip and metal plating facility. Project involved coordination and oversight of a subcontractor to remove and decontaminate all equipment, sampling to verify if residual contamination remained, preparation of a closure plan and final closure report, and coordination with regulatory agencies.

## PREVIOUS EXPERIENCE

### **Manager of Remediation and Design Engineering, Ogden Environmental Energy Services**

Managed numerous hazardous waste and petroleum hydrocarbon investigation and remediation projects in California, Alaska, Hawaii and Guam. Provided technical management for environmental engineering and remedial design projects on a \$210 million dollar CLEAN Contract with the US Navy in Hawaii.

### **Associate Engineer, McGill-Martin-Self**

Designed and managed land development projects. Performed hydraulic and hydrogeologic analysis of floods, landslides, and land development projects. Designed and implemented grading, drainage, and erosion control plans for various engineering projects. Conducted numerous investigations on the causes and remediation measures for seepage in hillsides and various types of engineering excavations. Audited and assessed residential developments for compliance with building codes and other regulations.

## CREDENTIALS

Registered Professional Engineer, State of California, 1988

Registered Professional Engineer, State of Hawaii, 1992

Registered Professional Engineer, State of Alaska, 1997

Registered Professional Engineer, State of Washington, 1997

Member, American Society of Civil Engineer

## PUBLICATIONS

1990

### **Comparison of Modeled to Estimated Emissions Rates at Active Hazardous Waste Landfill.**

Presented at the Air and Waste Management Association, annual conference

Authors: Gates, A.W., Suder, D. Suder and C. Schmidt

1993

### **Estimation of Hydraulic Conductivity for a Tidally-influenced Unconfined Aquifer**

Presented at 1993 Joint CSCE-ASCE National Conference of Environmental Engineering, July 1993

Authors: Gates, A.W. and J. Colter

## APPENDIX D

### NOISE MEASUREMENT FIELDWORK SHEETS



## Noise Measurement Survey – 24 HR

Project Number: MLP1901  
Project Name: Milpitas N Park Victoria

Test Personnel: J.T. Stephens  
Equipment: Spark 706RC 18904

Site Number: LT-1 Date: 4/24/2019

Time: From 10:00 AM To 10:00 AM

Site Location: Intersection of Ranking and Blalock at front yard of 1073 Blalock

Primary Noise Sources: Traffic on the I-680 Freeway, North Park Victoria and birds

Location Photo:



## Noise Measurement Survey – 24 HR

Project Number: MLP1901  
Project Name: Milpitas N Park Victoria

Test Personnel: J.T. Stephens  
Equipment: Spark 706RC 18903

Site Number: LT-2 Date: 4/24/2019

Time: From 10:00 AM To 10:00 AM

Site Location: Next to abandoned house on southeast corner of project site

Primary Noise Sources: Traffic on North Park Victoria

Location Photo:





# Noise Measurement Survey

Project Number: MLP1901  
Project Name: 1005 N. Park Victoria

Test Personnel: JT Stephens  
Equipment: Larson Davis LXT

Site Number: ST-1 Date: 4/25/2019

Time: From 8:41 AM To 8:46 AM

Site Location: Northeast corner of project site near the intersection of Creed and North Park Victoria

Primary Noise Sources: Traffic on North Park Victoria

Comments: \_\_\_\_\_

|           |      |
|-----------|------|
| File:     | 154  |
| $L_{eq}$  | 62.0 |
| $L_{max}$ | 76.1 |
| $L_{min}$ | 45.7 |
| $L_{50}$  | 53.9 |
| $L_{99}$  | 47.9 |

| Atmospheric Conditions      |           |
|-----------------------------|-----------|
| Average Wind Velocity (mph) | 0.4 – 0.7 |
| Maximum Wind Velocity (mph) | 0.6 – 2.6 |
| Temperature (F)             | 78        |
| Relative Humidity (%)       | 59        |

Location Photo:



# Noise Measurement Survey

Project Number: MLP1901  
Project Name: 1005 N. Park Victoria

Test Personnel: JT Stephens  
Equipment: Larson Davis LXT

Site Number: ST-2 Date: 4/25/2019

Time: From 9:12 AM To 9:28 AM

Site Location: Across from 1049 Rankin Drive along western property line of project site

Primary Noise Sources: Traffic on I-680 and North Park Victoria

Comments: \_\_\_\_\_

|           |      |
|-----------|------|
| File:     | 155  |
| $L_{eq}$  | 52.3 |
| $L_{max}$ | 67.5 |
| $L_{min}$ | 44.6 |
| $L_{50}$  | 49.5 |
| $L_{99}$  | 47.6 |

Location Photo:



## APPENDIX E

### FHWA NOISE MODEL PRINTOUTS

TABLE Existing-01  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Creed Street west of N. Park Victoria Drive

NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 250      SPEED (MPH): 25      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 44.30

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 0.0    |

---

TABLE Existing-02  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019  
ROADWAY SEGMENT: N. Park Victoria north of Creed Street  
NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2630      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 57.95

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 87.7   |

---

TABLE Existing-03  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Creed Street to Country Club Drive

NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2850      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.30

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 92.5   |



TABLE Existing-04  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Country Club Drive to Jacklin Road

NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 4180      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 59.96

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 55.6   | 119.3  |

TABLE Existing-05  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019  
ROADWAY SEGMENT: N. Park Victoria south of Jacklin Road  
NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7120      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 12      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 61.69

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 79.8   | 170.3  |

---

TABLE Existing-06  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019  
ROADWAY SEGMENT: Jacklin Road east of N. Park Victoria  
NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 6890      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.63

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 80.7   | 167.7  |

TABLE Existing-07  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019  
ROADWAY SEGMENT: Jacklin Road west of N. Park Victoria  
NOTES: Milpitas N. Victoria - Existing

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 14270      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 63.79

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 62.9   | 127.4  | 270.7  |

---

TABLE Existing with Project-01  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Creed Street west of N. Park Victoria Drive

NOTES: Milpitas N. Victoria - Existing with Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 620      SPEED (MPH): 25      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 48.25

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 0.0    |

TABLE Existing with Project-02  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria north of Creed Street

NOTES: Milpitas N. Victoria - Existing with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2648      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 57.98

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 88.1   |

TABLE Existing with Project-03  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Creed Street to Country Club Drive

NOTES: Milpitas N. Victoria - Existing with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 3188      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.78

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 99.7   |

---

TABLE Existing with Project-04  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Country Club Drive to Jacklin Road

NOTES: Milpitas N. Victoria - Existing with Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 4512      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.29

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 58.5   | 125.5  |



TABLE Existing with Project-05  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria south of Jacklin Road

NOTES: Milpitas N. Victoria - Existing with Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7230      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 12      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 61.76

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 80.6   | 172.0  |

TABLE Existing with Project-06  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Jacklin Road east of N. Park Victoria

NOTES: Milpitas N. Victoria - Existing with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 6920      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.65

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 80.9   | 168.2  |

TABLE Existing with Project-07  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Jacklin Road west of N. Park Victoria

NOTES: Milpitas N. Victoria - Existing with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 14480      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 63.85

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 63.4   | 128.6  | 273.3  |

TABLE Cumulative w/o Project-01  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Creed Street west of N. Park Victoria Drive

NOTES: Milpitas N. Victoria - Cumulative w/o Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 260      SPEED (MPH): 25      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 44.47

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 0.0    |

TABLE Cumulative w/o Project-02  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria north of Creed Street

NOTES: Milpitas N. Victoria - Cumulative w/o Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2750      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.14

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 90.4   |

---

TABLE Cumulative w/o Project-03  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Creed Street to Country Club Drive

NOTES: Milpitas N. Victoria - Cumulative w/o Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2990      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.50

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 95.5   |

TABLE Cumulative w/o Project-04  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Country Club Drive to Jacklin Road

NOTES: Milpitas N. Victoria - Cumulative w/o Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 4390      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.17

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 57.5   | 123.3  |

TABLE Cumulative w/o Project-05  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria south of Jacklin Road

NOTES: Milpitas N. Victoria - Cumulative w/o Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7470      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 12      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 61.90

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 82.3   | 175.8  |

---



TABLE Cumulative w/o Project-06  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Jacklin Road east of N. Park Victoria

NOTES: Milpitas N. Victoria - Cumulative w/o Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7240      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.84

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 83.2   | 173.2  |

---

TABLE Cumulative w/o Project-07  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Jacklin Road west of N. Park Victoria

NOTES: Milpitas N. Victoria - Cumulative w/o Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 14980      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 64.00

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 64.6   | 131.5  | 279.5  |

---

TABLE Cumulative with Project-01  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Creed Street west of N. Park Victoria Drive

NOTES: Milpitas N. Victoria - Cumulative with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 630      SPEED (MPH): 25      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 48.31

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 0.0    |

---

TABLE Cumulative with Project-02  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria north of Creed Street

NOTES: Milpitas N. Victoria - Cumulative with Project

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 2780      SPEED (MPH): 35      GRADE: .5

| TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------------------------------|-------|
| DAY                              | NIGHT |
| ---                              | ----- |
| AUTOS                            |       |
| 88.08                            | 9.34  |
| M-TRUCKS                         |       |
| 1.65                             | 0.19  |
| H-TRUCKS                         |       |
| 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.19

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 91.0   |

TABLE Cumulative with Project-03  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Creed Street to Country Club Drive

NOTES: Milpitas N. Victoria - Cumulative with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 3340      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 58.99

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 0.0    | 102.8  |

TABLE Cumulative with Project-04  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria Country Club Drive to Jacklin Road

NOTES: Milpitas N. Victoria - Cumulative with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 4740      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 6      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.51

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 60.5   | 129.7  |

TABLE Cumulative with Project-05  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: N. Park Victoria south of Jacklin Road

NOTES: Milpitas N. Victoria - Cumulative with Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7580      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    | 88.08                            | 9.34  |
| M-TRUCKS | 1.65                             | 0.19  |
| H-TRUCKS | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 12      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 61.96

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 83.1   | 177.5  |

TABLE Cumulative with Project-06  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019  
ROADWAY SEGMENT: Jacklin Road east of N. Park Victoria  
NOTES: Milpitas N. Victoria - Cumulative with Project

---

\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 7270      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

---

\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 60.86

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 0.0    | 83.4   | 173.7  |

---



TABLE Cumulative with Project-07  
FHWA ROADWAY NOISE LEVEL ANALYSIS

RUN DATE: 06/10/2019

ROADWAY SEGMENT: Jacklin Road west of N. Park Victoria

NOTES: Milpitas N. Victoria - Cumulative with Project

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\* \* ASSUMPTIONS \* \*

AVERAGE DAILY TRAFFIC: 15190      SPEED (MPH): 35      GRADE: .5

|          | TRAFFIC DISTRIBUTION PERCENTAGES |       |
|----------|----------------------------------|-------|
|          | DAY                              | NIGHT |
|          | ---                              | ----- |
| AUTOS    |                                  |       |
|          | 88.08                            | 9.34  |
| M-TRUCKS |                                  |       |
|          | 1.65                             | 0.19  |
| H-TRUCKS |                                  |       |
|          | 0.66                             | 0.08  |

ACTIVE HALF-WIDTH (FT): 24      SITE CHARACTERISTICS: SOFT

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\* \* CALCULATED NOISE LEVELS \* \*

Ldn AT 50 FT FROM NEAR TRAVEL LANE CENTERLINE (dB) = 64.06

| DISTANCE (FEET) FROM ROADWAY CENTERLINE TO Ldn |        |        |        |
|------------------------------------------------|--------|--------|--------|
| 70 Ldn                                         | 65 Ldn | 60 Ldn | 55 Ldn |
| -----                                          | -----  | -----  | -----  |
| 0.0                                            | 65.2   | 132.7  | 282.1  |

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## APPENDIX F

### INTERIOR NOISE CALCULATION

# INTERIOR NOISE REDUCTIONS

Project Name: Milpitas Victoria

Job Number: MLP1901

Floor Plan: 1

Analyst: J.T. Stephens

Room: Bedroom

## (1) Transmission Loss Calculations (Exterior Wall)

| Exterior Wall Assembly                                      | Source              | Wall Area | STC | Transmission Loss (dB) by Frequency (Hz) |     |     |      |      |      | Fractional Area S/(10^(TL/10)) |        |        |        |        |        | dB    |
|-------------------------------------------------------------|---------------------|-----------|-----|------------------------------------------|-----|-----|------|------|------|--------------------------------|--------|--------|--------|--------|--------|-------|
|                                                             |                     |           |     | 125                                      | 250 | 500 | 1000 | 2000 | 4000 | 125                            | 250    | 500    | 1000   | 2000   | 4000   |       |
| Stucco                                                      | David Harris p. 371 | 82.5      | 46  | 27                                       | 42  | 44  | 46   | 49   | 54   | 0.1646                         | 0.0052 | 0.0033 | 0.0021 | 0.0010 | 0.0003 |       |
|                                                             | ABC                 | 30.0      | 27  | 17                                       | 20  | 23  | 31   | 31   | 29   | 0.5986                         | 0.3000 | 0.1504 | 0.0238 | 0.0238 | 0.0378 |       |
|                                                             | Windows/Doors       | 0.0       | 0   | 0                                        | 0   | 0   | 0    | 0    | 0    | 0.0000                         | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |       |
|                                                             |                     | 0.0       | 0   | 0                                        | 0   | 0   | 0    | 0    | 0    | 0.0000                         | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |       |
|                                                             |                     | 0.0       | 0   | 0                                        | 0   | 0   | 0    | 0    | 0    | 0.0000                         | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 |       |
| Totals                                                      |                     | 112.5     |     |                                          |     |     |      |      |      | 0.0068                         | 0.0027 | 0.0014 | 0.0002 | 0.0002 | 0.0003 |       |
| Composite Exterior Wall Sound Transmission Loss 10*LOG(1/t) |                     |           |     |                                          |     |     |      |      |      | 21.69                          | 25.67  | 28.65  | 36.38  | 36.56  | 34.70  | 33.38 |

## (2) Room Effects (Absorption)

| Room Surface/ Material | Source                                                  | Area  | NRC  | Absorption Coefficients by Frequency (Hz) |      |      |      |      |      | Absorption (Sabins) |        |        |        |         |        |        |
|------------------------|---------------------------------------------------------|-------|------|-------------------------------------------|------|------|------|------|------|---------------------|--------|--------|--------|---------|--------|--------|
|                        |                                                         |       |      | 125                                       | 250  | 500  | 1000 | 2000 | 4000 | 125                 | 250    | 500    | 1000   | 2000    | 4000   |        |
| Floor - Carpet         | David Harris p. 347                                     | 187.5 | 0.30 | 0.15                                      | 0.17 | 0.12 | 0.32 | 0.52 | 0.30 | 28.13               | 31.88  | 22.50  | 60.00  | 97.50   | 56.25  |        |
| Floor - Vinyl          | David Harris p. 347                                     | 0.0   | 0.05 | 0.02                                      | 0.03 | 0.05 | 0.03 | 0.03 | 0.02 | 0.00                | 0.00   | 0.00   | 0.00   | 0.00    | 0.00   |        |
| Ceiling - Drywall      | David Harris p. 348                                     | 187.5 | 0.50 | 0.10                                      | 0.08 | 0.05 | 0.03 | 0.03 | 0.03 | 18.75               | 15.00  | 9.38   | 5.63   | 5.63    | 5.63   |        |
| Walls - Drywall        | David Harris p. 348                                     | 495.0 | 0.50 | 0.10                                      | 0.08 | 0.05 | 0.03 | 0.03 | 0.03 | 49.50               | 39.60  | 24.75  | 14.85  | 14.85   | 14.85  |        |
| Totals                 |                                                         | 870   |      |                                           |      |      |      |      |      | 96.375              | 86.475 | 56.625 | 80.475 | 117.975 | 76.725 | 110.23 |
| Room Effect            | 10*log (Room Absorption in Sabins)/(Exterior Wall Area) |       |      |                                           |      |      |      |      |      | -0.67               | -1.14  | -2.98  | -1.45  | 0.21    | -1.66  | -0.09  |

## (3) Adjustment Factor

|                                |       |       |       |       |       |       |       |
|--------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Sound Source Adjustment Factor | -6.00 | -6.00 | -6.00 | -6.00 | -6.00 | -6.00 | -6.00 |
|--------------------------------|-------|-------|-------|-------|-------|-------|-------|

## (4) Calculated Interior Noise Reduction (dBA)

|                                                                      | 125   | 250   | 500   | 1000  | 2000  | 4000  | dBA  |
|----------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|------|
| (Transmission Loss + Room Effects + Adjustment Factor)               | 15.01 | 18.52 | 19.67 | 28.92 | 30.76 | 27.04 |      |
| Octave Band Frequency Correction Factors for A-Weighted Sound Levels | 16.10 | 8.60  | 3.20  | 0.00  | -1.20 | -1.00 |      |
| A-Weighted Sound Levels                                              | 31.11 | 27.12 | 22.87 | 28.92 | 29.56 | 26.04 |      |
| Noise Reduction (dBA)                                                | 30.99 | 27.00 | 22.74 | 28.80 | 29.44 | 25.92 | 28.2 |

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## **APPENDIX G**

### **TRAFFIC OPERATIONS REPORT**



## **Memorandum**

Date: September 20, 2019  
To: Mr. Steve Chan, T.E., City of Milpitas  
From: Brett Walinski, T.E.  
Subject: Traffic Operations Report for 1005 North Park Victoria Drive Single Family Residences

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Hexagon Transportation Consultants, Inc. has completed this traffic operations report for the proposed residential development located at 1005 North Park Victoria Drive in Milpitas, California. The subject site is currently occupied by a vacant single-family residence. The project proposes a community of 36 single-family detached units and 10 ADUs. Access to the project site would be provided via two proposed driveways on the west side of the development, on Rankin Drive, which is connected to North Park Victoria Drive via Creed Street. The site location is shown on Figure 1.

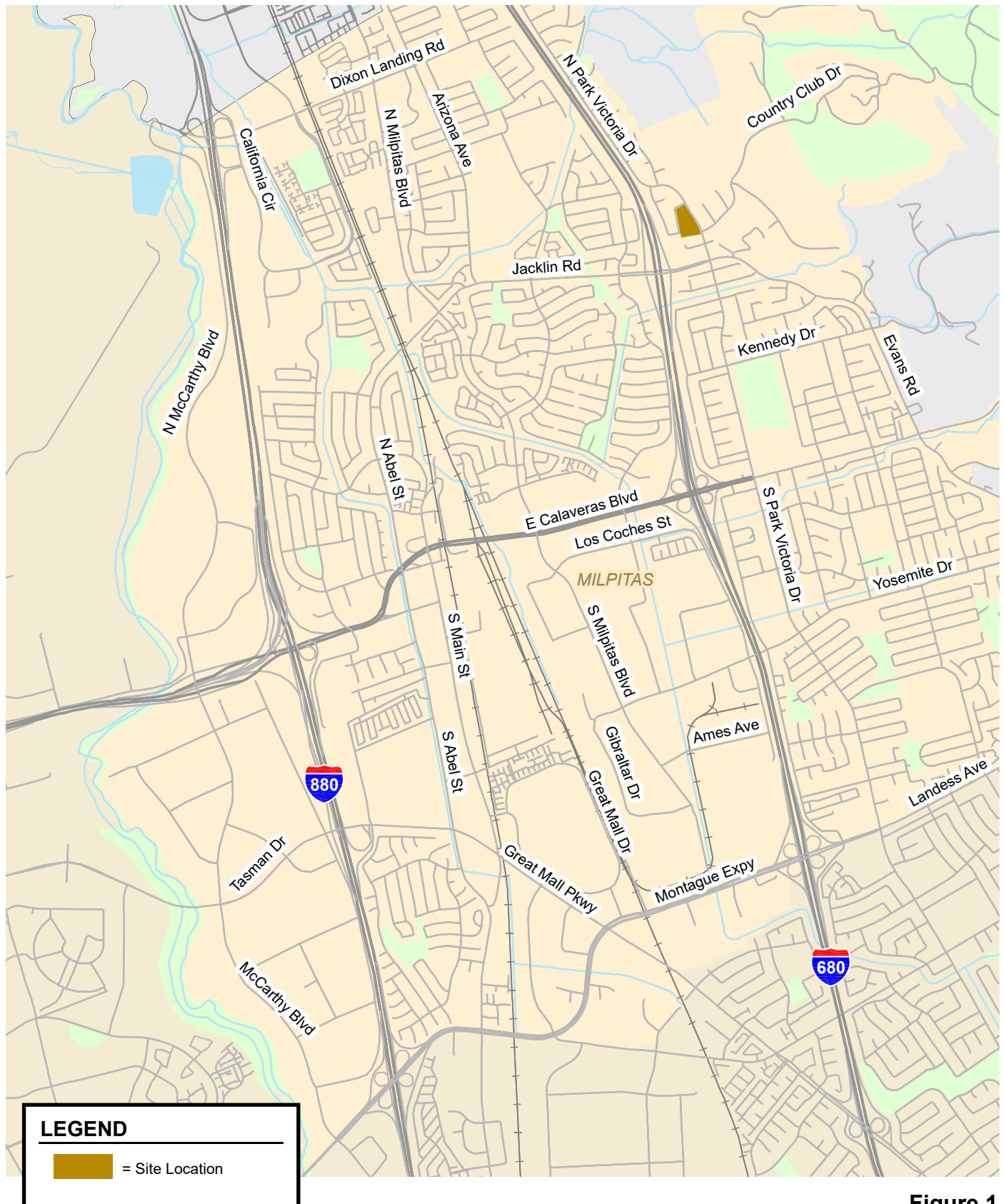
## **Scope of Study**

This study includes an analysis of weekday AM and PM peak hour traffic conditions at three intersections and two site driveways. The analysis was conducted in accordance with the standards and methodologies prescribed by the City of Milpitas. The study intersections are identified below and shown on Figure 2.

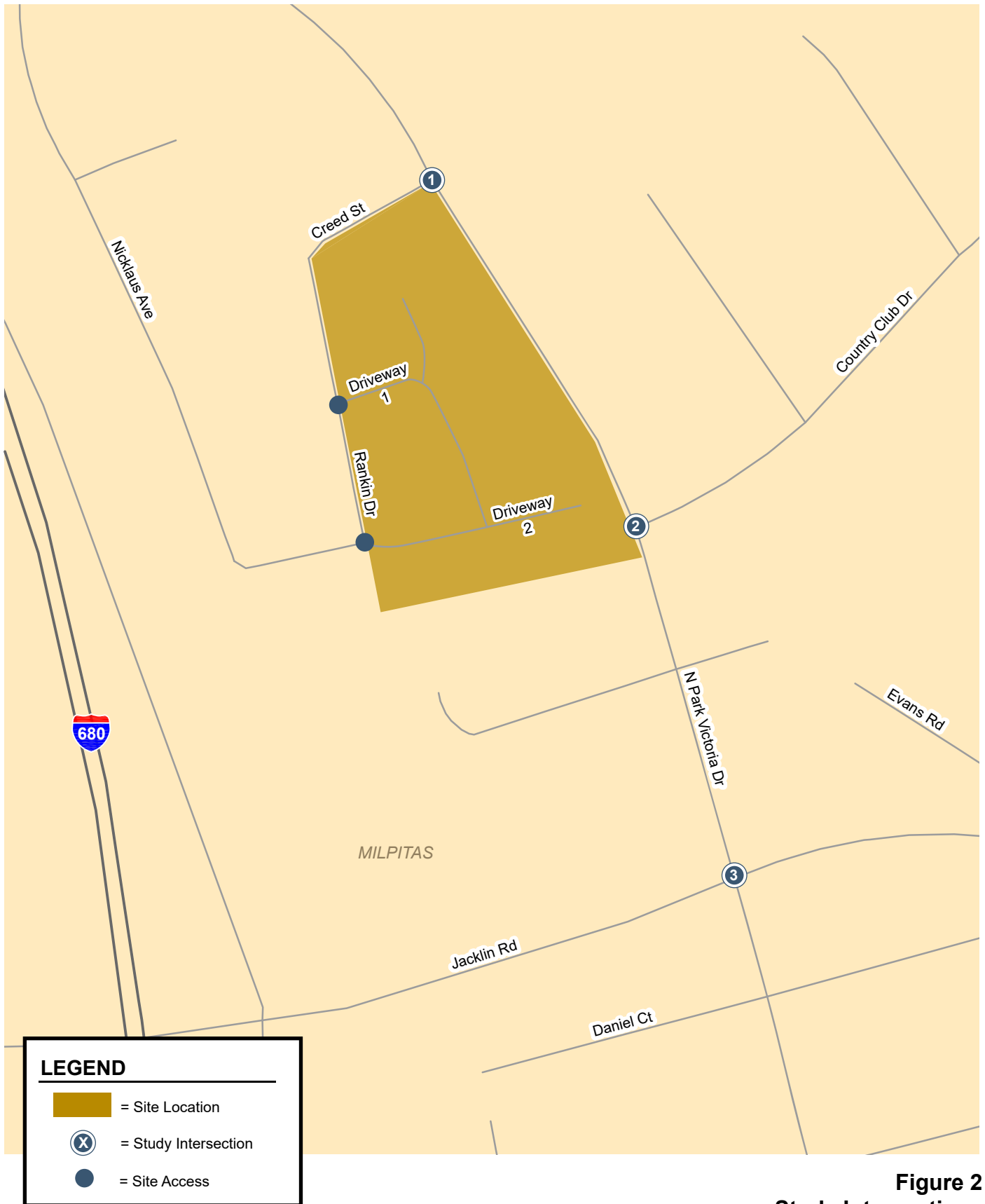
- North Park Victoria Drive and Jacklin Road
- North Park Victoria Drive and Country Club Drive (unsignalized)
- North Park Victoria Drive and Creed Street (unsignalized)
- Rankin Drive and North Site Driveway
- Rankin Drive and South Site Driveway

The impacts of the project were evaluated during the weekday AM and PM peak hours. The AM peak hour of traffic is typically between 7:00 AM and 9:00 AM and the PM peak hour is typically between 4:00 PM and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average weekday. Traffic conditions were evaluated for the following scenarios:

- Scenario 1: *Existing Conditions.* Existing conditions are represented by existing peak hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts conducted in April 2019 (see appendix).
- Scenario 2: *Existing Plus Project Conditions.* Project-generated traffic volumes were added to existing traffic volumes to estimate existing plus project traffic volumes. Existing plus project conditions were evaluated relative to existing conditions in order to determine potential project impacts.
- Scenario 3: *Cumulative Conditions.* Cumulative conditions (without the project) were estimated by applying growth factors derived from the City of Milpitas Travel Demand Forecast Model. No improvements to the study intersections were assumed under this scenario.
- Scenario 4: *Cumulative Plus Project Conditions.* Project trips from the site were added to Cumulative traffic volumes to estimate Cumulative Plus Project conditions. Cumulative Plus Project conditions were evaluated relative to Cumulative conditions (without the project) in order to determine potential project impacts.



**Figure 1**  
**Site Location**



**Figure 2**  
**Study Intersections**



A background conditions scenario was not included in this analysis because there are no approved but not yet constructed developments that would add traffic to the study intersections. In addition, a Congestion Management Program (CMP) analysis was not required because the project is estimated to generate fewer than 100 peak-hour trips. Intersection operations were evaluated using TRAFFIX, based on the Highway Capacity (HCM) level of service methodology for signalized and unsignalized intersections during peak hours. This report also includes an evaluation of project site access and circulation.

## Existing Transportation Setting

Regional access to the project site is provided via Interstate 680 (I-680). Local access to the site is provided via Jacklin Road, North Park Victoria Drive, Creed Street, and Rankin Drive. These roadways are described below.

**I-680** is a north-south freeway which extends from I-280 in San Jose in the south and ends at I-80 near Green Valley in the north. Within the project vicinity, I-680 primarily has three northbound lanes and three southbound mixed flow lanes as well as an HOV lane in the southbound direction. The closest access to the project site is provided by the interchange at Jacklin Road.

**Jacklin Road** is a four lane, east-west, arterial street that extends from Milpitas Boulevard in the west to North Park Victoria Drive in the east. At its west end, Jacklin Road becomes north Abel Street west of North Milpitas Boulevard and curves south to intersect with East Calaveras Boulevard. East of North Park Victoria Drive, Jacklin Road becomes two-lane Evans Road and continues south to the foothills on the east side of Milpitas. Jacklin Road provides direct access to I-680 south of the project site via North Park Victoria Drive. It has a two-way left turn lane in the project vicinity, between I-680 and North Park Victoria Drive.

**North Park Victoria Drive** is generally a two-lane, north-south, collector street that begins just south of Scott Creek Road in the north and terminates at East Calaveras Boulevard in the south.

**Creed Street** is an east-west residential street extending from North Park Victoria Drive at the east end to Rankin Drive at the west end. On-street parking is permitted on Creed Street.

**Rankin Drive** is a north-south residential street extending from Creed Street at the north end to Nicklaus Avenue at the south end. On-street parking is permitted on Rankin Drive. It would provide direct site access via two driveways.

Existing bicycle access to the project vicinity is provided primarily via a network of nearby Class II bike lanes and Class III bike routes which are shared with vehicular traffic. There are existing Class II bike lanes on Jacklin Road except a section between I-680 and North Park Victoria Drive, which is a bicycle route. North Park Victoria Drive has Class II bike lanes from the city border with Fremont, along the eastern border of the site, to Jacklin Road, south of which North Park Victoria Drive serves as a Class III bicycle route.

In the future, the *City of Milpitas General Plan* shows future upgraded Class II bike lanes on existing bike lane gaps on Jacklin Road (between the southbound I-680 on/off ramps and North Park Victoria Drive) and on North Park Victoria Drive south of Jacklin Road. Country Club Drive is planned to serve as a Class III bicycle route.

Sidewalks are generally found along all previously-described roadways in the study area and along the streets near the site, with a few exceptions. There are no sidewalks along the project frontages on North Park Victoria Drive, Creed Street, or Rankin Drive. There are also no sidewalks on the south side of Country Club Drive. All nearby signalized study intersections provide crosswalks.





Existing transit service in the project vicinity is provided by the Valley Transportation Authority (VTA). The nearest bus route is Line 46. Line 46 connects the Great Mall Transit Center with Milpitas High School via Great Mall Parkway, Montague Expressway/Landess Avenue, Park Victoria Drive, and Jacklin Road. In addition, Line 46 provides connections to the VTA light rail service at the Great Mall Transit Center. The bus operates between 6:00 AM and 7:00 PM on weekdays, with 30-minute headways in the AM and PM peak periods. The closest bus stops are located on North Park Victoria Drive south of Jacklin Road, approximately 1,000 feet south of the project site.

An extension of BART from South Fremont to North San Jose/Berryessa is currently under construction along the existing Union Pacific rail line. A new Milpitas station, tentatively scheduled to open in late 2019, will be located approximately 3.5 miles from the project site at the Montague Expressway/Great Mall Parkway intersection.

### Existing Traffic Observations

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field. The field observations revealed that the level of service analysis generally reflects actual existing traffic conditions. Notable observations are summarized below.

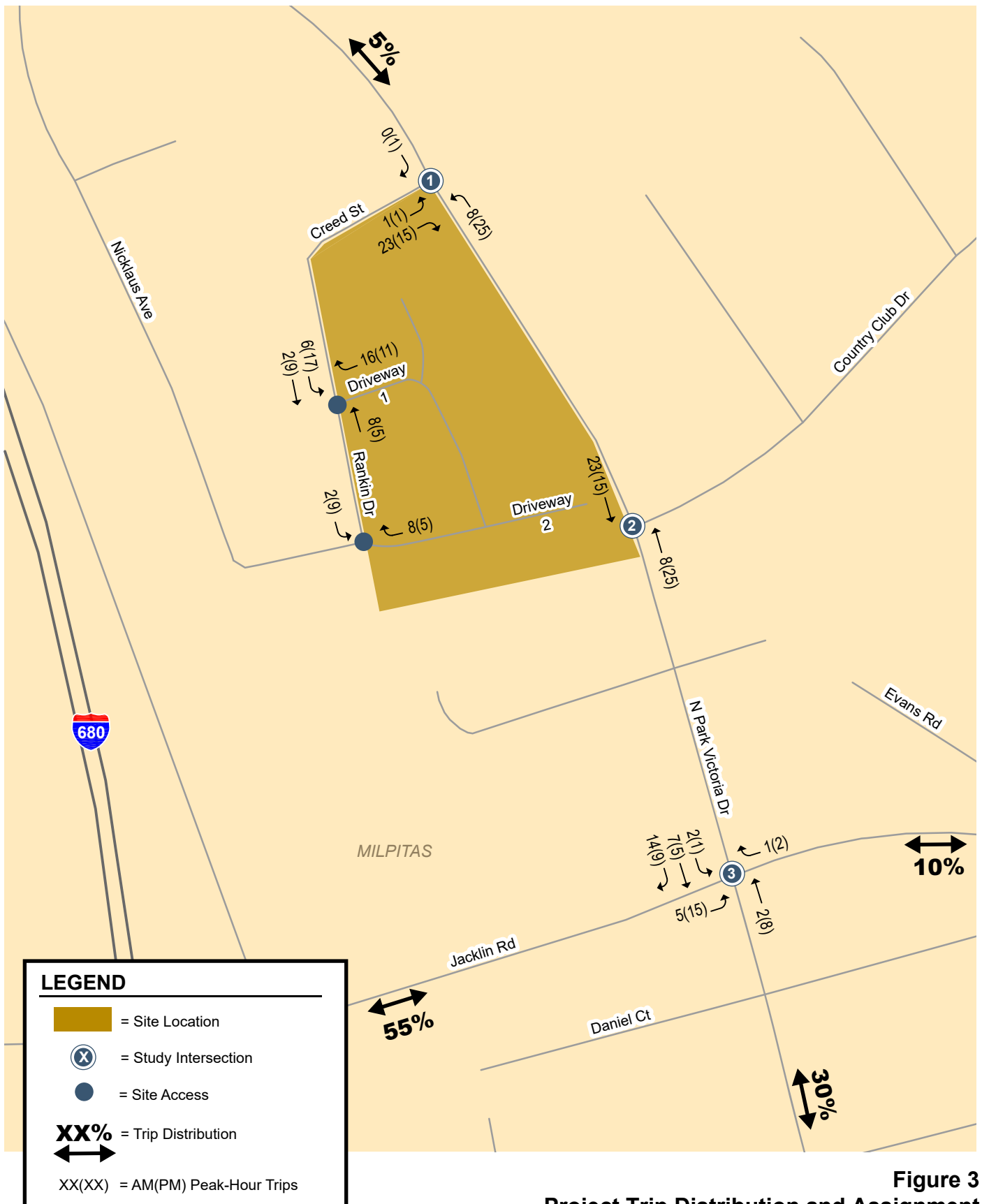
**North Park Victoria Drive and Jacklin Road.** During the AM peak hour, the northbound left turn queue on North Park Victoria Drive onto westbound Jacklin Road frequently spills out of the turn pocket and into the adjacent northbound through lane. This was also observed to occur during the PM peak hour, though less frequently. It should be noted that the project is not expected to add any traffic to this movement.

### Project Traffic Estimates

The magnitude of traffic produced by a new development, and the locations where that traffic would appear, are typically estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the weekday AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to specific streets and intersections in the study area. These procedures are described further in the following sections.

Through empirical research, data have been collected that correlate common land uses to their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. Project trip generation was estimated by applying to the size and uses of the development the appropriate trip generation rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 10th Edition*. Based on ITE's trip generation rates for single family detached housing (ITE code 210) and multi-family housing (ITE code 220), the project would generate 413 daily vehicle trips, with 32 trips occurring during the AM peak hour and 42 trips occurring during the PM peak hour. Because the existing single family home has been vacant for a long period of time and the site does not currently generate any traffic, no trip credit was applied (see also Table 1).

The trip distribution pattern for the proposed use was estimated based on neighboring land uses and local traffic patterns in consultation with City staff. Trips were assigned to the roadway network in accordance with the trip distribution. The trip distribution and project trip assignment are shown on Figure 3.



**Figure 3**  
**Project Trip Distribution and Assignment**



**Table 1**  
**Project Trip Generation Estimates**

| Land Use                                  | Size     | Daily |       | AM Peak Hour |    |    |     | PM Peak Hour |    |    |     |
|-------------------------------------------|----------|-------|-------|--------------|----|----|-----|--------------|----|----|-----|
|                                           |          | Rate  | Trips | Total        |    | In | Out | Total        |    | In | Out |
| Detached Single Family Units <sup>1</sup> | 36 units | 9.44  | 340   | 0.74         | 27 | 7  | 20  | 0.99         | 36 | 22 | 14  |
| Apartments <sup>2</sup>                   | 10 units | 7.32  | 73    | 0.46         | 5  | 1  | 4   | 0.56         | 6  | 4  | 2   |
| Total Project Trips                       |          |       | 413   |              | 32 | 8  | 24  |              | 42 | 26 | 16  |

<sup>1</sup> Rates based on ITE Trip Generation, 10th Edition for Single Family Detached Housing (ITE 210).  
<sup>2</sup> ADUs. Based on rates for multi-family low-rise housing, ITE code 220.

### Traffic Volumes and Roadway Network

Traffic volumes for existing conditions were determined from existing traffic counts conducted in April 2019. Existing volumes are shown on Figure 4. Existing plus project traffic conditions are represented by existing traffic volumes plus project trips on the existing roadway network. Existing plus Project volumes are shown on Figure 5. The count data are included in Appendix A.

Cumulative (no project) traffic volumes were estimated based on forecasts from the City of Milpitas Travel Demand Forecast Model. From the forecasts an annual growth rate was established and applied to existing volume five years into the future. Traffic volumes for Cumulative plus Project conditions are represented by adding to the cumulative no project volumes the traffic generated by the project. Cumulative and Cumulative plus Project traffic volumes are shown on Figures 6 and 7, respectively.

Under cumulative and cumulative plus project conditions, the roadway network was assumed unchanged from existing conditions.

### Intersection Level of Service Methodology

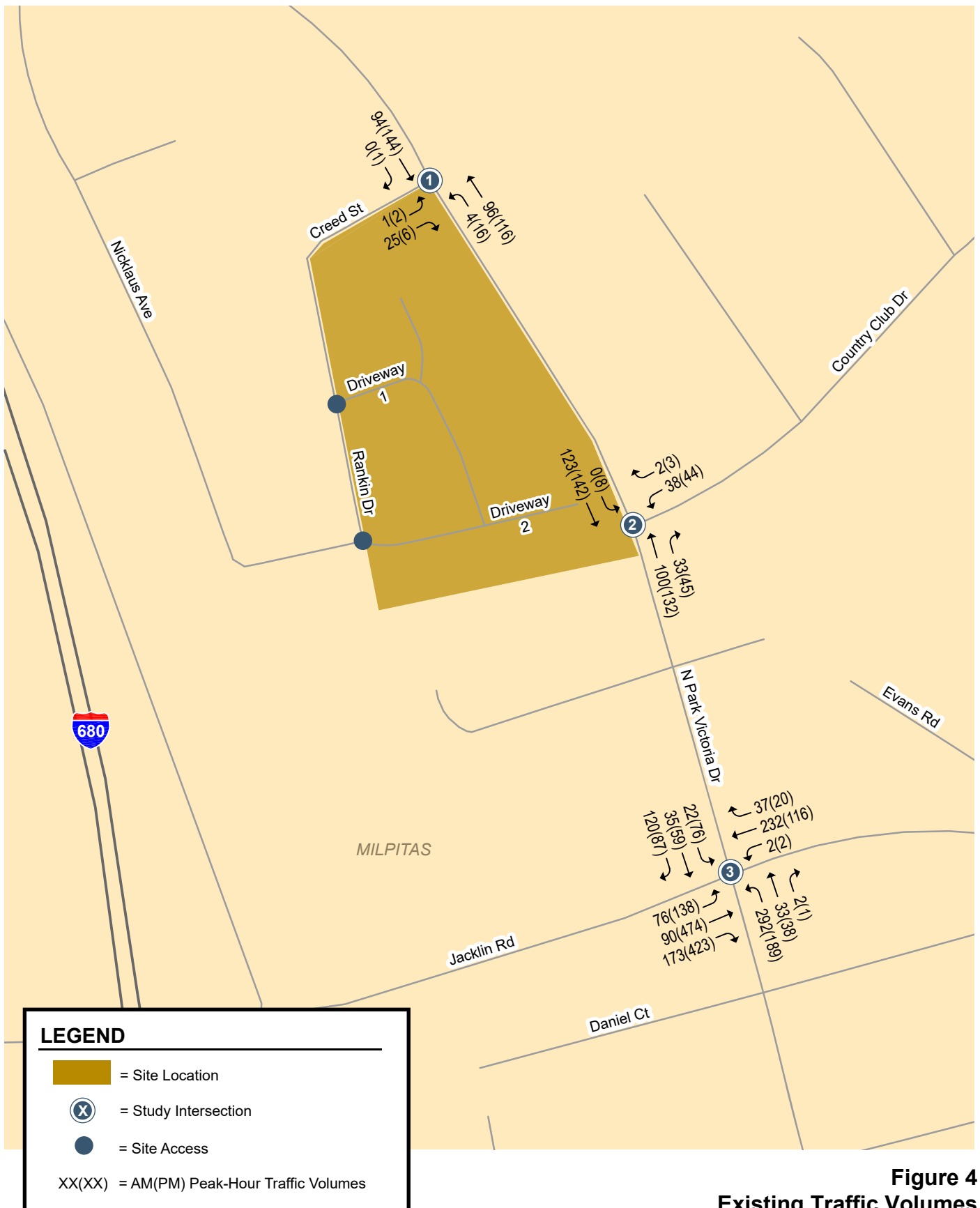
Traffic conditions at the signalized and unsignalized study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The City of Milpitas utilizes TRAFFIX software and the Highway Capacity Manual (HCM) methodology to evaluate intersection operations. The HCM methodology evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. For side-street-stop-controlled (SSSC) intersections, HCM also provides the level of service and delay for operations on the worst approach. The delay can then be correlated to a level of service.

### Signalized Intersection Significant Impact Criteria

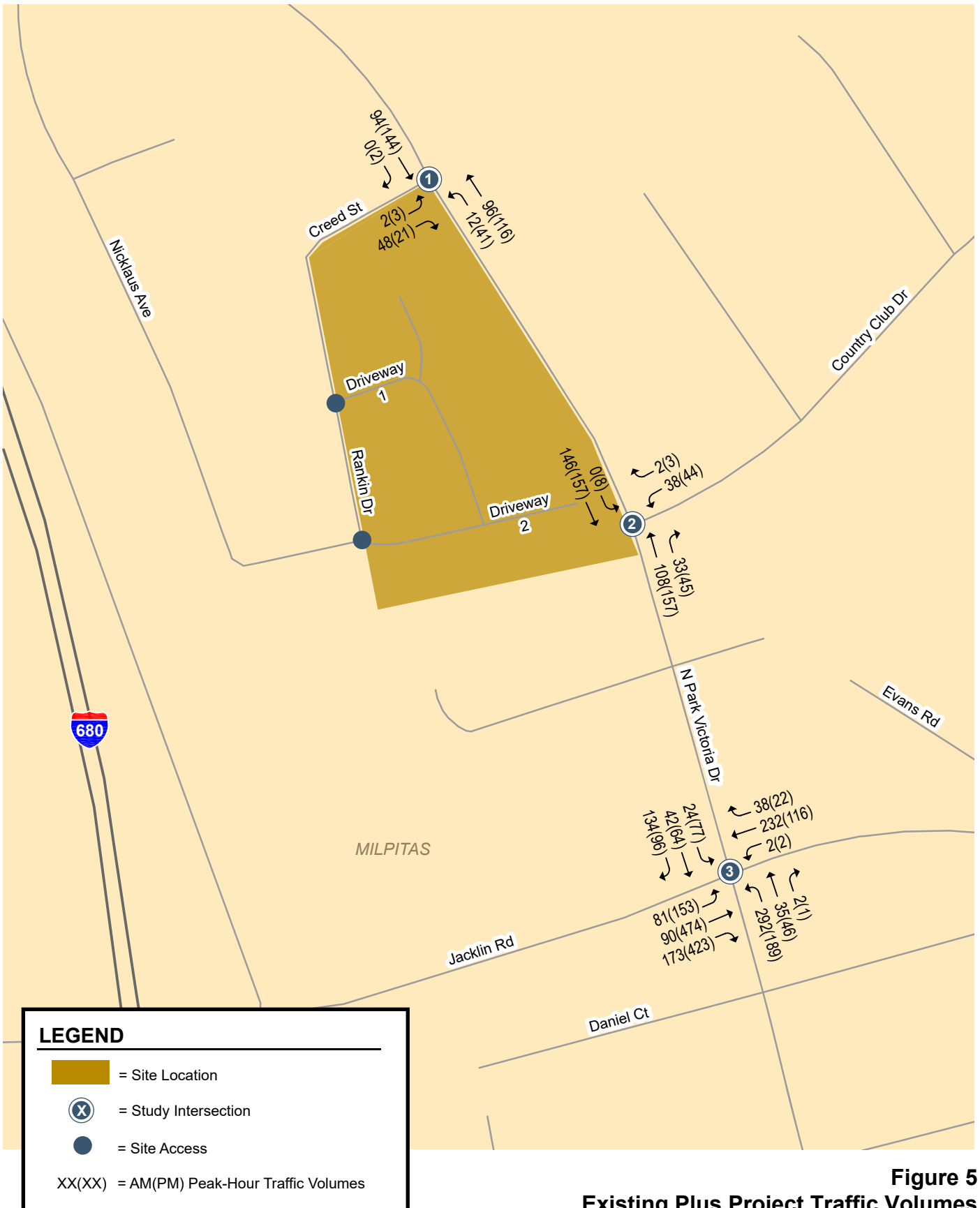
At signalized intersections in Milpitas, the minimum acceptable level of service is LOS D. According to the City of Milpitas, project impacts at signalized intersections occur when:

1. The level of service at an intersection drops below its LOS standard when project traffic is added; or
2. An intersection that is operating worse than its level of service standard under no project conditions has an increase in critical delay of four or more seconds AND the demand-to-capacity ratio (V/C) is increased by more than 0.01 when project traffic is added.

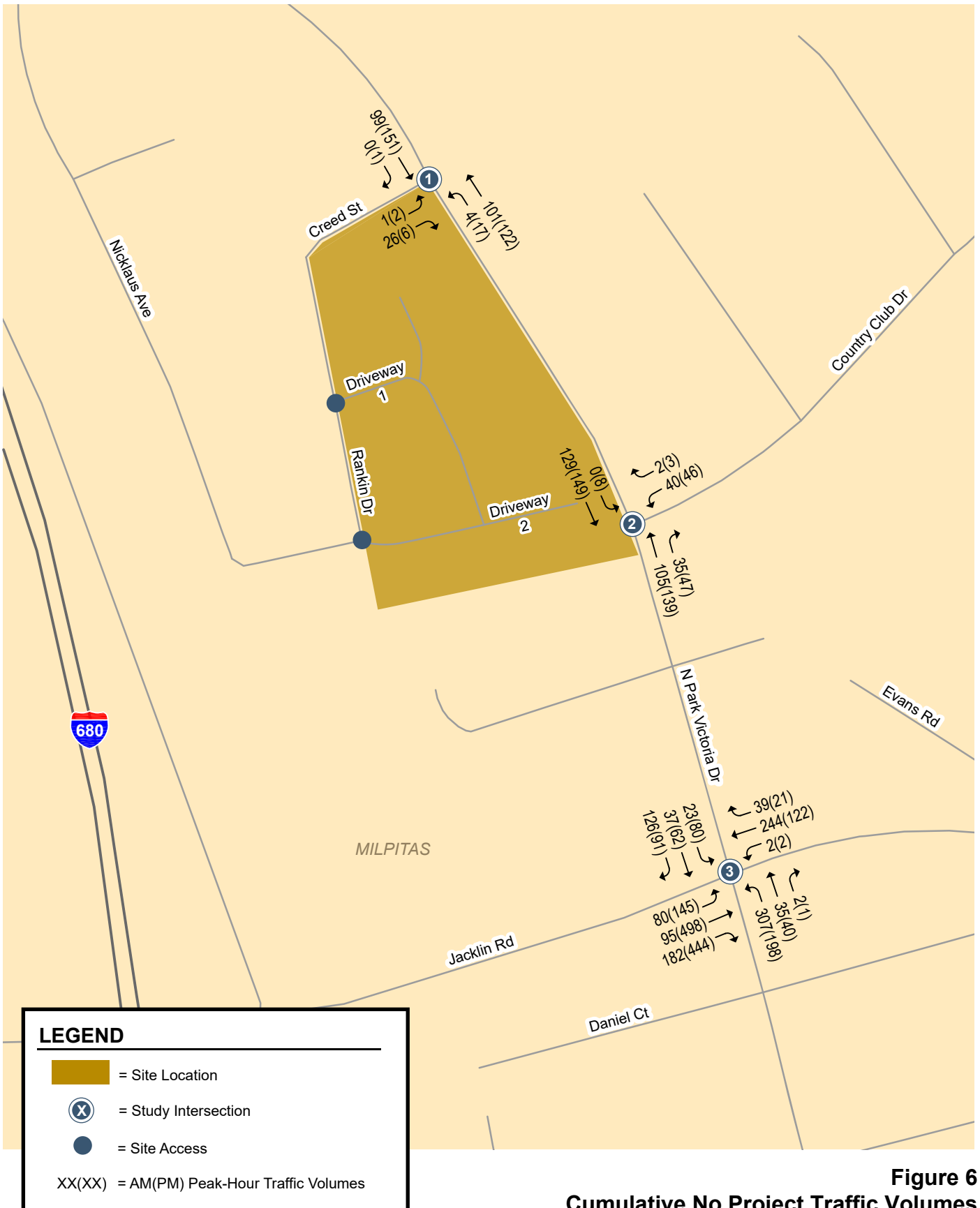
The exception to this threshold is when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In that case, the threshold is when the project increases the critical V/C value by 0.01 or more.



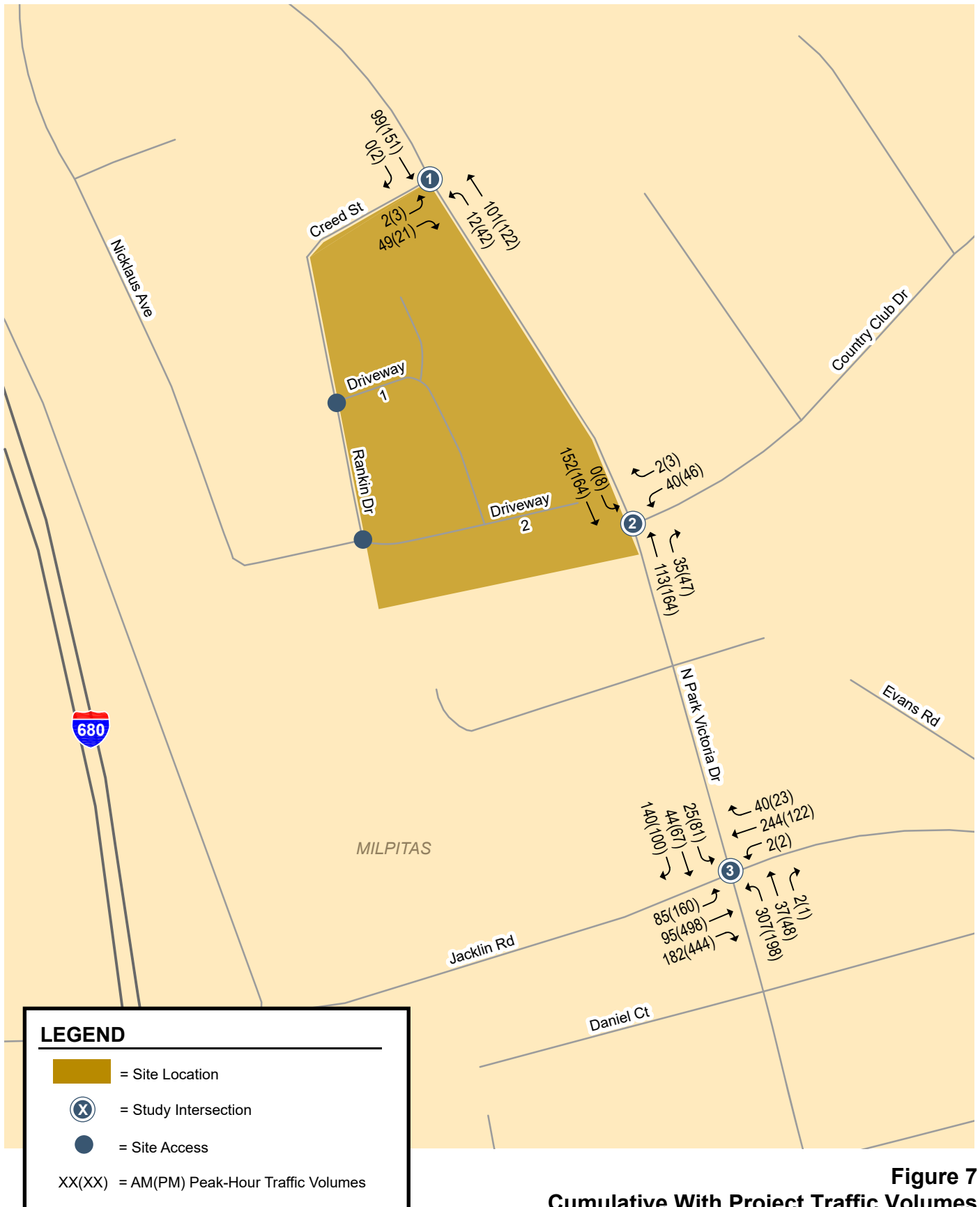
**Figure 4**  
**Existing Traffic Volumes**



**Figure 5**  
**Existing Plus Project Traffic Volumes**



**Figure 6**  
**Cumulative No Project Traffic Volumes**



**Figure 7**  
**Cumulative With Project Traffic Volumes**



A significant impact at a signalized intersection is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of service to an acceptable LOS or restore the intersection to operating levels that are better than no project conditions.

### **Signalized Intersection Level of Service Analysis**

Intersection levels of service were calculated for existing, existing plus project, cumulative and cumulative plus project conditions. The results of the signalized intersection level of service analysis under existing and existing plus project conditions are summarized in Table 2. The results of the signalized intersection level of service analysis under cumulative conditions without and with the project are summarized in Table 3.

The results show that the signalized study intersection of North Park Victoria Drive and Jacklin Road currently operates at an acceptable LOS C under existing conditions and would continue to operate at an acceptable LOS C under existing conditions with the project. Under Cumulative conditions, the intersection of North Park Victoria Drive and Jacklin Road would operate at an acceptable LOS C during both peak hours, both with and without the project. According to the City of Milpitas level of service standards, the project would therefore have no impact on the signalized intersection level of service. The level of service calculation sheets are included in Appendix B.

### **Unsignalized Intersection Operations Analysis**

Unlike signalized intersections, which typically represent constraint points for the roadway network, unsignalized intersections rarely limit the potential capacity of a roadway. The determination of appropriate improvements to unsignalized intersections typically includes a qualitative and quantitative analysis of movement delay, traffic signal warrants, movement traffic volumes, availability of alternate routes, and intersection safety. For this reason, improvements to unsignalized intersections are frequently determined on the basis of professional engineering judgment. The City of Milpitas does not apply significance thresholds to unsignalized intersections.

Both unsignalized study intersections are side-street-stop-controlled (SSSC). For SSSC intersections, levels of service and delays are calculated for both the overall average delay for the intersection, and for the approach with highest delay.

The results of the unsignalized level of service analysis under existing and existing plus project conditions are summarized in Table 2. The results of the unsignalized intersection level of service analysis under cumulative conditions without and with the project are summarized in Table 3. The results show that, for overall intersection operations and for operations on the worst approach, both unsignalized study intersections currently and in the future would operate at an acceptable LOS B or better under all study scenarios. The unsignalized intersection level of service calculation sheets are included in Appendix B.

### **Signal Warrant Analysis**

The level of service analysis for the unsignalized intersections was supplemented with an assessment of the need for signalization of the intersections. For this study, the need for signalization was assessed on the basis of the peak-hour volume signal warrant – warrant #3 – described in the *California Manual on Uniform Traffic Control Devices* (MUTCD). This method provides an indication of whether traffic conditions and peak-hour traffic levels are, or would be, sufficient to justify installation of a traffic signal.

The peak-hour volume signal warrant analysis was conducted for the two unsignalized, SSSC, intersections under existing and existing plus project conditions, and cumulative conditions without and with the project. The results show that the signal warrant would not be met under any of the scenarios during either peak hour. All signal warrant calculation sheets are included in Appendix C.





**Table 2**  
**Intersection Levels of Service under Existing and Existing Plus Project Conditions**

| Intersection                          | Traffic Control | Peak Hour | LOS Standard <sup>1</sup> | Existing   |       | Existing + Project |       |                    |       |
|---------------------------------------|-----------------|-----------|---------------------------|------------|-------|--------------------|-------|--------------------|-------|
|                                       |                 |           |                           | Avg. Delay | LOS   | Avg. Delay         | LOS   | Increase in:       |       |
|                                       |                 |           |                           |            |       |                    |       | Delay <sup>2</sup> | V/C   |
| N. Park Victoria Dr & Creed St        | SSSC            | AM        | n/a                       | 1.2 / 8.9  | A / A | 2.1 / 9.0          | A / A | 0.9 / 0.1          | n/a   |
|                                       |                 | PM        | n/a                       | 0.7 / 9.3  | A / A | 1.6 / 9.3          | A / A | 0.9 / 0.0          | n/a   |
| N. Park Victoria Dr & Country Club Dr | SSSC            | AM        | n/a                       | 1.3 / 10.0 | A / A | 1.3 / 10.2         | A / B | 0.0 / 0.2          | n/a   |
|                                       |                 | PM        | n/a                       | 1.5 / 10.4 | A / B | 1.5 / 10.7         | A / B | 0.0 / 0.3          | n/a   |
| N. Park Victoria Dr & Jacklin Rd      | signal          | AM        | D                         | 24.1       | C     | 24.4               | C     | 0.4                | 0.013 |
|                                       |                 | PM        | D                         | 20.8       | C     | 21.0               | C     | 0.2                | 0.006 |

Note: Signalized and unsignalized intersection levels of service are based on the Highway Capacity Manual (HCM) methodology. Signalized intersection levels of service and delays reported are for average control delay per vehicle. The intersection levels of service and delays for SSSC intersections are reported for both the overall average delay / the approach with highest delay.

<sup>1</sup> There is no LOS standard for unsignalized (SSSC) intersections.

<sup>2</sup> For signalized intersections, the increase in delay shown here represents increase in critical delay. For unsignalized intersections, the increase in delay represents the increase in average delay / the approach with highest delay.

**Table 3**  
**Intersection Levels of Service under Cumulative Conditions Without and With the Project**

| Intersection                          | Traffic Control | Peak Hour | LOS Standard <sup>1</sup> | Cumulative |       |              |       |                    |       |
|---------------------------------------|-----------------|-----------|---------------------------|------------|-------|--------------|-------|--------------------|-------|
|                                       |                 |           |                           | No Project |       | With Project |       |                    |       |
|                                       |                 |           |                           | Avg. Delay | LOS   | Avg. Delay   | LOS   | Increase in:       |       |
|                                       |                 |           |                           |            |       |              |       | Delay <sup>2</sup> | V/C   |
| N. Park Victoria Dr & Creed St        | SSSC            | AM        | n/a                       | 1.2 / 8.9  | A / A | 2.1 / 9.0    | A / A | 0.9 / 0.1          | n/a   |
|                                       |                 | PM        | n/a                       | 0.7 / 9.4  | A / A | 1.6 / 9.4    | A / A | 0.9 / 0.0          | n/a   |
| N. Park Victoria Dr & Country Club Dr | SSSC            | AM        | n/a                       | 1.4 / 10.1 | A / B | 1.4 / 10.3   | A / B | 0.0 / 0.2          | n/a   |
|                                       |                 | PM        | n/a                       | 1.5 / 10.5 | A / B | 1.5 / 10.9   | A / B | 0.0 / 0.4          | n/a   |
| N. Park Victoria Dr & Jacklin Rd      | signal          | AM        | D                         | 24.4       | C     | 24.6         | C     | 0.3                | 0.013 |
|                                       |                 | PM        | D                         | 21.2       | C     | 21.4         | C     | 0.1                | 0.006 |

Note: Signalized and unsignalized intersection levels of service are based on the Highway Capacity Manual (HCM) methodology. Signalized intersection levels of service and delays reported are for average control delay per vehicle. The intersection levels of service and delays for SSSC intersections are reported for both the overall average delay / the approach with highest delay.

<sup>1</sup> There is no LOS standard for unsignalized (SSSC) intersections.

<sup>2</sup> For signalized intersections, the increase in delay shown here represents increase in critical delay. For unsignalized intersections, the increase in delay represents the increase in average delay / the approach with highest delay.



## Impacts to Pedestrians, Bicycles, and Transit

The potential impacts of the project on pedestrian, bicycle and transit are described below.

**Pedestrian Facilities.** Existing observations at the study intersections showed minimal pedestrian activity at the study intersections. The most pedestrian activity was observed at the intersection of North Park Victoria Drive and Jacklin Road, with 8 pedestrian crossings in the AM peak hour and 14 pedestrian crossings in the PM peak hour for all approaches combined.

According to the U.S. Census, pedestrian trips comprise approximately one percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming one percent of total commute trips would be walking trips, there would be approximately one pedestrian trip during each of the AM and PM peak hours. The proposed project also would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. The volume of pedestrian trips generated by the project would not exceed the carrying capacity of the sidewalks and crosswalks nearby.

As described previously, there are currently no sidewalks along any of the project frontages, including the frontage along North Park Victoria Drive. Although very few pedestrian trips are anticipated to and from the site, the City's General Plan policies encourage non-motorized travel, including walking, bicycling and transit. The relevant *Pedestrian and Bicycle Circulation Principles and Policies* of the Milpitas General Plan are described below.

Implementing Policy 3.d.I.9:

Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding civic, recreation, education, work, and retail centers.

Sidewalk Policy 3.d.I.29:

Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.

Consistent with existing City policies, the proposed project would provide a continuous sidewalk connection along its frontages on North Park Victoria Drive, Creed Street, and Rankin Drive.

**Bicycle Facilities.** U.S. Census data indicate that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to approximately one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities. The existing bike lanes on North Park Victoria Drive would be unaffected by the proposed on-street parking along the project frontage.

According to the CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan or the plans of other agencies such as the County's bicycle plan or adjacent Cities' bicycle/pedestrian plans; or (3) it would cause a change to existing bike paths such as alignment, width of the trail ROW, or length of the trail. Construction of the proposed project would not cause any of these criteria to be met. Consequently, the proposed project would not create an adverse impact to pedestrian or bicycle facilities in the area.

**Transit Service.** According to the U.S. Census, transit trips comprise approximately 3 percent of the total commute mode share in the City of Milpitas. For the proposed project, assuming 3 percent of total commute trips would be transit trips, there would be approximately one transit trip during each of the AM and PM peak hours. In addition to commute trips, there would be additional transit trips to nearby schools,



parks, and shopping areas. The low volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site.

According to the VTA TIA Technical Guidelines, a project would create an impact on transit if: (1) it would generate a demand for additional transit services; or (2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users, e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit. The project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. The project would not preclude, modify or otherwise affect existing or proposed transit projects or policies identified by the VTA. Consequently, the proposed project would not create an adverse impact to transit service in the area.

### **Site Access**

The project site plan, by Robert Hidey Architects, dated April 25, 2019, is shown on Figure 8. The site would have access via two driveways on Rankin Drive, which is accessible to North Park Victoria Drive by way of Creed Street. Rankin Drive forms the western border of the site. The site would have no access on North Park Victoria Drive. According to the site plan, the project proposes to construct along the North Park Victoria Drive frontage a sidewalk and provide on-street parking recessed from the alignment of the existing southbound bike lane. The setback of on-street parking would be facilitated by a bulbout at the Creed Street intersection and a curb taper at the south end of the site. As described previously, the on-street parking and attendant design features would not affect the existing southbound bike lane. This design is consistent with the existing cross-section of N. Park Victoria north of the project site, which allows for vehicular parking adjacent to a bike lane. According to the Statewide Integrated Traffic Records System (SWITRS), there have been no vehicular accidents on N. Park Victoria Drive north of Country Club Drive in the past three years.

The north driveway is shown on the site plan to be 28 feet wide, located approximately 200 feet south of Creed Street. The south driveway is shown on the site plan to be 26 feet wide, located approximately 250 feet south of the north driveway, opposite Nicklaus Avenue.

Vehicle queuing was assessed for the two site driveways, in particular, the inbound left turns into the driveways and the outbound right turns out of the driveways. The inbound left turns from southbound Rankin Drive into the driveways are assessed in terms of potential for creating backups on southbound Rankin Drive as a result of waiting to turn into the site. With Rankin Drive having one lane in each of the northbound and southbound directions, any stoppage of vehicles on Rankin Drive at the driveways could create a backup on Rankin Drive. The volume of peak-hour traffic on the section of Rankin Drive fronting the site is currently very low, equating to one car every two minutes, on average. With this low volume of traffic, gaps in traffic would be of sufficient frequency and duration as to provide relatively free and unimpeded left-turn access into the driveways.

The outbound turns out of the site driveways are assessed in terms of potential for creating backups on site, specifically, the potential for westbound vehicle queues to back up from Rankin Drive and block one of the residence's driveways on site. At both driveways, the distance from Rankin Drive back to the first driveway is about 35 feet- sufficient for one car length. The outbound volumes would be highest in the AM peak hour. As shown on Figure 3, the AM peak-hour volume of outbound vehicles is 16 cars at the north driveway and 8 cars at the south driveway. As stated above, the volume of traffic on the section of Rankin Drive fronting the site would be low enough that any on-site vehicle queues exceeding one car would be infrequent and brief in duration.





Vehicular sight distance was evaluated for each proposed project driveway. Given the existing conditions on Rankin Drive- the 25-mile-per-hour speed limit, the low volume of traffic, and the absence of physical obstructions, the sight distance at both driveways would be adequate. The only factors potentially affecting sight distance are on-street parking and any new physical obstructions that would accompany development of the site.

**Recommendation 1:** The final design of the site should be reviewed by City staff to ensure that adequate sight distance is provided at the site driveways.

### **Site Circulation**

The on-site circulation system consists of a semi-rectangular loop connecting the North and South Driveways. From the northern end of the loop extends a 105-foot, north-south cul-de-sac parallel to Rankin Drive. From the southern end of the loop extends a 150-foot, east-west, cul-de-sac.

The streets on-site are shown to be two-lanes wide with parking on-street. The northern half of the north-south street, the east-west street at the north, and the two cul-de-sacs are shown to be 28-feet wide with parking on one side. The southern half of the north-south street and the east-west street at the south are shown to be 36-feet wide with parking on both sides. The curb radii at the intersecting streets are not specified, but they appear to be adequate, measuring a minimum of 20 feet. With sidewalks along each on-site street, the building setbacks, and the low vehicle speeds and volumes, the sight distances at the intersections on site would be satisfactory.

The two cul-de-sacs are, by definition, dead-end streets. Neither provide space for a turnaround. However, since the streets are private streets used only by residents or their guests, all vehicles entering the cul-de-sacs would likely be assured a place to park or place to turn around. Therefore, the dead ends are not inappropriate for the project use.

The on-site street circulation- street alignments, widths and corner radii- is adequate to accommodate the circulation of trucks, garbage collection, and emergency vehicles. The length of the cul-de-sacs should be short enough (105 feet and 150 feet) to accommodate fire department services. Loading would be provided on street or in private driveways.

Pedestrian circulation on-site, and pedestrian access to off-site pedestrian facilities, appears adequate. All streets on-site are shown to have sidewalks on both sides, and sidewalks are shown to be provided along all public streets fronting the site- North Park Victoria Drive, Creed Street and Rankin Drive, none of which currently have sidewalks. At the east end of the east-west street on south side of the site, the sidewalk is shown extended to the proposed new sidewalk on North Park Victoria Drive. This would provide residents with convenient pedestrian access to pedestrian facilities off site.

The site plan does not indicate any provisions for bicycle parking. The Milpitas city code requires bicycle parking be provided in an amount equal to or greater than 5 percent of the total vehicle parking required. It is common, however, that for residential units with garages, bike parking would presumably be provided within private garages.

**Recommendation 2:** The number, type and location of bicycle facilities provided by the project will be subject to review by city staff.



## Conclusions

The impacts of the proposed project were evaluated in accordance with the procedures and guidelines specified by the City of Milpitas. The analysis resulted in the following key findings:

- The proposed project would not result in any level of service impacts to the study intersections.
- Signal warrants are not and would not be met under existing or cumulative conditions without or with the addition of project traffic during either peak hour.
- The project would not create any impacts on pedestrian, bike, or transit facilities.

In addition, the analysis also produced the following recommendations with regard to site circulation and access:

1. The final design of the site should be reviewed by City staff to ensure that adequate sight distance is provided at the site driveways.
2. The number, type and location of bicycle facilities provided by the project will be subject to review by city staff.

## Technical Appendices

## **Appendix A**

### **Traffic Counts**





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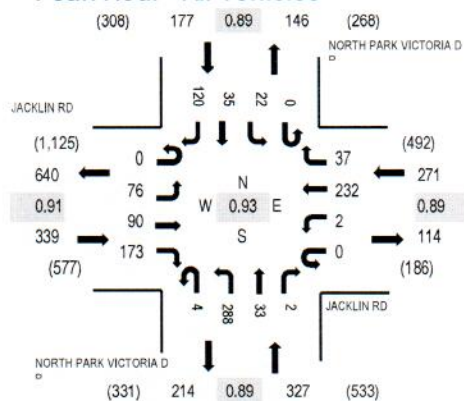
Location: 1 NORTH PARK VICTORIA DR & JACKLIN RD AM

Date: Tuesday, April 23, 2019

Peak Hour: 07:30 AM - 08:30 AM

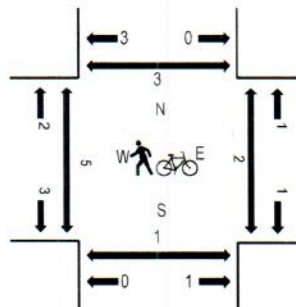
Peak 15-Minutes: 08:00 AM - 08:15 AM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | JACKLIN RD<br>Eastbound |      |      |       | JACKLIN RD<br>Westbound |      |      |       | NORTH PARK VICTORIA DR<br>Northbound |      |      |       | NORTH PARK VICTORIA DR<br>Southbound |      |      |       | Total | Rolling<br>Hour | Pedestrian Crossings |      |       |       |
|------------------------|-------------------------|------|------|-------|-------------------------|------|------|-------|--------------------------------------|------|------|-------|--------------------------------------|------|------|-------|-------|-----------------|----------------------|------|-------|-------|
|                        | U-Turn                  | Left | Thru | Right | U-Turn                  | Left | Thru | Right | U-Turn                               | Left | Thru | Right | U-Turn                               | Left | Thru | Right |       |                 | West                 | East | South | North |
| 7:00 AM                | 0                       | 23   | 7    | 13    | 0                       | 0    | 38   | 5     | 1                                    | 33   | 3    | 0     | 0                                    | 3    | 1    | 29    | 156   | 885             | 0                    | 1    | 0     | 0     |
| 7:15 AM                | 0                       | 14   | 13   | 27    | 0                       | 0    | 50   | 3     | 0                                    | 59   | 4    | 1     | 0                                    | 2    | 5    | 21    | 199   | 1,030           | 1                    | 0    | 1     | 0     |
| 7:30 AM                | 0                       | 19   | 12   | 40    | 0                       | 1    | 57   | 11    | 0                                    | 66   | 10   | 2     | 0                                    | 5    | 7    | 37    | 267   | 1,114           | 1                    | 1    | 0     | 0     |
| 7:45 AM                | 0                       | 16   | 28   | 49    | 0                       | 0    | 51   | 6     | 2                                    | 68   | 6    | 0     | 0                                    | 3    | 14   | 20    | 263   | 1,055           | 0                    | 0    | 0     | 0     |
| 8:00 AM                | 0                       | 19   | 21   | 43    | 0                       | 1    | 62   | 13    | 1                                    | 83   | 8    | 0     | 0                                    | 5    | 10   | 35    | 301   | 1,025           | 0                    | 1    | 0     | 0     |
| 8:15 AM                | 0                       | 22   | 29   | 41    | 0                       | 0    | 62   | 7     | 1                                    | 71   | 9    | 0     | 0                                    | 9    | 4    | 28    | 283   |                 | 0                    | 0    | 1     | 0     |
| 8:30 AM                | 0                       | 22   | 14   | 33    | 0                       | 0    | 47   | 10    | 0                                    | 47   | 7    | 2     | 0                                    | 0    | 5    | 21    | 208   |                 | 0                    | 0    | 3     | 1     |
| 8:45 AM                | 0                       | 20   | 22   | 30    | 0                       | 0    | 61   | 7     | 0                                    | 42   | 4    | 3     | 0                                    | 5    | 2    | 37    | 233   |                 | 0                    | 0    | 1     | 1     |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks | 0         | 0    | 0    | 1     | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 1     |
| Bicycles on Road   | 0         | 0    | 0    | 0     | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             | 0         | 75   | 90   | 167   | 0         | 2    | 230  | 37    | 4          | 285  | 33   | 2     | 0          | 22   | 35   | 119   | 1,101 |
| Mediums            | 0         | 1    | 0    | 5     | 0         | 0    | 2    | 0     | 0          | 3    | 0    | 0     | 0          | 0    | 0    | 1     | 12    |
| Total              | 0         | 76   | 90   | 173   | 0         | 2    | 232  | 37    | 4          | 288  | 33   | 2     | 0          | 22   | 35   | 120   | 1,114 |



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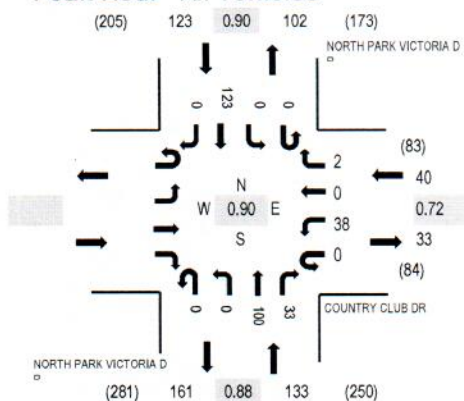
Location: 2 NORTH PARK VICTORIA DR & COUNTRY CLUB DR AM

Date: Tuesday, April 23, 2019

Peak Hour: 07:30 AM - 08:30 AM

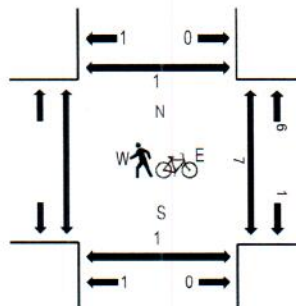
Peak 15-Minutes: 07:30 AM - 07:45 AM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | COUNTRY CLUB DR |      |           |       | NORTH PARK VICTORIA DR |      |            |       | NORTH PARK VICTORIA DR |      |      |       | Rolling<br>Hour | Pedestrian |        | Crossings |      |       |   |   |   |
|------------------------|-----------------|------|-----------|-------|------------------------|------|------------|-------|------------------------|------|------|-------|-----------------|------------|--------|-----------|------|-------|---|---|---|
|                        | Eastbound       |      | Westbound |       | Northbound             |      | Southbound |       | Total                  | West | East | South |                 | North      |        |           |      |       |   |   |   |
|                        | U-Turn          | Left | Thru      | Right | U-Turn                 | Left | Thru       | Right |                        |      |      |       |                 |            | U-Turn | Left      | Thru | Right |   |   |   |
| 7:00 AM                |                 |      |           |       | 0                      | 6    | 0          | 0     | 0                      | 0    | 19   | 13    | 0               | 0          | 23     | 0         | 61   | 255   | 3 | 0 | 0 |
| 7:15 AM                |                 |      |           |       | 0                      | 10   | 0          | 0     | 0                      | 0    | 10   | 12    | 0               | 0          | 18     | 0         | 50   | 268   | 0 | 0 | 0 |
| 7:30 AM                |                 |      |           |       | 0                      | 12   | 0          | 0     | 0                      | 0    | 28   | 8     | 0               | 0          | 34     | 0         | 82   | 296   | 1 | 0 | 0 |
| 7:45 AM                |                 |      |           |       | 0                      | 6    | 0          | 0     | 0                      | 0    | 20   | 8     | 0               | 0          | 28     | 0         | 62   | 275   | 1 | 0 | 0 |
| 8:00 AM                |                 |      |           |       | 0                      | 11   | 0          | 0     | 0                      | 0    | 24   | 7     | 0               | 0          | 32     | 0         | 74   | 283   | 3 | 0 | 0 |
| 8:15 AM                |                 |      |           |       | 0                      | 9    | 0          | 2     | 0                      | 0    | 28   | 10    | 0               | 0          | 29     | 0         | 78   |       | 2 | 1 | 0 |
| 8:30 AM                |                 |      |           |       | 0                      | 9    | 0          | 1     | 0                      | 0    | 23   | 12    | 0               | 1          | 15     | 0         | 61   |       | 1 | 0 | 0 |
| 8:45 AM                |                 |      |           |       | 0                      | 15   | 0          | 2     | 0                      | 0    | 16   | 12    | 0               | 1          | 24     | 0         | 70   |       | 0 | 0 | 0 |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks |           |      |      |       | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Bicycles on Road   |           |      |      |       | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             |           |      |      |       | 0         | 38   | 0    | 2     | 0          | 0    | 99   | 33    | 0          | 0    | 122  | 0     | 294   |
| Mediums            |           |      |      |       | 0         | 0    | 0    | 0     | 0          | 0    | 1    | 0     | 0          | 0    | 1    | 0     | 2     |
| Total              |           |      |      |       | 0         | 38   | 0    | 2     | 0          | 0    | 100  | 33    | 0          | 0    | 123  | 0     | 296   |



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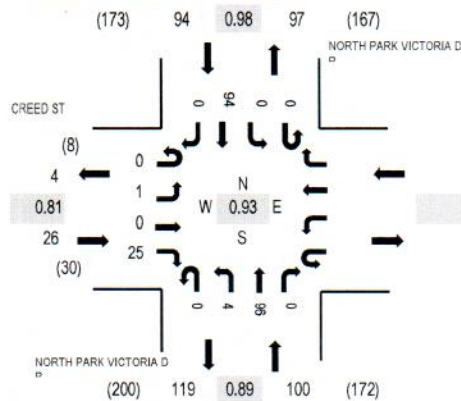
Location: 3 NORTH PARK VICTORIA DR & CREED ST AM

Date: Tuesday, April 23, 2019

Peak Hour: 07:30 AM - 08:30 AM

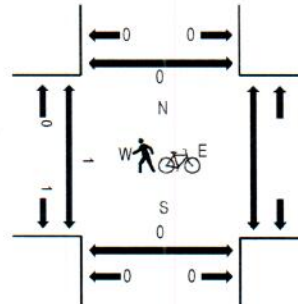
Peak 15-Minutes: 07:30 AM - 07:45 AM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | CREED ST<br>Eastbound |      |      |       | Westbound |      |      |       | NORTH PARK VICTORIA DR Northbound |      |      |       | NORTH PARK VICTORIA DR Southbound |      |      |       | Total | Rolling<br>Hour | Pedestrian Crossings |      |       |       |
|------------------------|-----------------------|------|------|-------|-----------|------|------|-------|-----------------------------------|------|------|-------|-----------------------------------|------|------|-------|-------|-----------------|----------------------|------|-------|-------|
|                        | U-Turn                | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn                            | Left | Thru | Right | U-Turn                            | Left | Thru | Right |       |                 | West                 | East | South | North |
| 7:00 AM                | 0                     | 0    | 0    | 0     |           |      |      |       | 0                                 | 0    | 18   | 0     | 0                                 | 0    | 23   | 0     | 41    | 174             | 0                    |      | 0     | 0     |
| 7:15 AM                | 0                     | 0    | 0    | 0     |           |      |      |       | 0                                 | 0    | 10   | 0     | 0                                 | 0    | 17   | 0     | 27    | 189             | 0                    |      | 0     | 0     |
| 7:30 AM                | 0                     | 0    | 0    | 8     |           |      |      |       | 0                                 | 0    | 27   | 0     | 0                                 | 0    | 24   | 0     | 59    | 220             | 1                    |      | 0     | 0     |
| 7:45 AM                | 0                     | 0    | 0    | 5     |           |      |      |       | 0                                 | 0    | 20   | 0     | 0                                 | 0    | 22   | 0     | 47    | 206             | 0                    |      | 0     | 0     |
| 8:00 AM                | 0                     | 0    | 0    | 7     |           |      |      |       | 0                                 | 3    | 22   | 0     | 0                                 | 0    | 24   | 0     | 56    | 201             | 0                    |      | 0     | 0     |
| 8:15 AM                | 0                     | 1    | 0    | 5     |           |      |      |       | 0                                 | 1    | 27   | 0     | 0                                 | 0    | 24   | 0     | 58    |                 | 0                    |      | 0     | 0     |
| 8:30 AM                | 0                     | 2    | 0    | 0     |           |      |      |       | 1                                 | 2    | 23   | 0     | 0                                 | 0    | 16   | 1     | 45    |                 | 1                    |      | 0     | 0     |
| 8:45 AM                | 0                     | 0    | 0    | 2     |           |      |      |       | 0                                 | 1    | 17   | 0     | 0                                 | 0    | 22   | 0     | 42    |                 | 0                    |      | 0     | 0     |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks | 0         | 0    | 0    | 0     |           |      |      |       | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Bicycles on Road   | 0         | 0    | 0    | 0     |           |      |      |       | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             | 0         | 1    | 0    | 25    |           |      |      |       | 0          | 4    | 95   | 0     | 0          | 0    | 93   | 0     | 218   |
| Mediums            | 0         | 0    | 0    | 0     |           |      |      |       | 0          | 0    | 1    | 0     | 0          | 0    | 1    | 0     | 2     |
| Total              | 0         | 1    | 0    | 25    |           |      |      |       | 0          | 4    | 96   | 0     | 0          | 0    | 94   | 0     | 220   |





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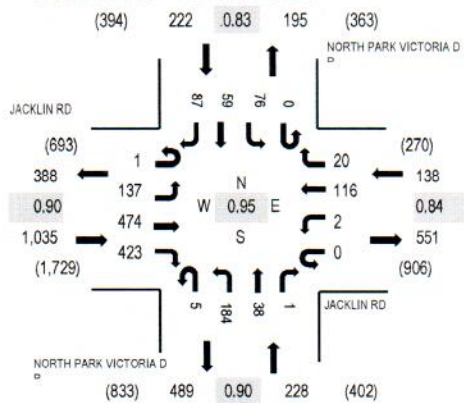
Location: 1 NORTH PARK VICTORIA DR & JACKLIN RD PM

Date: Tuesday, April 23, 2019

Peak Hour: 05:00 PM - 06:00 PM

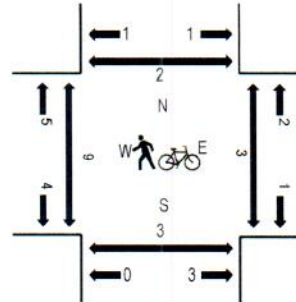
Peak 15-Minutes: 05:30 PM - 05:45 PM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | JACKLIN RD<br>Eastbound |      |      |       | JACKLIN RD<br>Westbound |      |      |       | NORTH PARK VICTORIA DR<br>Northbound |      |      |       | NORTH PARK VICTORIA DR<br>Southbound |      |      |       | Total | Rolling<br>Hour | Pedestrian Crossings |      |       |       |
|------------------------|-------------------------|------|------|-------|-------------------------|------|------|-------|--------------------------------------|------|------|-------|--------------------------------------|------|------|-------|-------|-----------------|----------------------|------|-------|-------|
|                        | U-Turn                  | Left | Thru | Right | U-Turn                  | Left | Thru | Right | U-Turn                               | Left | Thru | Right | U-Turn                               | Left | Thru | Right |       |                 | West                 | East | South | North |
| 4:00 PM                | 0                       | 32   | 57   | 69    | 0                       | 1    | 30   | 5     | 1                                    | 34   | 9    | 1     | 0                                    | 17   | 10   | 17    | 283   | 1,172           | 0                    | 0    | 0     | 0     |
| 4:15 PM                | 0                       | 26   | 60   | 67    | 0                       | 1    | 21   | 7     | 3                                    | 29   | 11   | 1     | 0                                    | 17   | 13   | 13    | 269   | 1,275           | 0                    | 1    | 0     | 1     |
| 4:30 PM                | 0                       | 32   | 75   | 73    | 0                       | 0    | 27   | 4     | 1                                    | 36   | 6    | 1     | 0                                    | 11   | 10   | 19    | 295   | 1,405           | 0                    | 0    | 0     | 0     |
| 4:45 PM                | 0                       | 30   | 93   | 80    | 0                       | 3    | 29   | 4     | 0                                    | 39   | 2    | 0     | 0                                    | 22   | 12   | 11    | 325   | 1,536           | 0                    | 0    | 0     | 0     |
| 5:00 PM                | 0                       | 35   | 109  | 98    | 0                       | 1    | 25   | 5     | 2                                    | 38   | 8    | 1     | 0                                    | 28   | 16   | 20    | 386   | 1,623           | 0                    | 2    | 1     | 2     |
| 5:15 PM                | 0                       | 38   | 121  | 105   | 0                       | 0    | 26   | 4     | 1                                    | 49   | 4    | 0     | 0                                    | 16   | 11   | 24    | 399   |                 | 1                    | 0    | 0     | 0     |
| 5:30 PM                | 0                       | 32   | 132  | 123   | 0                       | 1    | 32   | 3     | 0                                    | 53   | 10   | 0     | 0                                    | 14   | 14   | 12    | 426   |                 | 5                    | 1    | 0     | 0     |
| 5:45 PM                | 1                       | 32   | 112  | 97    | 0                       | 0    | 33   | 8     | 2                                    | 44   | 16   | 0     | 0                                    | 18   | 18   | 31    | 412   |                 | 2                    | 0    | 0     | 0     |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks | 0         | 0    | 0    | 0     | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 1     | 1     |
| Bicycles on Road   | 0         | 0    | 0    | 0     | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             | 1         | 137  | 472  | 420   | 0         | 2    | 115  | 20    | 5          | 182  | 37   | 1     | 0          | 76   | 59   | 85    | 1,612 |
| Mediums            | 0         | 0    | 2    | 3     | 0         | 0    | 1    | 0     | 0          | 2    | 1    | 0     | 0          | 0    | 0    | 1     | 10    |
| Total              | 1         | 137  | 474  | 423   | 0         | 2    | 116  | 20    | 5          | 184  | 38   | 1     | 0          | 76   | 59   | 87    | 1,623 |



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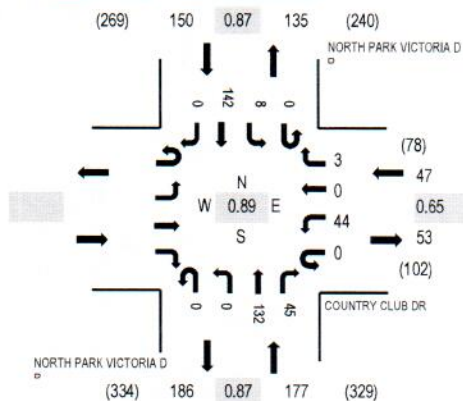
Location: 2 NORTH PARK VICTORIA DR & COUNTRY CLUB DR PM

Date: Tuesday, April 23, 2019

Peak Hour: 05:00 PM - 06:00 PM

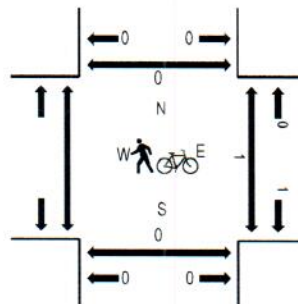
Peak 15-Minutes: 05:45 PM - 06:00 PM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | COUNTRY CLUB DR |      |      |       |           |      |      |       | NORTH PARK VICTORIA DR |      |      |       | NORTH PARK VICTORIA DR |      |      |       | Total | Rolling<br>Hour | Pedestrian Crossings |      |       |       |  |
|------------------------|-----------------|------|------|-------|-----------|------|------|-------|------------------------|------|------|-------|------------------------|------|------|-------|-------|-----------------|----------------------|------|-------|-------|--|
|                        | Eastbound       |      |      |       | Westbound |      |      |       | Northbound             |      |      |       | Southbound             |      |      |       |       |                 | West                 | East | South | North |  |
|                        | U-Turn          | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn                 | Left | Thru | Right | U-Turn                 | Left | Thru | Right |       |                 |                      |      |       |       |  |
| 4:00 PM                |                 |      |      |       | 0         | 6    | 0    | 0     | 0                      | 0    | 28   | 13    | 0                      | 1    | 30   | 0     | 78    | 302             |                      | 0    | 0     | 0     |  |
| 4:15 PM                |                 |      |      |       | 0         | 10   | 0    | 1     | 0                      | 0    | 30   | 9     | 0                      | 0    | 30   | 0     | 80    | 317             |                      | 1    | 0     | 1     |  |
| 4:30 PM                |                 |      |      |       | 0         | 3    | 0    | 0     | 0                      | 0    | 27   | 13    | 0                      | 0    | 29   | 0     | 72    | 334             |                      | 1    | 0     | 0     |  |
| 4:45 PM                |                 |      |      |       | 0         | 11   | 0    | 0     | 0                      | 0    | 19   | 13    | 0                      | 0    | 29   | 0     | 72    | 341             |                      | 0    | 0     | 0     |  |
| 5:00 PM                |                 |      |      |       | 0         | 16   | 0    | 0     | 0                      | 0    | 29   | 13    | 0                      | 0    | 35   | 0     | 93    | 374             |                      | 0    | 0     | 0     |  |
| 5:15 PM                |                 |      |      |       | 0         | 8    | 0    | 2     | 0                      | 0    | 31   | 13    | 0                      | 3    | 40   | 0     | 97    |                 |                      | 0    | 0     | 0     |  |
| 5:30 PM                |                 |      |      |       | 0         | 3    | 0    | 0     | 0                      | 0    | 29   | 11    | 0                      | 3    | 33   | 0     | 79    |                 |                      | 0    | 0     | 0     |  |
| 5:45 PM                |                 |      |      |       | 0         | 17   | 0    | 1     | 0                      | 0    | 43   | 8     | 0                      | 2    | 34   | 0     | 105   |                 |                      | 1    | 0     | 0     |  |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks |           |      |      |       | 0         | 1    | 0    | 0     | 0          | 0    | 0    | 1     | 0          | 0    | 0    | 0     | 2     |
| Bicycles on Road   |           |      |      |       | 0         | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             |           |      |      |       | 0         | 42   | 0    | 3     | 0          | 0    | 131  | 43    | 0          | 8    | 142  | 0     | 369   |
| Mediums            |           |      |      |       | 0         | 1    | 0    | 0     | 0          | 0    | 1    | 1     | 0          | 0    | 0    | 0     | 3     |
| Total              |           |      |      |       | 0         | 44   | 0    | 3     | 0          | 0    | 132  | 45    | 0          | 8    | 142  | 0     | 374   |



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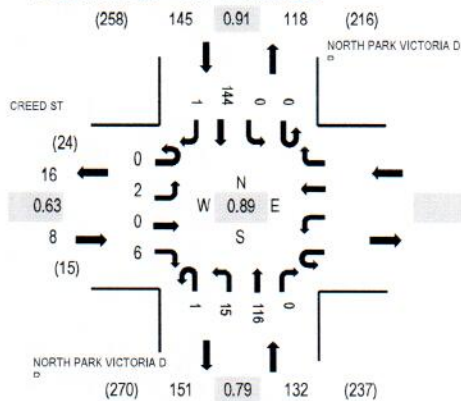
Location: 3 NORTH PARK VICTORIA DR & CREED ST PM

Date: Tuesday, April 23, 2019

Peak Hour: 05:00 PM - 06:00 PM

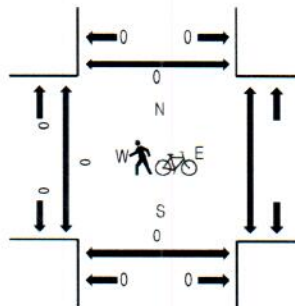
Peak 15-Minutes: 05:45 PM - 06:00 PM

### Peak Hour - All Vehicles



Note: Total study counts contained in parentheses.

### Peak Hour - Pedestrians/Bicycles in Crosswalk



### Traffic Counts

| Interval<br>Start Time | CREED ST  |      |      |       | NORTH PARK VICTORIA DR |      |      |       |            |      |      |       | NORTH PARK VICTORIA DR |      |      |       | Total | Rolling<br>Hour | Pedestrian Crossings |      |       |       |  |
|------------------------|-----------|------|------|-------|------------------------|------|------|-------|------------|------|------|-------|------------------------|------|------|-------|-------|-----------------|----------------------|------|-------|-------|--|
|                        | Eastbound |      |      |       | Westbound              |      |      |       | Northbound |      |      |       | Southbound             |      |      |       |       |                 | West                 | East | South | North |  |
|                        | U-Turn    | Left | Thru | Right | U-Turn                 | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn                 | Left | Thru | Right |       |                 |                      |      |       |       |  |
| 4:00 PM                | 0         | 0    | 0    | 1     |                        |      |      |       | 0          | 3    | 23   | 0     | 0                      | 0    | 30   | 0     | 57    | 225             | 0                    |      | 0     | 0     |  |
| 4:15 PM                | 0         | 0    | 0    | 1     |                        |      |      |       | 0          | 1    | 31   | 0     | 0                      | 0    | 28   | 1     | 62    | 232             | 0                    |      | 0     | 0     |  |
| 4:30 PM                | 0         | 0    | 0    | 3     |                        |      |      |       | 0          | 1    | 27   | 0     | 0                      | 0    | 28   | 0     | 59    | 244             | 0                    |      | 0     | 0     |  |
| 4:45 PM                | 0         | 0    | 0    | 2     |                        |      |      |       | 0          | 2    | 17   | 0     | 0                      | 0    | 26   | 0     | 47    | 252             | 0                    |      | 0     | 0     |  |
| 5:00 PM                | 0         | 0    | 0    | 1     |                        |      |      |       | 0          | 2    | 27   | 0     | 0                      | 0    | 34   | 0     | 64    | 285             | 0                    |      | 0     | 0     |  |
| 5:15 PM                | 0         | 1    | 0    | 3     |                        |      |      |       | 0          | 4    | 26   | 0     | 0                      | 0    | 40   | 0     | 74    |                 | 0                    |      | 0     | 0     |  |
| 5:30 PM                | 0         | 0    | 0    | 1     |                        |      |      |       | 0          | 3    | 28   | 0     | 0                      | 0    | 35   | 0     | 67    |                 | 0                    |      | 0     | 0     |  |
| 5:45 PM                | 0         | 1    | 0    | 1     |                        |      |      |       | 1          | 6    | 35   | 0     | 0                      | 0    | 35   | 1     | 80    |                 | 0                    |      | 0     | 0     |  |

### Peak Rolling Hour Flow Rates

| Vehicle Type       | Eastbound |      |      |       | Westbound |      |      |       | Northbound |      |      |       | Southbound |      |      |       | Total |
|--------------------|-----------|------|------|-------|-----------|------|------|-------|------------|------|------|-------|------------|------|------|-------|-------|
|                    | U-Turn    | Left | Thru | Right | U-Turn    | Left | Thru | Right | U-Turn     | Left | Thru | Right | U-Turn     | Left | Thru | Right |       |
| Articulated Trucks | 0         | 0    | 0    | 0     |           |      |      |       | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Bicycles on Road   | 0         | 0    | 0    | 0     |           |      |      |       | 0          | 0    | 0    | 0     | 0          | 0    | 0    | 0     | 0     |
| Lights             | 0         | 1    | 0    | 6     |           |      |      |       | 1          | 15   | 115  | 0     | 0          | 0    | 144  | 1     | 283   |
| Mediums            | 0         | 1    | 0    | 0     |           |      |      |       | 0          | 0    | 1    | 0     | 0          | 0    | 0    | 0     | 2     |
| Total              | 0         | 2    | 0    | 6     |           |      |      |       | 1          | 15   | 116  | 0     | 0          | 0    | 144  | 1     | 285   |

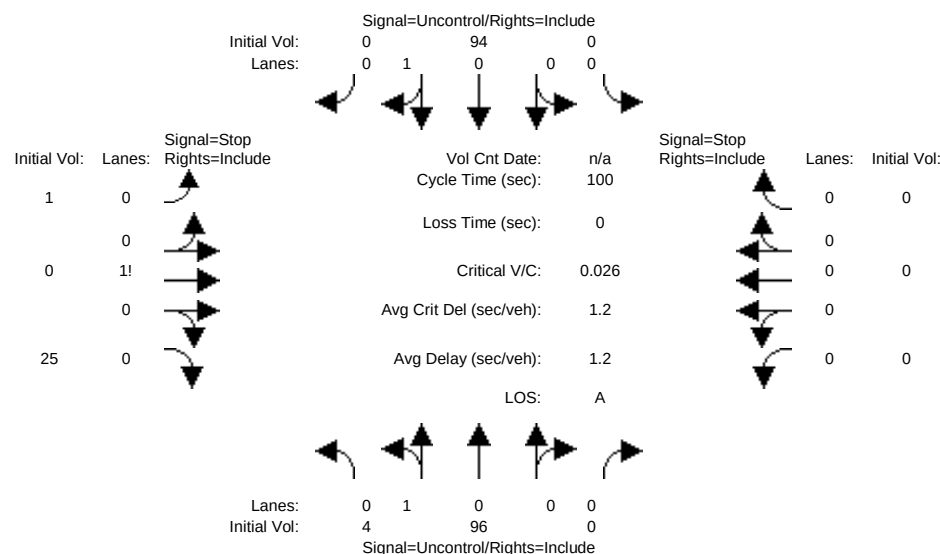
## **Appendix B**

### **Intersection Level of Service Calculations**

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing AM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



| Street Name:             | North Park Victoria Drive |               |               |               |               |               | Creed Street  |               |               |               |               |               |
|--------------------------|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Approach:                | North Bound               |               |               | South Bound   |               |               | East Bound    |               |               | West Bound    |               |               |
| Movement:                | L                         | T             | R             | L             | T             | R             | L             | T             | R             | L             | T             | R             |
| Volume Module:           |                           |               |               |               |               |               |               |               |               |               |               |               |
| Base Vol:                | 4                         | 96            | 0             | 0             | 94            | 0             | 1             | 0             | 25            | 0             | 0             | 0             |
| Growth Adj:              | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| Initial Bse:             | 4                         | 96            | 0             | 0             | 94            | 0             | 1             | 0             | 25            | 0             | 0             | 0             |
| User Adj:                | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Adj:                 | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Volume:              | 4                         | 96            | 0             | 0             | 94            | 0             | 1             | 0             | 25            | 0             | 0             | 0             |
| Reduct Vol:              | 0                         | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             |
| Final Volume:            | 4                         | 96            | 0             | 0             | 94            | 0             | 1             | 0             | 25            | 0             | 0             | 0             |
| Critical Gap Module:     |                           |               |               |               |               |               |               |               |               |               |               |               |
| Critical Gp:             | 4.1                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 6.4           | 6.5           | 6.2           | xxxxxx        | xxxx          | xxxxxx        |
| FollowUpTim:             | 2.2                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 3.5           | 4.0           | 3.3           | xxxxxx        | xxxx          | xxxxxx        |
| Capacity Module:         |                           |               |               |               |               |               |               |               |               |               |               |               |
| Cnflct Vol:              | 95                        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 199           | 199           | 95            | xxxx          | xxxx          | xxxxxx        |
| Potent Cap.:             | 1512                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 794           | 700           | 967           | xxxx          | xxxx          | xxxxxx        |
| Move Cap.:               | 1510                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 792           | 698           | 966           | xxxx          | xxxx          | xxxxxx        |
| Volume/Cap:              | 0.00                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 0.00          | 0.00          | 0.03          | xxxx          | xxxx          | xxxxxx        |
| Level Of Service Module: |                           |               |               |               |               |               |               |               |               |               |               |               |
| 2Way95thQ:               | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Control Del:             | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| LOS by Move:             | A                         | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:                | LT - LTR - RT             | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.:             | xxxx                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | 958           | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| SharedQueue:             | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.1           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shrd ConDel:             | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 8.9           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shared LOS:              | A                         | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel:             | xxxxxx                    |               |               | xxxxxx        |               |               | 8.9           |               |               | xxxxxx        |               |               |
| ApproachLOS:             | *                         |               |               | *             |               |               | A             |               |               | *             |               |               |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

\*\*\*\*\*  
 Intersection #1 North Park Victoria Drive & Creed Street  
 \*\*\*\*\*  
 Base Volume Alternative: Peak Hour Warrant NOT Met

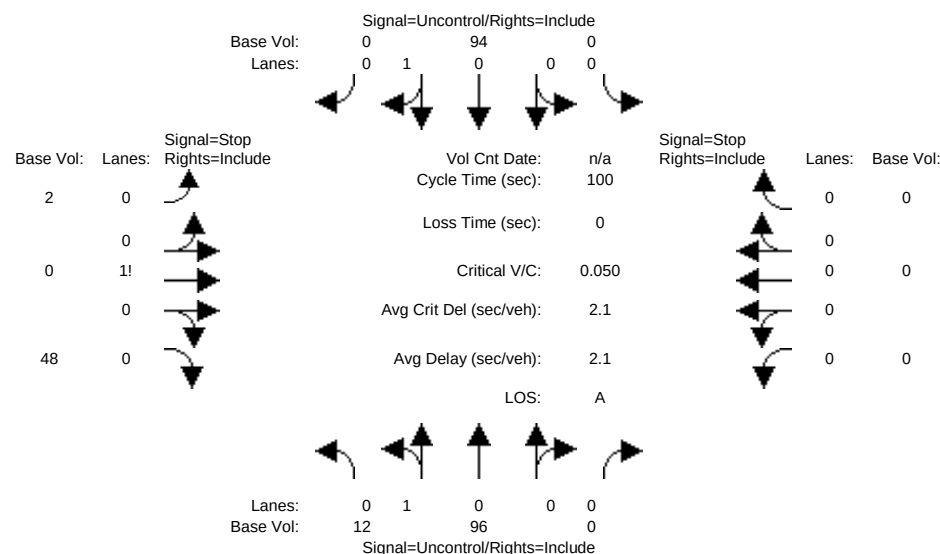
| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|
| Movement: | L           | T | R | L           | T | R | L          | T | R | L          | T | R |



## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing + Project AM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



| Street Name:             | North Park Victoria Drive |               |               |               |               |               | Creed Street  |               |               |               |               |               |
|--------------------------|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Approach:                | North Bound               |               |               | South Bound   |               |               | East Bound    |               |               | West Bound    |               |               |
| Movement:                | L                         | T             | R             | L             | T             | R             | L             | T             | R             | L             | T             | R             |
| Volume Module:           |                           |               |               |               |               |               |               |               |               |               |               |               |
| Base Vol:                | 12                        | 96            | 0             | 0             | 94            | 0             | 2             | 0             | 48            | 0             | 0             | 0             |
| Growth Adj:              | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| Initial Bse:             | 12                        | 96            | 0             | 0             | 94            | 0             | 2             | 0             | 48            | 0             | 0             | 0             |
| User Adj:                | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Adj:                 | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Volume:              | 12                        | 96            | 0             | 0             | 94            | 0             | 2             | 0             | 48            | 0             | 0             | 0             |
| Reduct Vol:              | 0                         | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             |
| Final Volume:            | 12                        | 96            | 0             | 0             | 94            | 0             | 2             | 0             | 48            | 0             | 0             | 0             |
| Critical Gap Module:     |                           |               |               |               |               |               |               |               |               |               |               |               |
| Critical Gp:             | 4.1                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 6.4           | 6.5           | 6.2           | xxxxxx        | xxxx          | xxxxxx        |
| FollowUpTim:             | 2.2                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 3.5           | 4.0           | 3.3           | xxxxxx        | xxxx          | xxxxxx        |
| Capacity Module:         |                           |               |               |               |               |               |               |               |               |               |               |               |
| Cnflct Vol:              | 95                        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 215           | 215           | 95            | xxxx          | xxxx          | xxxxxx        |
| Potent Cap.:             | 1512                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 778           | 686           | 967           | xxxx          | xxxx          | xxxxxx        |
| Move Cap.:               | 1510                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 772           | 680           | 966           | xxxx          | xxxx          | xxxxxx        |
| Volume/Cap:              | 0.01                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 0.00          | 0.00          | 0.05          | xxxx          | xxxx          | xxxxxx        |
| Level Of Service Module: |                           |               |               |               |               |               |               |               |               |               |               |               |
| 2Way95thQ:               | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Control Del:             | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| LOS by Move:             | A                         | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:                | LT - LTR - RT             | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.:             | xxxx                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | 957           | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| SharedQueue:             | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.2           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shrd ConDel:             | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 9.0           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shared LOS:              | A                         | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel:             | xxxxxx                    |               |               | xxxxxx        |               |               | 9.0           |               |               | xxxxxx        |               |               |
| ApproachLOS:             | *                         |               |               | *             |               |               | A             |               |               | *             |               |               |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

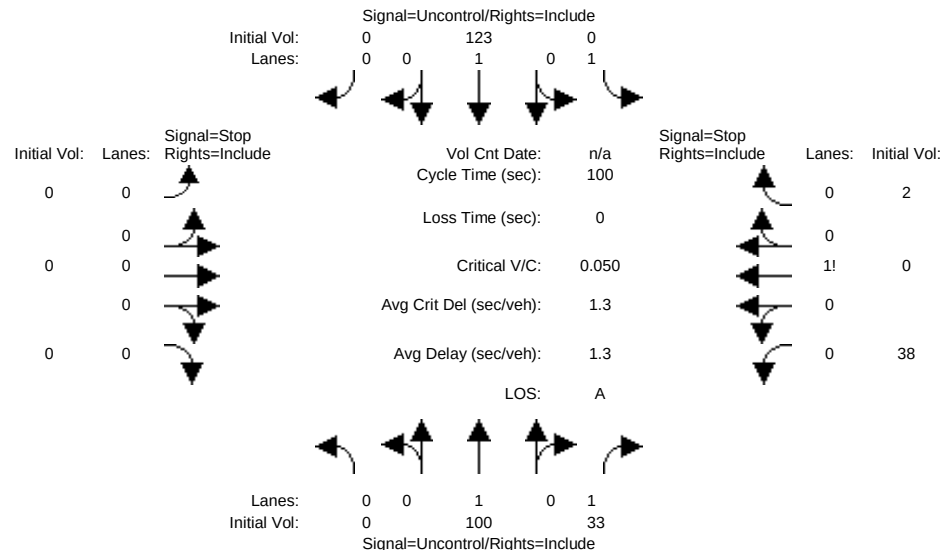
\*\*\*\*\*  
 Intersection #1 North Park Victoria Drive & Creed Street  
 \*\*\*\*\*  
 Base Volume Alternative: Peak Hour Warrant NOT Met

| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|
| Movement: | L           | T | R | L           | T | R | L          | T | R | L          | T | R |

## North Park Victoria Residential

Level Of Service Computation Report  
2000 HCM Unsignalized (Base Volume Alternative)  
Existing AM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |      |       |
|--------------------------|---------------------------|------|-------|--------------------|------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |      |       |
| Approach:                | North Bound               |      |       | South Bound        |      |       |
| Movement:                | L                         | T    | R     | L                  | T    | R     |
| Volume Module:           |                           |      |       |                    |      |       |
| Base Vol:                | 0                         | 100  | 33    | 0                  | 123  | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| Initial Bse:             | 0                         | 100  | 33    | 0                  | 123  | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Volume:              | 0                         | 100  | 33    | 0                  | 123  | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0    | 0     |
| FinalVolume:             | 0                         | 100  | 33    | 0                  | 123  | 0     |
| Critical Gap Module:     |                           |      |       |                    |      |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |      |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | xxxx               | xxxx | xxxx  |
| Level Of Service Module: |                           |      |       |                    |      |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| LOS by Move:             | *                         | *    | *     | *                  | *    | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR  | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| SharedQueue:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *    | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |      |       |
| ApproachLOS:             | *                         |      |       | *                  |      |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

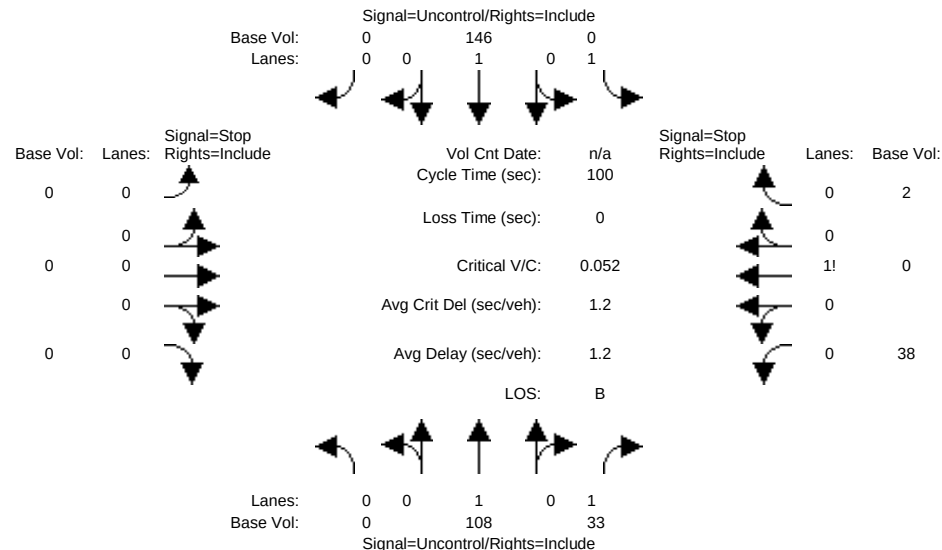
\*\*\*\*\*  
Intersection #2 North Park Victoria Drive & Country Club Drive  
\*\*\*\*\*  
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing + Project AM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



Street Name: North Park Victoria Drive Country Club Drive  
 Approach: North Bound South Bound East Bound West Bound  
 Movement: L - T - R L - T - R L - T - R L - T - R

Volume Module:

|               | North Bound |      |      | South Bound |      |      | East Bound |      |      | West Bound |      |      |
|---------------|-------------|------|------|-------------|------|------|------------|------|------|------------|------|------|
| Base Vol:     | 0           | 108  | 33   | 0           | 146  | 0    | 0          | 0    | 0    | 38         | 0    | 2    |
| Growth Adj:   | 1.00        | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:  | 0           | 108  | 33   | 0           | 146  | 0    | 0          | 0    | 0    | 38         | 0    | 2    |
| User Adj:     | 1.00        | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:      | 1.00        | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:   | 0           | 108  | 33   | 0           | 146  | 0    | 0          | 0    | 0    | 38         | 0    | 2    |
| Reduct Vol:   | 0           | 0    | 0    | 0           | 0    | 0    | 0          | 0    | 0    | 0          | 0    | 0    |
| Final Volume: | 0           | 108  | 33   | 0           | 146  | 0    | 0          | 0    | 0    | 38         | 0    | 2    |

Critical Gap Module:

|               | North Bound |      |       | South Bound |      |       | East Bound |      |       | West Bound |     |     |
|---------------|-------------|------|-------|-------------|------|-------|------------|------|-------|------------|-----|-----|
| Critical Gap: | xxxxx       | xxxx | xxxxx | xxxxx       | xxxx | xxxxx | xxxxx      | xxxx | xxxxx | 6.4        | 6.5 | 6.2 |
| FollowUpTim:  | xxxxx       | xxxx | xxxxx | xxxxx       | xxxx | xxxxx | xxxxx      | xxxx | xxxxx | 3.5        | 4.0 | 3.3 |

Capacity Module:

|              | North Bound |      |       | South Bound |      |       | East Bound |      |       | West Bound |      |      |
|--------------|-------------|------|-------|-------------|------|-------|------------|------|-------|------------|------|------|
| Cnflct Vol:  | xxxx        | xxxx | xxxxx | xxxx        | xxxx | xxxxx | xxxx       | xxxx | xxxxx | 262        | 261  | 116  |
| Potent Cap.: | xxxx        | xxxx | xxxxx | xxxx        | xxxx | xxxxx | xxxx       | xxxx | xxxxx | 731        | 647  | 942  |
| Move Cap.:   | xxxx        | xxxx | xxxxx | xxxx        | xxxx | xxxxx | xxxx       | xxxx | xxxxx | 726        | 643  | 935  |
| Volume/Cap:  | xxxx        | xxxx | xxxx  | xxxx        | xxxx | xxxx  | xxxx       | xxxx | xxxx  | 0.05       | 0.00 | 0.00 |

Level Of Service Module:

2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx

Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx

LOS by Move: \* \* \* \* \*

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap.: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 735 xxxxx

SharedQueue: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.2 xxxxx

Shrd ConDel: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 10.2 xxxxx

Shared LOS: \* \* \* \* \*

ApproachDel: xxxxxx xxxxxx xxxxxx 10.2

ApproachLOS: \* \* \* B

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #2 North Park Victoria Drive &amp; Country Club Drive

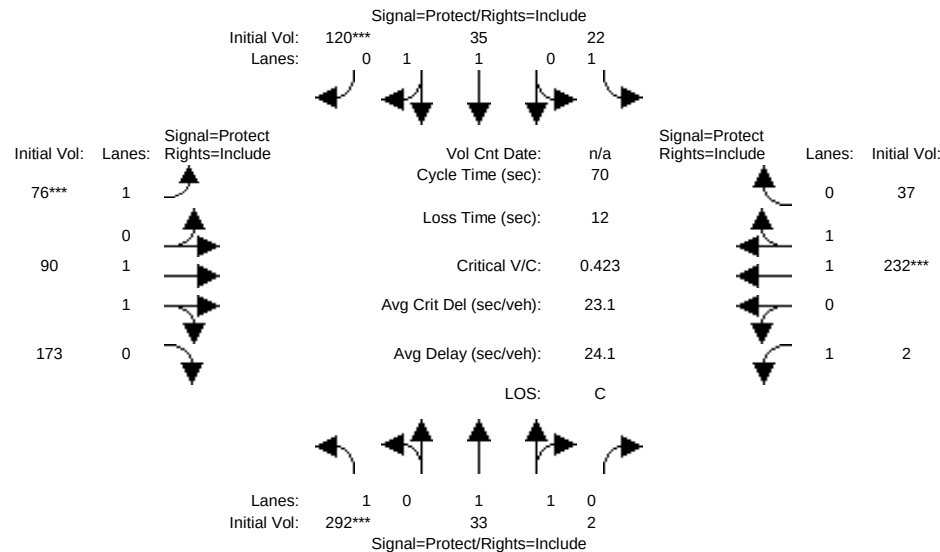
Base Volume Alternative: Peak Hour Warrant NOT Met

Approach: North Bound South Bound East Bound West Bound  
 Movement: L - T - R L - T - R L - T - R L - T - R

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Existing AM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



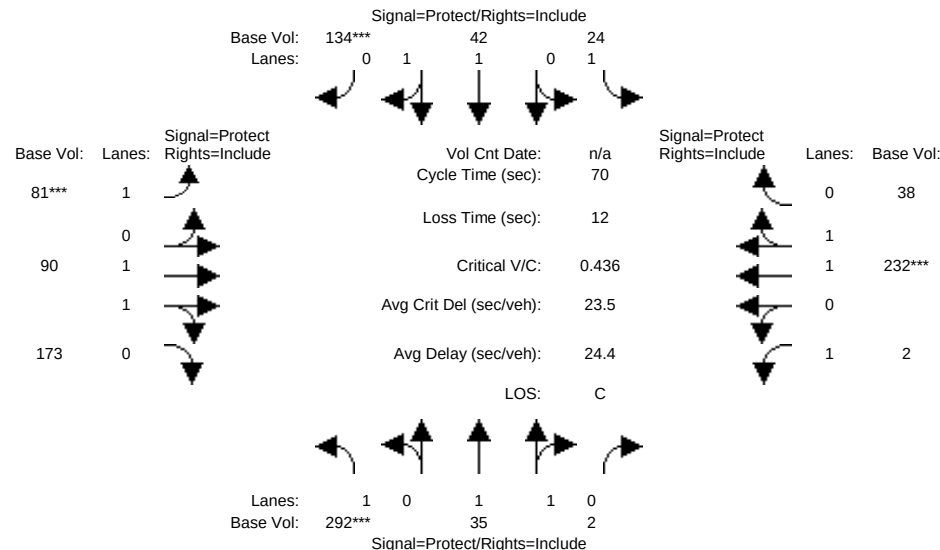
| Street Name:              | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
|---------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Approach:                 | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                 | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:               | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                      | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                 | 292                       | 33   | 2    | 22          | 35   | 120  | 76           | 90   | 173  | 2          | 232  | 37   |
| Growth Adj:               | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:              | 292                       | 33   | 2    | 22          | 35   | 120  | 76           | 90   | 173  | 2          | 232  | 37   |
| User Adj:                 | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:               | 292                       | 33   | 2    | 22          | 35   | 120  | 76           | 90   | 173  | 2          | 232  | 37   |
| Reduct Vol:               | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:              | 292                       | 33   | 2    | 22          | 35   | 120  | 76           | 90   | 173  | 2          | 232  | 37   |
| PCE Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:             | 292                       | 33   | 2    | 22          | 35   | 120  | 76           | 90   | 173  | 2          | 232  | 37   |
| Saturation Flow Module:   |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                 | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:               | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                    | 1.00                      | 1.88 | 0.12 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.70 | 0.30 |
| Final Sat.:               | 1750                      | 3565 | 216  | 1750        | 1900 | 1750 | 1750         | 1900 | 1750 | 1750       | 3239 | 517  |
| Capacity Analysis Module: |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                  | 0.17                      | 0.01 | 0.01 | 0.01        | 0.02 | 0.07 | 0.04         | 0.05 | 0.10 | 0.00       | 0.07 | 0.07 |
| Crit Moves:               | ****                      |      |      |             |      | **** | ****         |      |      |            | **** |      |
| Green Time:               | 27.6                      | 22.9 | 22.9 | 16.0        | 11.3 | 11.3 | 7.2          | 11.2 | 11.2 | 7.8        | 11.9 | 11.9 |
| Volume/Cap:               | 0.42                      | 0.03 | 0.03 | 0.05        | 0.11 | 0.42 | 0.42         | 0.30 | 0.62 | 0.01       | 0.42 | 0.42 |
| Delay/Veh:                | 15.8                      | 16.0 | 16.0 | 21.1        | 25.1 | 27.2 | 31.1         | 26.1 | 30.2 | 27.7       | 26.5 | 26.5 |
| User DelAdj:              | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:               | 15.8                      | 16.0 | 16.0 | 21.1        | 25.1 | 27.2 | 31.1         | 26.1 | 30.2 | 27.7       | 26.5 | 26.5 |
| LOS by Move:              | B                         | B    | B    | C           | C    | C    | C            | C    | C    | C          | C    | C    |
| HCM2k95thQ:               | 10                        | 1    | 1    | 1           | 1    | 6    | 4            | 4    | 10   | 0          | 6    | 6    |

Note: Queue reported is the number of cars per lane.

## North Park Victoria Residential

Level Of Service Computation Report  
2000 HCM Operations (Base Volume Alternative)  
Existing + Project AM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road

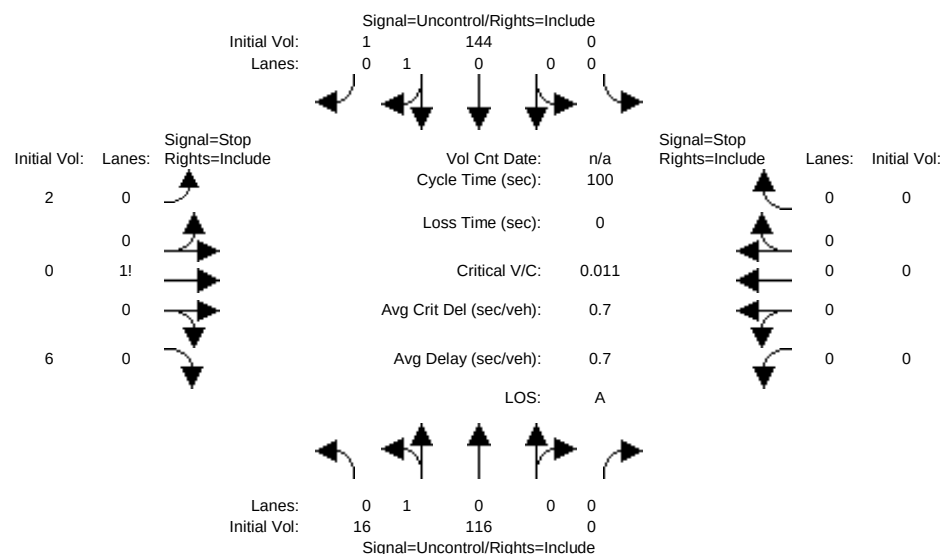


| Street Name:                                         | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
|------------------------------------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Approach:                                            | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                                            | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:                                          | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                                                 | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:                                       |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                                            | 292                       | 35   | 2    | 24          | 42   | 134  | 81           | 90   | 173  | 2          | 232  | 38   |
| Growth Adj:                                          | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:                                         | 292                       | 35   | 2    | 24          | 42   | 134  | 81           | 90   | 173  | 2          | 232  | 38   |
| User Adj:                                            | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:                                          | 292                       | 35   | 2    | 24          | 42   | 134  | 81           | 90   | 173  | 2          | 232  | 38   |
| Reduct Vol:                                          | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:                                         | 292                       | 35   | 2    | 24          | 42   | 134  | 81           | 90   | 173  | 2          | 232  | 38   |
| PCE Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:                                        | 292                       | 35   | 2    | 24          | 42   | 134  | 81           | 90   | 173  | 2          | 232  | 38   |
| Saturation Flow Module:                              |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                                            | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:                                          | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                                               | 1.00                      | 1.88 | 0.12 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.70 | 0.30 |
| Final Sat.:                                          | 1750                      | 3578 | 204  | 1750        | 1900 | 1750 | 1750         | 1900 | 1750 | 1750       | 3226 | 528  |
| Capacity Analysis Module:                            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                                             | 0.17                      | 0.01 | 0.01 | 0.01        | 0.02 | 0.08 | 0.05         | 0.05 | 0.10 | 0.00       | 0.07 | 0.07 |
| Crit Moves:                                          | ****                      |      |      |             |      | **** | ****         |      |      |            | **** |      |
| Green Time:                                          | 26.8                      | 23.0 | 23.0 | 16.1        | 12.3 | 12.3 | 7.4          | 11.2 | 11.2 | 7.8        | 11.5 | 11.5 |
| Volume/Cap:                                          | 0.44                      | 0.03 | 0.03 | 0.06        | 0.13 | 0.44 | 0.44         | 0.30 | 0.62 | 0.01       | 0.44 | 0.44 |
| Delay/Veh:                                           | 16.5                      | 16.0 | 16.0 | 21.1        | 24.4 | 26.5 | 31.0         | 26.2 | 30.3 | 27.7       | 26.8 | 26.8 |
| User DelAdj:                                         | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:                                          | 16.5                      | 16.0 | 16.0 | 21.1        | 24.4 | 26.5 | 31.0         | 26.2 | 30.3 | 27.7       | 26.8 | 26.8 |
| LOS by Move:                                         | B                         | B    | B    | C           | C    | C    | C            | C    | C    | C          | C    | C    |
| HCM2k95thQ:                                          | 10                        | 1    | 1    | 1           | 2    | 7    | 5            | 4    | 10   | 0          | 6    | 6    |
| Note: Queue reported is the number of cars per lane. |                           |      |      |             |      |      |              |      |      |            |      |      |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing PM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



| Street Name:             | North Park Victoria Drive |               |               |               |               |               | Creed Street  |               |               |               |               |               |
|--------------------------|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Approach:                | North Bound               |               |               | South Bound   |               |               | East Bound    |               |               | West Bound    |               |               |
| Movement:                | L                         | T             | R             | L             | T             | R             | L             | T             | R             | L             | T             | R             |
| Volume Module:           |                           |               |               |               |               |               |               |               |               |               |               |               |
| Base Vol:                | 16                        | 116           | 0             | 0             | 144           | 1             | 2             | 0             | 6             | 0             | 0             | 0             |
| Growth Adj:              | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| Initial Bse:             | 16                        | 116           | 0             | 0             | 144           | 1             | 2             | 0             | 6             | 0             | 0             | 0             |
| User Adj:                | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Adj:                 | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Volume:              | 16                        | 116           | 0             | 0             | 144           | 1             | 2             | 0             | 6             | 0             | 0             | 0             |
| Reduct Vol:              | 0                         | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             |
| Final Volume:            | 16                        | 116           | 0             | 0             | 144           | 1             | 2             | 0             | 6             | 0             | 0             | 0             |
| Critical Gap Module:     |                           |               |               |               |               |               |               |               |               |               |               |               |
| Critical Gp:             | 4.1                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 6.4           | 6.5           | 6.2           | xxxxxx        | xxxx          | xxxxxx        |
| FollowUpTim:             | 2.2                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 3.5           | 4.0           | 3.3           | xxxxxx        | xxxx          | xxxxxx        |
| Capacity Module:         |                           |               |               |               |               |               |               |               |               |               |               |               |
| Cnflct Vol:              | 145                       | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | 293           | 293           | 145           | xxxx          | xxxx          | xxxxxx        |
| Potent Cap.:             | 1450                      | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | 703           | 622           | 908           | xxxx          | xxxx          | xxxxxx        |
| Move Cap.:               | 1450                      | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | 697           | 615           | 908           | xxxx          | xxxx          | xxxxxx        |
| Volume/Cap:              | 0.01                      | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | 0.00          | 0.00          | 0.01          | xxxx          | xxxx          | xxxxxx        |
| Level Of Service Module: |                           |               |               |               |               |               |               |               |               |               |               |               |
| 2Way95thQ:               | 0.0                       | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Control Del:             | 7.5                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| LOS by Move:             | A                         | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:                | LT - LTR - RT             | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.:             | xxxx                      | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | 844           | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Shared Queue:            | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.0           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shrd ConDel:             | 7.5                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 9.3           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shared LOS:              | A                         | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel:             | xxxxxx                    |               |               | xxxxxx        |               |               | 9.3           |               |               | xxxxxx        |               |               |
| ApproachLOS:             | *                         |               |               | *             |               |               | A             |               |               | *             |               |               |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

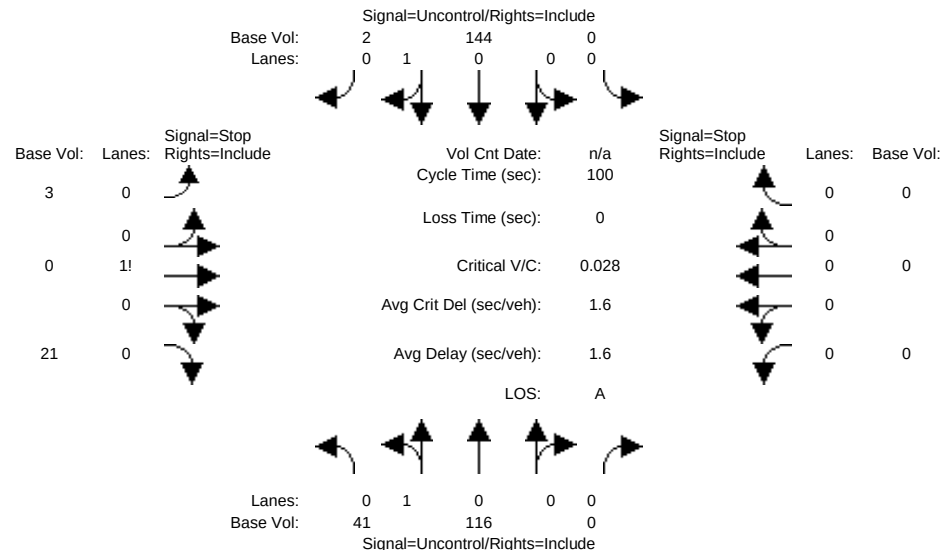
\*\*\*\*\*  
 Intersection #1 North Park Victoria Drive & Creed Street  
 \*\*\*\*\*  
 Base Volume Alternative: Peak Hour Warrant NOT Met

| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|
| Movement: | L           | T | R | L           | T | R | L          | T | R | L          | T | R |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing + Project PM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



|                               |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
|-------------------------------|---------------------------|------|--------|-------------|------|--------|--------------|------|--------|------------|------|--------|-----|---|----|
| Street Name:                  | North Park Victoria Drive |      |        |             |      |        | Creed Street |      |        |            |      |        |     |   |    |
| Approach:                     | North Bound               |      |        | South Bound |      |        | East Bound   |      |        | West Bound |      |        |     |   |    |
| Movement:                     | L                         | -    | T      | -           | R    | L      | -            | T    | -      | R          | L    | -      | T   | - | R  |
| ----- ----- ----- ----- ----- |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Volume Module:                |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Base Vol:                     | 41                        | 116  | 0      | 0           | 144  | 2      | 3            | 0    | 21     | 0          | 0    | 0      |     |   |    |
| Growth Adj:                   | 1.00                      | 1.00 | 1.00   | 1.00        | 1.00 | 1.00   | 1.00         | 1.00 | 1.00   | 1.00       | 1.00 | 1.00   |     |   |    |
| Initial Bse:                  | 41                        | 116  | 0      | 0           | 144  | 2      | 3            | 0    | 21     | 0          | 0    | 0      |     |   |    |
| User Adj:                     | 1.00                      | 1.00 | 1.00   | 1.00        | 1.00 | 1.00   | 1.00         | 1.00 | 1.00   | 1.00       | 1.00 | 1.00   |     |   |    |
| PHF Adj:                      | 1.00                      | 1.00 | 1.00   | 1.00        | 1.00 | 1.00   | 1.00         | 1.00 | 1.00   | 1.00       | 1.00 | 1.00   |     |   |    |
| PHF Volume:                   | 41                        | 116  | 0      | 0           | 144  | 2      | 3            | 0    | 21     | 0          | 0    | 0      |     |   |    |
| Reduct Vol:                   | 0                         | 0    | 0      | 0           | 0    | 0      | 0            | 0    | 0      | 0          | 0    | 0      |     |   |    |
| FinalVolume:                  | 41                        | 116  | 0      | 0           | 144  | 2      | 3            | 0    | 21     | 0          | 0    | 0      |     |   |    |
| ----- ----- ----- ----- ----- |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Critical Gap Module:          |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Critical Gp:                  | 4.1                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | 6.4          | 6.5  | 6.2    | xxxxxx     | xxxx | xxxxxx |     |   |    |
| FollowUpTim:                  | 2.2                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | 3.5          | 4.0  | 3.3    | xxxxxx     | xxxx | xxxxxx |     |   |    |
| ----- ----- ----- ----- ----- |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Capacity Module:              |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Cnflct Vol:                   | 146                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | 343          | 343  | 145    | xxxx       | xxxx | xxxxxx |     |   |    |
| Potent Cap.:                  | 1448                      | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | 657          | 583  | 908    | xxxx       | xxxx | xxxxxx |     |   |    |
| Move Cap.:                    | 1448                      | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | 643          | 566  | 908    | xxxx       | xxxx | xxxxxx |     |   |    |
| Volume/Cap:                   | 0.03                      | xxxx | xxxx   | xxxxxx      | xxxx | xxxxxx | 0.00         | 0.00 | 0.02   | xxxx       | xxxx | xxxx   |     |   |    |
| ----- ----- ----- ----- ----- |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| Level Of Service Module:      |                           |      |        |             |      |        |              |      |        |            |      |        |     |   |    |
| 2Way95thQ:                    | 0.1                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | xxxx         | xxxx | xxxxxx | xxxx       | xxxx | xxxxxx |     |   |    |
| Control Del:                  | 7.6                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | xxxxxx       | xxxx | xxxxxx | xxxxxx     | xxxx | xxxxxx |     |   |    |
| LOS by Move:                  | A                         | *    | *      | *           | *    | *      | *            | *    | *      | *          | *    | *      |     |   |    |
| Movement:                     | LT                        | -    | LTR    | -           | RT   | LT     | -            | LTR  | -      | RT         | LT   | -      | LTR | - | RT |
| Shared Cap.:                  | xxxx                      | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | xxxx         | 863  | xxxxxx | xxxx       | xxxx | xxxxxx |     |   |    |
| SharedQueue:                  | 0.1                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | xxxxxx       | 0.1  | xxxxxx | xxxxxx     | xxxx | xxxxxx |     |   |    |
| Shrd ConDel:                  | 7.6                       | xxxx | xxxxxx | xxxxxx      | xxxx | xxxxxx | xxxxxx       | 9.3  | xxxxxx | xxxxxx     | xxxx | xxxxxx |     |   |    |
| Shared LOS:                   | A                         | *    | *      | *           | *    | *      | *            | A    | *      | *          | *    | *      |     |   |    |
| ApproachDel:                  | xxxxxxx                   |      |        | xxxxxxx     |      |        | 9.3          |      |        | xxxxxxx    |      |        |     |   |    |
| ApproachLOS:                  | *                         |      |        | *           |      |        | A            |      |        | *          |      |        |     |   |    |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #1 North Park Victoria Drive &amp; Creed Street

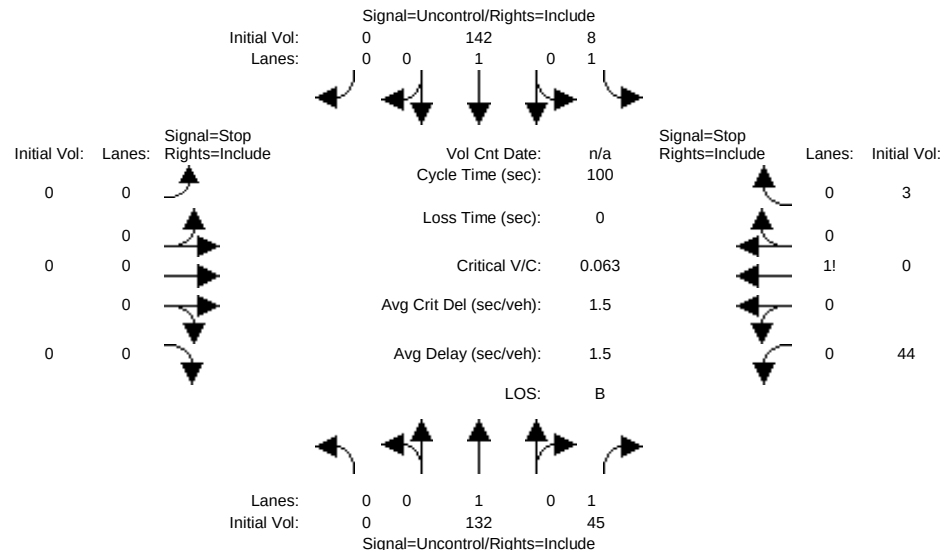
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |            |   |   |            |   |   |   |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|---|---|---|
| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |   |   |   |
| Movement: | L           | - | T | -           | R | L | -          | T | - | R          | L | - | T | - | R |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Existing PM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |       |       |
|--------------------------|---------------------------|------|-------|--------------------|-------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |       |       |
| Approach:                | North Bound               |      |       | South Bound        |       |       |
| Movement:                | L                         | T    | R     | L                  | T     | R     |
| Volume Module:           |                           |      |       |                    |       |       |
| Base Vol:                | 0                         | 132  | 45    | 8                  | 142   | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| Initial Bse:             | 0                         | 132  | 45    | 8                  | 142   | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Volume:              | 0                         | 132  | 45    | 8                  | 142   | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0     | 0     |
| FinalVolume:             | 0                         | 132  | 45    | 8                  | 142   | 0     |
| Critical Gap Module:     |                           |      |       |                    |       |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | 4.1                | xxxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | 2.2                | xxxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |       |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | 178                | xxxx  | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | 1410               | xxxx  | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | 1409               | xxxx  | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | 0.01               | xxxx  | xxxx  |
| Level Of Service Module: |                           |      |       |                    |       |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | 0.0                | xxxx  | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | 7.6                | xxxxx | xxxxx |
| LOS by Move:             | *                         | *    | *     | A                  | *     | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR   | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx  | xxxxx |
| SharedQueue:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *     | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |       |       |
| ApproachLOS:             | *                         |      |       | *                  |       |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

\*\*\*\*\*  
 Intersection #2 North Park Victoria Drive & Country Club Drive  
 \*\*\*\*\*  
 Base Volume Alternative: Peak Hour Warrant NOT Met

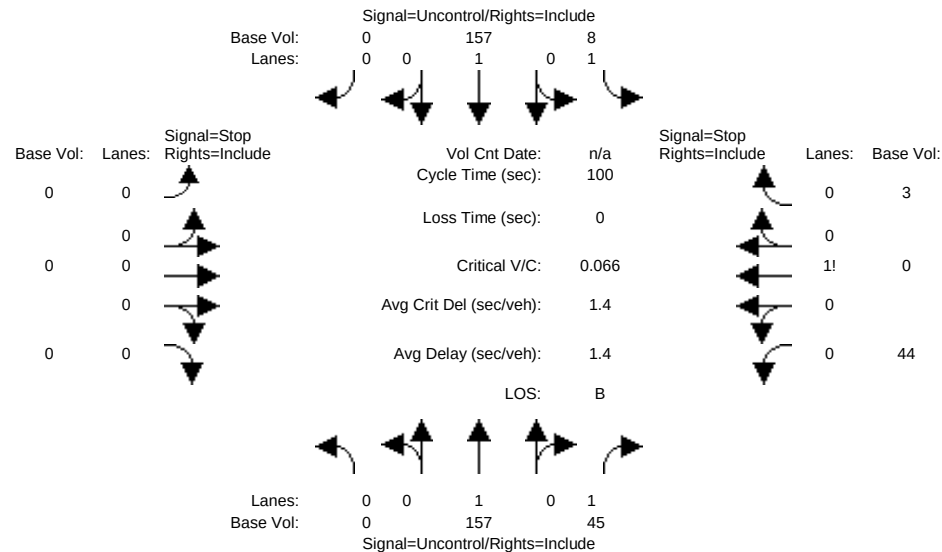
|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |



## North Park Victoria Residential

Level Of Service Computation Report  
2000 HCM Unsignalized (Base Volume Alternative)  
Existing + Project PM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



| Street Name:             | North Park Victoria Drive |               |               |               |               |               | Country Club Drive |               |               |               |               |               |
|--------------------------|---------------------------|---------------|---------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|---------------|---------------|
| Approach:                | North Bound               |               |               | South Bound   |               |               | East Bound         |               |               | West Bound    |               |               |
| Movement:                | L                         | T             | R             | L             | T             | R             | L                  | T             | R             | L             | T             | R             |
| Volume Module:           |                           |               |               |               |               |               |                    |               |               |               |               |               |
| Base Vol:                | 0                         | 157           | 45            | 8             | 157           | 0             | 0                  | 0             | 0             | 44            | 0             | 3             |
| Growth Adj:              | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00               | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| Initial Bse:             | 0                         | 157           | 45            | 8             | 157           | 0             | 0                  | 0             | 0             | 44            | 0             | 3             |
| User Adj:                | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00               | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Adj:                 | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00               | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Volume:              | 0                         | 157           | 45            | 8             | 157           | 0             | 0                  | 0             | 0             | 44            | 0             | 3             |
| Reduct Vol:              | 0                         | 0             | 0             | 0             | 0             | 0             | 0                  | 0             | 0             | 0             | 0             | 0             |
| FinalVolume:             | 0                         | 157           | 45            | 8             | 157           | 0             | 0                  | 0             | 0             | 44            | 0             | 3             |
| Critical Gap Module:     |                           |               |               |               |               |               |                    |               |               |               |               |               |
| Critical Gp:             | xxxxx                     | xxxx          | xxxxx         | 4.1           | xxxx          | xxxxx         | xxxxx              | xxxx          | xxxxx         | 6.4           | 6.5           | 6.2           |
| FollowUpTim:             | xxxxx                     | xxxx          | xxxxx         | 2.2           | xxxx          | xxxxx         | xxxxx              | xxxx          | xxxxx         | 3.5           | 4.0           | 3.3           |
| Capacity Module:         |                           |               |               |               |               |               |                    |               |               |               |               |               |
| Cnflct Vol:              | xxxx                      | xxxx          | xxxxx         | 203           | xxxx          | xxxxx         | xxxx               | xxxx          | xxxxx         | 331           | 331           | 158           |
| Potent Cap.:             | xxxx                      | xxxx          | xxxxx         | 1381          | xxxx          | xxxxx         | xxxx               | xxxx          | xxxxx         | 668           | 592           | 893           |
| Move Cap.:               | xxxx                      | xxxx          | xxxxx         | 1380          | xxxx          | xxxxx         | xxxx               | xxxx          | xxxxx         | 664           | 588           | 892           |
| Volume/Cap:              | xxxx                      | xxxx          | xxxx          | 0.01          | xxxx          | xxxx          | xxxx               | xxxx          | xxxx          | 0.07          | 0.00          | 0.00          |
| Level Of Service Module: |                           |               |               |               |               |               |                    |               |               |               |               |               |
| 2Way95thQ:               | xxxx                      | xxxx          | xxxxx         | 0.0           | xxxx          | xxxxx         | xxxx               | xxxx          | xxxxx         | xxxx          | xxxx          | xxxxx         |
| Control Del:             | xxxxx                     | xxxx          | xxxxx         | 7.6           | xxxx          | xxxxx         | xxxxx              | xxxx          | xxxxx         | xxxxx         | xxxx          | xxxxx         |
| LOS by Move:             | *                         | *             | *             | A             | *             | *             | *                  | *             | *             | *             | *             | *             |
| Movement:                | LT - LTR - RT             | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT      | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.:             | xxxx                      | xxxx          | xxxxx         | xxxx          | xxxx          | xxxxx         | xxxx               | xxxx          | xxxxx         | xxxx          | 675           | xxxxx         |
| SharedQueue:             | xxxxx                     | xxxx          | xxxxx         | xxxxx         | xxxx          | xxxxx         | xxxxx              | xxxx          | xxxxx         | xxxxx         | 0.2           | xxxxx         |
| Shrd ConDel:             | xxxxx                     | xxxx          | xxxxx         | xxxxx         | xxxx          | xxxxx         | xxxxx              | xxxx          | xxxxx         | xxxxx         | 10.7          | xxxxx         |
| Shared LOS:              | *                         | *             | *             | *             | *             | *             | *                  | *             | *             | *             | B             | *             |
| ApproachDel:             | xxxxxx                    | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx             | xxxxxx        | xxxxxx        | xxxxxx        | 10.7          | xxxxxx        |
| ApproachLOS:             | *                         | *             | *             | *             | *             | *             | *                  | *             | *             | *             | B             | *             |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #2 North Park Victoria Drive &amp; Country Club Drive

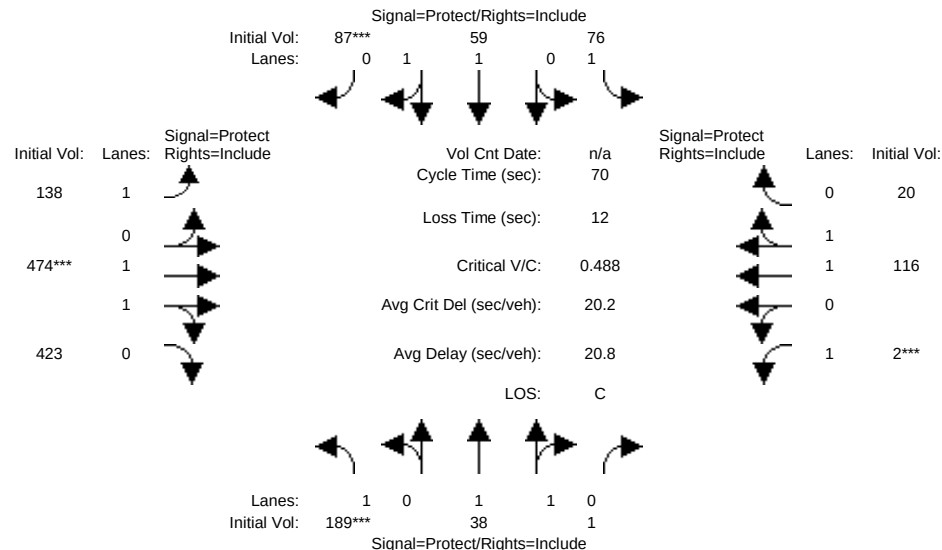
Base Volume Alternative: Peak Hour Warrant NOT Met

| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|
| Movement: | L           | T | R | L           | T | R | L          | T | R | L          | T | R |

## North Park Victoria Residential

 Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Existing PM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



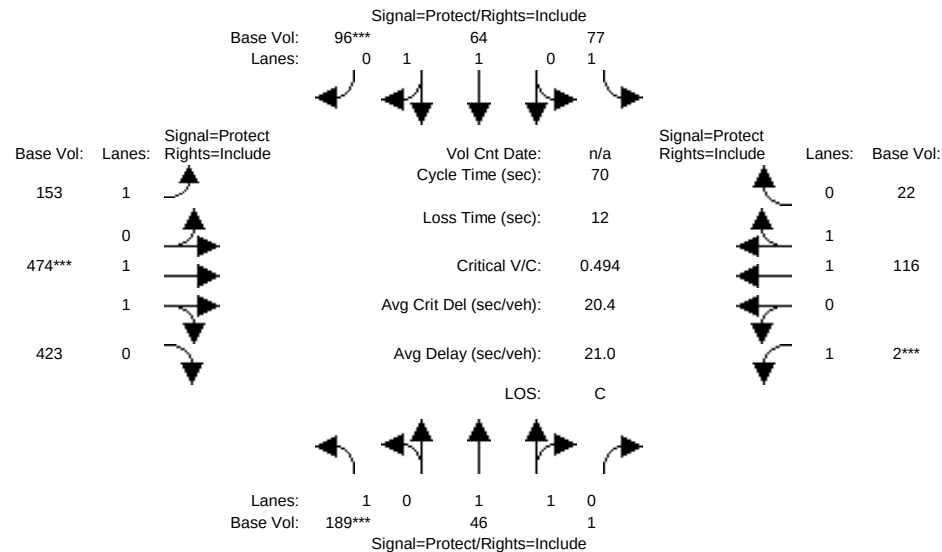
| Street Name:              | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
|---------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Approach:                 | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                 | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:               | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                      | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                 | 189                       | 38   | 1    | 76          | 59   | 87   | 138          | 474  | 423  | 2          | 116  | 20   |
| Growth Adj:               | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:              | 189                       | 38   | 1    | 76          | 59   | 87   | 138          | 474  | 423  | 2          | 116  | 20   |
| User Adj:                 | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:               | 189                       | 38   | 1    | 76          | 59   | 87   | 138          | 474  | 423  | 2          | 116  | 20   |
| Reduct Vol:               | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:              | 189                       | 38   | 1    | 76          | 59   | 87   | 138          | 474  | 423  | 2          | 116  | 20   |
| PCE Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:             | 189                       | 38   | 1    | 76          | 59   | 87   | 138          | 474  | 423  | 2          | 116  | 20   |
| Saturation Flow Module:   |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                 | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:               | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                    | 1.00                      | 1.94 | 0.06 | 1.00        | 1.00 | 1.00 | 1.00         | 1.02 | 0.98 | 1.00       | 1.68 | 0.32 |
| Final Sat.:               | 1750                      | 3694 | 97   | 1750        | 1900 | 1750 | 1750         | 1930 | 1722 | 1750       | 3201 | 552  |
| Capacity Analysis Module: |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                  | 0.11                      | 0.01 | 0.01 | 0.04        | 0.03 | 0.05 | 0.08         | 0.25 | 0.25 | 0.00       | 0.04 | 0.04 |
| Crit Moves:               | ****                      |      |      |             |      | **** |              | **** |      | ****       |      |      |
| Green Time:               | 12.5                      | 13.2 | 13.2 | 9.3         | 10.0 | 10.0 | 14.6         | 28.5 | 28.5 | 7.0        | 20.9 | 20.9 |
| Volume/Cap:               | 0.60                      | 0.05 | 0.05 | 0.33        | 0.22 | 0.35 | 0.38         | 0.60 | 0.60 | 0.01       | 0.12 | 0.12 |
| Delay/Veh:                | 29.8                      | 23.3 | 23.3 | 28.4        | 26.7 | 27.6 | 24.4         | 17.0 | 17.0 | 28.4       | 17.9 | 17.9 |
| User DelAdj:              | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:               | 29.8                      | 23.3 | 23.3 | 28.4        | 26.7 | 27.6 | 24.4         | 17.0 | 17.0 | 28.4       | 17.9 | 17.9 |
| LOS by Move:              | C                         | C    | C    | C           | C    | C    | C            | B    | B    | C          | B    | B    |
| HCM2k95thQ:               | 10                        | 1    | 1    | 4           | 3    | 4    | 6            | 16   | 16   | 0          | 2    | 2    |

Note: Queue reported is the number of cars per lane.

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Existing + Project PM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



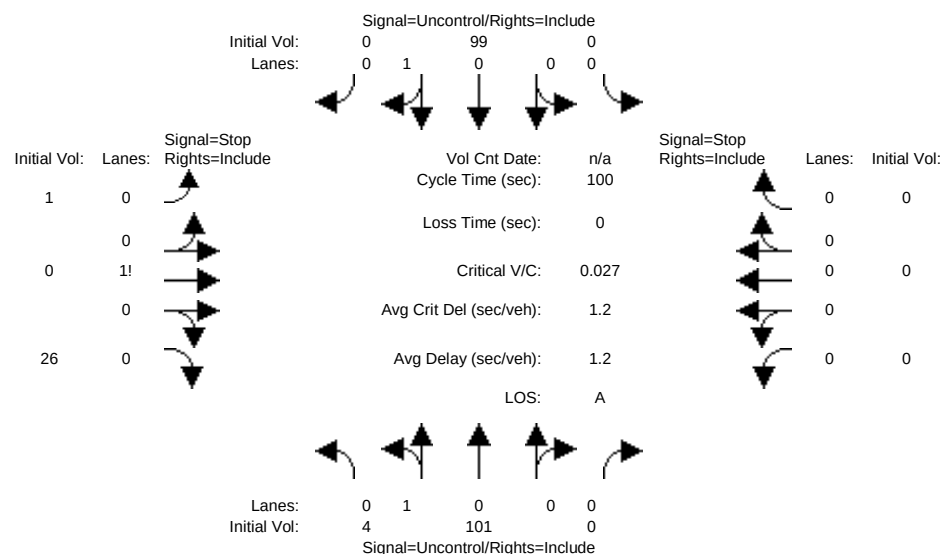
|                           |                           |      |      |             |      |      |              |      |      |            |      |      |
|---------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Street Name:              | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
| Approach:                 | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                 | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:               | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                      | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                 | 189                       | 46   | 1    | 77          | 64   | 96   | 153          | 474  | 423  | 2          | 116  | 22   |
| Growth Adj:               | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:              | 189                       | 46   | 1    | 77          | 64   | 96   | 153          | 474  | 423  | 2          | 116  | 22   |
| User Adj:                 | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:               | 189                       | 46   | 1    | 77          | 64   | 96   | 153          | 474  | 423  | 2          | 116  | 22   |
| Reduct Vol:               | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:              | 189                       | 46   | 1    | 77          | 64   | 96   | 153          | 474  | 423  | 2          | 116  | 22   |
| PCE Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:             | 189                       | 46   | 1    | 77          | 64   | 96   | 153          | 474  | 423  | 2          | 116  | 22   |
| Saturation Flow Module:   |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                 | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:               | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                    | 1.00                      | 1.95 | 0.05 | 1.00        | 1.00 | 1.00 | 1.00         | 1.02 | 0.98 | 1.00       | 1.66 | 0.34 |
| Final Sat.:               | 1750                      | 3712 | 81   | 1750        | 1900 | 1750 | 1750         | 1930 | 1722 | 1750       | 3151 | 598  |
| Capacity Analysis Module: |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                  | 0.11                      | 0.01 | 0.01 | 0.04        | 0.03 | 0.05 | 0.09         | 0.25 | 0.25 | 0.00       | 0.04 | 0.04 |
| Crit Moves:               | ****                      |      |      |             |      | **** |              | **** |      | ****       |      |      |
| Green Time:               | 12.5                      | 13.2 | 13.2 | 9.3         | 10.0 | 10.0 | 14.6         | 28.5 | 28.5 | 7.0        | 20.9 | 20.9 |
| Volume/Cap:               | 0.60                      | 0.07 | 0.07 | 0.33        | 0.24 | 0.38 | 0.42         | 0.60 | 0.60 | 0.01       | 0.12 | 0.12 |
| Delay/Veh:                | 29.8                      | 23.3 | 23.3 | 28.4        | 26.8 | 27.8 | 24.8         | 17.0 | 17.0 | 28.4       | 18.0 | 18.0 |
| User DelAdj:              | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:               | 29.8                      | 23.3 | 23.3 | 28.4        | 26.8 | 27.8 | 24.8         | 17.0 | 17.0 | 28.4       | 18.0 | 18.0 |
| LOS by Move:              | C                         | C    | C    | C           | C    | C    | C            | B    | B    | C          | B    | B    |
| HCM2k95thQ:               | 10                        | 1    | 1    | 4           | 3    | 5    | 7            | 16   | 16   | 0          | 2    | 2    |

Note: Queue reported is the number of cars per lane.

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative AM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



Street Name: North Park Victoria Drive Creed Street

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

-----|-----|-----|-----|-----|

Volume Module:

|               |      |      |      |      |      |      |      |      |      |      |      |      |
|---------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Base Vol:     | 4    | 101  | 0    | 0    | 99   | 0    | 1    | 0    | 26   | 0    | 0    | 0    |
| Growth Adj:   | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Initial Bse:  | 4    | 101  | 0    | 0    | 99   | 0    | 1    | 0    | 26   | 0    | 0    | 0    |
| User Adj:     | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Adj:      | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Volume:   | 4    | 101  | 0    | 0    | 99   | 0    | 1    | 0    | 26   | 0    | 0    | 0    |
| Reduct Vol:   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Final Volume: | 4    | 101  | 0    | 0    | 99   | 0    | 1    | 0    | 26   | 0    | 0    | 0    |

-----|-----|-----|-----|-----|

Critical Gap Module:

|              |     |      |        |        |      |        |     |     |     |        |      |        |
|--------------|-----|------|--------|--------|------|--------|-----|-----|-----|--------|------|--------|
| Critical Gp: | 4.1 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 6.4 | 6.5 | 6.2 | xxxxxx | xxxx | xxxxxx |
| FollowUpTim: | 2.2 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 3.5 | 4.0 | 3.3 | xxxxxx | xxxx | xxxxxx |

-----|-----|-----|-----|-----|

Capacity Module:

|              |      |      |        |        |      |        |      |      |      |      |      |        |
|--------------|------|------|--------|--------|------|--------|------|------|------|------|------|--------|
| Cnflct Vol:  | 100  | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 209  | 209  | 100  | xxxx | xxxx | xxxxxx |
| Potent Cap.: | 1505 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 784  | 692  | 961  | xxxx | xxxx | xxxxxx |
| Move Cap.:   | 1504 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 782  | 689  | 960  | xxxx | xxxx | xxxxxx |
| Volume/Cap:  | 0.00 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 0.00 | 0.00 | 0.03 | xxxx | xxxx | xxxxxx |

-----|-----|-----|-----|-----|

Level Of Service Module:

|              |               |               |               |               |               |               |               |               |               |               |               |               |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 2Way95thQ:   | 0.0           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Control Del: | 7.4           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| LOS by Move: | A             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:    | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.: | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | 952           | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| SharedQueue: | 0.0           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.1           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shrd ConDel: | 7.4           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 8.9           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shared LOS:  | A             | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel: | xxxxxx        |               |               |               | xxxxxx        |               |               | 8.9           |               |               | xxxxxx        |               |
| ApproachLOS: | *             |               |               |               | *             |               |               | A             |               |               | *             |               |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

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Intersection #1 North Park Victoria Drive & Creed Street

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Base Volume Alternative: Peak Hour Warrant NOT Met

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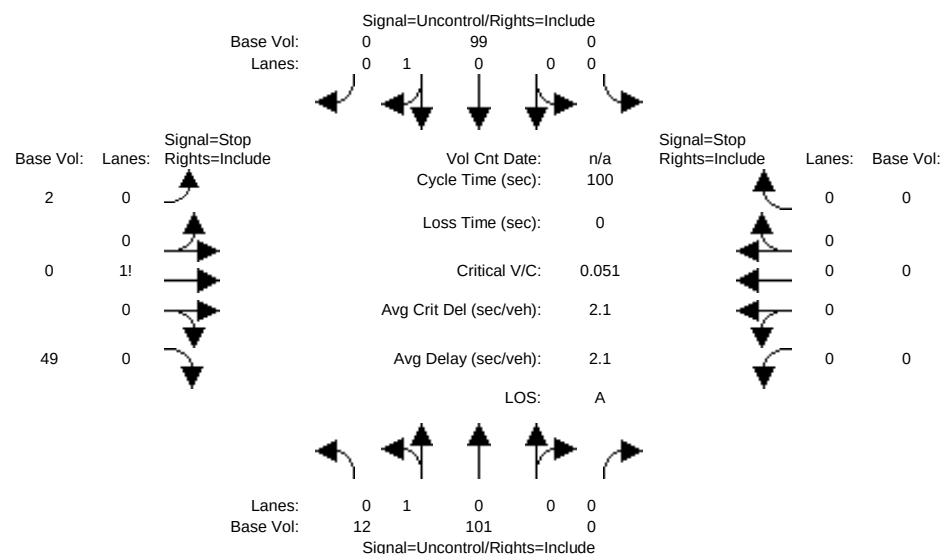
Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative + Project AM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



| Street Name:                  | North Park Victoria Drive |               |               |               |               |               | Creed Street  |               |               |               |               |               |               |               |               |
|-------------------------------|---------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Approach:                     | North Bound               |               |               | South Bound   |               |               | East Bound    |               |               | West Bound    |               |               |               |               |               |
| Movement:                     | L                         | -             | T             | -             | R             | L             | -             | T             | -             | R             | L             | -             | T             | -             | R             |
| ----- ----- ----- ----- ----- |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Volume Module:                |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Base Vol:                     | 12                        | 101           | 0             | 0             | 99            | 0             | 2             | 0             | 49            | 0             | 0             | 0             | 0             | 0             | 0             |
| Growth Adj:                   | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| Initial Bse:                  | 12                        | 101           | 0             | 0             | 99            | 0             | 2             | 0             | 49            | 0             | 0             | 0             | 0             | 0             | 0             |
| User Adj:                     | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Adj:                      | 1.00                      | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          | 1.00          |
| PHF Volume:                   | 12                        | 101           | 0             | 0             | 99            | 0             | 2             | 0             | 49            | 0             | 0             | 0             | 0             | 0             | 0             |
| Reduct Vol:                   | 0                         | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             |
| FinalVolume:                  | 12                        | 101           | 0             | 0             | 99            | 0             | 2             | 0             | 49            | 0             | 0             | 0             | 0             | 0             | 0             |
| ----- ----- ----- ----- ----- |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Critical Gap Module:          |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Critical Gp:                  | 4.1                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 6.4           | 6.5           | 6.2           | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| FollowUpTim:                  | 2.2                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 3.5           | 4.0           | 3.3           | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| ----- ----- ----- ----- ----- |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Capacity Module:              |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Cnflct Vol:                   | 100                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 225           | 225           | 100           | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Potent Cap.:                  | 1505                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 768           | 678           | 961           | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Move Cap.:                    | 1504                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 762           | 672           | 960           | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Volume/Cap:                   | 0.01                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | 0.00          | 0.00          | 0.05          | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| ----- ----- ----- ----- ----- |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| Level Of Service Module:      |                           |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
| 2Way95thQ:                    | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Control Del:                  | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        |
| LOS by Move:                  | A                         | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:                     | LT - LTR - RT             | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.:                  | xxxx                      | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxx          | 951           | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| SharedQueue:                  | 0.0                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.2           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Shrd ConDel:                  | 7.4                       | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 9.0           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Shared LOS:                   | A                         | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             | *             | *             | *             |
| ApproachDel:                  | xxxxxx                    | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | 9.0           | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| ApproachLOS:                  | *                         | *             | *             | *             | *             | *             | *             | A             | A             | A             | A             | A             | A             | A             | A             |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

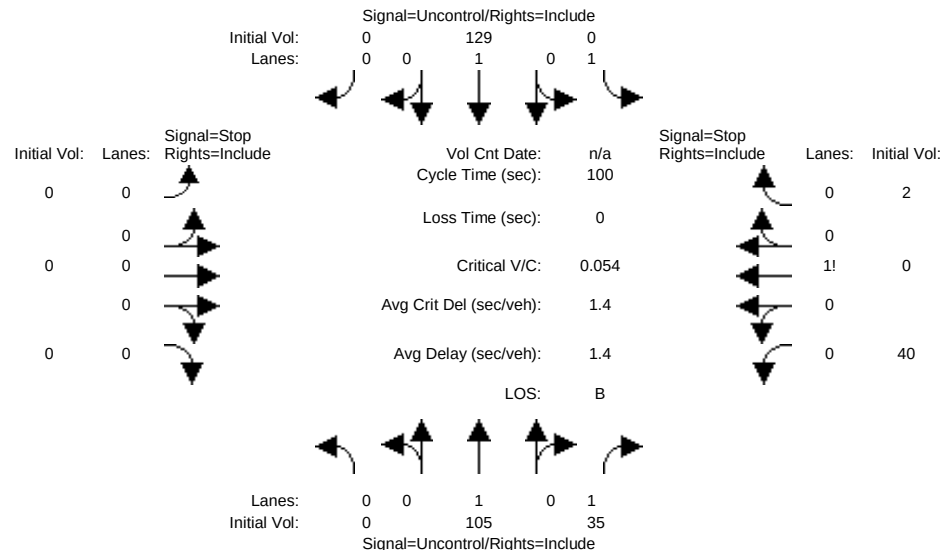
\*\*\*\*\*  
 Intersection #1 North Park Victoria Drive & Creed Street  
 \*\*\*\*\*  
 Base Volume Alternative: Peak Hour Warrant NOT Met

| Approach: | North Bound |   |   | South Bound |   |   | East Bound |   |   | West Bound |   |   |   |   |   |
|-----------|-------------|---|---|-------------|---|---|------------|---|---|------------|---|---|---|---|---|
| Movement: | L           | - | T | -           | R | L | -          | T | - | R          | L | - | T | - | R |

## North Park Victoria Residential

Level Of Service Computation Report  
2000 HCM Unsignalized (Base Volume Alternative)  
Cumulative AM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |      |       |
|--------------------------|---------------------------|------|-------|--------------------|------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |      |       |
| Approach:                | North Bound               |      |       | South Bound        |      |       |
| Movement:                | L                         | T    | R     | L                  | T    | R     |
| Volume Module:           |                           |      |       |                    |      |       |
| Base Vol:                | 0                         | 105  | 35    | 0                  | 129  | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| Initial Bse:             | 0                         | 105  | 35    | 0                  | 129  | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Volume:              | 0                         | 105  | 35    | 0                  | 129  | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0    | 0     |
| FinalVolume:             | 0                         | 105  | 35    | 0                  | 129  | 0     |
| Critical Gap Module:     |                           |      |       |                    |      |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |      |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | xxxx               | xxxx | xxxx  |
| Level Of Service Module: |                           |      |       |                    |      |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| LOS by Move:             | *                         | *    | *     | *                  | *    | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR  | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| SharedQueue:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *    | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |      |       |
| ApproachLOS:             | *                         |      |       | *                  |      |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #2 North Park Victoria Drive &amp; Country Club Drive

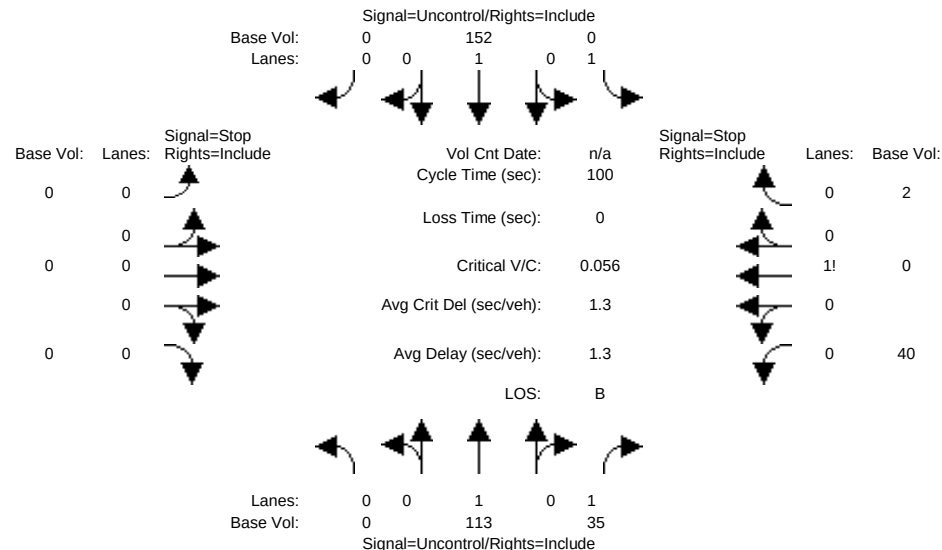
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |

## North Park Victoria Residential

 Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative + Project AM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |      |       |
|--------------------------|---------------------------|------|-------|--------------------|------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |      |       |
| Approach:                | North Bound               |      |       | South Bound        |      |       |
| Movement:                | L                         | T    | R     | L                  | T    | R     |
| Volume Module:           |                           |      |       |                    |      |       |
| Base Vol:                | 0                         | 113  | 35    | 0                  | 152  | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| Initial Bse:             | 0                         | 113  | 35    | 0                  | 152  | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00 | 1.00  |
| PHF Volume:              | 0                         | 113  | 35    | 0                  | 152  | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0    | 0     |
| FinalVolume:             | 0                         | 113  | 35    | 0                  | 152  | 0     |
| Critical Gap Module:     |                           |      |       |                    |      |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |      |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | xxxx               | xxxx | xxxx  |
| Level Of Service Module: |                           |      |       |                    |      |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| LOS by Move:             | *                         | *    | *     | *                  | *    | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR  | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx | xxxxx |
| SharedQueue:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *    | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |      |       |
| ApproachLOS:             | *                         |      |       | *                  |      |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

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Intersection #2 North Park Victoria Drive & Country Club Drive

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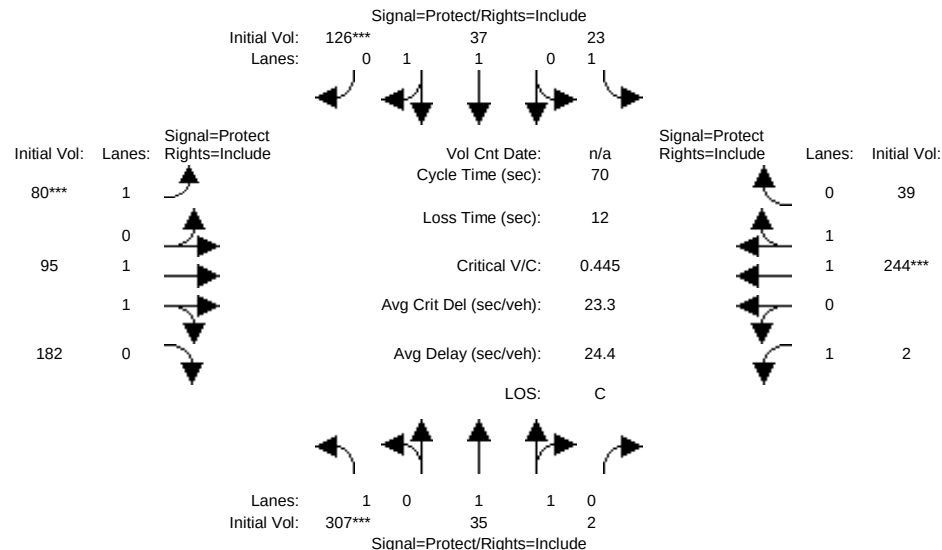
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |

## North Park Victoria Residential

 Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Cumulative AM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



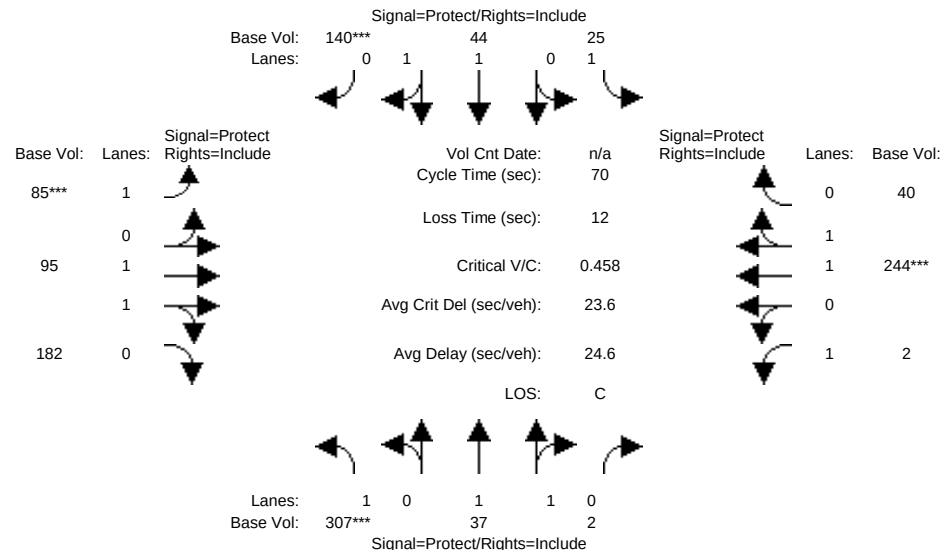
|                                                      |                           |      |      |             |      |      |              |      |      |            |      |      |
|------------------------------------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Street Name:                                         | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
| Approach:                                            | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                                            | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:                                          | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                                                 | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:                                       |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                                            | 307                       | 35   | 2    | 23          | 37   | 126  | 80           | 95   | 182  | 2          | 244  | 39   |
| Growth Adj:                                          | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:                                         | 307                       | 35   | 2    | 23          | 37   | 126  | 80           | 95   | 182  | 2          | 244  | 39   |
| User Adj:                                            | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:                                          | 307                       | 35   | 2    | 23          | 37   | 126  | 80           | 95   | 182  | 2          | 244  | 39   |
| Reduct Vol:                                          | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:                                         | 307                       | 35   | 2    | 23          | 37   | 126  | 80           | 95   | 182  | 2          | 244  | 39   |
| PCE Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:                                        | 307                       | 35   | 2    | 23          | 37   | 126  | 80           | 95   | 182  | 2          | 244  | 39   |
| Saturation Flow Module:                              |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                                            | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:                                          | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                                               | 1.00                      | 1.88 | 0.12 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.70 | 0.30 |
| Final Sat.:                                          | 1750                      | 3578 | 204  | 1750        | 1900 | 1750 | 1750         | 1900 | 1750 | 1750       | 3238 | 518  |
| Capacity Analysis Module:                            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                                             | 0.18                      | 0.01 | 0.01 | 0.01        | 0.02 | 0.07 | 0.05         | 0.05 | 0.10 | 0.00       | 0.08 | 0.08 |
| Crit Moves:                                          | ****                      |      |      |             |      | **** | ****         |      |      |            | **** |      |
| Green Time:                                          | 27.6                      | 22.9 | 22.9 | 16.0        | 11.3 | 11.3 | 7.2          | 11.2 | 11.2 | 7.8        | 11.9 | 11.9 |
| Volume/Cap:                                          | 0.44                      | 0.03 | 0.03 | 0.06        | 0.12 | 0.44 | 0.44         | 0.31 | 0.65 | 0.01       | 0.44 | 0.44 |
| Delay/Veh:                                           | 16.0                      | 16.0 | 16.0 | 21.1        | 25.1 | 27.4 | 31.3         | 26.2 | 31.1 | 27.6       | 26.6 | 26.6 |
| User DelAdj:                                         | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:                                          | 16.0                      | 16.0 | 16.0 | 21.1        | 25.1 | 27.4 | 31.3         | 26.2 | 31.1 | 27.6       | 26.6 | 26.6 |
| LOS by Move:                                         | B                         | B    | B    | C           | C    | C    | C            | C    | C    | C          | C    | C    |
| HCM2k95thQ:                                          | 11                        | 1    | 1    | 1           | 2    | 6    | 5            | 4    | 10   | 0          | 7    | 7    |
| Note: Queue reported is the number of cars per lane. |                           |      |      |             |      |      |              |      |      |            |      |      |



## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Cumulative + Project AM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road

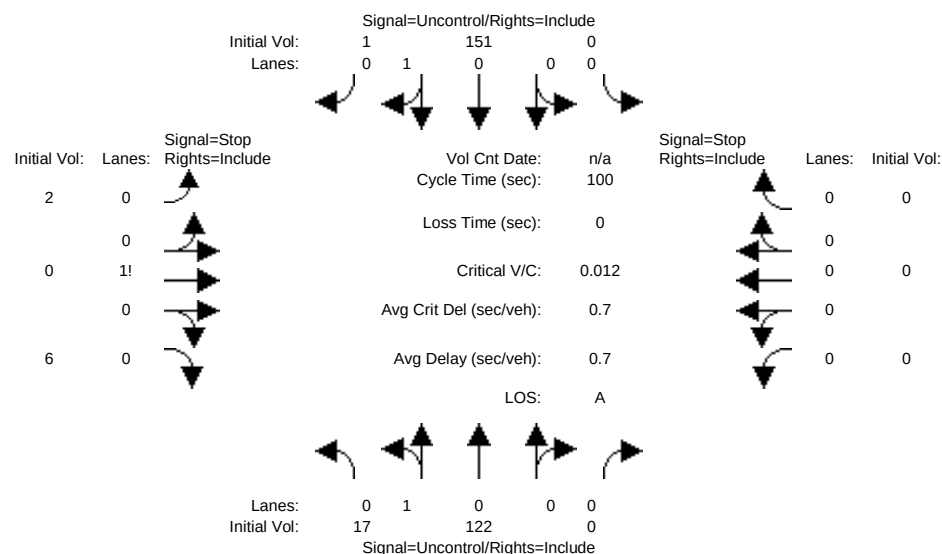


| Street Name:                                         | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
|------------------------------------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Approach:                                            | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                                            | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:                                          | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                                                 | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:                                       |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                                            | 307                       | 37   | 2    | 25          | 44   | 140  | 85           | 95   | 182  | 2          | 244  | 40   |
| Growth Adj:                                          | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:                                         | 307                       | 37   | 2    | 25          | 44   | 140  | 85           | 95   | 182  | 2          | 244  | 40   |
| User Adj:                                            | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:                                          | 307                       | 37   | 2    | 25          | 44   | 140  | 85           | 95   | 182  | 2          | 244  | 40   |
| Reduct Vol:                                          | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:                                         | 307                       | 37   | 2    | 25          | 44   | 140  | 85           | 95   | 182  | 2          | 244  | 40   |
| PCE Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                                             | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:                                        | 307                       | 37   | 2    | 25          | 44   | 140  | 85           | 95   | 182  | 2          | 244  | 40   |
| Saturation Flow Module:                              |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                                            | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:                                          | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                                               | 1.00                      | 1.89 | 0.11 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.70 | 0.30 |
| Final Sat.:                                          | 1750                      | 3589 | 194  | 1750        | 1900 | 1750 | 1750         | 1900 | 1750 | 1750       | 3226 | 529  |
| Capacity Analysis Module:                            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                                             | 0.18                      | 0.01 | 0.01 | 0.01        | 0.02 | 0.08 | 0.05         | 0.05 | 0.10 | 0.00       | 0.08 | 0.08 |
| Crit Moves:                                          | ****                      |      |      |             |      | **** | ****         |      |      |            | **** |      |
| Green Time:                                          | 26.8                      | 23.0 | 23.0 | 16.1        | 12.2 | 12.2 | 7.4          | 11.2 | 11.2 | 7.8        | 11.6 | 11.6 |
| Volume/Cap:                                          | 0.46                      | 0.03 | 0.03 | 0.06        | 0.13 | 0.46 | 0.46         | 0.31 | 0.65 | 0.01       | 0.46 | 0.46 |
| Delay/Veh:                                           | 16.7                      | 16.0 | 16.0 | 21.1        | 24.5 | 26.7 | 31.2         | 26.2 | 31.2 | 27.7       | 26.9 | 26.9 |
| User DelAdj:                                         | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:                                          | 16.7                      | 16.0 | 16.0 | 21.1        | 24.5 | 26.7 | 31.2         | 26.2 | 31.2 | 27.7       | 26.9 | 26.9 |
| LOS by Move:                                         | B                         | B    | B    | C           | C    | C    | C            | C    | C    | C          | C    | C    |
| HCM2k95thQ:                                          | 11                        | 1    | 1    | 1           | 2    | 7    | 5            | 4    | 10   | 0          | 7    | 7    |
| Note: Queue reported is the number of cars per lane. |                           |      |      |             |      |      |              |      |      |            |      |      |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative PM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



Street Name: North Park Victoria Drive Creed Street  
 Approach: North Bound South Bound East Bound West Bound  
 Movement: L - T - R L - T - R L - T - R L - T - R

## Volume Module:

|               |      |      |      |      |      |      |      |      |      |      |      |      |
|---------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Base Vol:     | 17   | 122  | 0    | 0    | 151  | 1    | 2    | 0    | 6    | 0    | 0    | 0    |
| Growth Adj:   | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Initial Bse:  | 17   | 122  | 0    | 0    | 151  | 1    | 2    | 0    | 6    | 0    | 0    | 0    |
| User Adj:     | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Adj:      | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Volume:   | 17   | 122  | 0    | 0    | 151  | 1    | 2    | 0    | 6    | 0    | 0    | 0    |
| Reduct Vol:   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| Final Volume: | 17   | 122  | 0    | 0    | 151  | 1    | 2    | 0    | 6    | 0    | 0    | 0    |

## Critical Gap Module:

|              |     |      |        |        |      |        |     |     |     |        |      |        |
|--------------|-----|------|--------|--------|------|--------|-----|-----|-----|--------|------|--------|
| Critical Gp: | 4.1 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 6.4 | 6.5 | 6.2 | xxxxxx | xxxx | xxxxxx |
| FollowUpTim: | 2.2 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 3.5 | 4.0 | 3.3 | xxxxxx | xxxx | xxxxxx |

## Capacity Module:

|              |      |      |        |      |      |        |      |      |      |      |      |        |
|--------------|------|------|--------|------|------|--------|------|------|------|------|------|--------|
| Cnflct Vol:  | 152  | xxxx | xxxxxx | xxxx | xxxx | xxxxxx | 308  | 308  | 152  | xxxx | xxxx | xxxxxx |
| Potent Cap.: | 1441 | xxxx | xxxxxx | xxxx | xxxx | xxxxxx | 689  | 610  | 900  | xxxx | xxxx | xxxxxx |
| Move Cap.:   | 1441 | xxxx | xxxxxx | xxxx | xxxx | xxxxxx | 683  | 603  | 900  | xxxx | xxxx | xxxxxx |
| Volume/Cap:  | 0.01 | xxxx | xxxxxx | xxxx | xxxx | xxxxxx | 0.00 | 0.00 | 0.01 | xxxx | xxxx | xxxxxx |

## Level Of Service Module:

|              |               |               |               |               |               |               |               |               |               |               |               |               |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 2Way95thQ:   | 0.0           | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| Control Del: | 7.5           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| LOS by Move: | A             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:    | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.: | xxxx          | xxxx          | xxxxxx        | xxxx          | xxxx          | xxxxxx        | xxxx          | 834           | xxxxxx        | xxxx          | xxxx          | xxxxxx        |
| SharedQueue: | 0.0           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 0.0           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shrd ConDel: | 7.5           | xxxx          | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        | xxxxxx        | 9.4           | xxxxxx        | xxxxxx        | xxxx          | xxxxxx        |
| Shared LOS:  | A             | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel: | xxxxxx        |               |               | xxxxxx        |               |               |               | 9.4           |               | xxxxxx        |               |               |
| ApproachLOS: | *             |               |               | *             |               |               |               | A             |               | *             |               |               |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

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 Intersection #1 North Park Victoria Drive & Creed Street  
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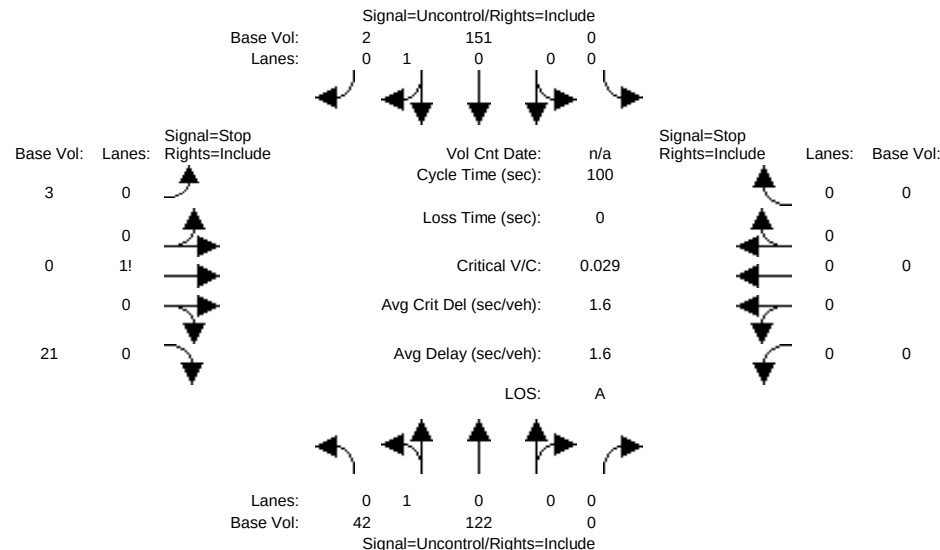
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |             |            |            |
|-----------|-------------|-------------|------------|------------|
| Approach: | North Bound | South Bound | East Bound | West Bound |
| Movement: | L - T - R   | L - T - R   | L - T - R  | L - T - R  |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative + Project PM

## Intersection #1: North Park Victoria Drive &amp; Creed Street



Street Name: North Park Victoria Drive Creed Street  
 Approach: North Bound South Bound East Bound West Bound  
 Movement: L - T - R L - T - R L - T - R L - T - R

## Volume Module:

|              |      |      |      |      |      |      |      |      |      |      |      |      |
|--------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Base Vol:    | 42   | 122  | 0    | 0    | 151  | 2    | 3    | 0    | 21   | 0    | 0    | 0    |
| Growth Adj:  | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| Initial Bse: | 42   | 122  | 0    | 0    | 151  | 2    | 3    | 0    | 21   | 0    | 0    | 0    |
| User Adj:    | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Adj:     | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| PHF Volume:  | 42   | 122  | 0    | 0    | 151  | 2    | 3    | 0    | 21   | 0    | 0    | 0    |
| Reduct Vol:  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |
| FinalVolume: | 42   | 122  | 0    | 0    | 151  | 2    | 3    | 0    | 21   | 0    | 0    | 0    |

## Critical Gap Module:

|              |     |      |        |        |      |        |     |     |     |        |      |        |
|--------------|-----|------|--------|--------|------|--------|-----|-----|-----|--------|------|--------|
| Critical Gp: | 4.1 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 6.4 | 6.5 | 6.2 | xxxxxx | xxxx | xxxxxx |
| FollowUpTim: | 2.2 | xxxx | xxxxxx | xxxxxx | xxxx | xxxxxx | 3.5 | 4.0 | 3.3 | xxxxxx | xxxx | xxxxxx |

## Capacity Module:

|              |      |      |        |        |        |        |      |      |      |        |        |        |
|--------------|------|------|--------|--------|--------|--------|------|------|------|--------|--------|--------|
| Cnflct Vol:  | 153  | xxxx | xxxxxx | xxxxxx | xxxxxx | xxxxxx | 358  | 358  | 152  | xxxxxx | xxxxxx | xxxxxx |
| Potent Cap.: | 1440 | xxxx | xxxxxx | xxxxxx | xxxxxx | xxxxxx | 644  | 572  | 900  | xxxxxx | xxxxxx | xxxxxx |
| Move Cap.:   | 1440 | xxxx | xxxxxx | xxxxxx | xxxxxx | xxxxxx | 630  | 554  | 900  | xxxxxx | xxxxxx | xxxxxx |
| Volume/Cap:  | 0.03 | xxxx | xxxxxx | xxxxxx | xxxxxx | xxxxxx | 0.00 | 0.00 | 0.02 | xxxxxx | xxxxxx | xxxxxx |

## Level Of Service Module:

|              |               |               |               |               |               |               |               |               |               |               |               |               |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 2Way95thQ:   | 0.1           | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Control Del: | 7.6           | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| LOS by Move: | A             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             | *             |
| Movement:    | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT | LT - LTR - RT |
| Shared Cap.: | xxxx          | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | 854           | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| SharedQueue: | 0.1           | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | 0.1           | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Shrd ConDel: | 7.6           | xxxx          | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | 9.3           | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| Shared LOS:  | A             | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             |
| ApproachDel: | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | 9.3           | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        | xxxxxx        |
| ApproachLOS: | *             | *             | *             | *             | *             | *             | A             | *             | *             | *             | *             | *             |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #1 North Park Victoria Drive &amp; Creed Street

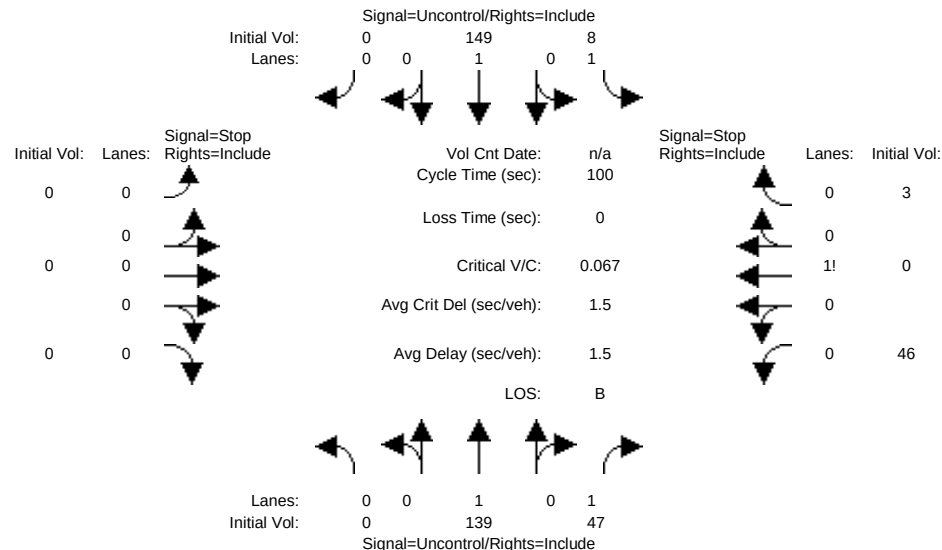
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |             |            |            |
|-----------|-------------|-------------|------------|------------|
| Approach: | North Bound | South Bound | East Bound | West Bound |
| Movement: | L - T - R   | L - T - R   | L - T - R  | L - T - R  |

## North Park Victoria Residential

 Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative PM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |       |       |
|--------------------------|---------------------------|------|-------|--------------------|-------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |       |       |
| Approach:                | North Bound               |      |       | South Bound        |       |       |
| Movement:                | L                         | T    | R     | L                  | T     | R     |
| Volume Module:           |                           |      |       |                    |       |       |
| Base Vol:                | 0                         | 139  | 47    | 8                  | 149   | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| Initial Bse:             | 0                         | 139  | 47    | 8                  | 149   | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Volume:              | 0                         | 139  | 47    | 8                  | 149   | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0     | 0     |
| Final Volume:            | 0                         | 139  | 47    | 8                  | 149   | 0     |
| Critical Gap Module:     |                           |      |       |                    |       |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | 4.1                | xxxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | 2.2                | xxxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |       |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | 187                | xxxx  | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | 1399               | xxxx  | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | 1398               | xxxx  | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | 0.01               | xxxx  | xxxx  |
| Level Of Service Module: |                           |      |       |                    |       |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | 0.0                | xxxx  | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | 7.6                | xxxxx | xxxxx |
| LOS by Move:             | *                         | *    | *     | A                  | *     | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR   | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx  | xxxxx |
| Shared Queue:            | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *     | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |       |       |
| ApproachLOS:             | *                         |      |       | *                  |       |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #2 North Park Victoria Drive &amp; Country Club Drive

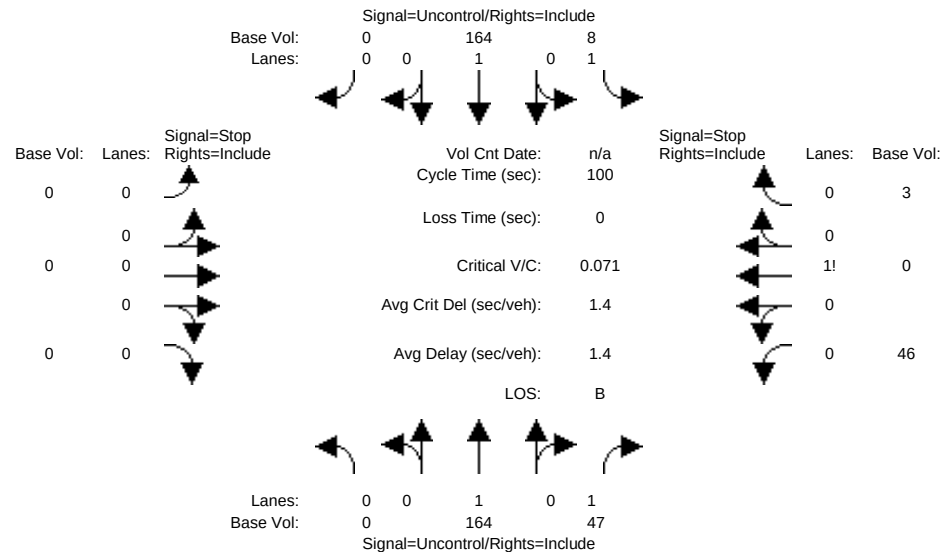
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |

## North Park Victoria Residential

Level Of Service Computation Report  
 2000 HCM Unsignalized (Base Volume Alternative)  
 Cumulative + Project PM

## Intersection #2: North Park Victoria Drive &amp; Country Club Drive



|                          |                           |      |       |                    |       |       |
|--------------------------|---------------------------|------|-------|--------------------|-------|-------|
| Street Name:             | North Park Victoria Drive |      |       | Country Club Drive |       |       |
| Approach:                | North Bound               |      |       | South Bound        |       |       |
| Movement:                | L                         | T    | R     | L                  | T     | R     |
| Volume Module:           |                           |      |       |                    |       |       |
| Base Vol:                | 0                         | 164  | 47    | 8                  | 164   | 0     |
| Growth Adj:              | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| Initial Bse:             | 0                         | 164  | 47    | 8                  | 164   | 0     |
| User Adj:                | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Adj:                 | 1.00                      | 1.00 | 1.00  | 1.00               | 1.00  | 1.00  |
| PHF Volume:              | 0                         | 164  | 47    | 8                  | 164   | 0     |
| Reduct Vol:              | 0                         | 0    | 0     | 0                  | 0     | 0     |
| Final Volume:            | 0                         | 164  | 47    | 8                  | 164   | 0     |
| Critical Gap Module:     |                           |      |       |                    |       |       |
| Critical Gp:             | xxxxx                     | xxxx | xxxxx | 4.1                | xxxxx | xxxxx |
| FollowUpTim:             | xxxxx                     | xxxx | xxxxx | 2.2                | xxxxx | xxxxx |
| Capacity Module:         |                           |      |       |                    |       |       |
| Cnflct Vol:              | xxxx                      | xxxx | xxxxx | 212                | xxxx  | xxxxx |
| Potent Cap.:             | xxxx                      | xxxx | xxxxx | 1370               | xxxx  | xxxxx |
| Move Cap.:               | xxxx                      | xxxx | xxxxx | 1369               | xxxx  | xxxxx |
| Volume/Cap:              | xxxx                      | xxxx | xxxx  | 0.01               | xxxx  | xxxx  |
| Level Of Service Module: |                           |      |       |                    |       |       |
| 2Way95thQ:               | xxxx                      | xxxx | xxxxx | 0.0                | xxxx  | xxxxx |
| Control Del:             | xxxxx                     | xxxx | xxxxx | 7.6                | xxxx  | xxxxx |
| LOS by Move:             | *                         | *    | *     | A                  | *     | *     |
| Movement:                | LT                        | LTR  | RT    | LT                 | LTR   | RT    |
| Shared Cap.:             | xxxx                      | xxxx | xxxxx | xxxx               | xxxx  | xxxxx |
| SharedQueue:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shrd ConDel:             | xxxxx                     | xxxx | xxxxx | xxxxx              | xxxx  | xxxxx |
| Shared LOS:              | *                         | *    | *     | *                  | *     | *     |
| ApproachDel:             | xxxxxx                    |      |       | xxxxxx             |       |       |
| ApproachLOS:             | *                         |      |       | *                  |       |       |

Note: Queue reported is the number of cars per lane.

## Peak Hour Delay Signal Warrant Report

## Intersection #2 North Park Victoria Drive &amp; Country Club Drive

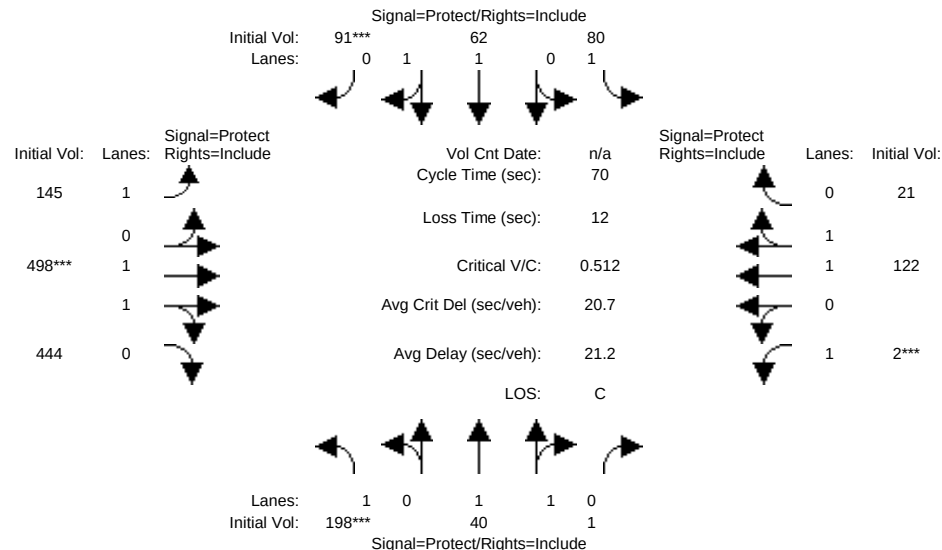
Base Volume Alternative: Peak Hour Warrant NOT Met

|           |             |   |   |             |   |   |
|-----------|-------------|---|---|-------------|---|---|
| Approach: | North Bound |   |   | South Bound |   |   |
| Movement: | L           | T | R | L           | T | R |

## North Park Victoria Residential

Level Of Service Computation Report  
2000 HCM Operations (Base Volume Alternative)  
Cumulative PM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



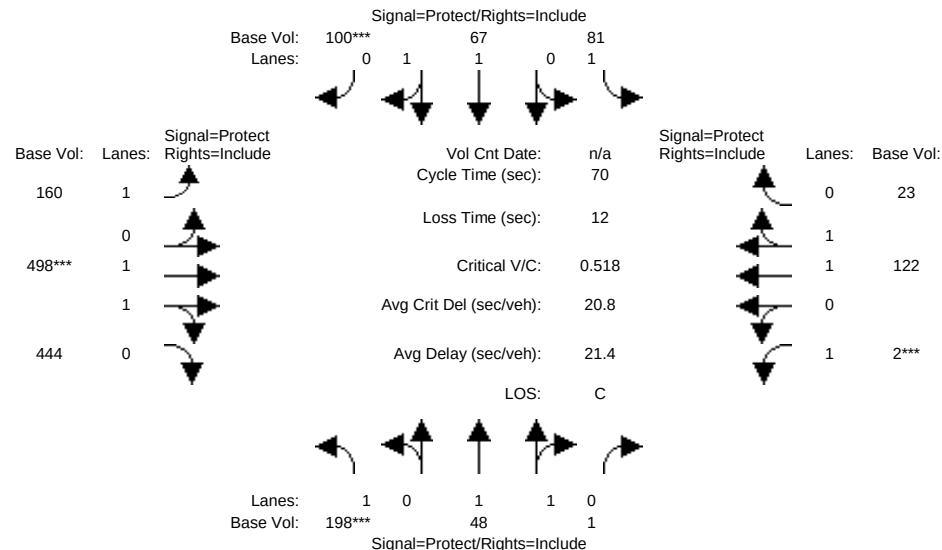
| Street Name:              | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
|---------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Approach:                 | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                 | L                         | T    | R    | L           | T    | R    | L            | T    | R    | L          | T    | R    |
| Min. Green:               | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                      | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                 | 198                       | 40   | 1    | 80          | 62   | 91   | 145          | 498  | 444  | 2          | 122  | 21   |
| Growth Adj:               | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:              | 198                       | 40   | 1    | 80          | 62   | 91   | 145          | 498  | 444  | 2          | 122  | 21   |
| User Adj:                 | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:               | 198                       | 40   | 1    | 80          | 62   | 91   | 145          | 498  | 444  | 2          | 122  | 21   |
| Reduct Vol:               | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:              | 198                       | 40   | 1    | 80          | 62   | 91   | 145          | 498  | 444  | 2          | 122  | 21   |
| PCE Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:             | 198                       | 40   | 1    | 80          | 62   | 91   | 145          | 498  | 444  | 2          | 122  | 21   |
| Saturation Flow Module:   |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                 | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:               | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                    | 1.00                      | 1.95 | 0.05 | 1.00        | 1.00 | 1.00 | 1.00         | 1.02 | 0.98 | 1.00       | 1.69 | 0.31 |
| Final Sat.:               | 1750                      | 3700 | 92   | 1750        | 1900 | 1750 | 1750         | 1931 | 1722 | 1750       | 3202 | 551  |
| Capacity Analysis Module: |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                  | 0.11                      | 0.01 | 0.01 | 0.05        | 0.03 | 0.05 | 0.08         | 0.26 | 0.26 | 0.00       | 0.04 | 0.04 |
| Crit Moves:               | ****                      |      |      |             |      | **** |              | **** |      | ****       |      |      |
| Green Time:               | 12.5                      | 13.2 | 13.2 | 9.3         | 10.0 | 10.0 | 14.6         | 28.5 | 28.5 | 7.0        | 20.9 | 20.9 |
| Volume/Cap:               | 0.63                      | 0.06 | 0.06 | 0.35        | 0.23 | 0.36 | 0.40         | 0.63 | 0.63 | 0.01       | 0.13 | 0.13 |
| Delay/Veh:                | 30.8                      | 23.3 | 23.3 | 28.5        | 26.8 | 27.7 | 24.6         | 17.5 | 17.5 | 28.4       | 18.0 | 18.0 |
| User DelAdj:              | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:               | 30.8                      | 23.3 | 23.3 | 28.5        | 26.8 | 27.7 | 24.6         | 17.5 | 17.5 | 28.4       | 18.0 | 18.0 |
| LOS by Move:              | C                         | C    | C    | C           | C    | C    | C            | B    | B    | C          | B    | B    |
| HCM2k95thQ:               | 11                        | 1    | 1    | 4           | 3    | 5    | 7            | 17   | 17   | 0          | 2    | 2    |

Note: Queue reported is the number of cars per lane.

## North Park Victoria Residential

 Level Of Service Computation Report  
 2000 HCM Operations (Base Volume Alternative)  
 Cumulative + Project PM

## Intersection #3: North Park Victoria Drive &amp; Jacklin Road



|                           |                           |      |      |             |      |      |              |      |      |            |      |      |
|---------------------------|---------------------------|------|------|-------------|------|------|--------------|------|------|------------|------|------|
| Street Name:              | North Park Victoria Drive |      |      |             |      |      | Jacklin Road |      |      |            |      |      |
| Approach:                 | North Bound               |      |      | South Bound |      |      | East Bound   |      |      | West Bound |      |      |
| Movement:                 | L                         | -    | T    | -           | R    |      | L            | -    | T    | -          | R    |      |
| Min. Green:               | 7                         | 10   | 10   | 7           | 10   | 10   | 7            | 10   | 10   | 7          | 10   | 10   |
| Y+R:                      | 4.0                       | 4.0  | 4.0  | 4.0         | 4.0  | 4.0  | 4.0          | 4.0  | 4.0  | 4.0        | 4.0  | 4.0  |
| Volume Module:            |                           |      |      |             |      |      |              |      |      |            |      |      |
| Base Vol:                 | 198                       | 48   | 1    | 81          | 67   | 100  | 160          | 498  | 444  | 2          | 122  | 23   |
| Growth Adj:               | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Initial Bse:              | 198                       | 48   | 1    | 81          | 67   | 100  | 160          | 498  | 444  | 2          | 122  | 23   |
| User Adj:                 | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| PHF Volume:               | 198                       | 48   | 1    | 81          | 67   | 100  | 160          | 498  | 444  | 2          | 122  | 23   |
| Reduct Vol:               | 0                         | 0    | 0    | 0           | 0    | 0    | 0            | 0    | 0    | 0          | 0    | 0    |
| Reduced Vol:              | 198                       | 48   | 1    | 81          | 67   | 100  | 160          | 498  | 444  | 2          | 122  | 23   |
| PCE Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| MLF Adj:                  | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| Final Volume:             | 198                       | 48   | 1    | 81          | 67   | 100  | 160          | 498  | 444  | 2          | 122  | 23   |
| Saturation Flow Module:   |                           |      |      |             |      |      |              |      |      |            |      |      |
| Sat/Lane:                 | 1900                      | 1900 | 1900 | 1900        | 1900 | 1900 | 1900         | 1900 | 1900 | 1900       | 1900 | 1900 |
| Adjustment:               | 0.92                      | 1.00 | 0.92 | 0.92        | 1.00 | 0.92 | 0.92         | 1.00 | 0.92 | 0.92       | 1.00 | 0.92 |
| Lanes:                    | 1.00                      | 1.96 | 0.04 | 1.00        | 1.00 | 1.00 | 1.00         | 1.02 | 0.98 | 1.00       | 1.66 | 0.34 |
| Final Sat.:               | 1750                      | 3716 | 77   | 1750        | 1900 | 1750 | 1750         | 1931 | 1722 | 1750       | 3154 | 595  |
| Capacity Analysis Module: |                           |      |      |             |      |      |              |      |      |            |      |      |
| Vol/Sat:                  | 0.11                      | 0.01 | 0.01 | 0.05        | 0.04 | 0.06 | 0.09         | 0.26 | 0.26 | 0.00       | 0.04 | 0.04 |
| Crit Moves:               | ****                      |      |      |             |      | **** |              | **** |      | ****       |      |      |
| Green Time:               | 12.5                      | 13.2 | 13.2 | 9.3         | 10.0 | 10.0 | 14.6         | 28.5 | 28.5 | 7.0        | 20.9 | 20.9 |
| Volume/Cap:               | 0.63                      | 0.07 | 0.07 | 0.35        | 0.25 | 0.40 | 0.44         | 0.63 | 0.63 | 0.01       | 0.13 | 0.13 |
| Delay/Veh:                | 30.8                      | 23.4 | 23.4 | 28.5        | 26.8 | 27.9 | 25.0         | 17.5 | 17.5 | 28.4       | 18.0 | 18.0 |
| User DelAdj:              | 1.00                      | 1.00 | 1.00 | 1.00        | 1.00 | 1.00 | 1.00         | 1.00 | 1.00 | 1.00       | 1.00 | 1.00 |
| AdjDel/Veh:               | 30.8                      | 23.4 | 23.4 | 28.5        | 26.8 | 27.9 | 25.0         | 17.5 | 17.5 | 28.4       | 18.0 | 18.0 |
| LOS by Move:              | C                         | C    | C    | C           | C    | C    | C            | B    | B    | C          | B    | B    |
| HCM2k95thQ:               | 11                        | 1    | 1    | 4           | 3    | 5    | 7            | 17   | 17   | 0          | 2    | 2    |

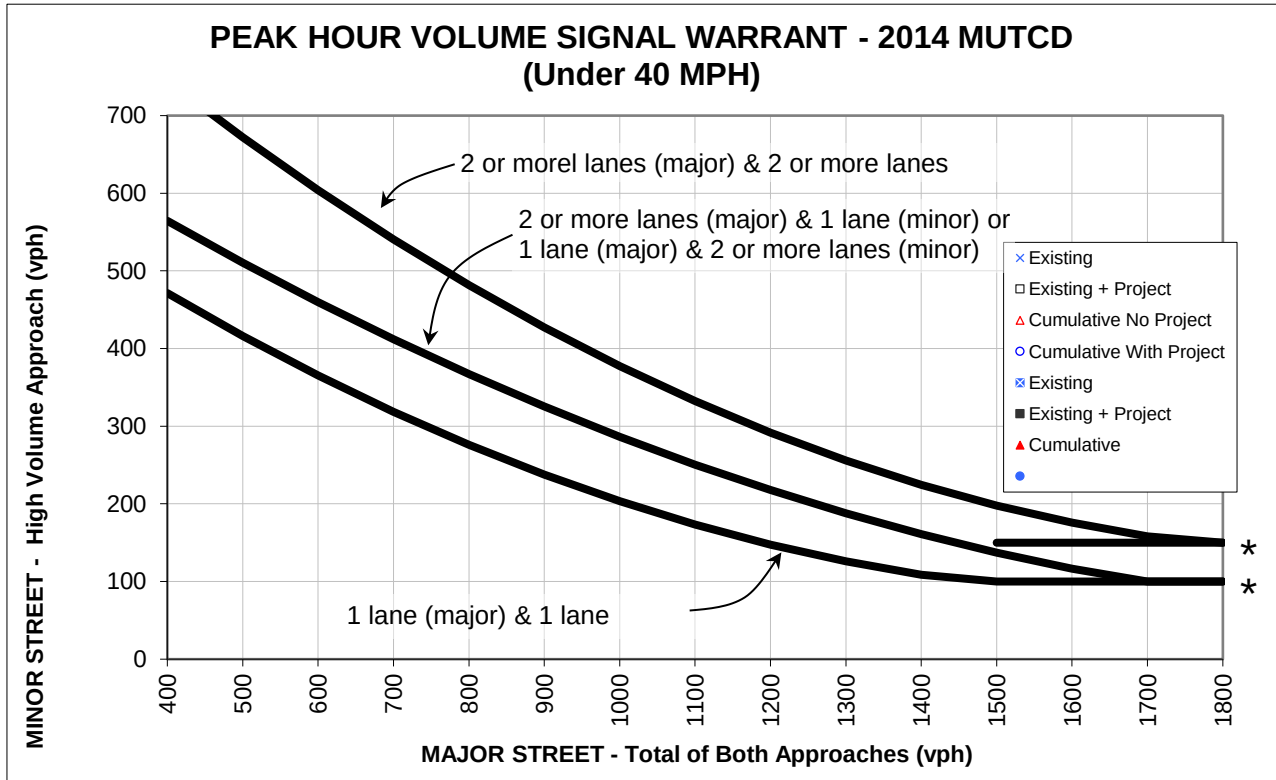
Note: Queue reported is the number of cars per lane.

## **Appendix C**

### **Traffic Signal Warrants**



## 1 North Park Victoria Drive & Creed Street



\* NOTE: 150 vph applies as the lower threshold volume for a minor street approach with 2 or more lanes and 100 vph applies as the lower threshold volume for a minor street approach with 1 lane.

### Peak Hour Volume Warrant Per 2012 MUTCD- Under 40 MPH

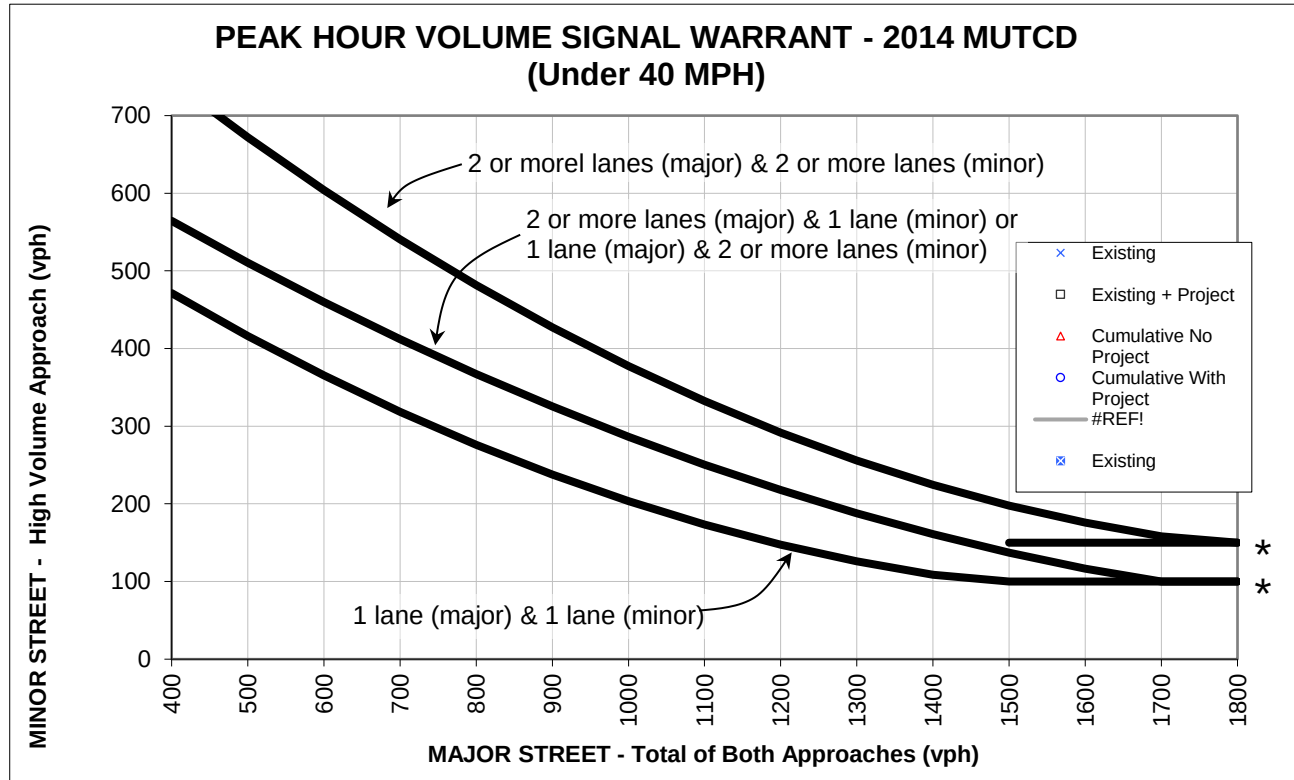
AM Peak Hour Volumes

|                                 |                 | Approach Lanes |      | Existing | Existing + Project | Cumulative |              |
|---------------------------------|-----------------|----------------|------|----------|--------------------|------------|--------------|
|                                 |                 | 2 or           |      |          |                    | No Project | With Project |
|                                 |                 | One            | More |          |                    |            |              |
| Major Street - Both Approaches  | N Park Victoria | x              |      | 194      | 202                | 204        | 212          |
| Minor Street - Highest Approach | Creed St        | x              |      | 26       | 50                 | 27         | 51           |
| Warrant Met?                    |                 |                |      | N        | N                  | N          | N            |

PM Peak Hour Volumes

|                                 |                 | Two-Peak Hour Volumes |           |          |                    |            |              |
|---------------------------------|-----------------|-----------------------|-----------|----------|--------------------|------------|--------------|
|                                 |                 | Approach Lanes        |           | Existing | Existing + Project | Cumulative |              |
|                                 |                 | One                   | 2 or More |          |                    | No Project | With Project |
| Major Street - Both Approaches  | N Park Victoria | x                     |           | 277      | 303                | 291        | 317          |
| Minor Street - Highest Approach | Creed St        | x                     |           | 8        | 24                 | 8          | 24           |
| Warrant Met?                    |                 |                       |           | N        | N                  | N          | N            |

## 2 North Park Victoria Dr & Country Club Dr



\* NOTE: 150 vph applies as the lower threshold volume for a minor street approach with 2 or more lanes and 100 vph applies as the lower threshold volume for a minor street approach with 1 lane.

### Peak Hour Volume Warrant Per 2012 MUTCD- Under 40 MPH

|                                 |                 |   |  | AM Peak Hour Volumes |                    |                    |              |
|---------------------------------|-----------------|---|--|----------------------|--------------------|--------------------|--------------|
|                                 |                 |   |  | Approach Lanes       |                    | Cumulative         |              |
|                                 |                 |   |  | One                  | 2 or More          | Existing + Project |              |
|                                 |                 |   |  | Existing             | Existing + Project | No Project         | With Project |
| Major Street - Both Approaches  | N Park Victoria | x |  | 256                  | 287                | 269                | 300          |
| Minor Street - Highest Approach | Country Club    | x |  | 40                   | 40                 | 42                 | 42           |
| Warrant Met?                    |                 |   |  | N                    | N                  | N                  | N            |

|                                 |                 |   |  | PM Peak Hour Volumes |                    |                    |              |
|---------------------------------|-----------------|---|--|----------------------|--------------------|--------------------|--------------|
|                                 |                 |   |  | Approach Lanes       |                    | Cumulative         |              |
|                                 |                 |   |  | One                  | 2 or More          | Existing + Project |              |
|                                 |                 |   |  | Existing             | Existing + Project | No Project         | With Project |
| Major Street - Both Approaches  | N Park Victoria | x |  | 327                  | 367                | 343                | 383          |
| Minor Street - Highest Approach | Country Club    | x |  | 47                   | 47                 | 49                 | 49           |
| Warrant Met?                    |                 |   |  | N                    | N                  | N                  | N            |

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## APPENDIX H

### TRIP GENERATION UPDATE



# HEXAGON TRANSPORTATION CONSULTANTS, INC.

## Memorandum

Date: November 27, 2019  
 To: Mr. Steve Chan, T.E., City of Milpitas  
 From: Brett Walinski, T.E.  
 Subject: Updated Project Description for the Proposed 1005 North Park Victoria Drive Residences

As you are aware, the project plan for the proposed 1005 North Park Victoria Drive development has been updated. The prior project plan included 36 single-family detached units and 10 ADUs (46 total units). The revised plan includes 34 single family detached units, 2 duplexes (4 units total), and 10 ADUs (48 total units). Hexagon has calculated the revised project trip generation, assuming that each of the duplex units would generate the same amount of traffic as a single family unit (see Table below). This is a conservative assumption, as duplexes tend to be smaller and have fewer residents per unit than single family homes. The results show that the revised project would generate approximately 19 additional daily trips, 2 additional AM peak hour trips, and 2 additional PM peak hour trips. Based on our review of the level of service calculations, this increase in project trips would not materially change the conclusions in our September 19, 2019 Traffic Operations Report for the subject project.

### Trip Generation for North Park Victoria Drive Residential

| Land Use                                                                                                    | Size     | Daily |           | AM Peak Hour |          |          |          | PM Peak Hour |          |          |          |
|-------------------------------------------------------------------------------------------------------------|----------|-------|-----------|--------------|----------|----------|----------|--------------|----------|----------|----------|
|                                                                                                             |          | Rate  | Trips     | Total        |          | In       | Out      | Total        |          | In       | Out      |
| <b><u>Revised Project</u></b>                                                                               |          |       |           |              |          |          |          |              |          |          |          |
| Single Family Units <sup>1</sup>                                                                            | 38 units | 9.44  | 359       | 0.74         | 29       | 7        | 22       | 0.99         | 38       | 24       | 14       |
| Apartments <sup>2</sup>                                                                                     | 10 units | 7.32  | <u>73</u> | 0.46         | <u>5</u> | <u>1</u> | <u>4</u> | 0.56         | <u>6</u> | <u>4</u> | <u>2</u> |
| Total Project Trips                                                                                         |          |       | 432       |              | 34       | 8        | 26       |              | 44       | 28       | 16       |
| <b><u>Prior Project</u></b>                                                                                 |          |       |           |              |          |          |          |              |          |          |          |
| Single Family Units <sup>1</sup>                                                                            | 36 units | 9.44  | 340       | 0.74         | 27       | 7        | 20       | 0.99         | 36       | 22       | 14       |
| Apartments <sup>2</sup>                                                                                     | 10 units | 7.32  | <u>73</u> | 0.46         | <u>5</u> | <u>1</u> | <u>4</u> | 0.56         | <u>6</u> | <u>4</u> | <u>2</u> |
| Total Project Trips                                                                                         |          |       | 413       |              | 32       | 8        | 24       |              | 42       | 26       | 16       |
| <hr/>                                                                                                       |          |       |           |              |          |          |          |              |          |          |          |
| Difference                                                                                                  |          |       | 19        |              | 2        | 0        | 2        |              | 2        | 2        | 0        |
| <hr/>                                                                                                       |          |       |           |              |          |          |          |              |          |          |          |
| <sup>1</sup> Rates based on ITE Trip Generation, 10th Edition for Single Family Detached Housing (ITE 210). |          |       |           |              |          |          |          |              |          |          |          |
| <sup>2</sup> ADUs. Based on rates for multi-family low-rise housing, ITE code 220.                          |          |       |           |              |          |          |          |              |          |          |          |

## **DRAFT**

# **MITIGATION MONITORING AND REPORTING PROGRAM**

This Draft Mitigation Monitoring and Reporting Program (MMRP) is formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the 1005 North Park Victoria Project (project). The MMRP, which is found in Table 1, lists mitigation measures recommended in the IS/MND prepared for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City of Milpitas (City) makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the Lead Agency to adopt an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance with the mitigation measures identified in the IS/MND during implementation of the project.

The MMRP is organized in a matrix format. The first two columns identify the potential impacts and corresponding mitigation measures. The third column, entitled Timeframe for Implementation, refers to when monitoring will occur to ensure that the mitigating action is completed. The fourth column, entitled Responsibility for Implementation, refers to the party responsible for implementing the mitigation measure. The fifth column, entitled, Oversight of Implementation, refers to the party responsible for oversight or ensuring that the mitigation measure is implemented.

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**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                                                                         | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Timeframe for Implementation           | Responsibility for Implementation         | Oversight of Implementation          |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|--------------------------------------|
| <b>4.1 Aesthetics</b>                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |                                           |                                      |
| The proposed project could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. | <b>AES-1:</b> Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project design and building materials shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with Sections XI-10-45.15-3 of the City's Zoning Ordinance and the proposed lighting plan shall be reviewed and approved by the City's Planning Division prior to issuance of a building permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Prior to issuance of a building permit | Project Applicant                         | City of Milpitas Planning Department |
| <b>4.3 Air Quality</b>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |                                           |                                      |
| The proposed project could violate air quality standards or contribute to an existing or projected air quality violation.                      | <b>AIR-1:</b> In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented: <ul style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>All visible mud or dirt tracked-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.</li> <li>All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> <li>Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>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 [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>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.</li> <li>A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations</li> </ul> | During all phases of construction      | Project Applicant/Construction Contractor | City of Milpitas Planning Department |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                                                                                                                                                                                                                                                               | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Timeframe for Implementation                                                      | Responsibility for Implementation          | Oversight of Implementation                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------|
| The proposed project could expose sensitive receptors to substantial pollutant concentrations as a result of its proximity to Interstate 680.                                                                                                                                                                                        | <p><b>Project-Specific Condition of Approval AIR-1:</b> The following measures shall be required to reduce TACs and particulate matter indoors to a level sufficient to achieve compliance with BAAQMD health risk thresholds:</p> <ul style="list-style-type: none"> <li>The project applicant shall provide a heating, ventilation, and air conditioning (HVAC) system with a control efficiency sufficient to result in a reduction of a minimum 75.0 percent of particulates of 2.5 microns or less, such as Minimum Efficiency Reporting Value (MERV)-12 filters or greater, for indoor air filtration systems. The ventilation system shall be certified to achieve the stated performance effectiveness from indoor areas.</li> <li>The project applicant shall locate all air intakes as far away from I-680 as feasible.</li> <li>The project applicant shall disclose to potential occupants of the project that the proximity of the project site to the freeway could result in increased long-term health risks. The disclosure shall indicate the specifications for the installed air filtration system.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                      | Prior to issuance of a building permit                                            | Project Applicant                          | <p>City of Milpitas Planning Department</p> <p>City of Milpitas Public Works Department</p> |
| <b>4.4 Biological Resources</b>                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                   |                                            |                                                                                             |
| The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on 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. | <p><b>BIO-1:</b> To the extent feasible, vegetation removal shall be conducted during the non-nesting season for birds (i.e., between September 1 and January 31). If vegetation removal occurs during the nesting season (February 1 to August 31), suitable nesting habitat within the project site shall be surveyed by a qualified biologist (biologist) no more than 14 days prior to ground disturbing/vegetation removal activities and again within 2 days (48 hours) of such activities. Areas outside the project site shall not be surveyed for active nests unless nests are visible from the project site.</p> <p>If an active nest is found, the biologist shall identify a no-work buffer around the nest until the young have fledged or the nest has otherwise become inactive. The minimum buffer should be 25 feet, but this distance may be modified due to site-specific conditions. Buffer distances for bird nests would be site specific and an appropriate distance, as determined by the biologist. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward project personnel, standing up from a</p> | Prior to vegetation removal, vegetation trimming, or ground-disturbing activities | Project Applicant/ Construction Contractor | City of Milpitas Planning Department                                                        |



**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                                      | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Timeframe for Implementation                            | Responsibility for Implementation          | Oversight of Implementation          |
|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------|--------------------------------------|
| <i>BIO-1 continued</i>                                                                                      | <p>brooding position, and/or flying away from the nest. The biologist shall have the authority to stop project activities if a bird exhibits abnormal behavior that may cause reproductive failure such as nest abandonment and loss of eggs and/or young until an appropriate buffer is established.</p> <p>The qualified biologist shall monitor at least weekly the behavior of the adult and young birds, when present, at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged and have completely left the nest site and are no longer being fed by the parents, as determined by the qualified biologist. If necessary, the biologist shall consult with CDFW regarding appropriate action to comply with the California Fish and Game Code.</p> <p>If a lapse in project-related work of 7 days or longer occurs, another focused nest survey shall be required before project work resumes.</p>                                                                                                                                         |                                                         |                                            |                                      |
| The proposed project could conflict with the City's Tree Preservation Ordinance                             | <u>BIO-2</u> : Prior to the issuance of a demolition or grading permit, the Planning Director, or designated Planning Department staff person, shall confirm that the project applicant has obtained a tree removal permit for any tree to be removed from the project site and has complied with the City of Milpitas Tree Preservation Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Prior to the issuance of a demolition or grading permit | Project Applicant                          | City of Milpitas Planning Department |
| <b>4.5 Cultural Resources</b>                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                         |                                            |                                      |
| The proposed project could cause a substantial adverse change in the significance of a historical resource. | <u>CULT-1</u> : Should an archaeological deposit be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods and findings shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest | Prior to any ground disturbing activities               | Project Applicant/ Construction Contractor | City of Milpitas Planning Department |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                                                          | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Timeframe for Implementation            | Responsibility for Implementation             | Oversight of Implementation             |
|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-----------------------------------------|
| <i>CULT-1 continued</i>                                                                                                         | <p>University. Significant archaeological materials shall be submitted to an appropriate curation facility and used for public interpretive displays, as appropriate and in coordination with a local Native American tribal representative.</p> <p>The applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits and shall verify that the following directive has been included in the appropriate contract documents:</p> <p><i>“The subsurface of the construction site may be sensitive for Native American archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include shellfish remains; bones; flakes of, and tools made from, obsidian, chert, and basalt; and mortars and pestles. Contractor acknowledges and understands that excavation or removal of archaeological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”</i></p> <p>Work stoppage in the event of an archaeological discovery would ensure that: (1) if archaeological cultural resources are identified during excavation, these would be evaluated, documented, and studied in accordance with standard archaeological practice; and (2) archaeological deposits and human remains would be treated in accordance with appropriate State codes and regulations. As such, implementation of the above mitigation measures would reduce the project’s potential impacts to archaeological historical resources to a less-than-significant level.</p> |                                         |                                               |                                         |
| <b>4.7 Geology and Soils</b>                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                         |                                               |                                         |
| The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. | <b>GEO-1:</b> Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation measure, a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | During all ground disturbing activities | Project Applicant/<br>Construction Contractor | City of Milpitas<br>Planning Department |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                 | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Timeframe for Implementation | Responsibility for Implementation | Oversight of Implementation |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------|-----------------------------|
| <i>GEO-1 continued</i> | <p>"qualified paleontologist" shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate. The project applicant shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:</p> <p><i>"The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones.</i></p> <p><i>Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."</i></p> |                              |                                   |                             |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                      | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Timeframe for Implementation             | Responsibility for Implementation | Oversight of Implementation          |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------|--------------------------------------|
| <b>4.8 Greenhouse Gas Emissions</b>                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                   |                                      |
| The proposed project may be inconsistent with the City's adopted Climate Action Plan.       | <p><b>GHG-1:</b> The project applicant shall demonstrate compliance with the applicable measures to the City Planning Division prior to the issuance of a building permit. The following measures are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:</p> <ul style="list-style-type: none"> <li>• Install Energy Star appliances.</li> <li>• Install on-site renewable energy, such as solar panels.</li> <li>• Use water-efficient irrigation systems and use reclaimed water, when available.</li> <li>• Provide plug-in hybrid and electric vehicle home charging stations.</li> <li>• Provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Prior to issuance of a building permit   | Project Applicant                 | City of Milpitas Planning Department |
| <b>4.10 Hydrology and Water Quality</b>                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                   |                                      |
| The proposed project could violate water quality standards or waste discharge requirements. | <p><b>HYD-1:</b> Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000-DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities.</p> <p>The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.</p> <p>The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.</p> | Prior to the issuance of grading permits | Project Applicant                 | City of Milpitas Planning Department |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                                                                                                                            | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Timeframe for Implementation             | Responsibility for Implementation          | Oversight of Implementation          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------|--------------------------------------|
| The proposed project could violate water quality standards or waste discharge requirements.                                                                                                       | <p><b>HYD-2:</b> The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:</p> <ul style="list-style-type: none"> <li>• An inventory and accounting of existing and proposed impervious areas.</li> <li>• Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.</li> <li>• Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.</li> <li>• A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project.</li> </ul> | Prior to the issuance of grading permits | Project Applicant                          | City of Milpitas Planning Department |
| <b>4.13 Noise</b>                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                          |                                            |                                      |
| The proposed project could expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. | <p><b>NOI-1:</b> The project contractor shall implement the following measures during construction of the project:</p> <ul style="list-style-type: none"> <li>• Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</li> <li>• Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.</li> <li>• Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.</li> <li>• Ensure that all general construction related activities are restricted to 7:00 a.m. and 7:00 p.m.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | During all phases of construction        | Project Applicant/ Construction Contractor | City of Milpitas Planning Department |

**Table 1: Mitigation Monitoring and Reporting Program**

| Impact                                                                                          | Mitigation Measures/Project-Specific Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                              | Timeframe for Implementation               | Responsibility for Implementation | Oversight of Implementation                                                                 |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------|
| <i>NOI-1 continued</i>                                                                          | <ul style="list-style-type: none"> <li>Designate a "disturbance coordinator" at the City of Milpitas who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.</li> </ul>                                                   |                                            |                                   |                                                                                             |
| The proposed project could conflict with the City's noise and land use compatibility standards. | <p><u>NOI-2:</u> In order to comply with the City's noise and land use compatibility standards, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>The proposed project shall include the installation of air conditioning which would allow hotel room windows to remain closed.</li> <li>Standard building construction requirements consisting of windows and doors with a minimum rating of STC-27 are incorporated.</li> </ul> | Prior to the issuance of a building permit | Project Applicant                 | <p>City of Milpitas Planning Department</p> <p>City of Milpitas Public Works Department</p> |

Source: LSA 2019.

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NORTH PARK VICTORIA

MILPITAS, CA

SHEET INDEX

|      |                                                     |
|------|-----------------------------------------------------|
| A-1  | COVER SHEET                                         |
| A-2  | PLAN 1 - FLOOR PLANS                                |
| A-3  | PLAN 1X - FLOOR PLANS                               |
| A-4  | PLAN 1 - ROOF PLANS 'A'; 'DX'                       |
| A-5  | PLAN 1 - EXTERIOR ELEVATIONS 'A'                    |
| A-6  | PLAN 1X - EXTERIOR ELEVATIONS 'D'                   |
| A-7  | PLAN 2 - FLOOR PLANS - BASE PLANS                   |
| A-8  | PLAN 2 - FLOOR PLANS - PARTIAL PLANS 'C' & 'D'      |
| A-9  | PLAN 2 - ROOF PLANS 'A'; 'C'; 'D'                   |
| A-10 | PLAN 2 - EXTERIOR ELEVATIONS 'A'                    |
| A-11 | PLAN 2 - EXTERIOR ELEVATIONS 'C'                    |
| A-12 | PLAN 2 - EXTERIOR ELEVATIONS 'D'                    |
| A-13 | PLAN 3 - FLOOR PLANS - BASE PLANS                   |
| A-14 | PLAN 3 - FLOOR PLANS - PARTIAL PLANS 'B'; 'C' & 'D' |
| A-15 | PLAN 3 - ROOF PLANS 'A' & 'B'                       |
| A-16 | PLAN 3 - ROOF PLANS 'C' & 'D'                       |
| A-17 | ADU - FLOOR PLANS 'GA'; 'GB'; 'GC'                  |
| A-18 | ADU - ROOF PLANS 'GA'; 'GB'; 'GC'                   |
| A-19 | PLAN 3 - EXTERIOR ELEVATIONS 3A WITH GA AT LOT 38   |
| A-20 | PLAN 3 - EXTERIOR ELEVATIONS 3A WITH GA AT LOT 38   |

|      |                                                   |
|------|---------------------------------------------------|
| A-21 | PLAN 3 - EXTERIOR ELEVATIONS 3B WITH GC AT LOT 36 |
| A-22 | PLAN 3 - EXTERIOR ELEVATIONS 3B WITH GC AT LOT 36 |
| A-23 | PLAN 3 - EXTERIOR ELEVATIONS 3C WITH GB AT LOT 37 |
| A-24 | PLAN 3 - EXTERIOR ELEVATIONS 3C WITH GB AT LOT 37 |
| A-25 | PLAN 3 - EXTERIOR ELEVATIONS 3D WITH GA AT LOT 35 |
| A-26 | PLAN 3 - EXTERIOR ELEVATIONS 3D WITH GA AT LOT 35 |
| A-27 | PLAN 4 (PAIRED UNIT) - FLOOR PLANS                |
| A-28 | PLAN 4 (PAIRED UNIT) - ROOF PLANS 'C'             |
| A-29 | PLAN 4 (PAIRED UNIT) - EXTERIOR ELEVATIONS 'C'    |
| A-30 | SITE SECTION 'A'                                  |

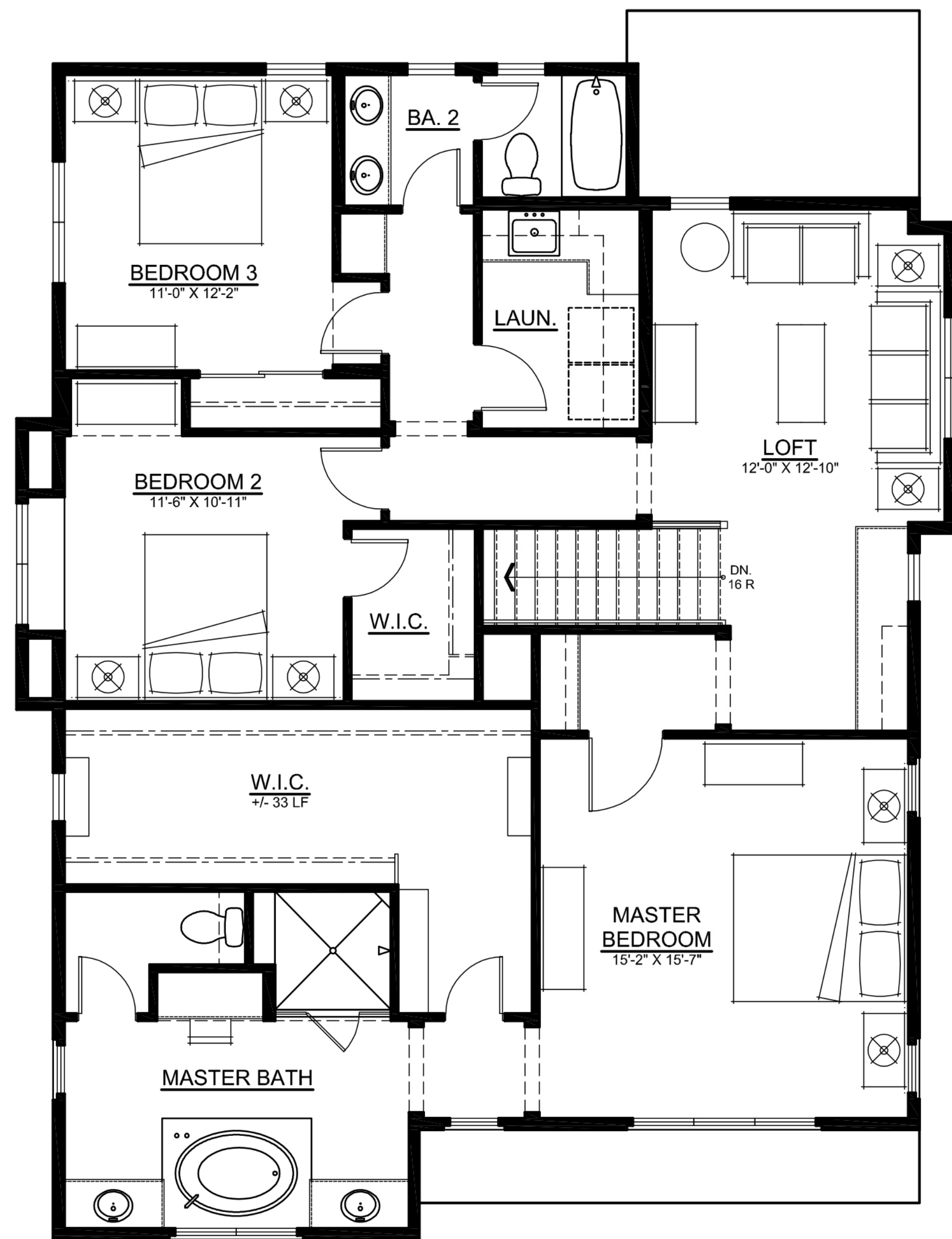
100% SCHEMATIC DESIGN

ROBSON HOMES

PROJECT NUMBER: 16035    11/27/19

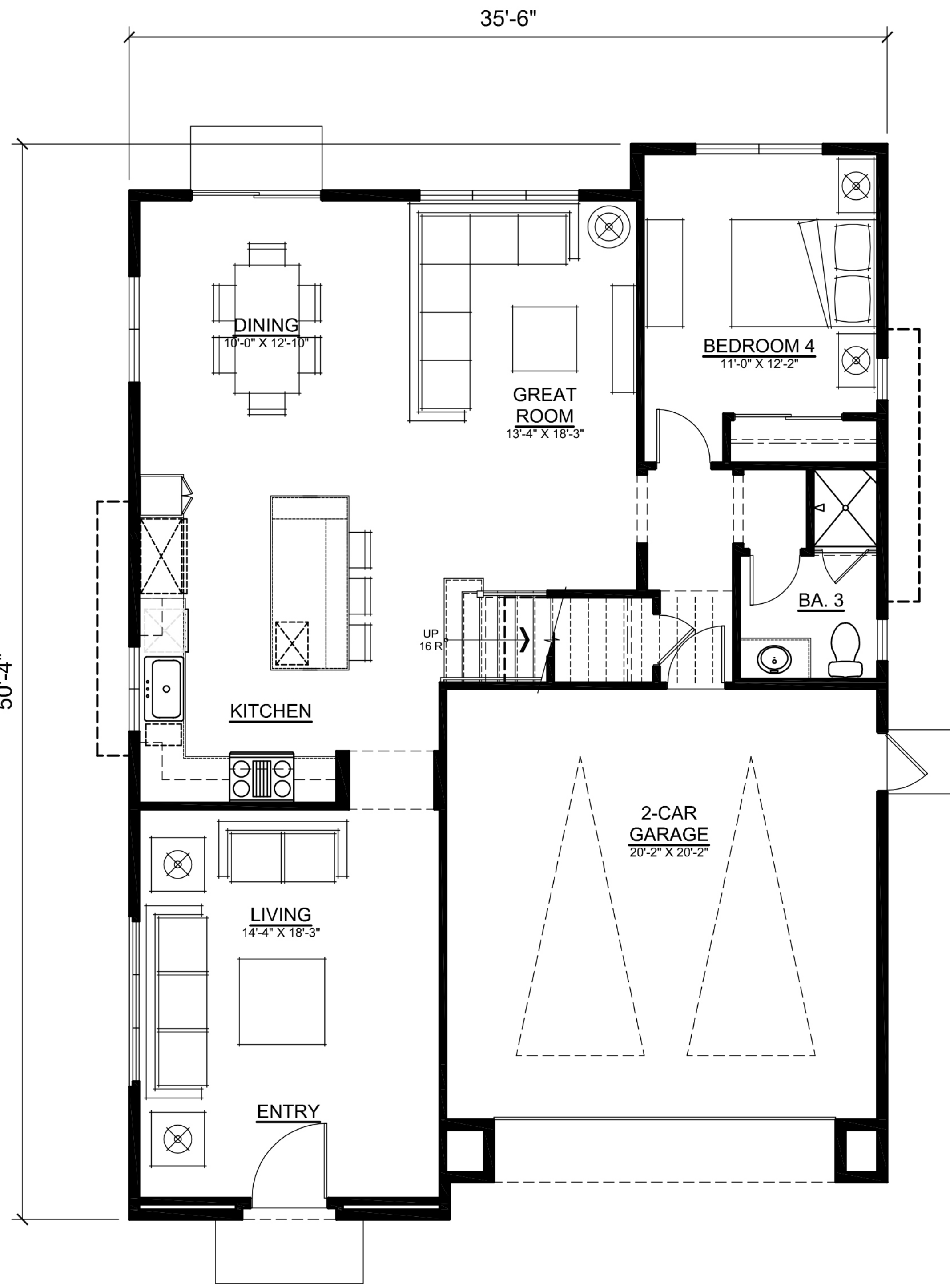
- A ELEVATIONS – SPANISH VERSION 1**  
– ALL STUCCO, FOAM CORNICE EAVES, 'S' TILE, AND SHARED DETAILING ELEMENTS (1A, 2A, 3A)
- B ELEVATIONS - MONTEREY VERSION 1**  
– PREDOMINANTLY STUCCO WITH BRICK VENEER AND LAP SIDING ENHANCEMENTS, FLAT TILE (3B)
- C ELEVATIONS – MONTEREY VERSION 2**  
– PREDOMINANTLY STUCCO WITH BOARD & BATTEN ENHANCEMENTS, FLAT TILE, AND SHARED DETAILING ELEMENTS (2C & 3C)
- D ELEVATIONS – SPANISH VERSION 2**  
– ALL STUCCO, COMBINATION OF FOAM CORNICE AND WOOD RAFTER TAILS EAVES, AND SHARED DETAILING ELEMENTS (1DX, 2D, 3D)





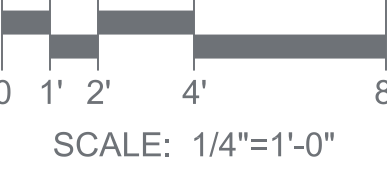
SECOND FLOOR  
(1,556 SF)

PLAN 1  
(‘A’ ELEVATION)  
TOTAL: 2,799 SF



FIRST FLOOR  
(1,243 SF)

# PLAN 1 FLOOR PLAN



NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

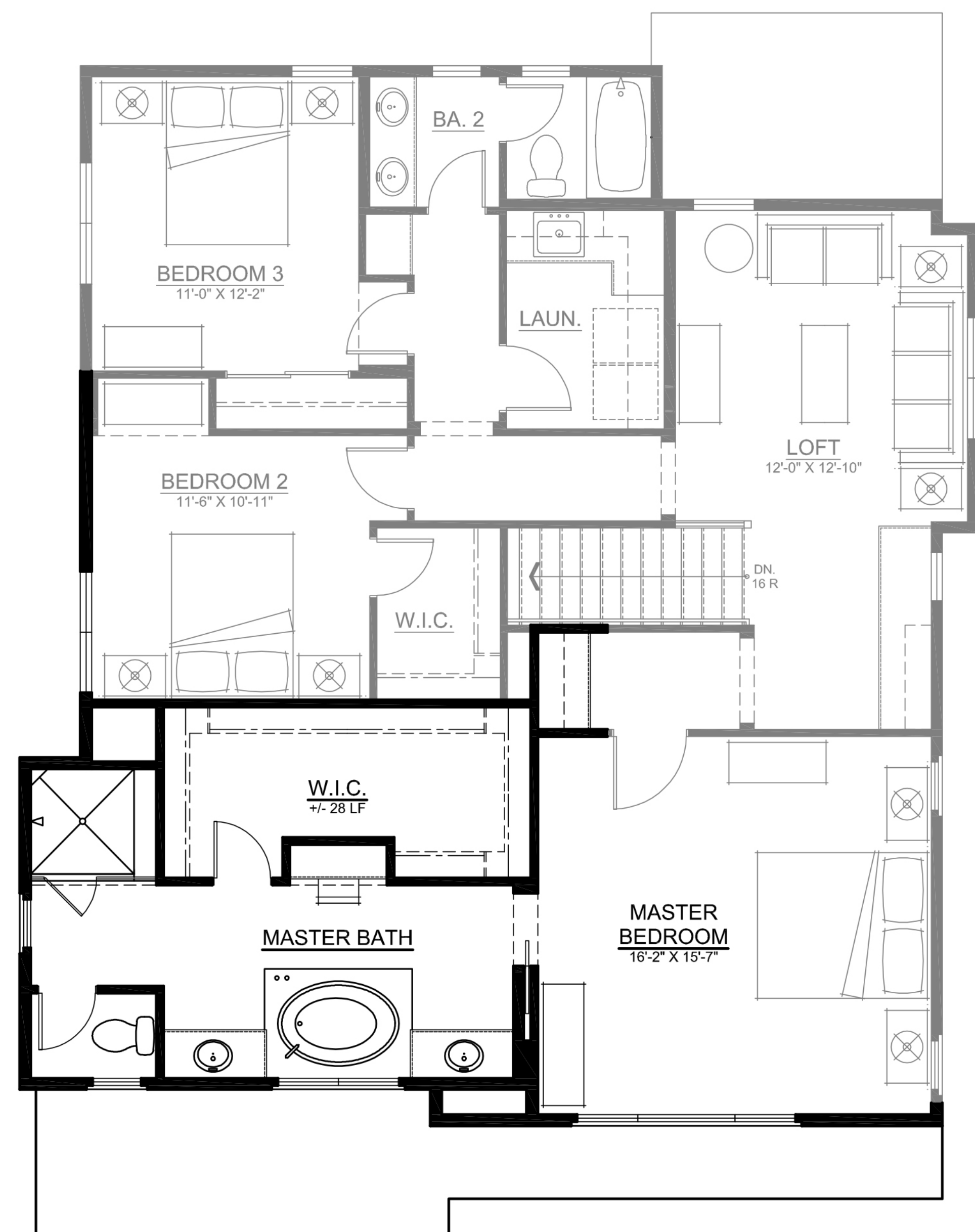
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19



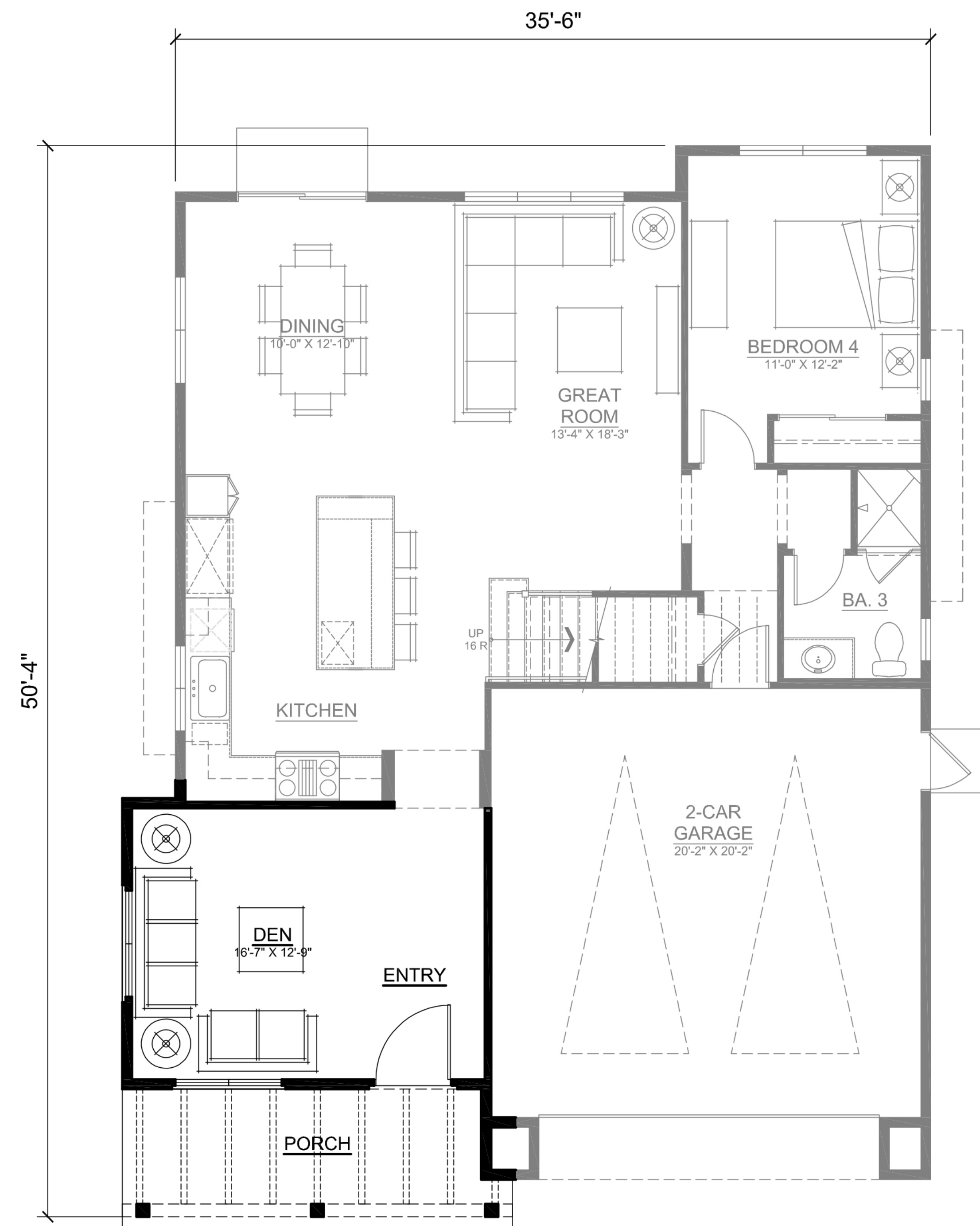


SECOND FLOOR  
(1,477 SF)

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

PLAN 1X  
(‘DX’ ELEVATION)  
TOTAL: 2,676 SF

DESIGN FOCUS  
LANDSCAPE



FIRST FLOOR  
(1,199 SF)

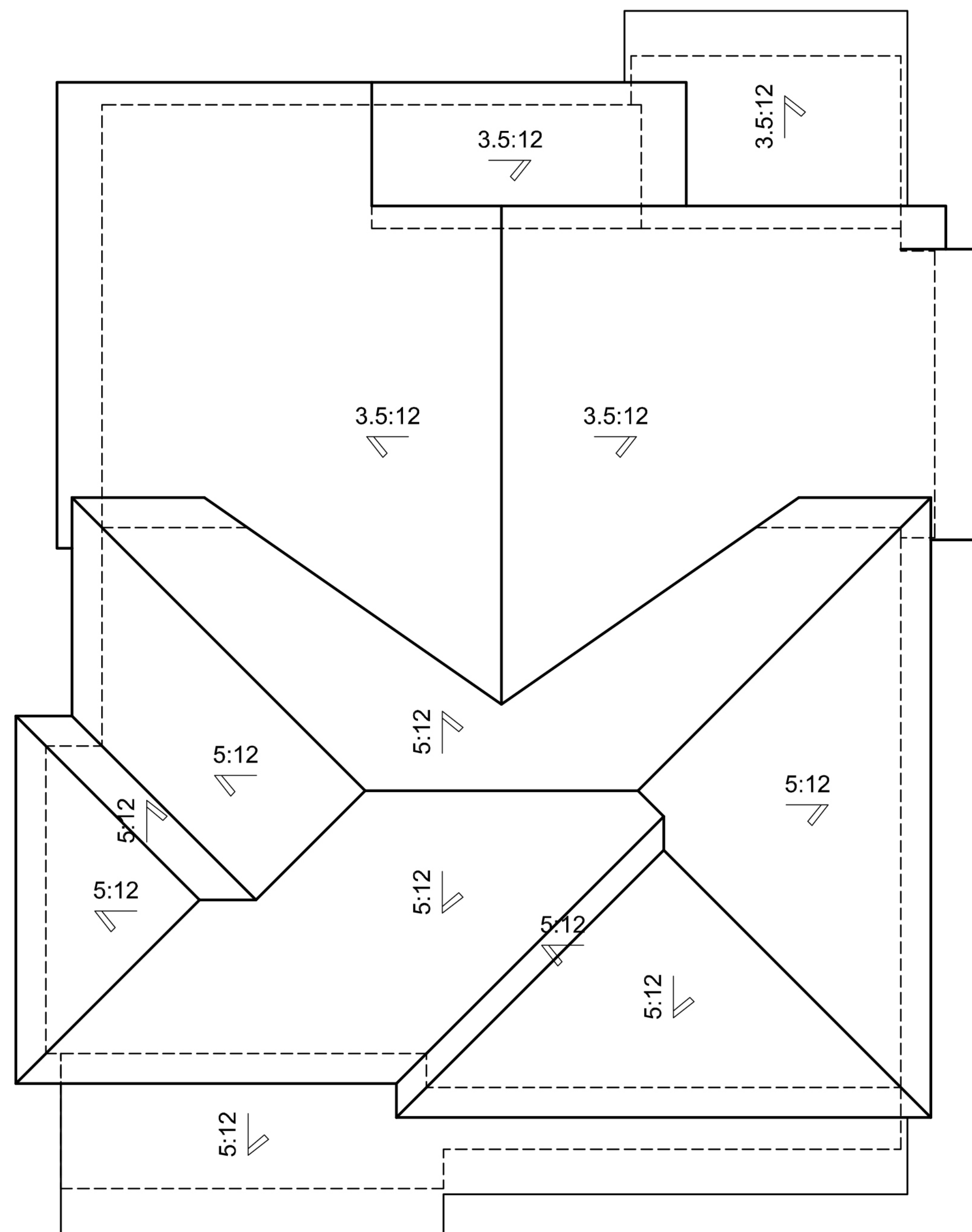
## PLAN 1X FLOOR PLAN



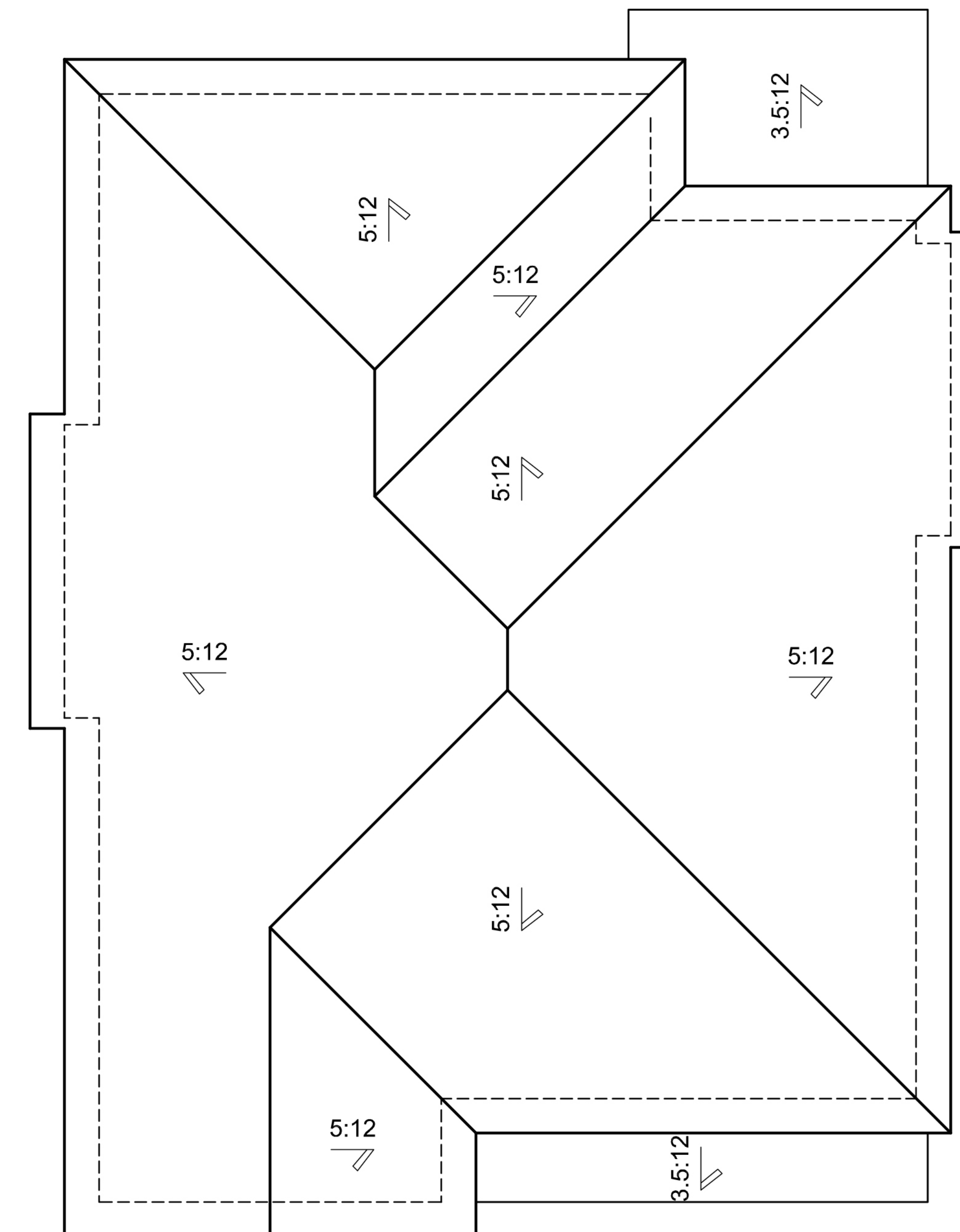
ROBSON HOMES

16035.01 11/27/19





'1DX' ELEVATION



'1A' ELEVATION

## PLAN 1

**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

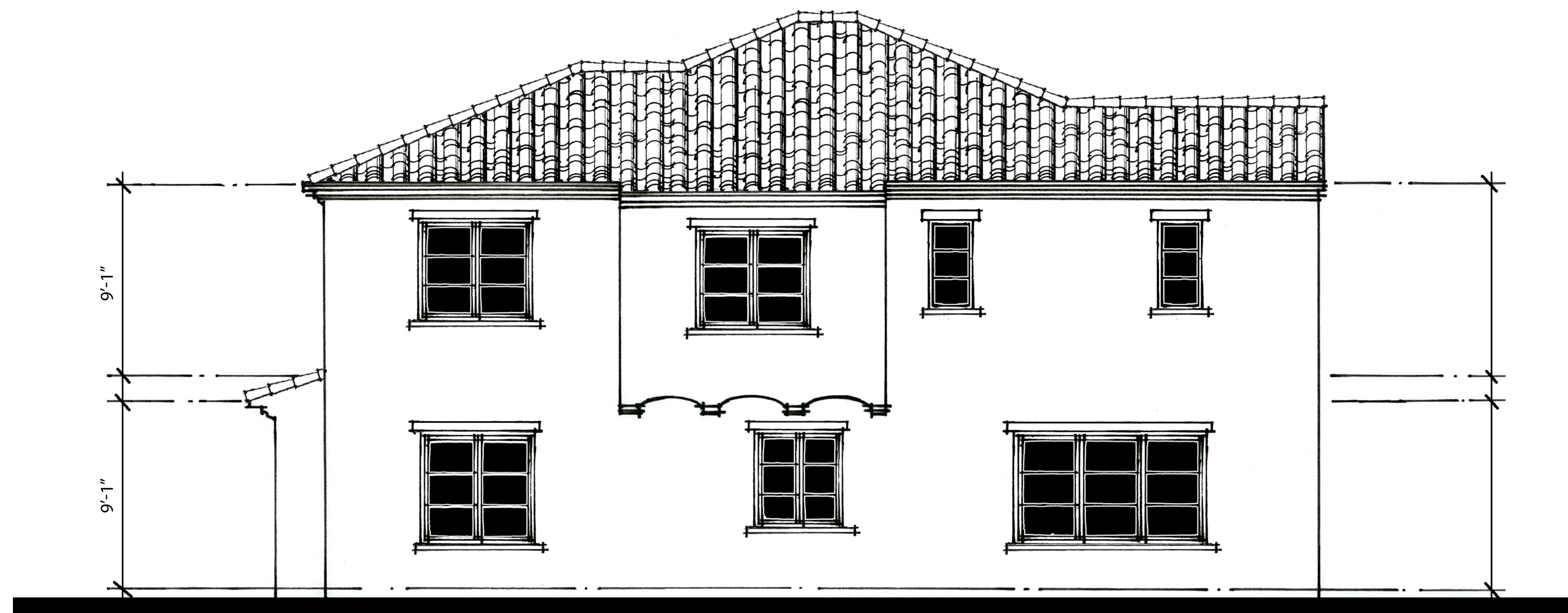
## ROOF PLANS



**ROBSON HOMES**

16035.01 11/27/19





LEFT



FRONT  
SCHEME 4



RIGHT



REAR

PLAN 1A  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ELEVATIONS

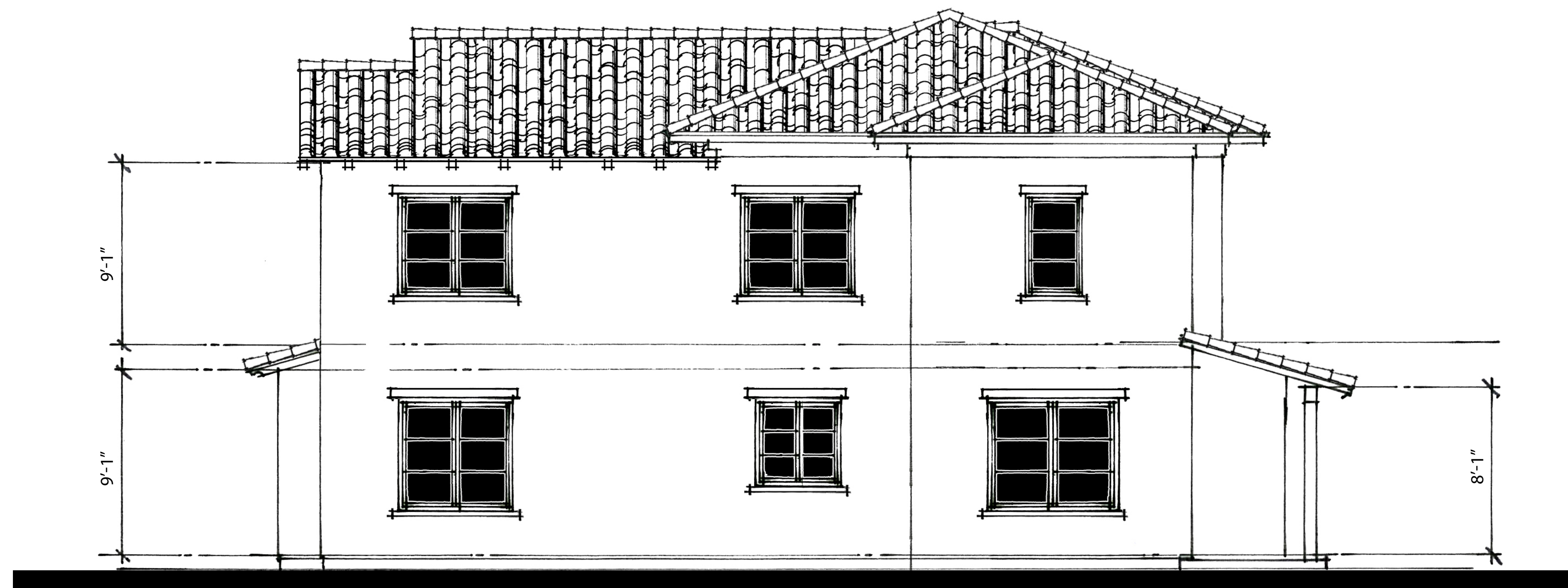
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SCALE: 1/4"=1'-0"

ROBSON HOMES

16035.01 11/27/19

A-5





LEFT



FRONT  
SCHEME 6



RIGHT



REAR

PLAN 1DX  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

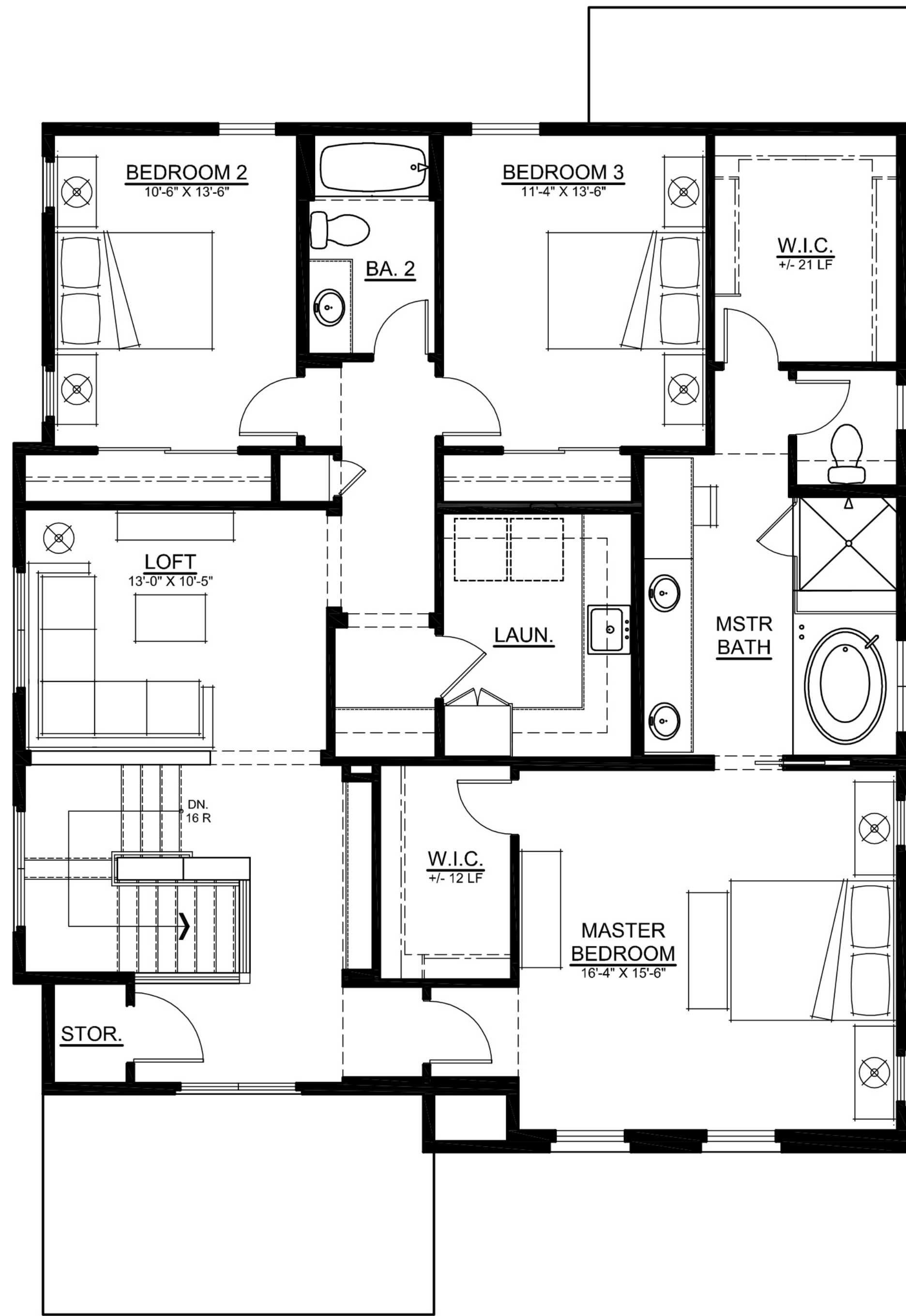
ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

ROBSON HOMES

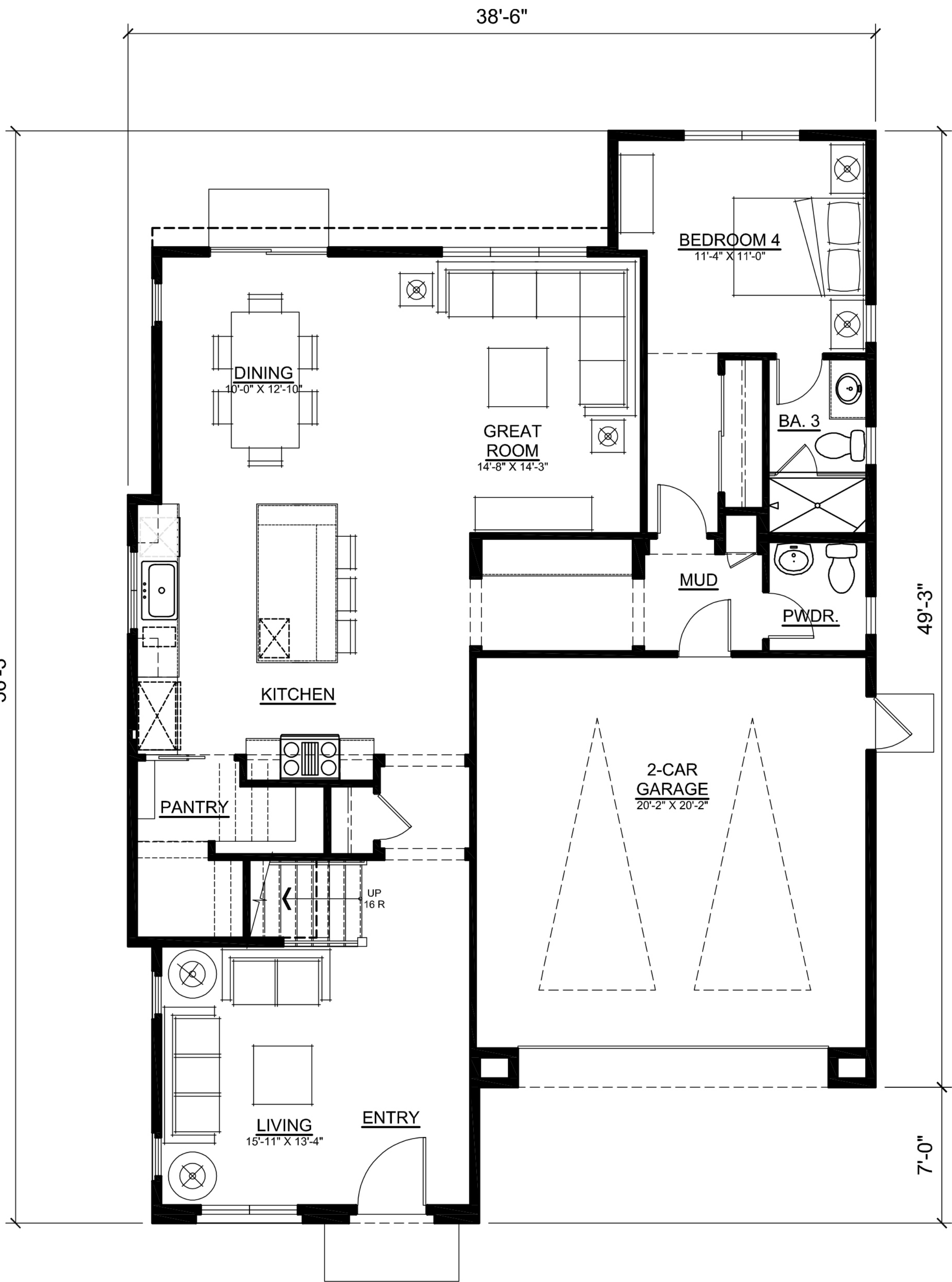
16035.01 11/27/19





SECOND FLOOR  
(1,550 SF)

**PLAN 2**  
(‘A’ ELEVATION)  
TOTAL: 2,931 SF

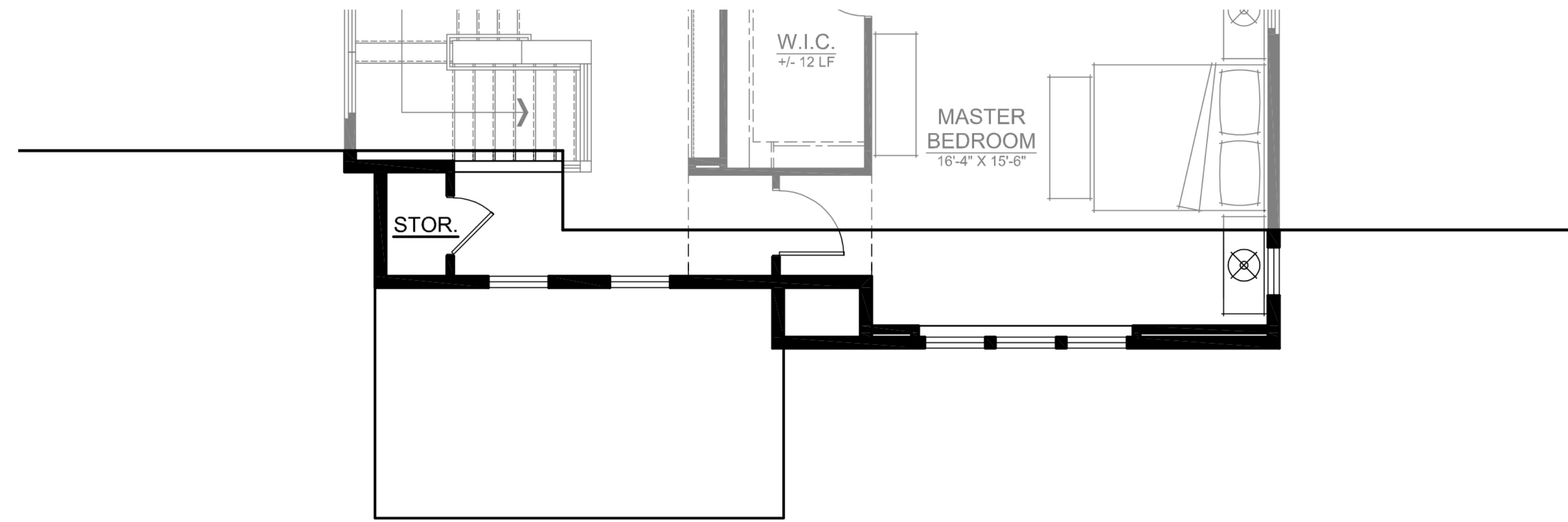


FIRST FLOOR  
(1,381 SF)

**PLAN 2 FLOOR PLAN**

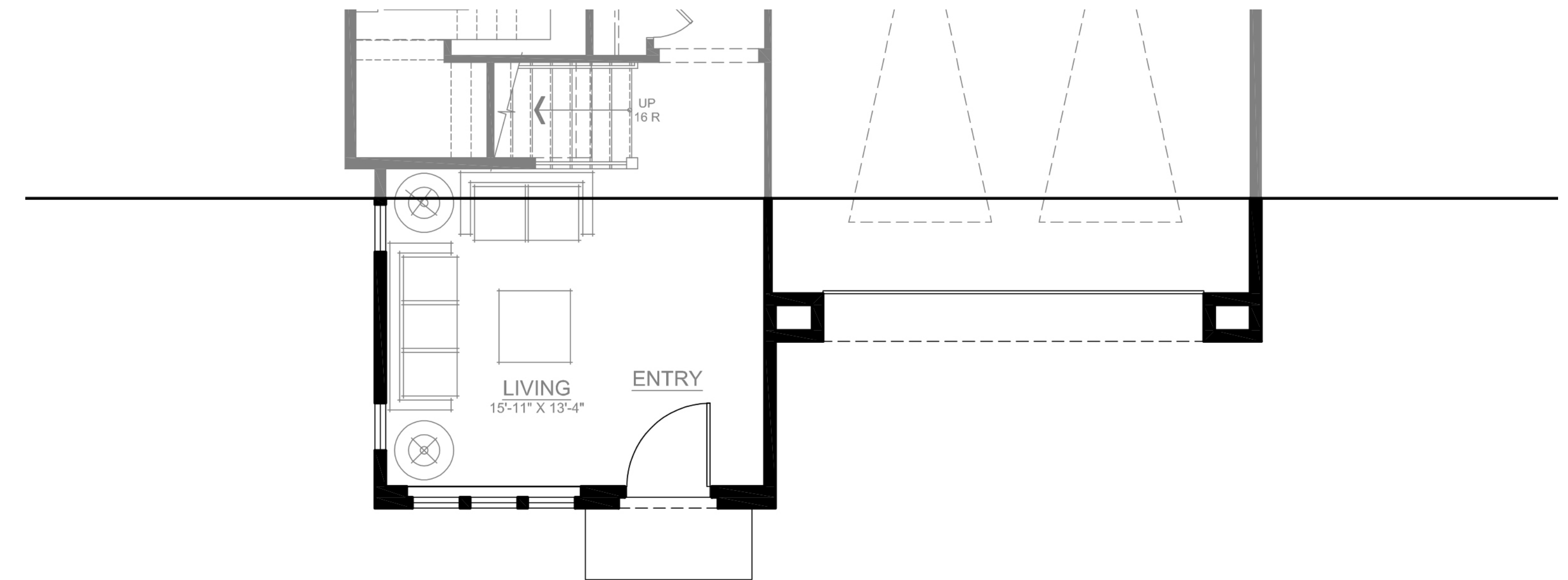




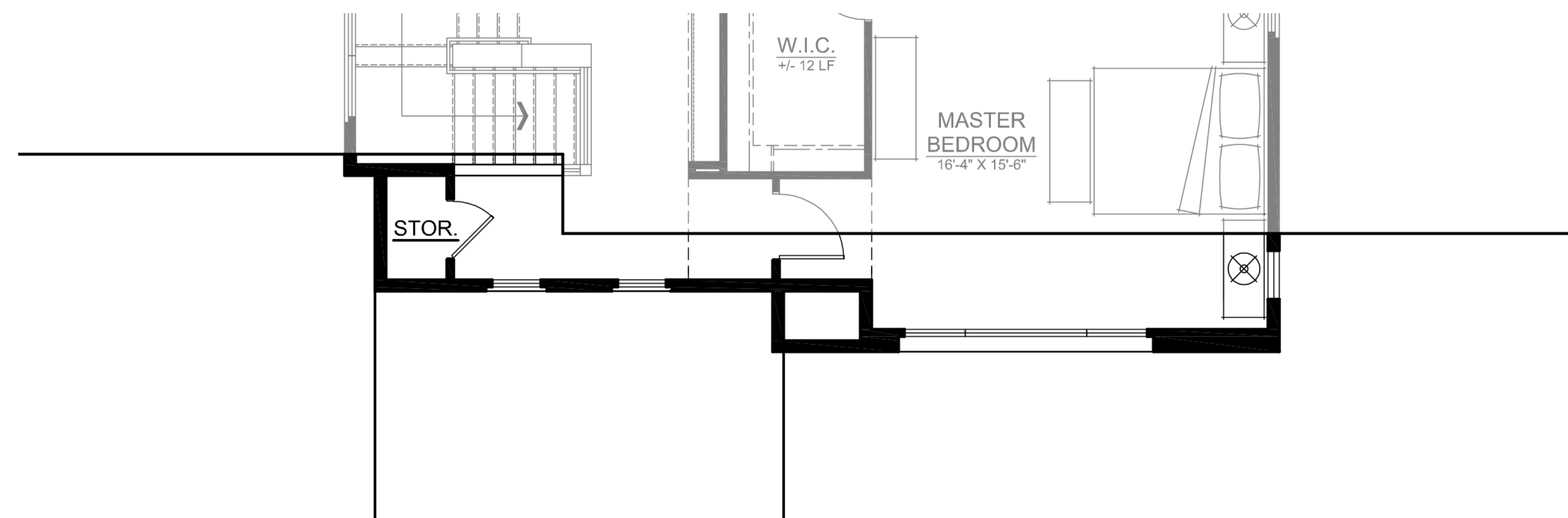


SECOND FLOOR

'C' ELEVATION

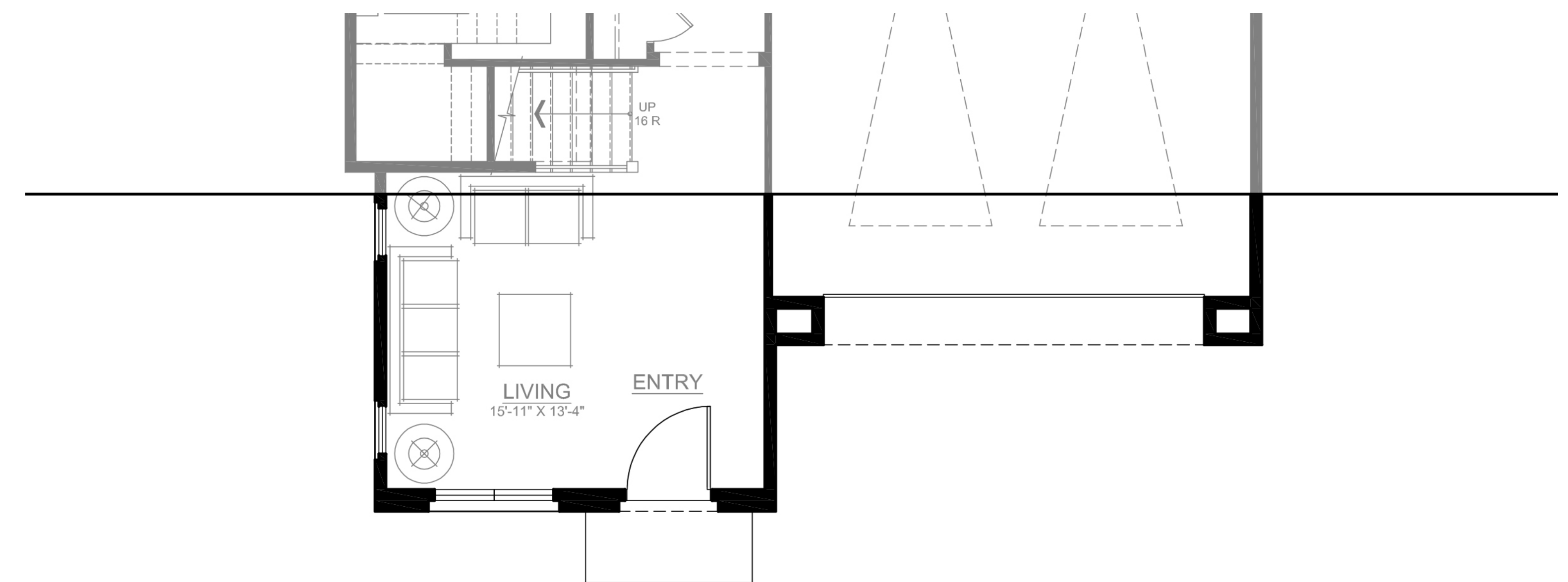


FIRST FLOOR



SECOND FLOOR

'D' ELEVATION



FIRST FLOOR

**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA

**PLAN 2**

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

**PLAN 2 FLOOR PLAN**

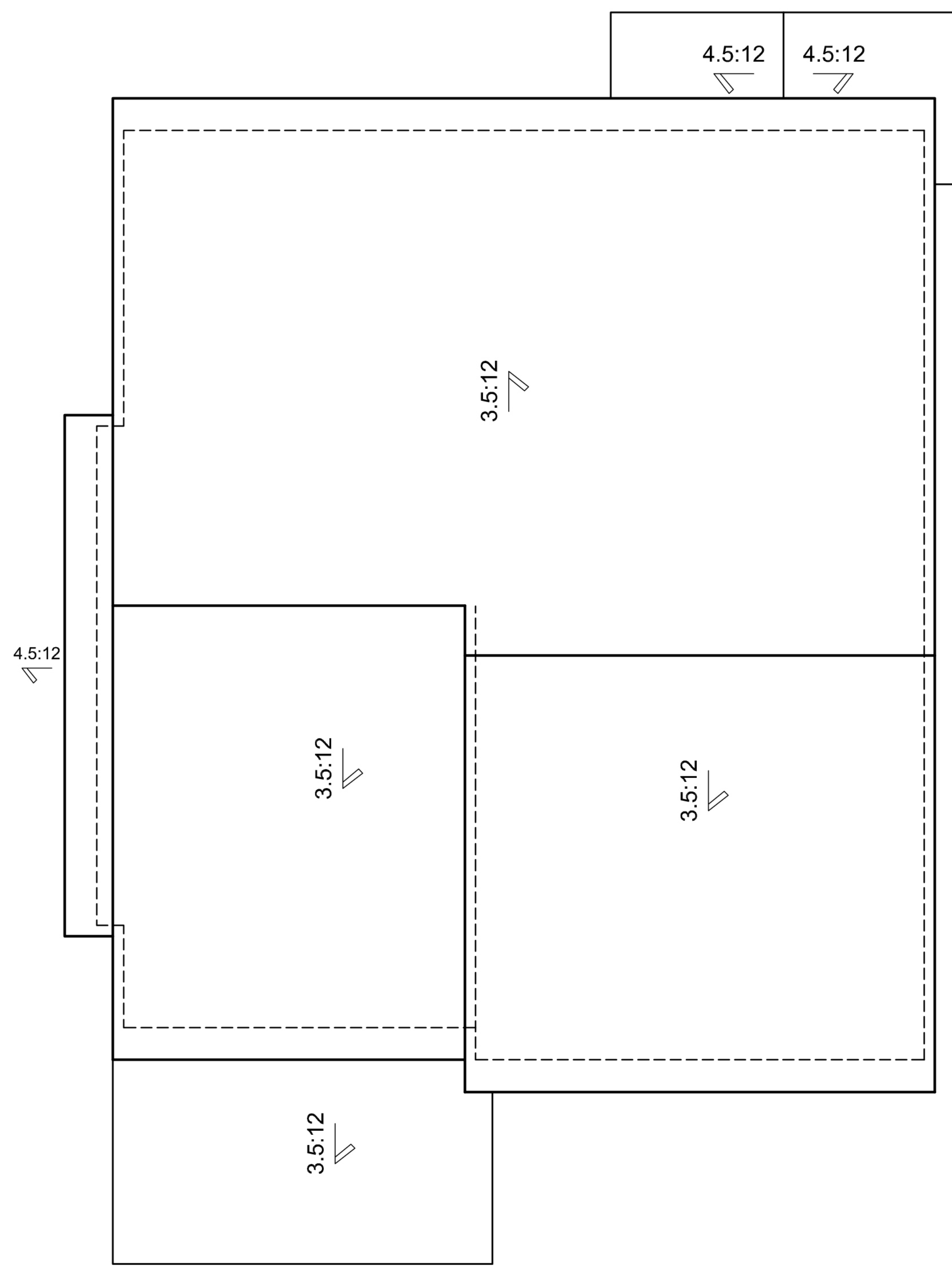
0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

**ROBSON HOMES**

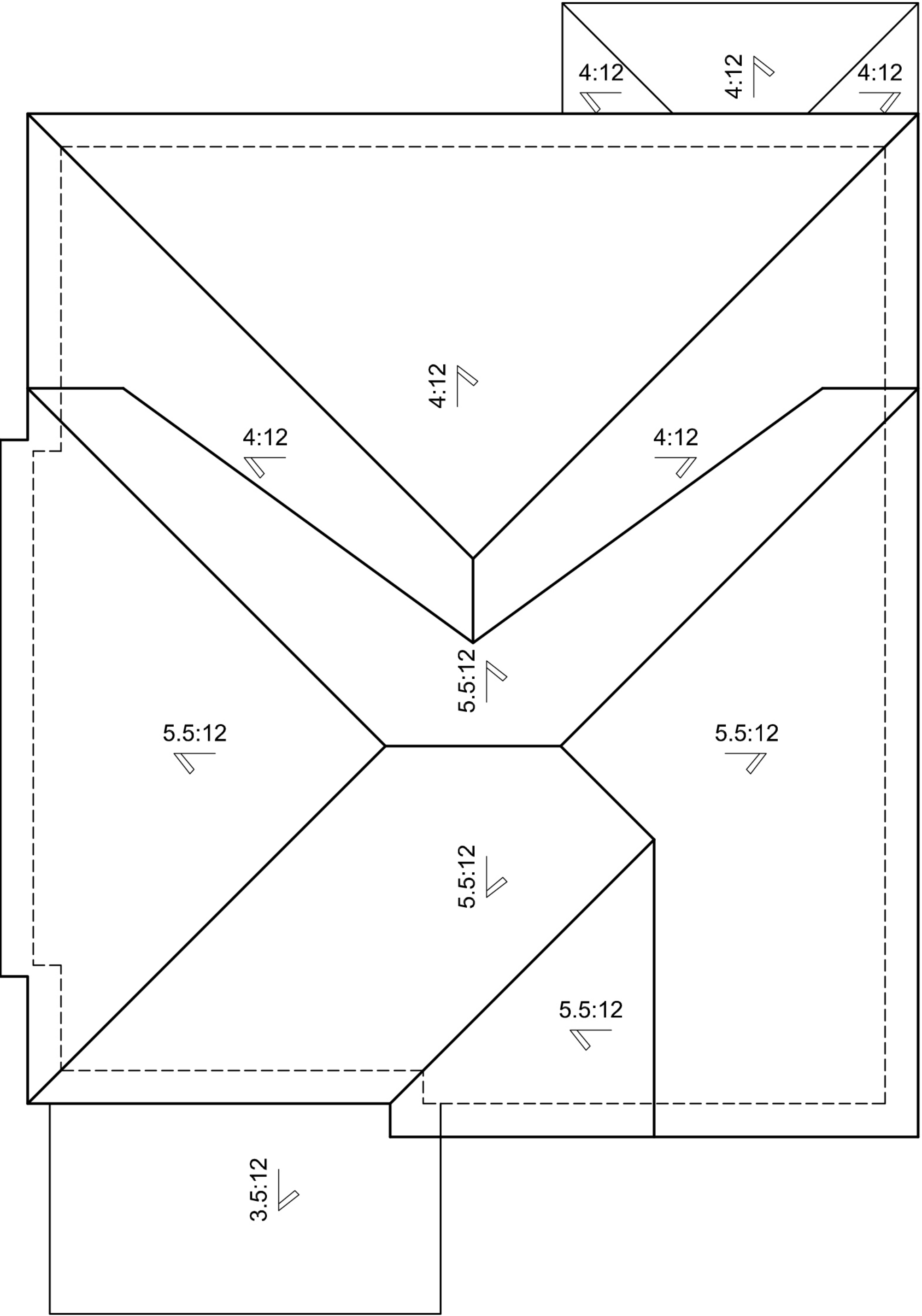
16035.01 11/27/19

A-8

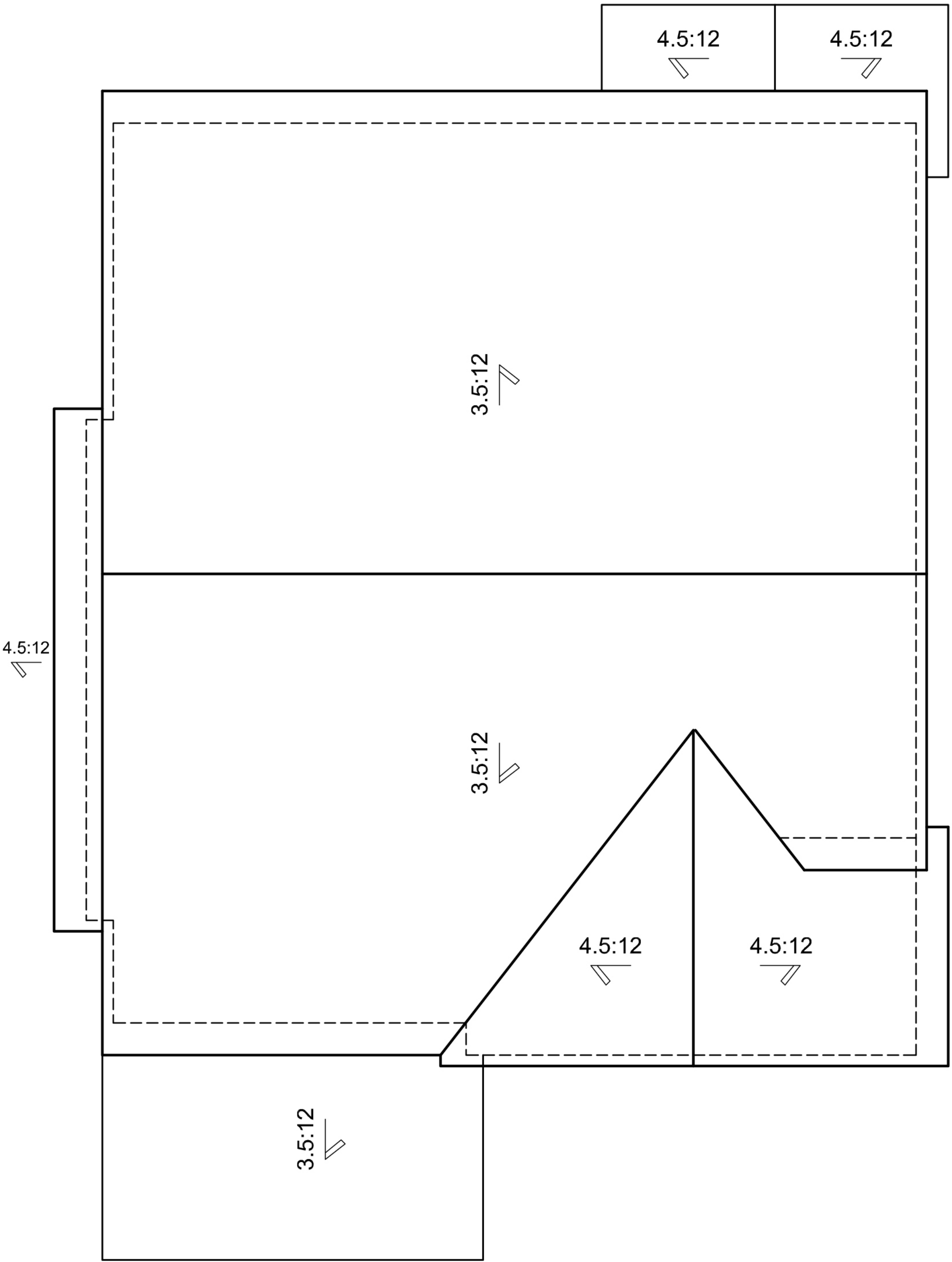




'2D' ELEVATION



'2C' ELEVATION



'2A' ELEVATION

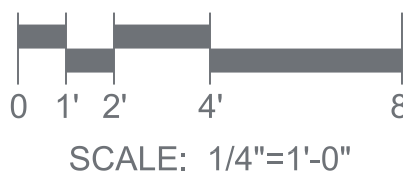
PLAN 2

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

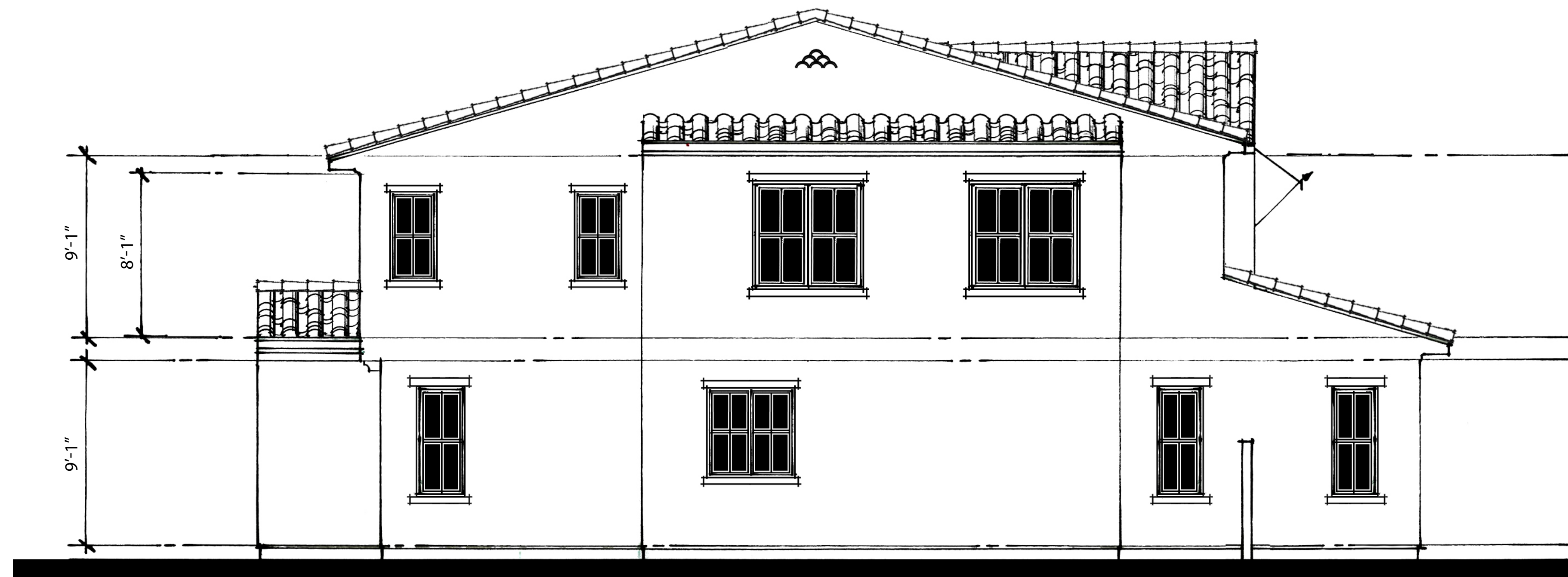
ROOF PLANS



ROBSON HOMES

16035.01 11/27/19





LEFT



RIGHT



FRONT  
SCHEME 3

- CONCRETE TILE
- STUCCO OVER FOAM EAVES
- AWNING WITH METAL SUPPORTS
- VINYL WINDOWS
- STUCCO
- STUCCO HEADER TRIM
- WOOD CORBELS
- GARAGE DOOR WITH WOOD OVERLAY



REAR

- STUCCO OVER FOAM HEADER
- STUCCO OVER FOAM CORBELS

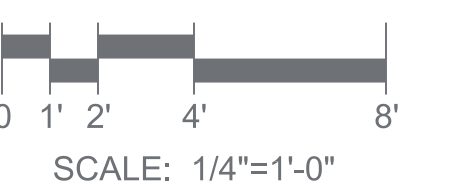
PLAN 2A  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ELEVATIONS



ROBSON HOMES

16035.01 11/27/19





LEFT  
(AT LOT 1)



LEFT



FRONT  
SCHEME 1



RIGHT



REAR

PLAN 2C  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

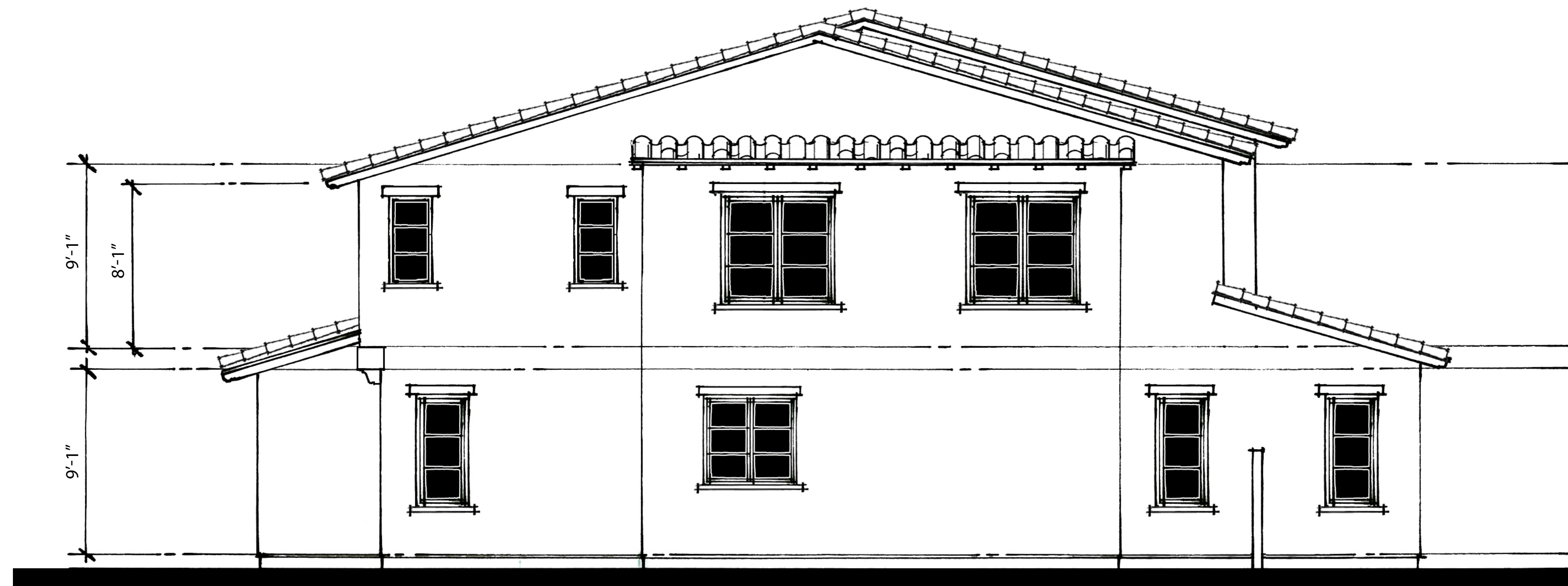
CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19

A-11





LEFT



RIGHT



FRONT  
SCHEME 7



REAR

PLAN 2D  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

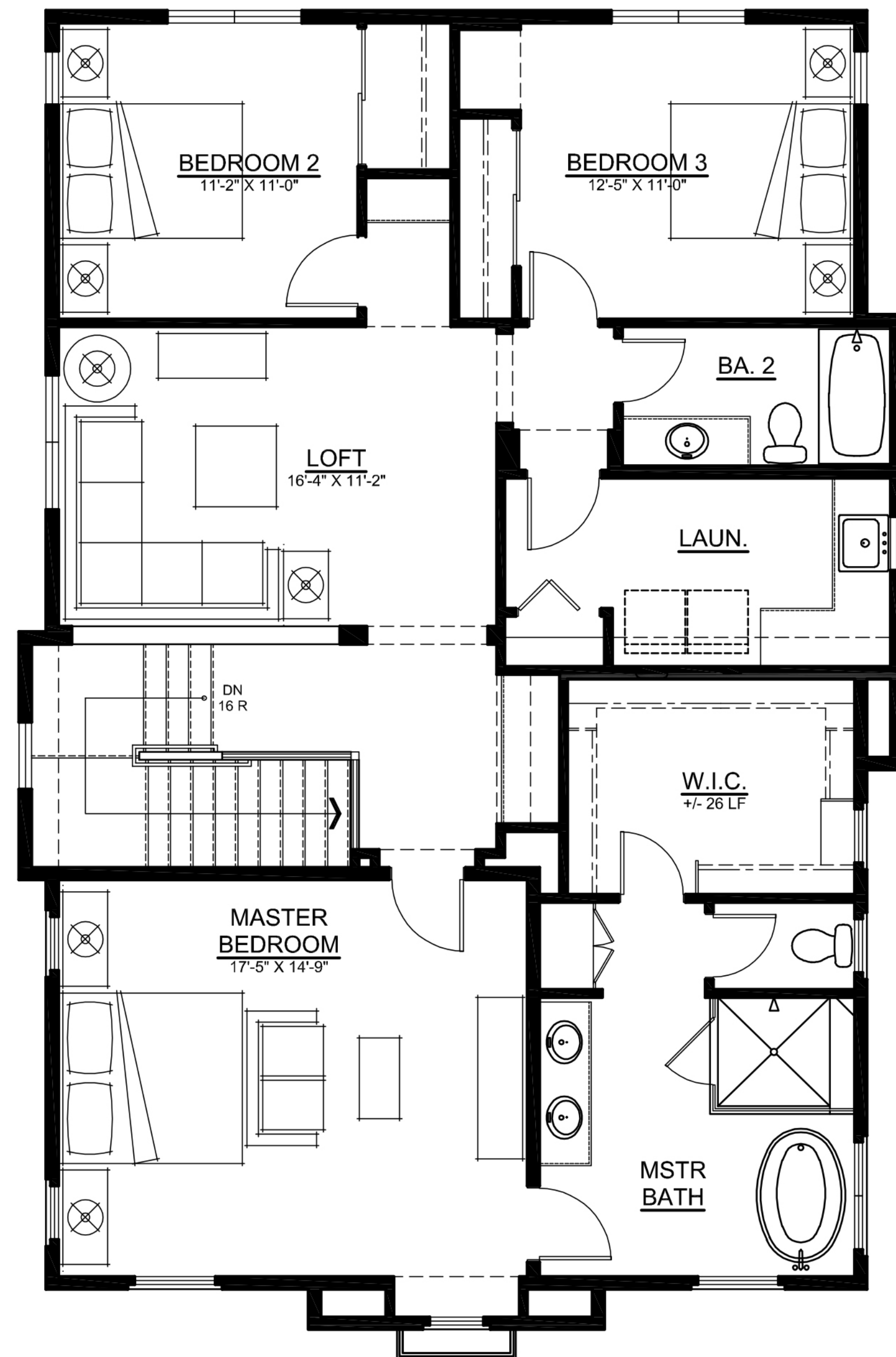
## ELEVATIONS



ROBSON HOMES

16035.01 11/27/19





SECOND FLOOR  
(1,403 SF)

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

**PLAN 3**  
(‘A’ ELEVATION)  
TOTAL: 2,829 SF

DESIGN FOCUS  
LANDSCAPE



FIRST FLOOR  
(1,426 SF)

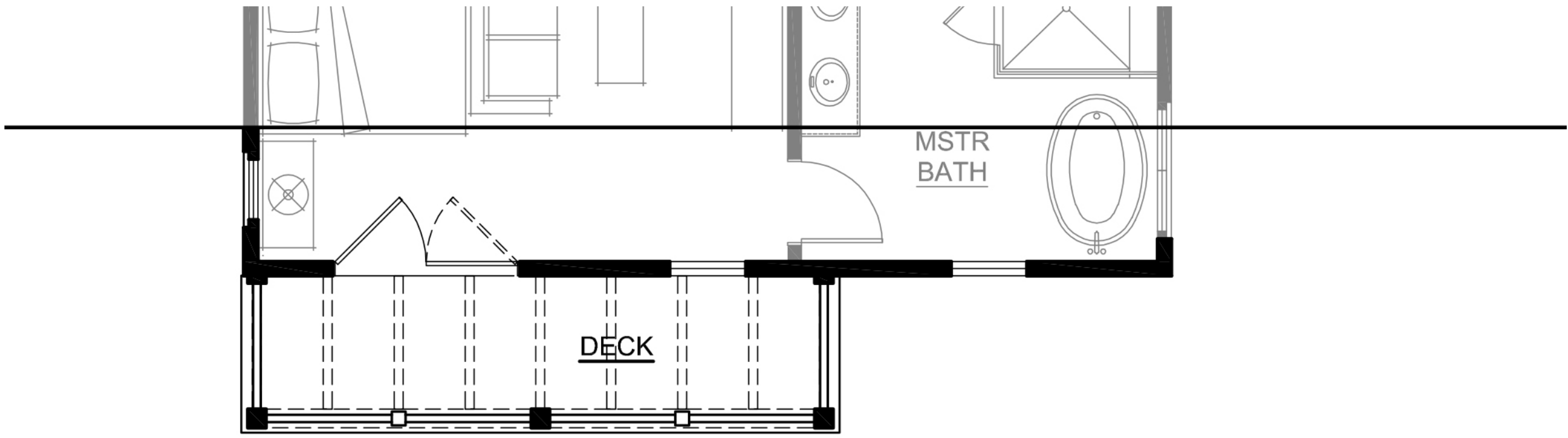
## PLAN 3 FLOOR PLAN



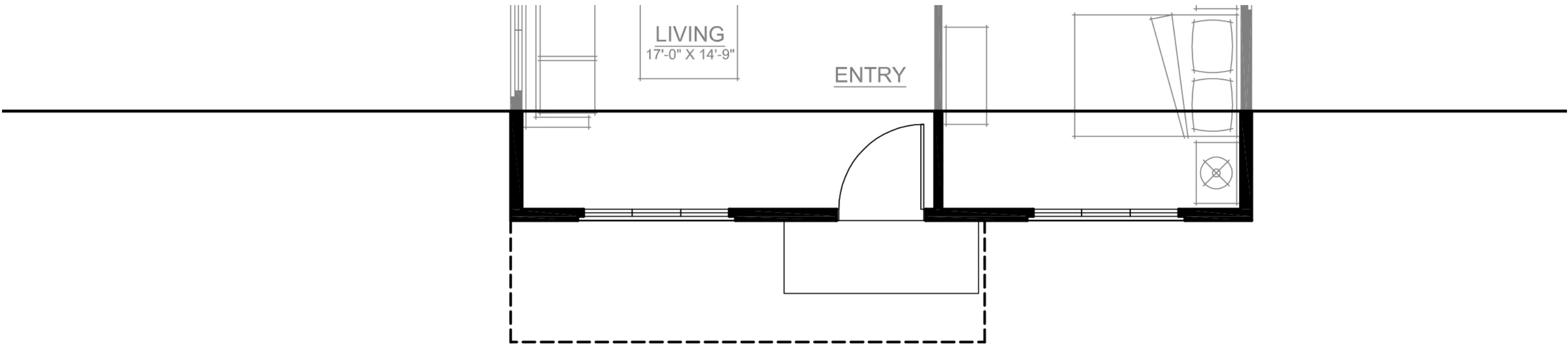
ROBSON HOMES

16035.01 11/27/19



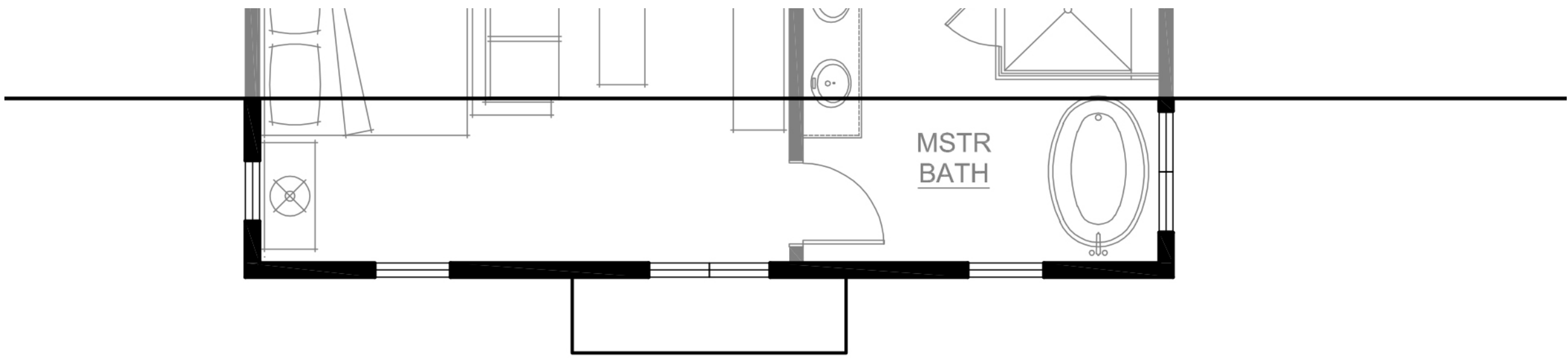


SECOND FLOOR  
1,395 SF

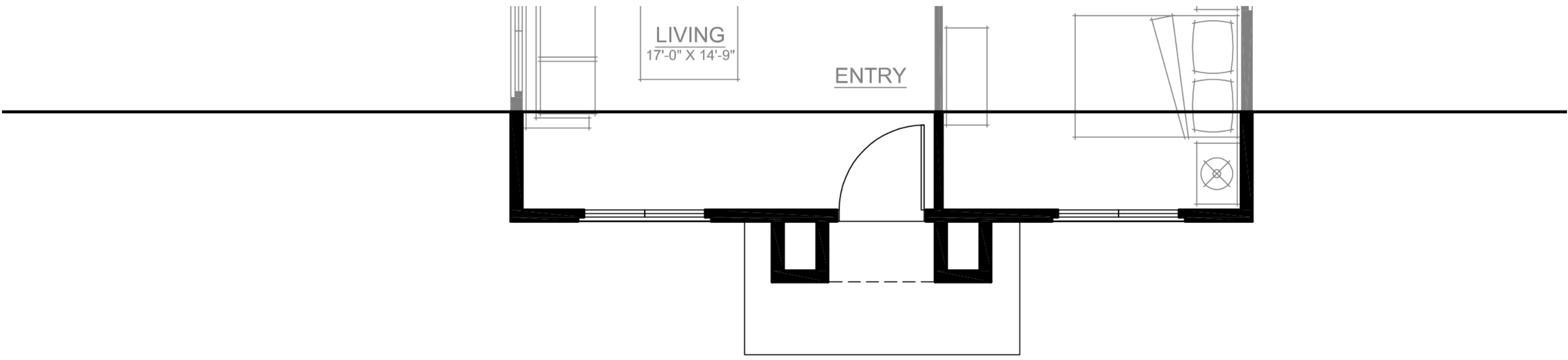


FIRST FLOOR  
1,426 SF

'B' ELEVATION (2,821 SF)

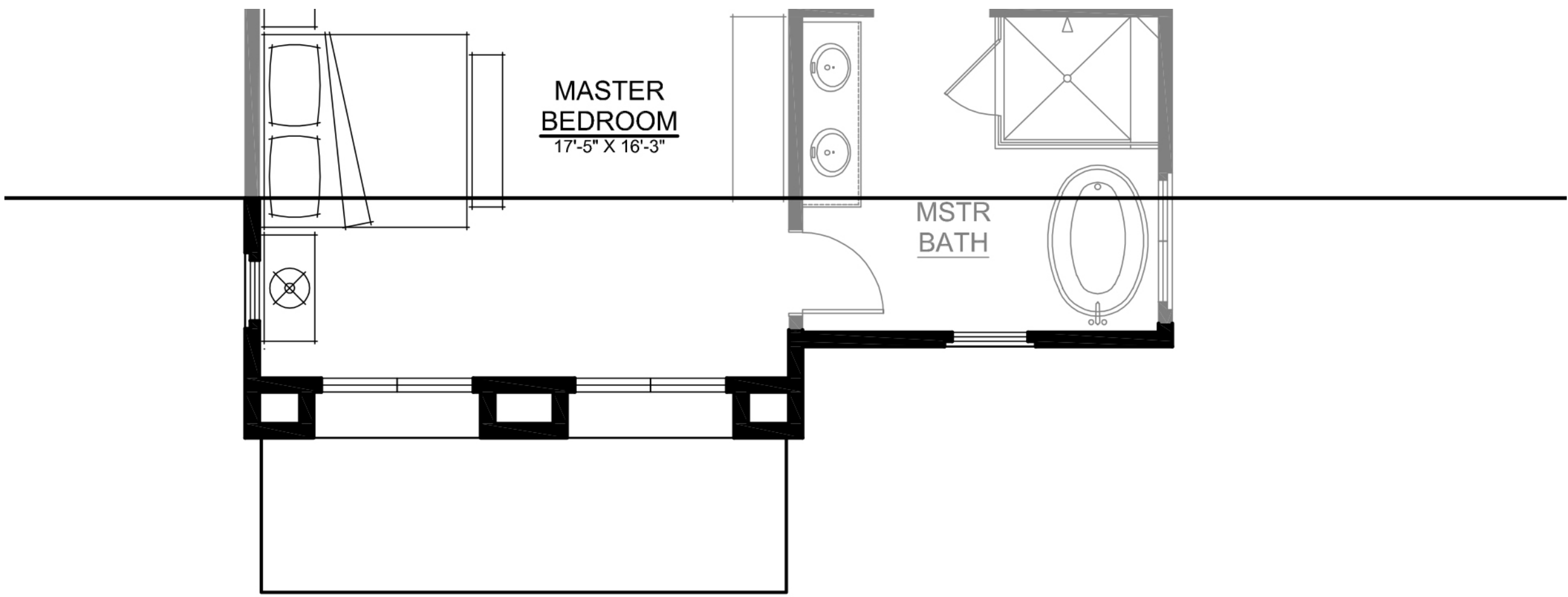


SECOND FLOOR  
1,395 SF

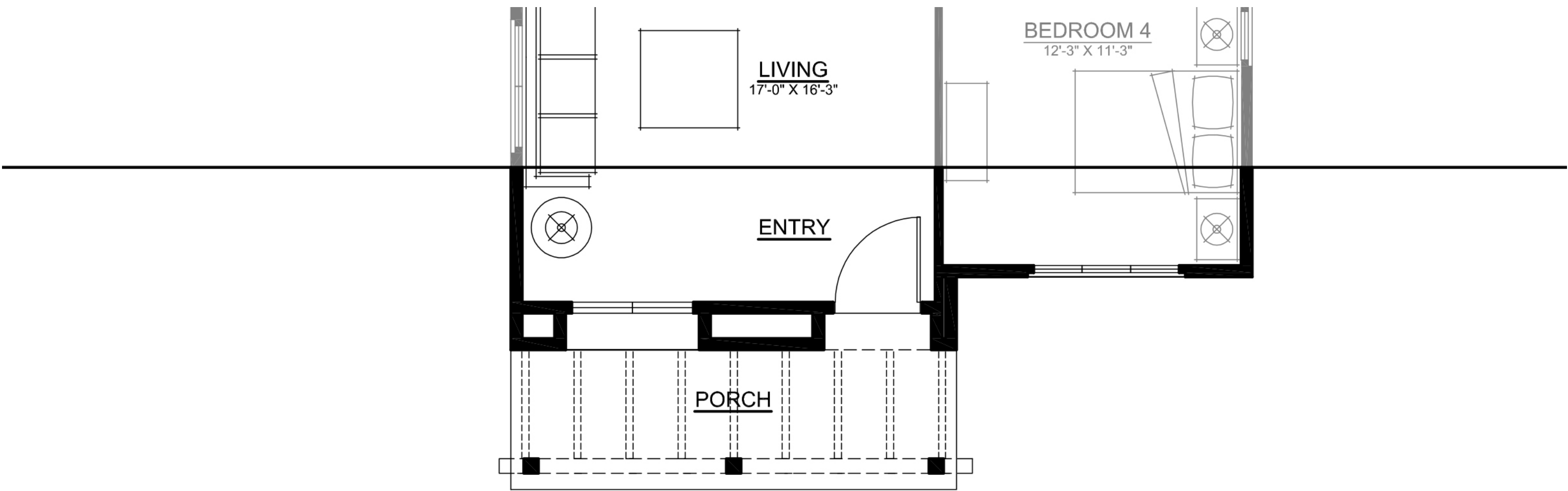


FIRST FLOOR  
1,426 SF

'C' ELEVATION (2,821 SF)



SECOND FLOOR  
1,422 SF



FIRST FLOOR  
1,452 SF

'D' ELEVATION (2,874 SF)

## PLAN 3 FLOOR PLAN

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

PLAN 3

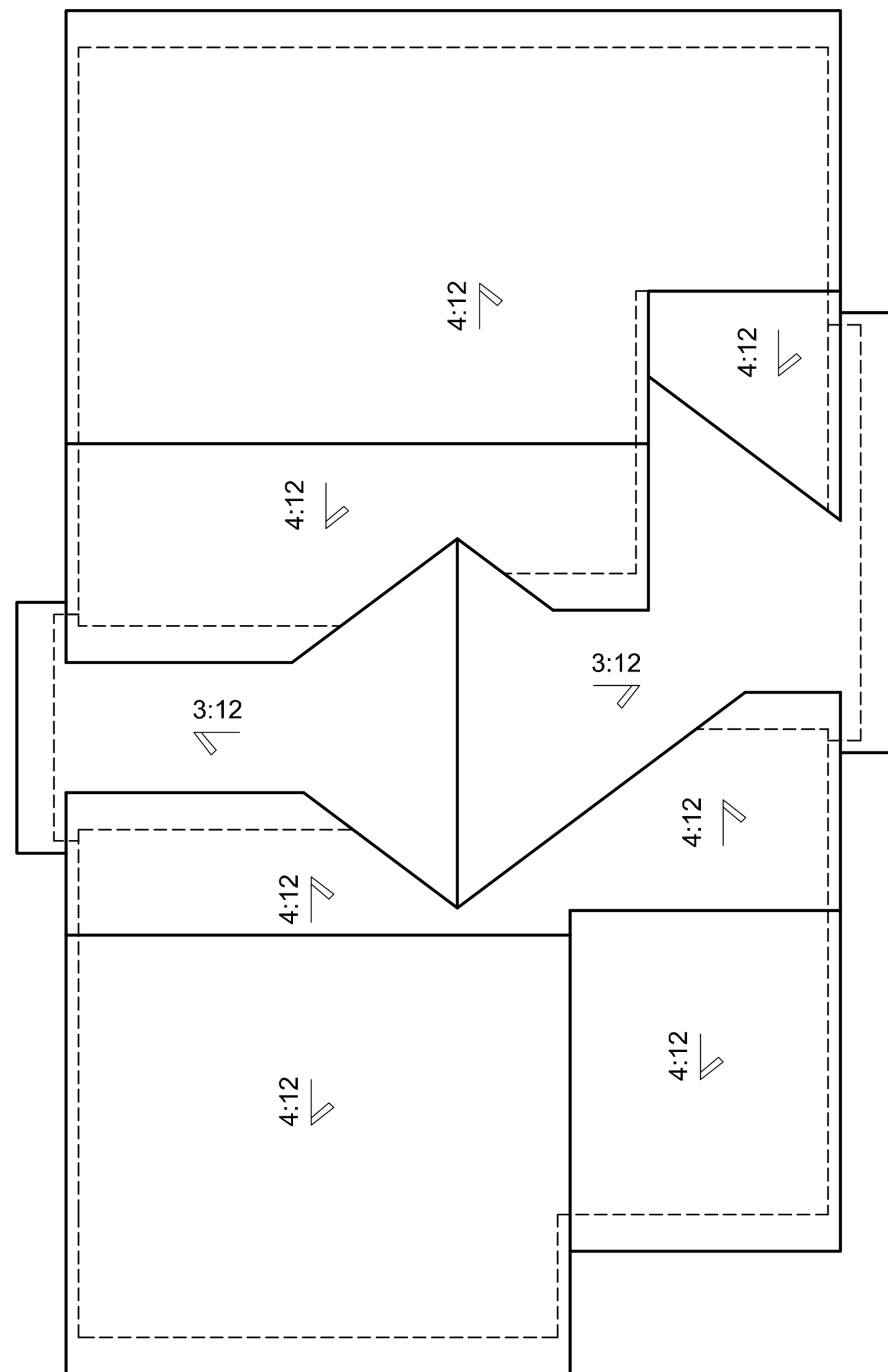
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

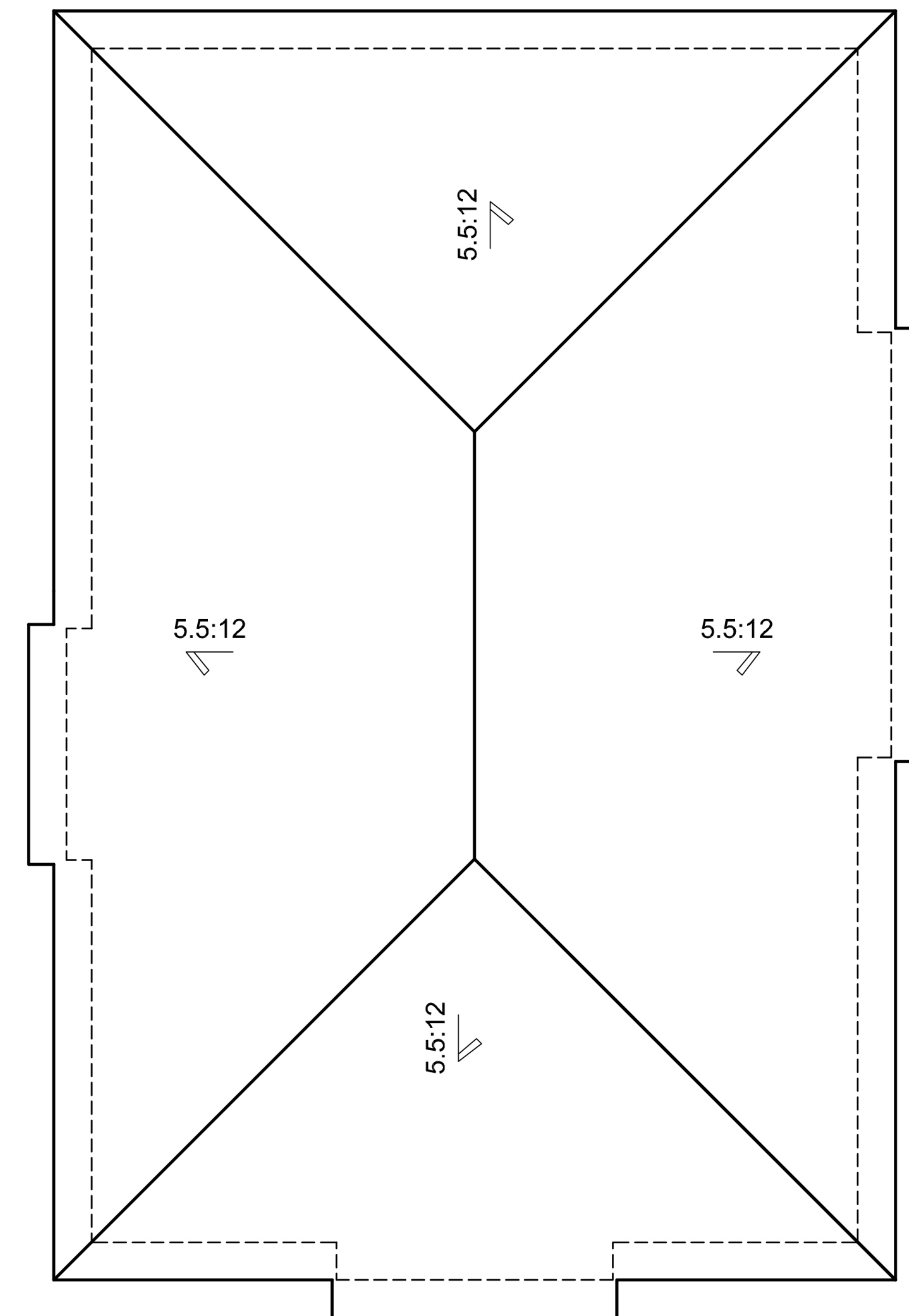
16035.01 11/27/19





'3B' ELEVATION

PLAN 3



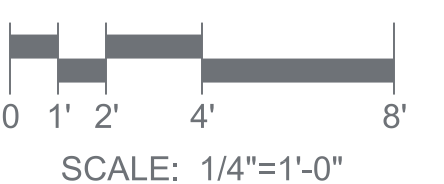
'3A' ELEVATION

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

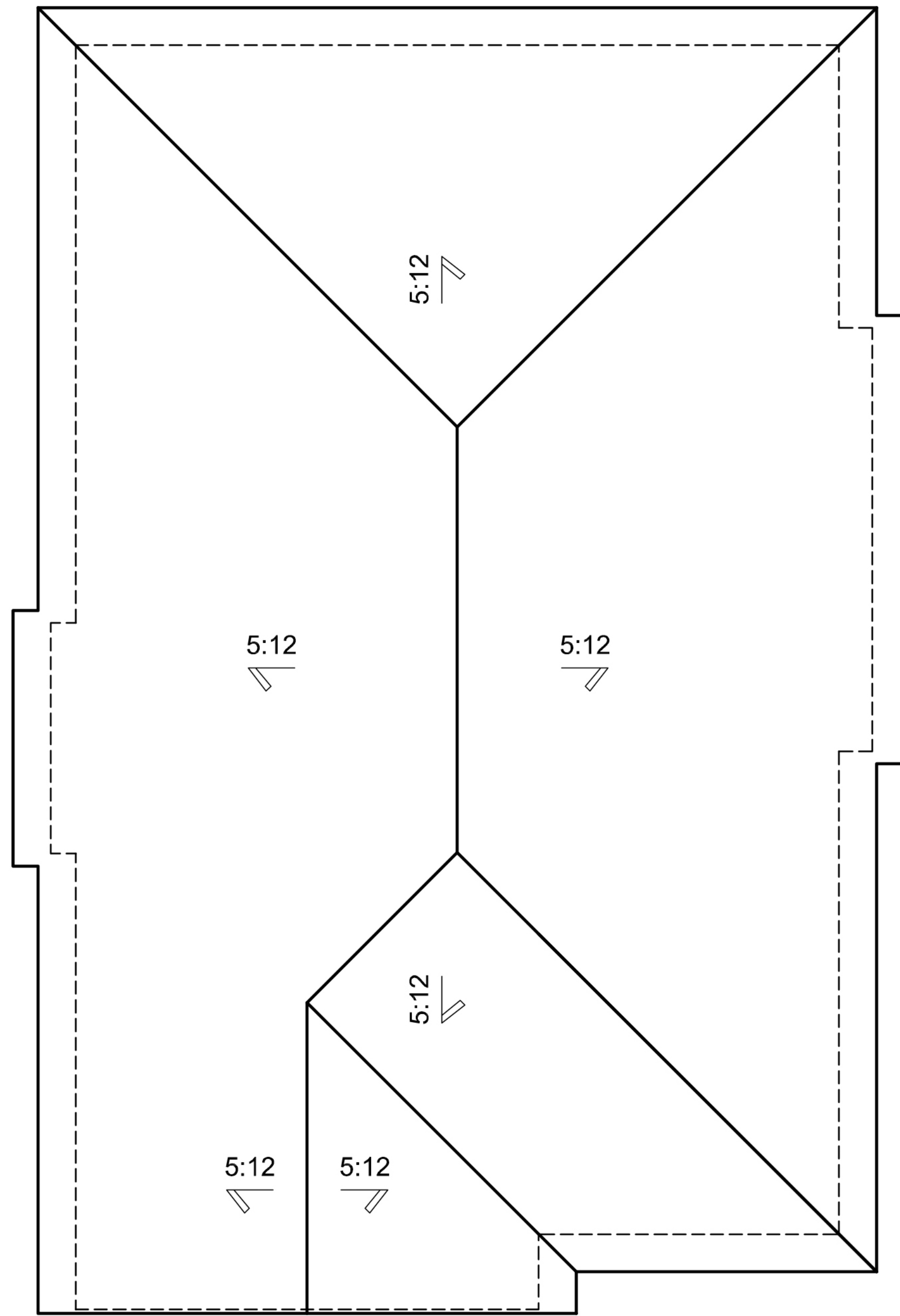
## ROOF PLANS



ROBSON HOMES

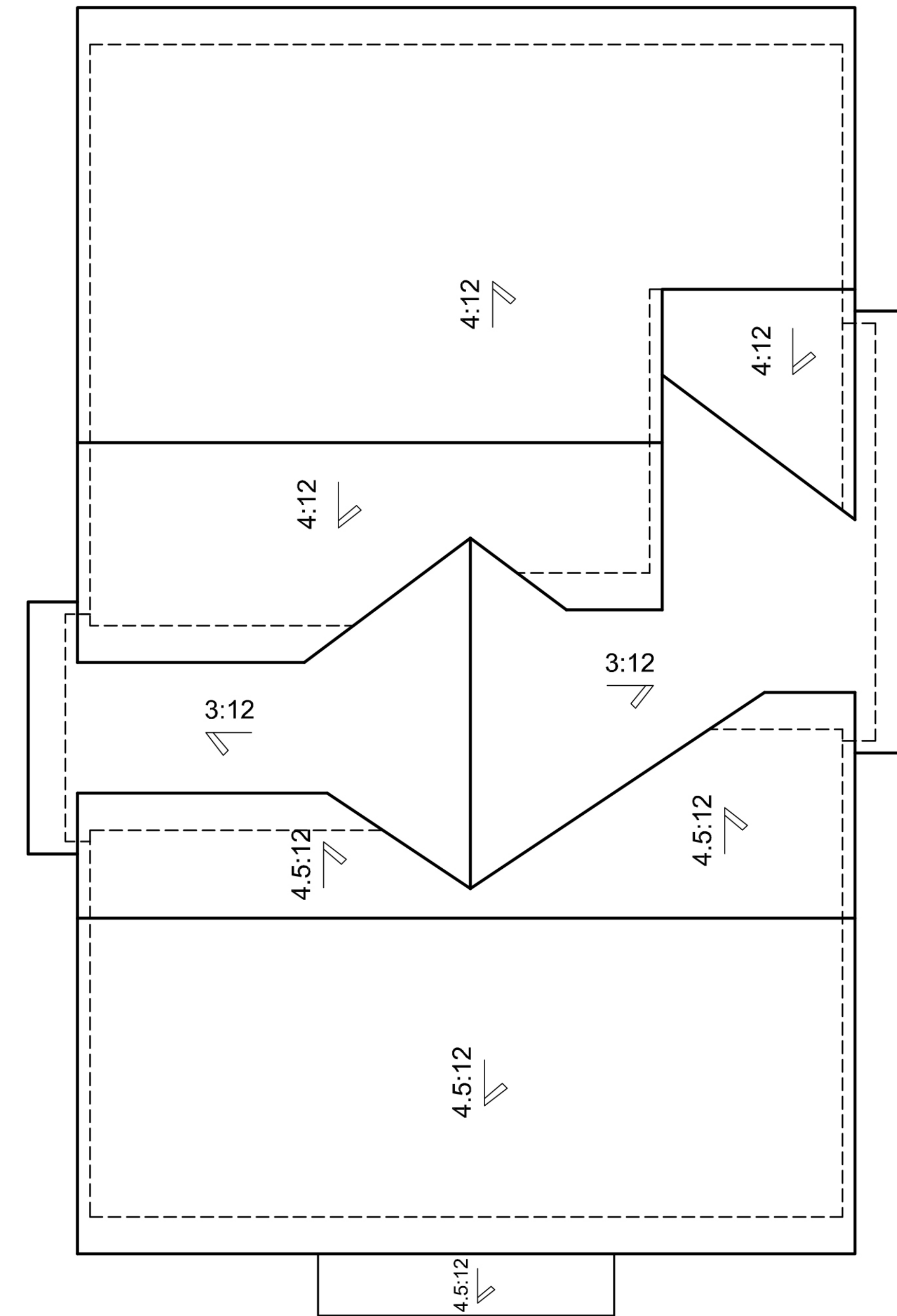
16035.01 11/27/19





'3D' ELEVATION

PLAN 3



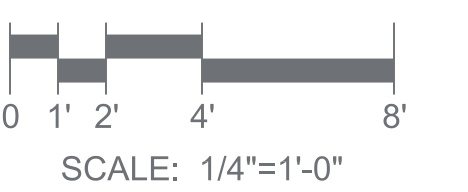
'3C' ELEVATION

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

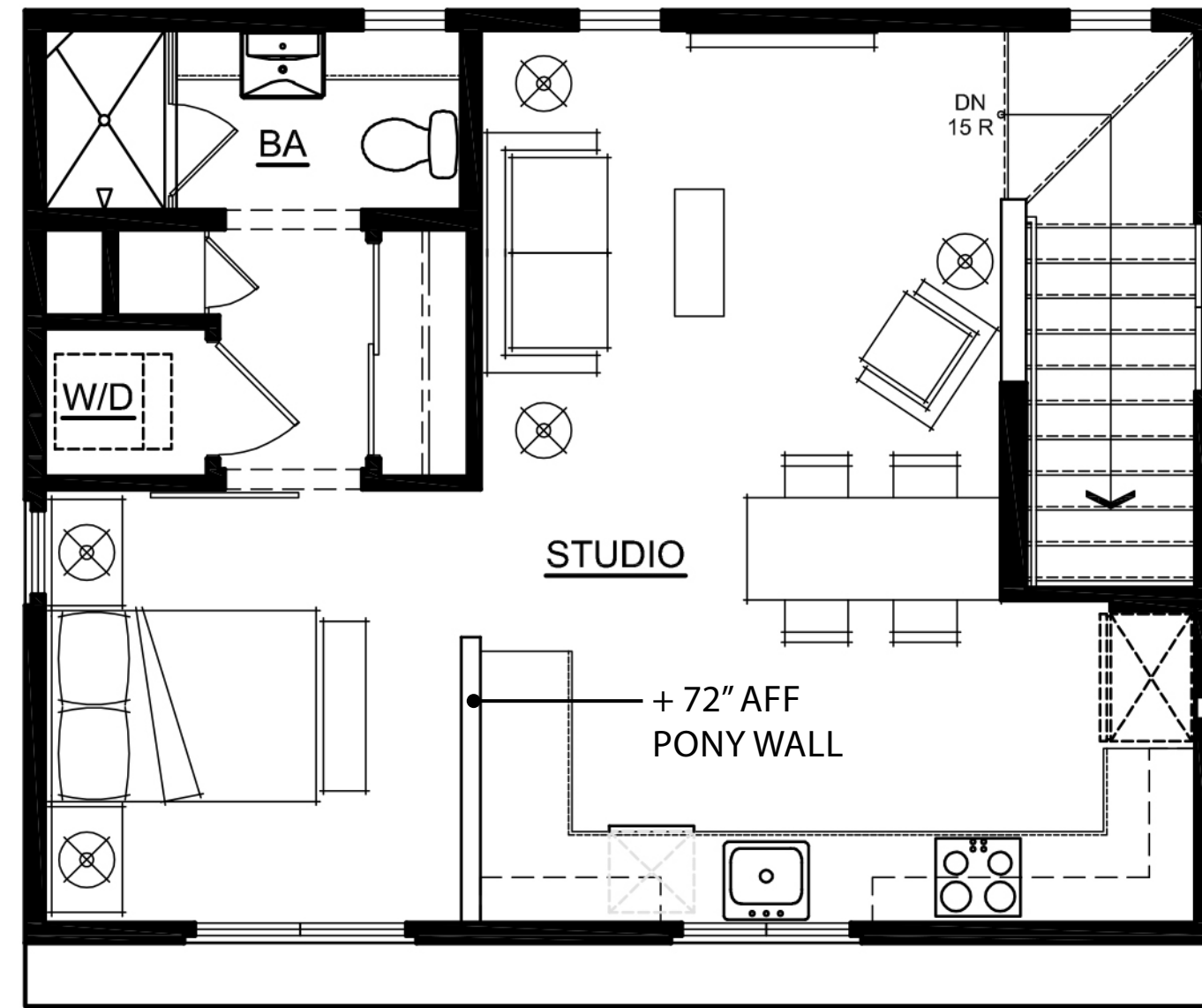
## ROOF PLANS



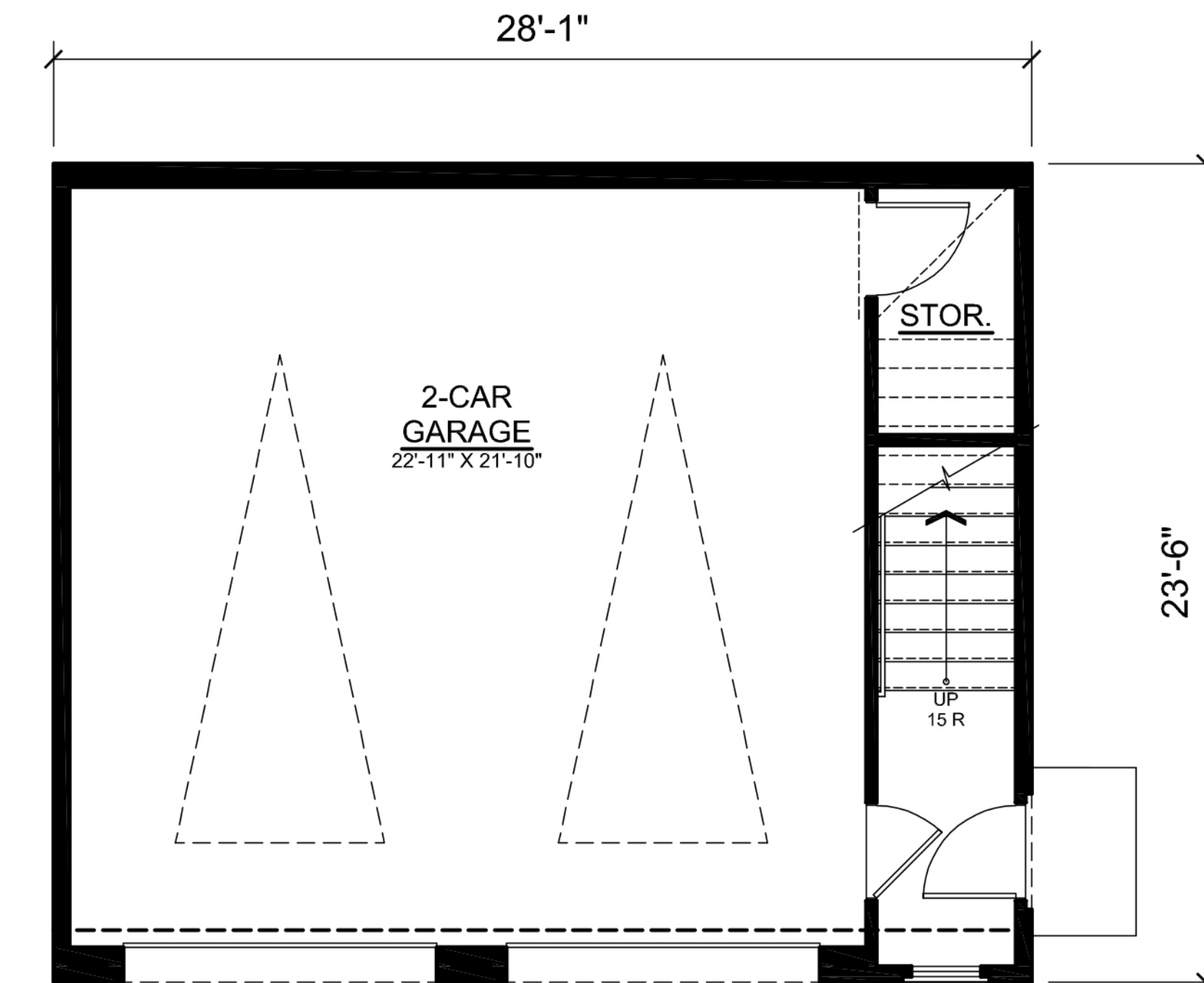
ROBSON HOMES

16035.01 11/27/19



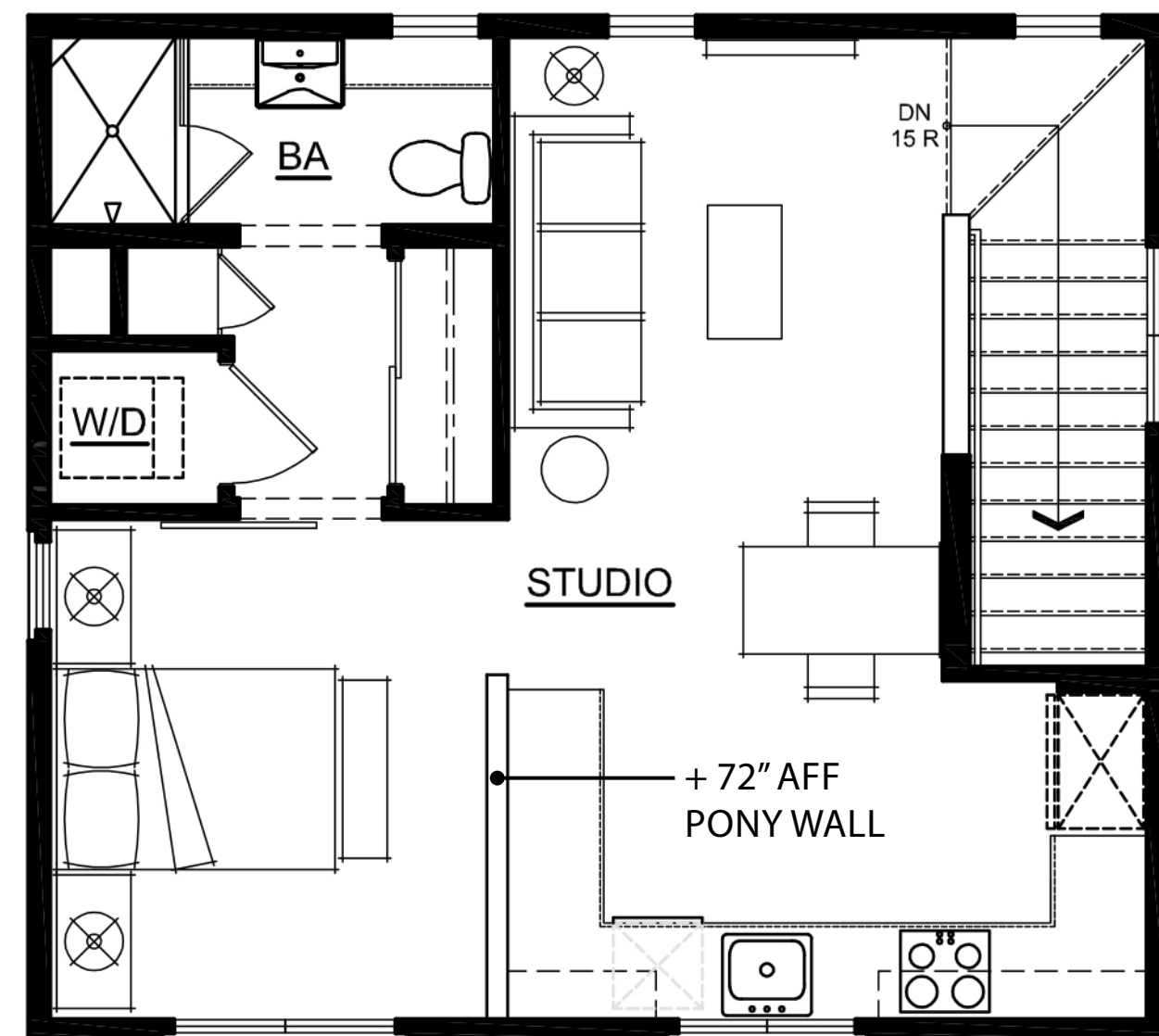


SECOND FLOOR

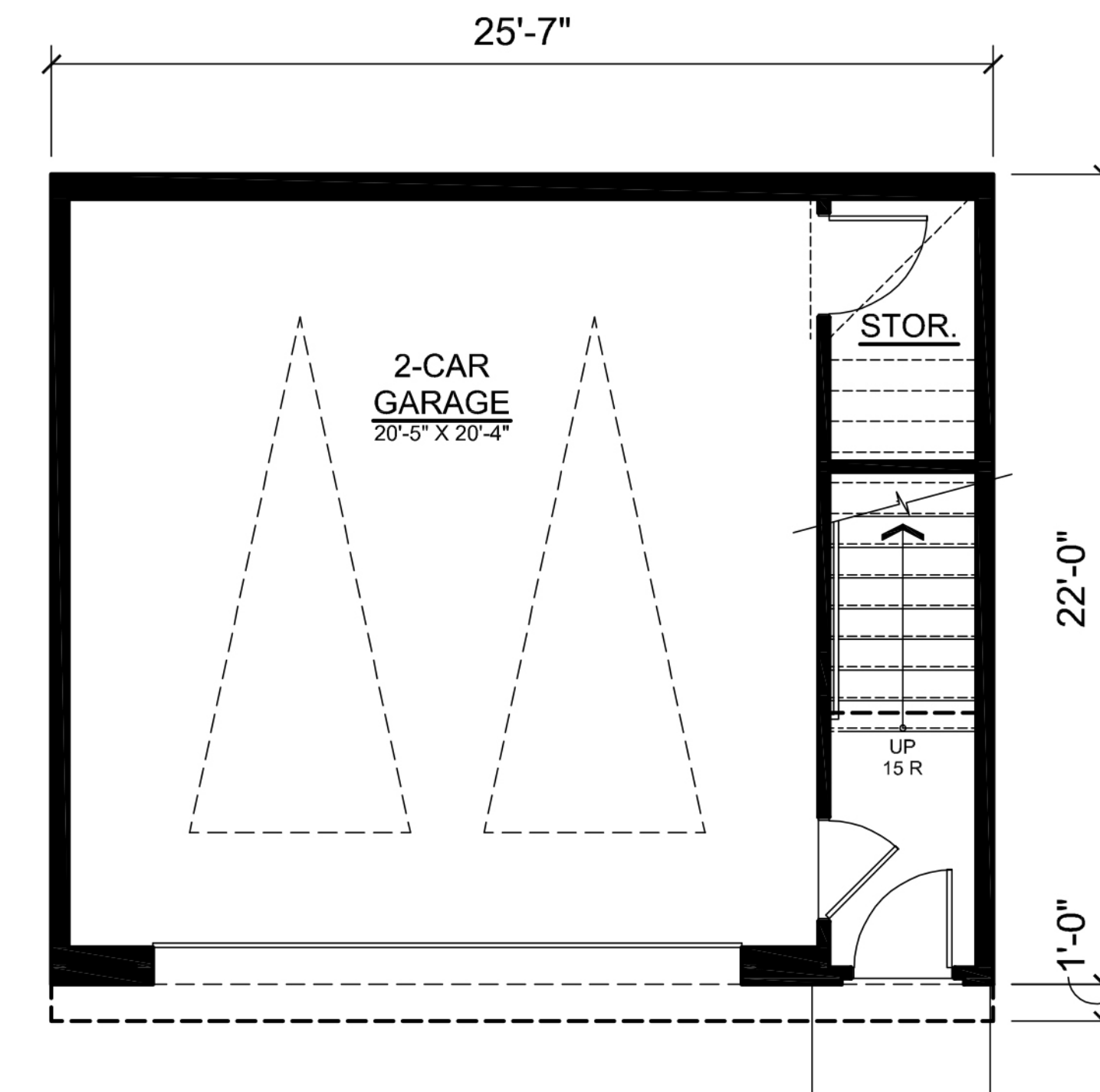


FIRST FLOOR

**ADU GARAGE C**  
2ND FLOOR = 555 SF  
1ST FLOOR = 69 SF  
**TOTAL STUDIO = 624 SF**  
**TOTAL GARAGE = 591 SF**



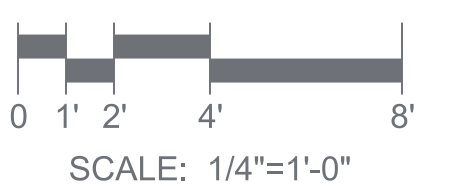
SECOND FLOOR



FIRST FLOOR

**ADU GARAGE A & B**  
2ND FLOOR = 521 SF  
1ST FLOOR = 62 SF  
**TOTAL STUDIO = 583 SF**  
**TOTAL GARAGE = 501 SF**

## ADU FLOOR PLANS



**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA

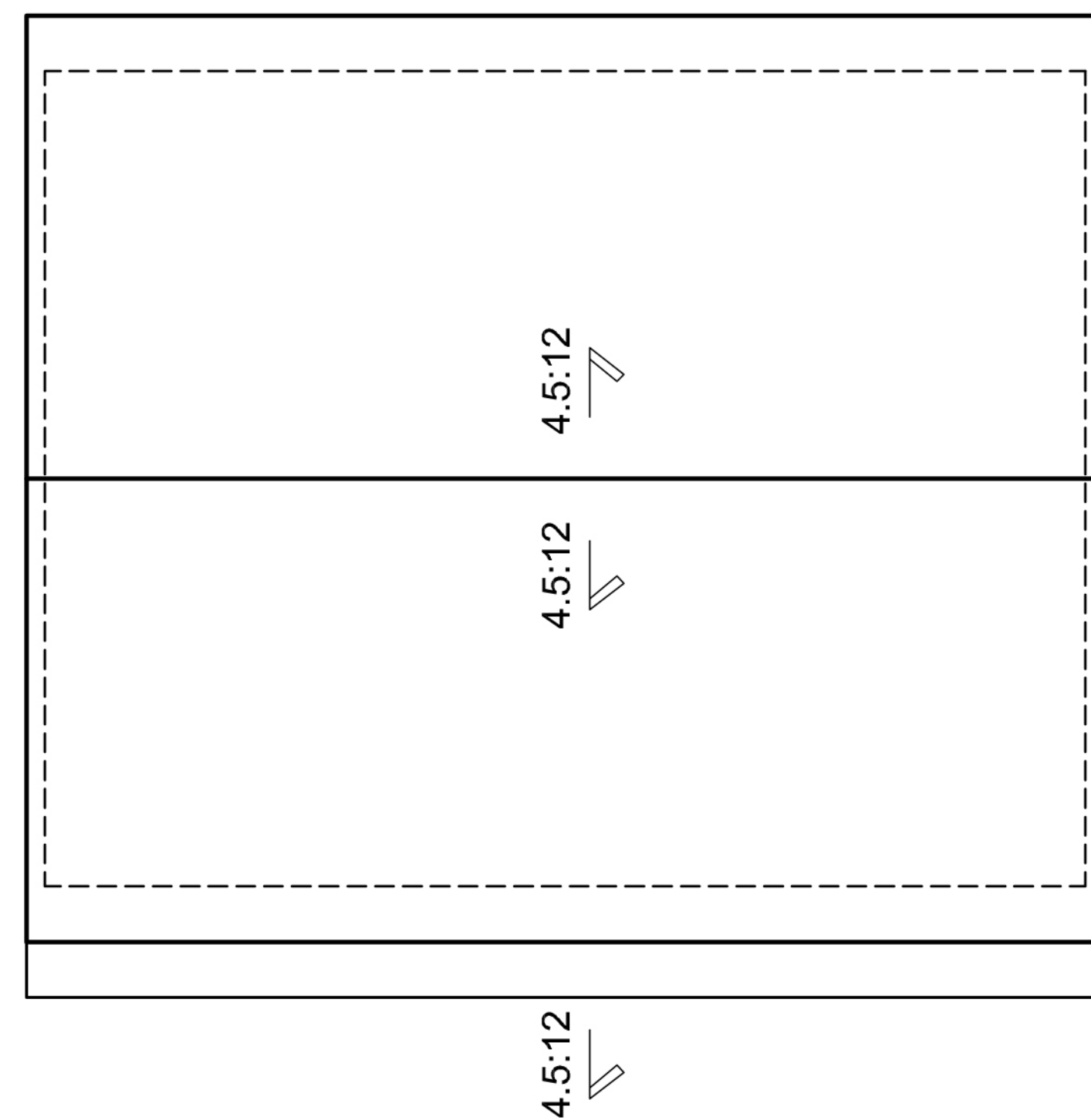
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

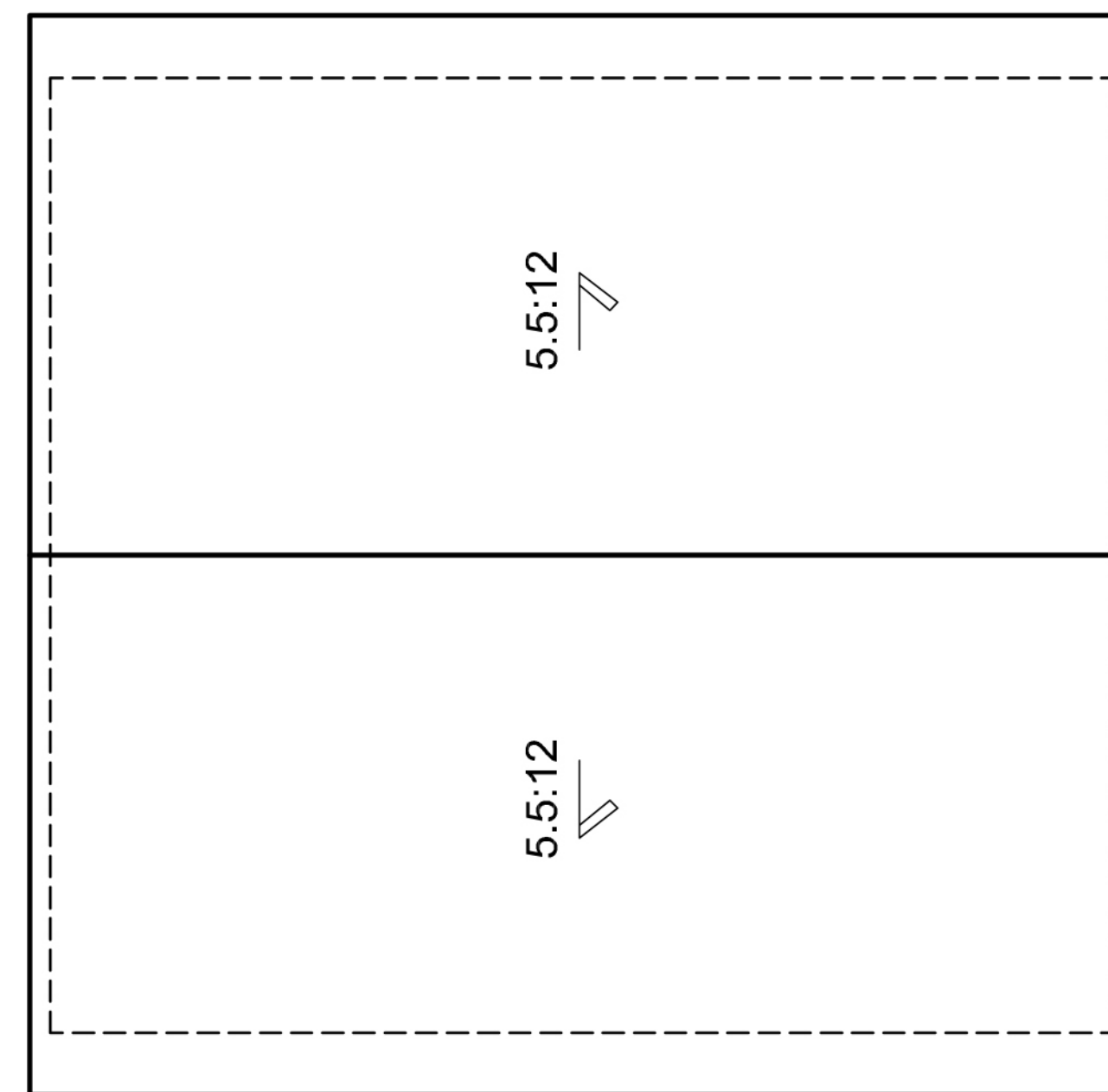
**ROBSON HOMES**

16035.01 11/27/19

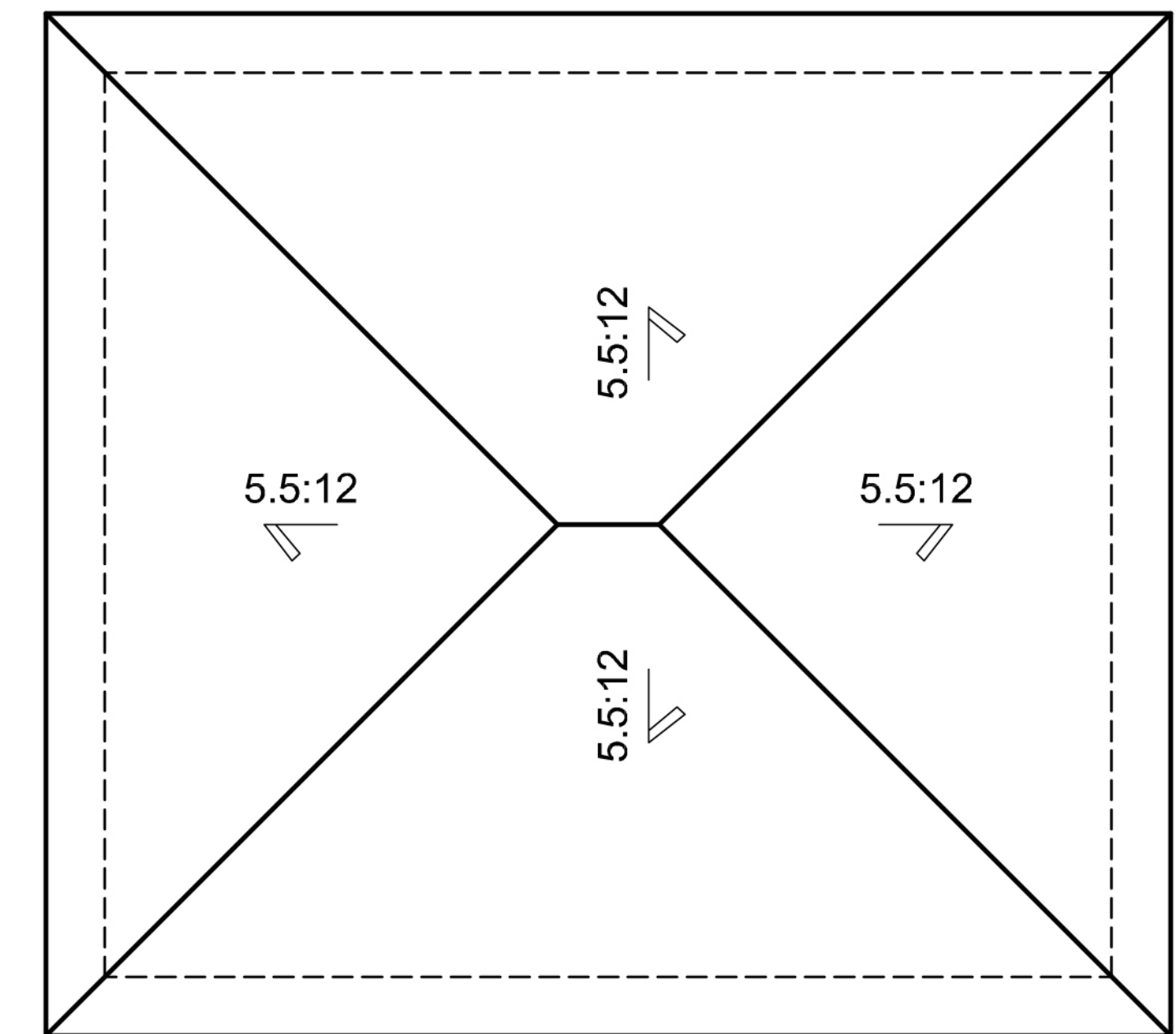




'GC' ELEVATION



'GB' ELEVATION



'GA' ELEVATION

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19

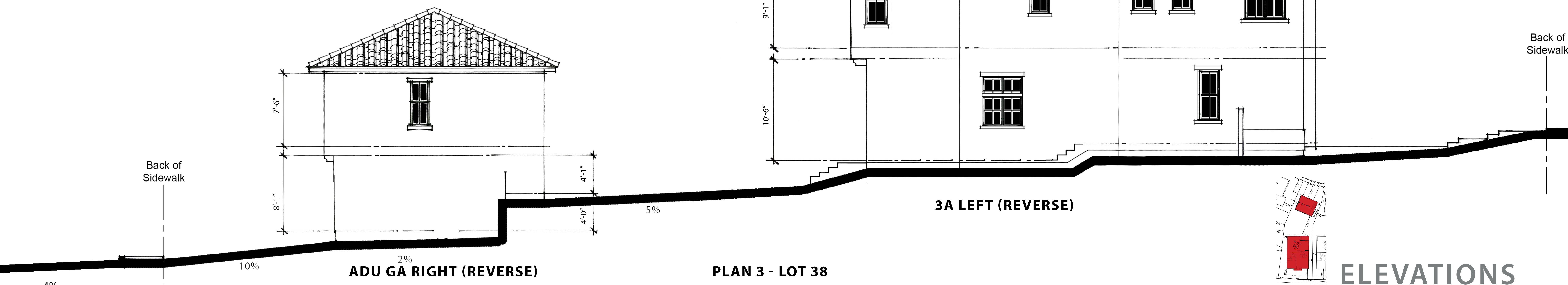




3A REAR (REVERSE)



3A FRONT (REVERSE)  
SCHEME 4



3A LEFT (REVERSE)

ADU GA RIGHT (REVERSE)

PLAN 3 - LOT 38  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

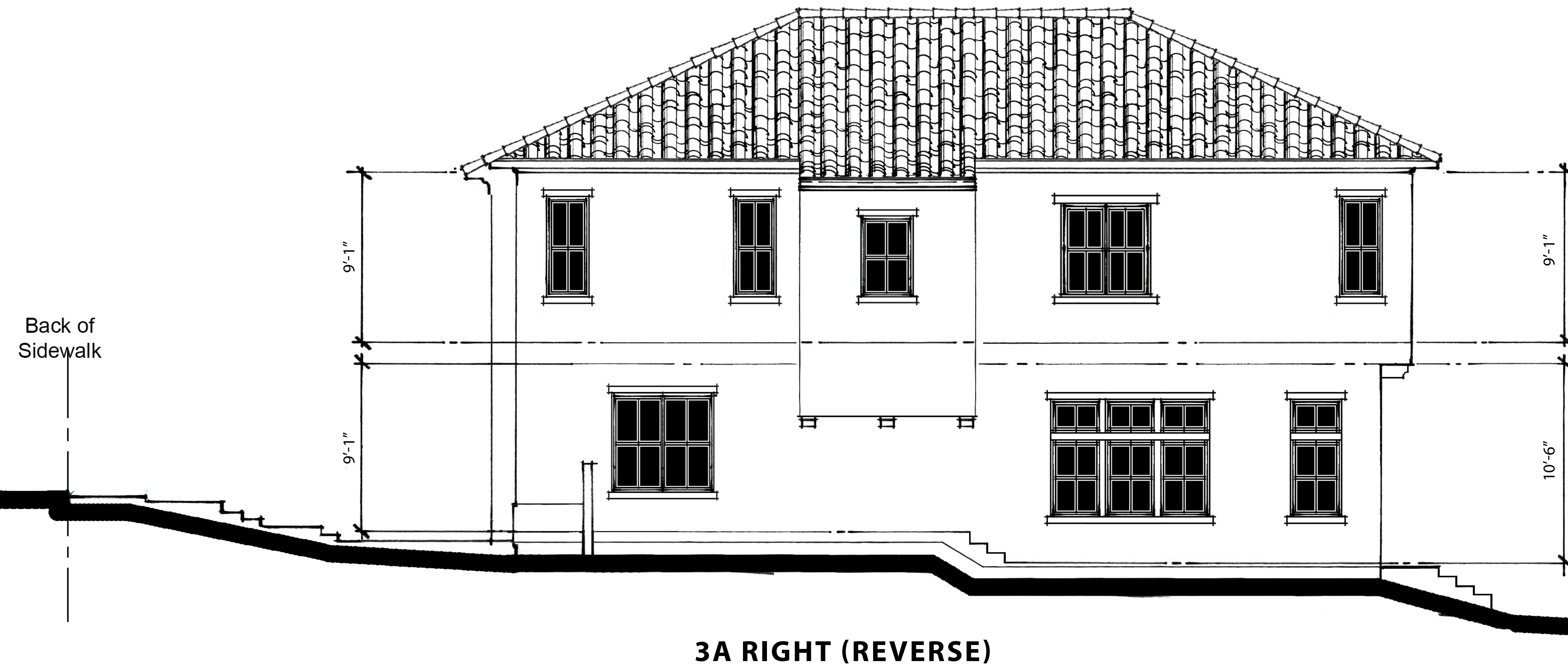
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

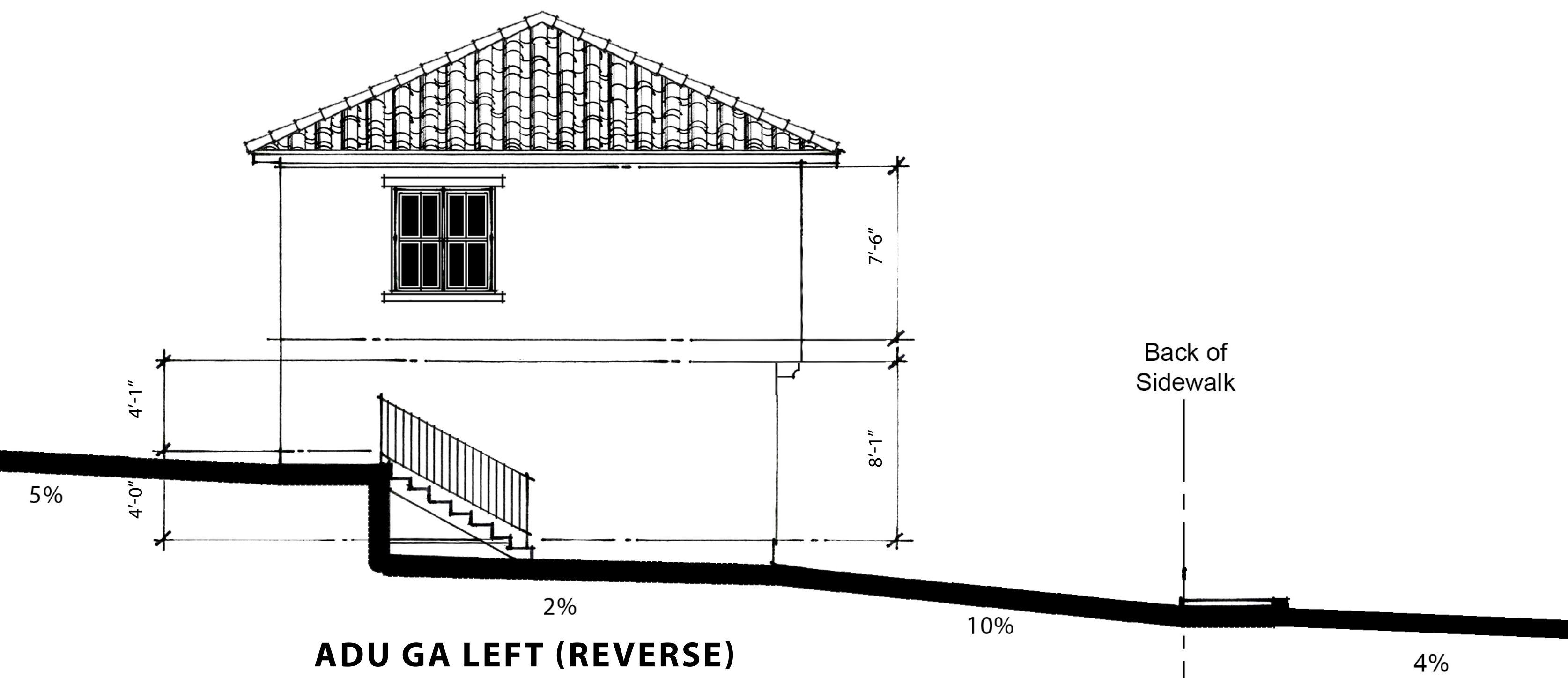
ROBSON HOMES

16035.01 11/27/19

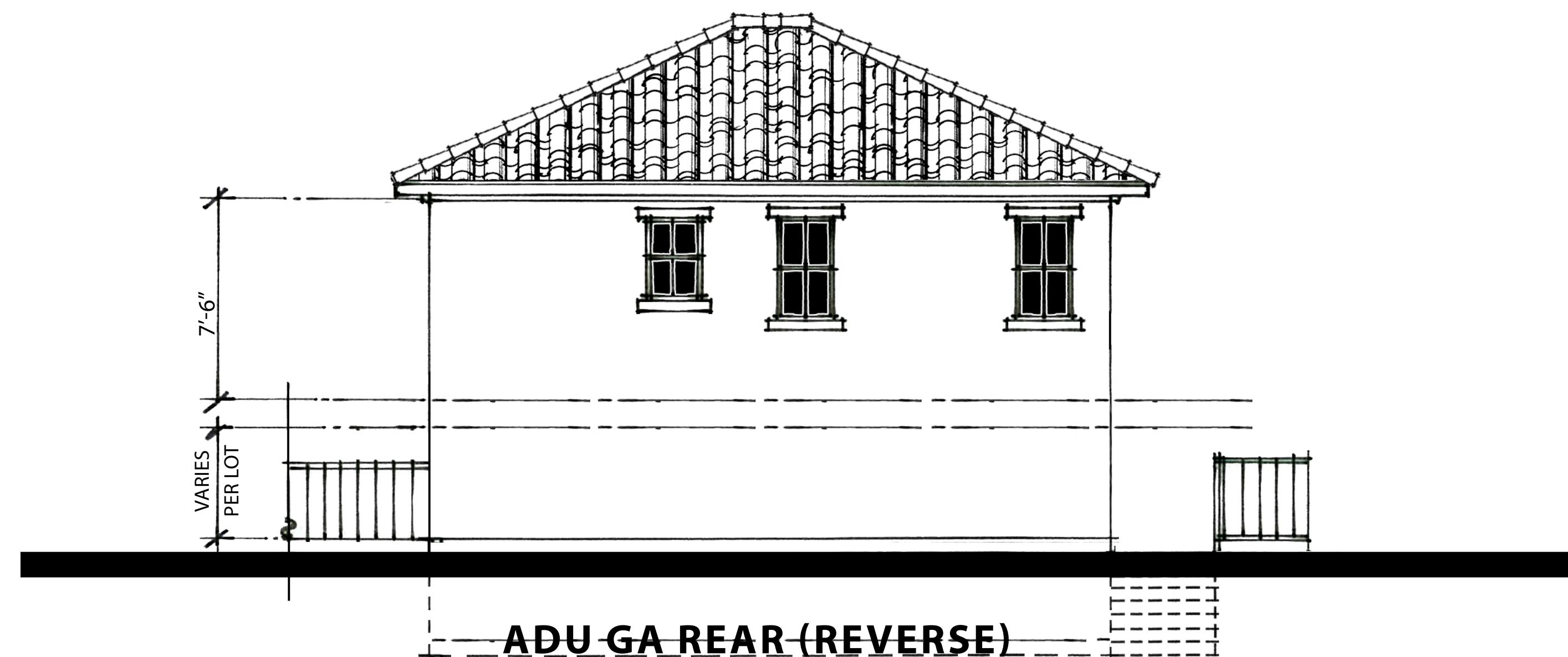




3A RIGHT (REVERSE)



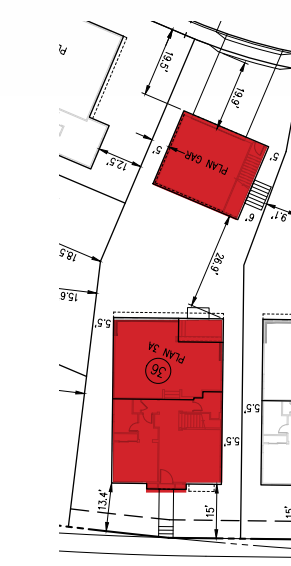
ADU GA LEFT (REVERSE)



ADU GA REAR (REVERSE)



ADU GA FRONT (REVERSE)  
SCHEME 4



PLAN 3 - LOT 38  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19

A-20



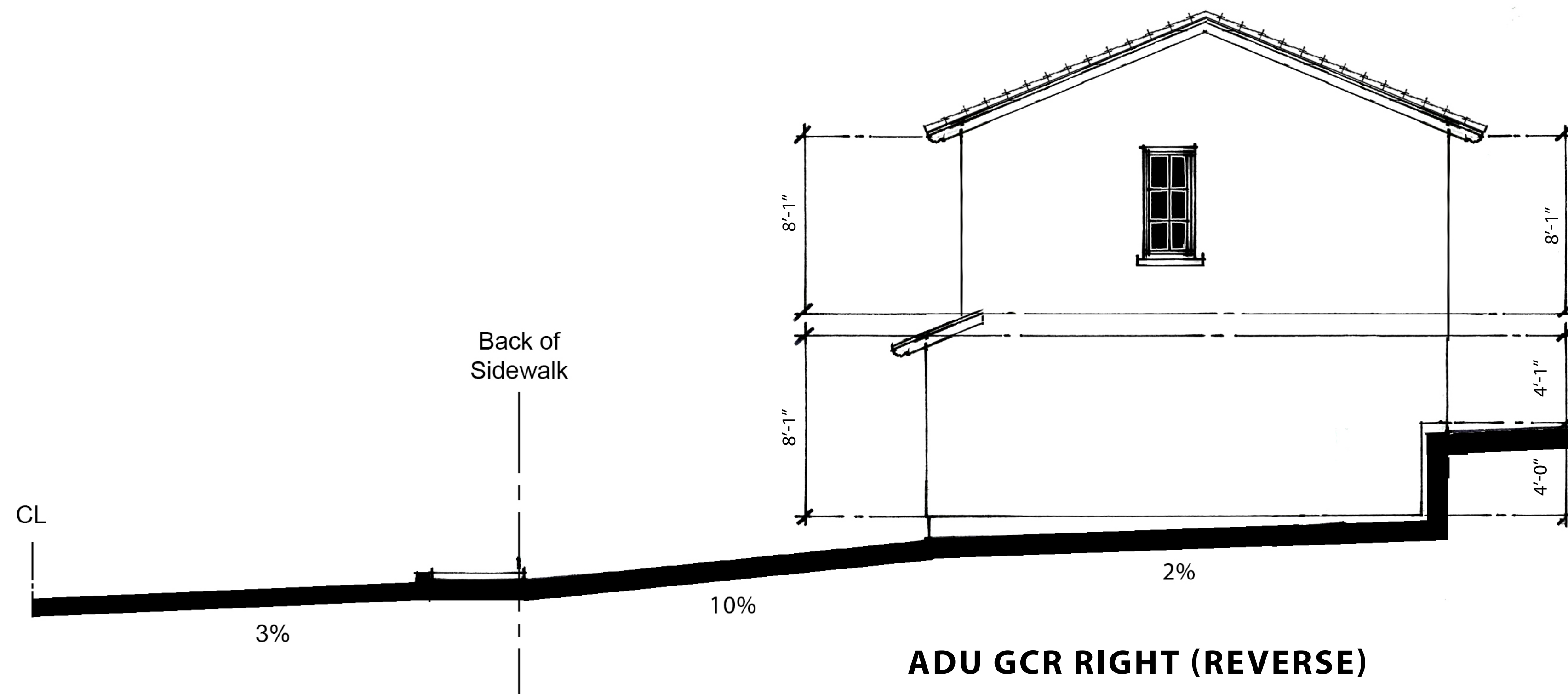


3BR REAR (REVERSE)



3BR FRONT (REVERSE)  
SCHEME 8

- CONCRETE TILE
- WOOD RAFTER TAILS
- HARDIE SIDING
- HARDIE TRIMS
- WOOD POSTS AND PICKETS
- WOOD BEAMS
- BRICK VENEER
- VINYL WINDOWS



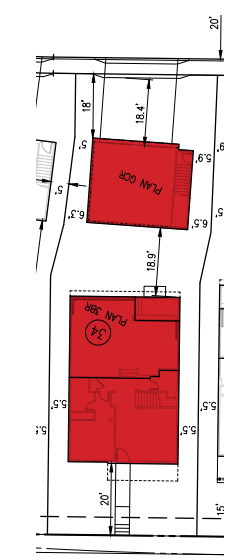
ADU GCR RIGHT (REVERSE)

PLAN 3 - LOT 36

NOTE: ALL STUCCO SHALL BE 20/30 FINISH



3BR LEFT (REVERSE)



## ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

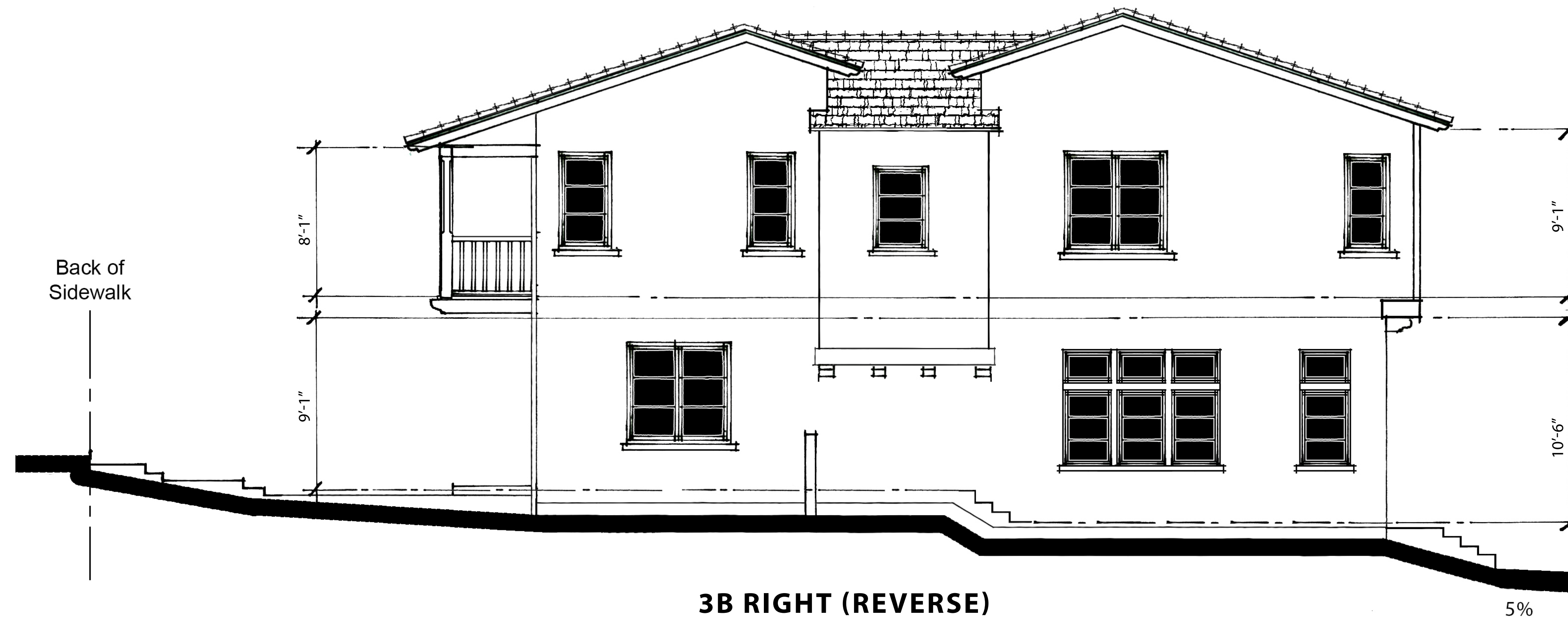
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

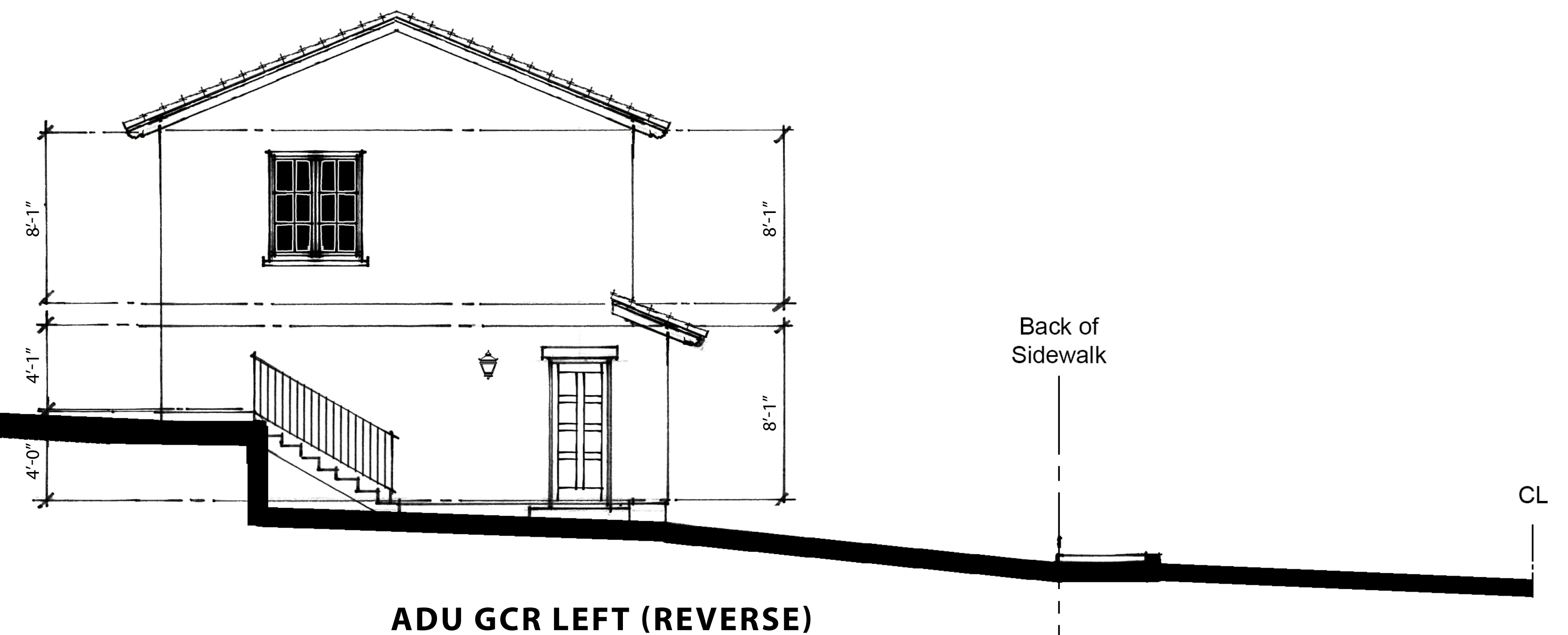
ROBSON HOMES

16035.01 11/27/19

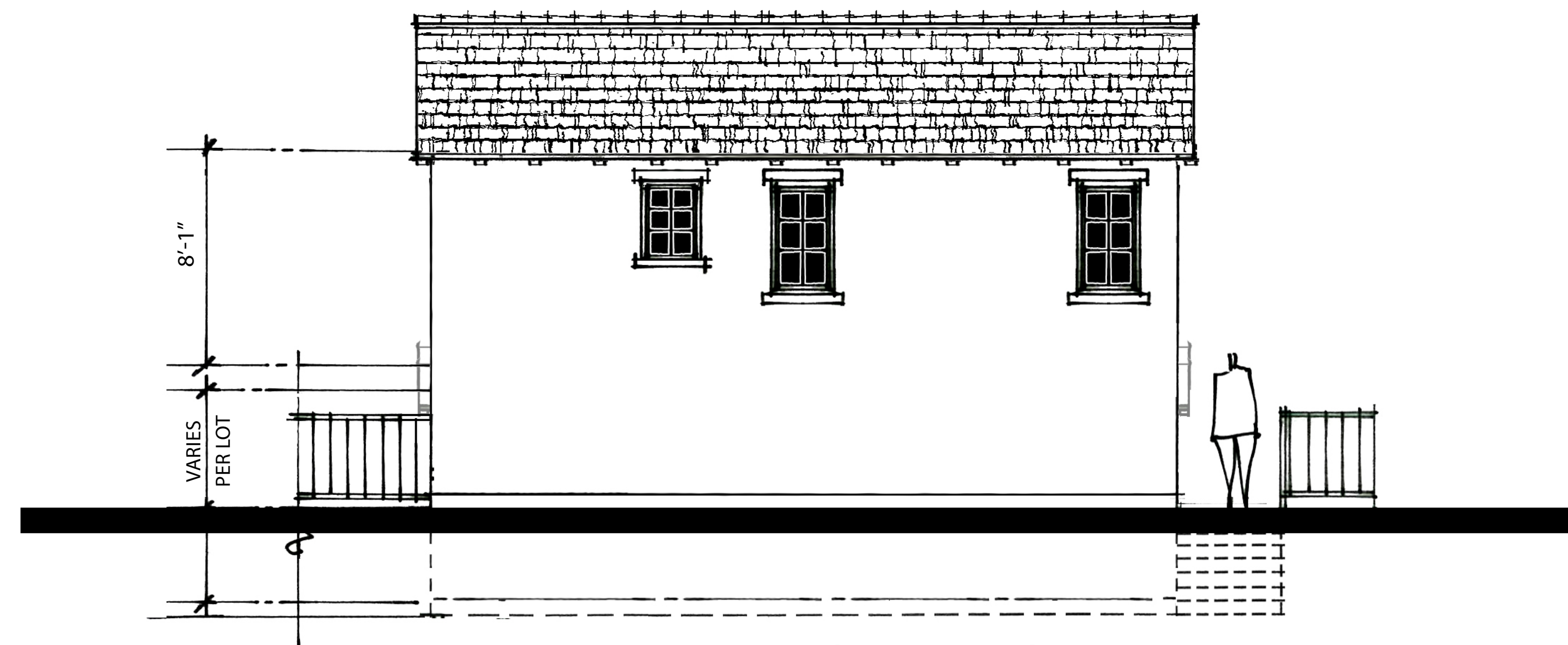




3B RIGHT (REVERSE)



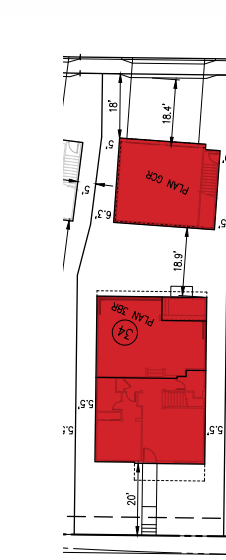
ADU GCR LEFT (REVERSE)



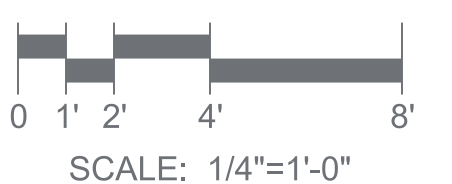
ADU GCR REAR (REVERSE)



ADU GCR FRONT (REVERSE)  
SCHEME 8



## ELEVATIONS



NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

PLAN 3 - LOT 36  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19

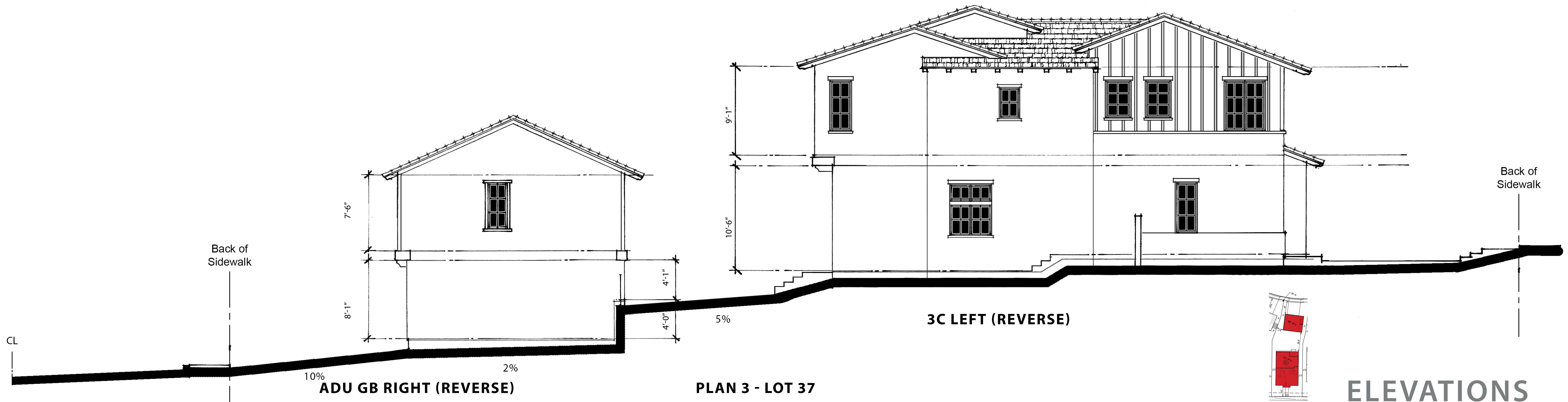




3C REAR (REVERSE)



3C FRONT (REVERSE)  
SCHEME 2



ADU GB RIGHT (REVERSE)

3C LEFT (REVERSE)

PLAN 3 - LOT 37

NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

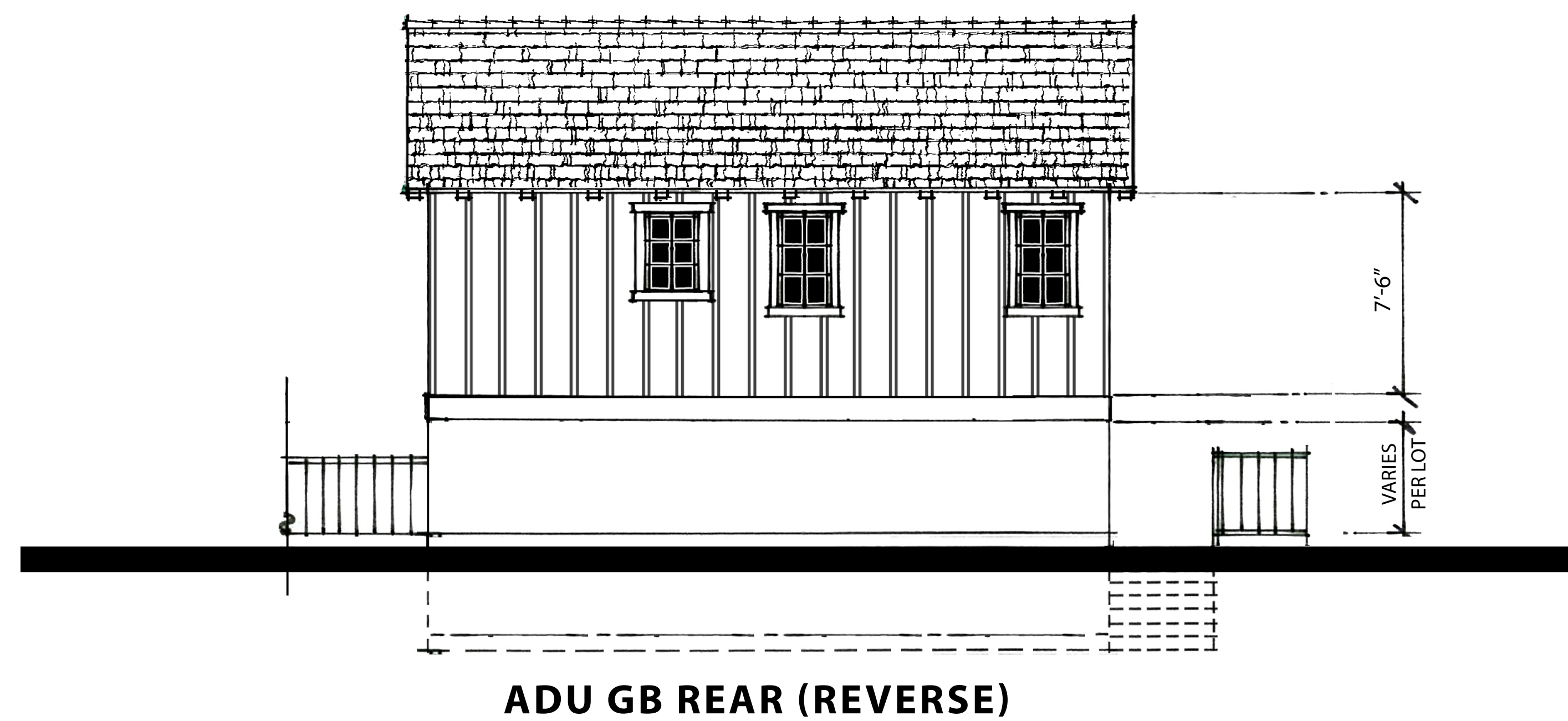
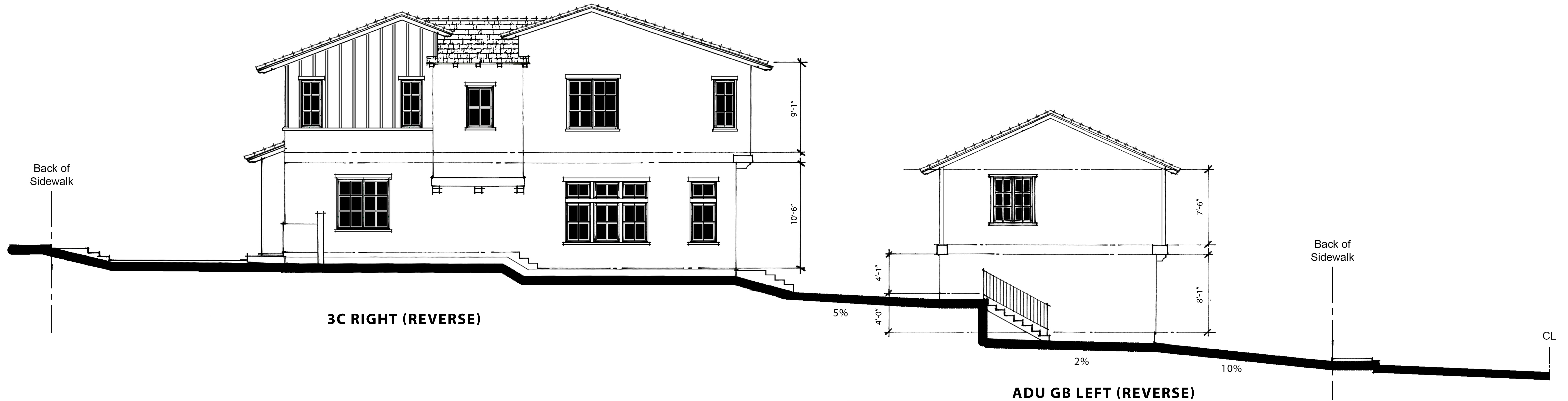
ROBSON HOMES

16035.01 11/27/19

A-23

908





**PLAN 3 - LOT 37**  
**NOTE: ALL STUCCO SHALL BE 20/30 FINISH**

**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

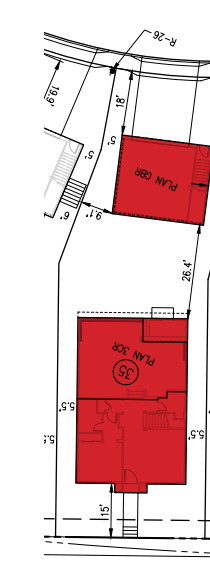
**ROBSON HOMES**

16035.01 11/27/19

A-24

**ELEVATIONS**

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"



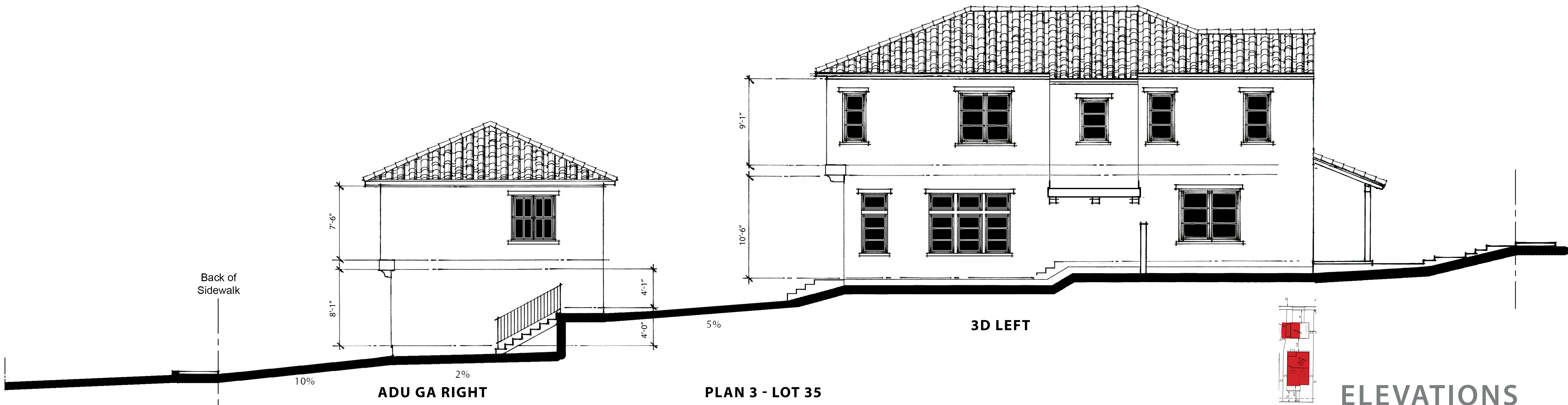




3D REAR



3D FRONT  
SCHEME 5



3D LEFT

ADU GA RIGHT

PLAN 3 - LOT 35  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

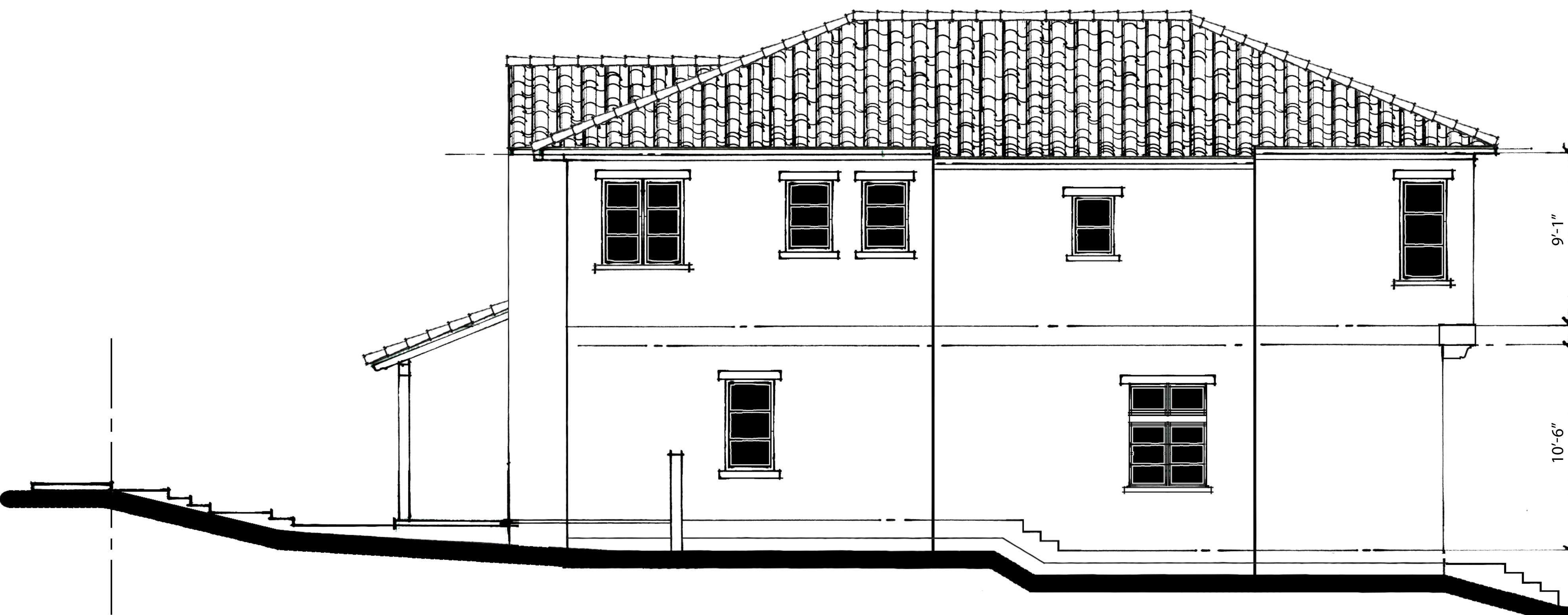
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

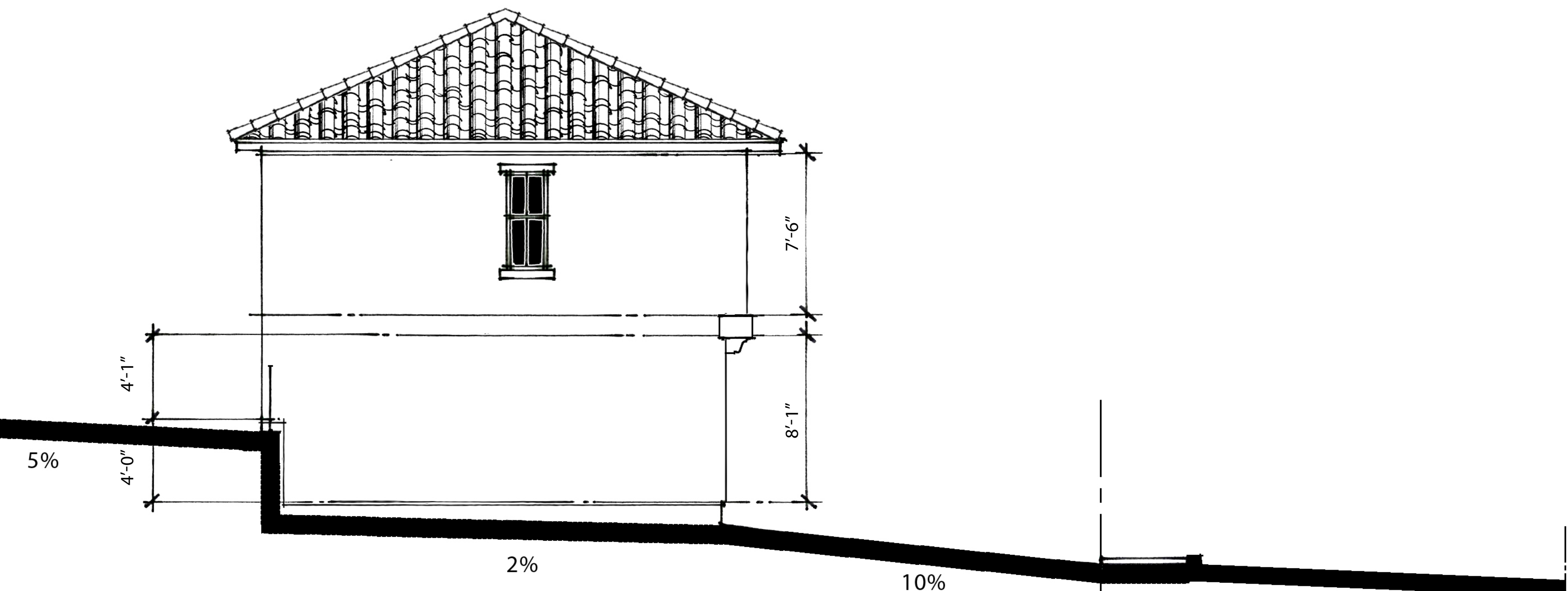
ROBSON HOMES

16035.01 11/27/19

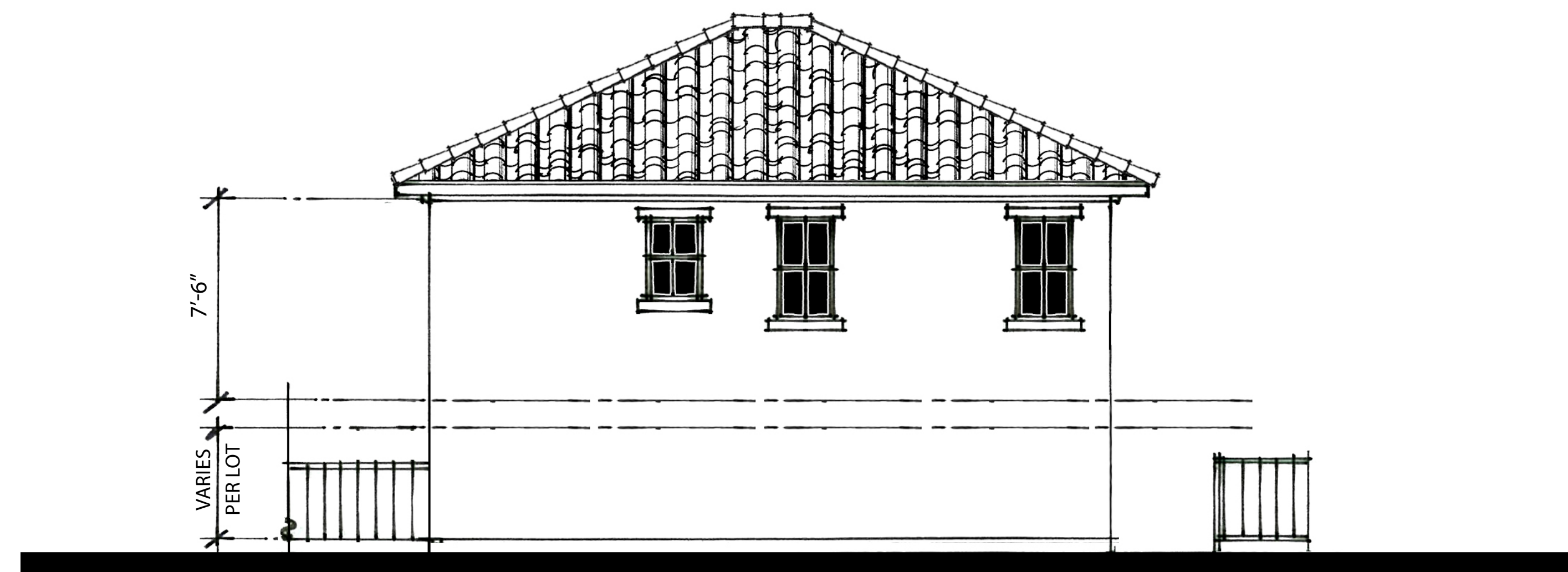




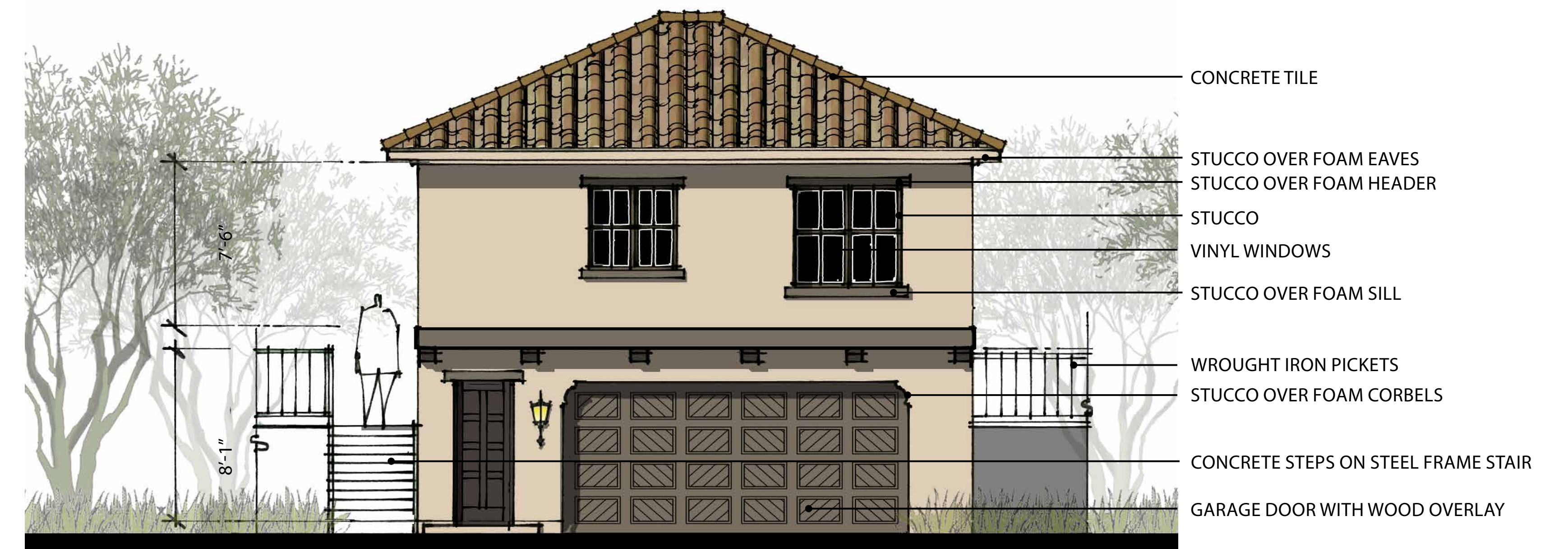
3D LEFT



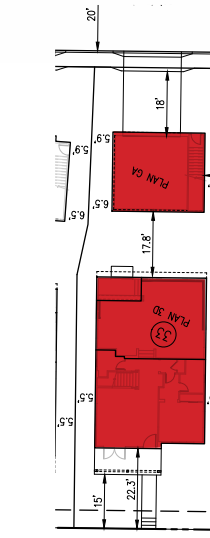
ADU GA LEFT



ADU GA REAR



ADU GA FRONT  
SCHEME 5



## ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

PLAN 3 - LOT 35  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

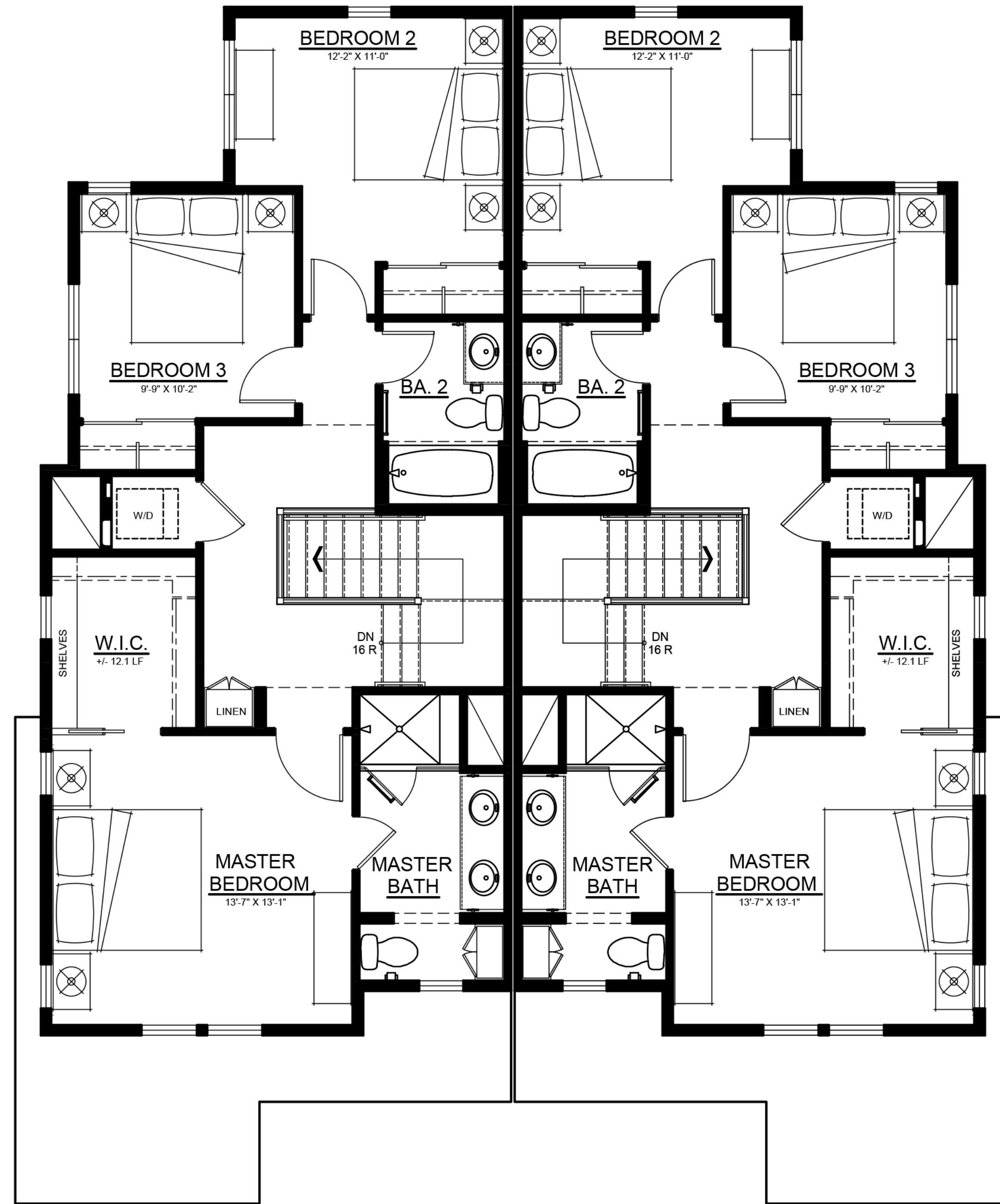
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

ROBSON HOMES

16035.01 11/27/19

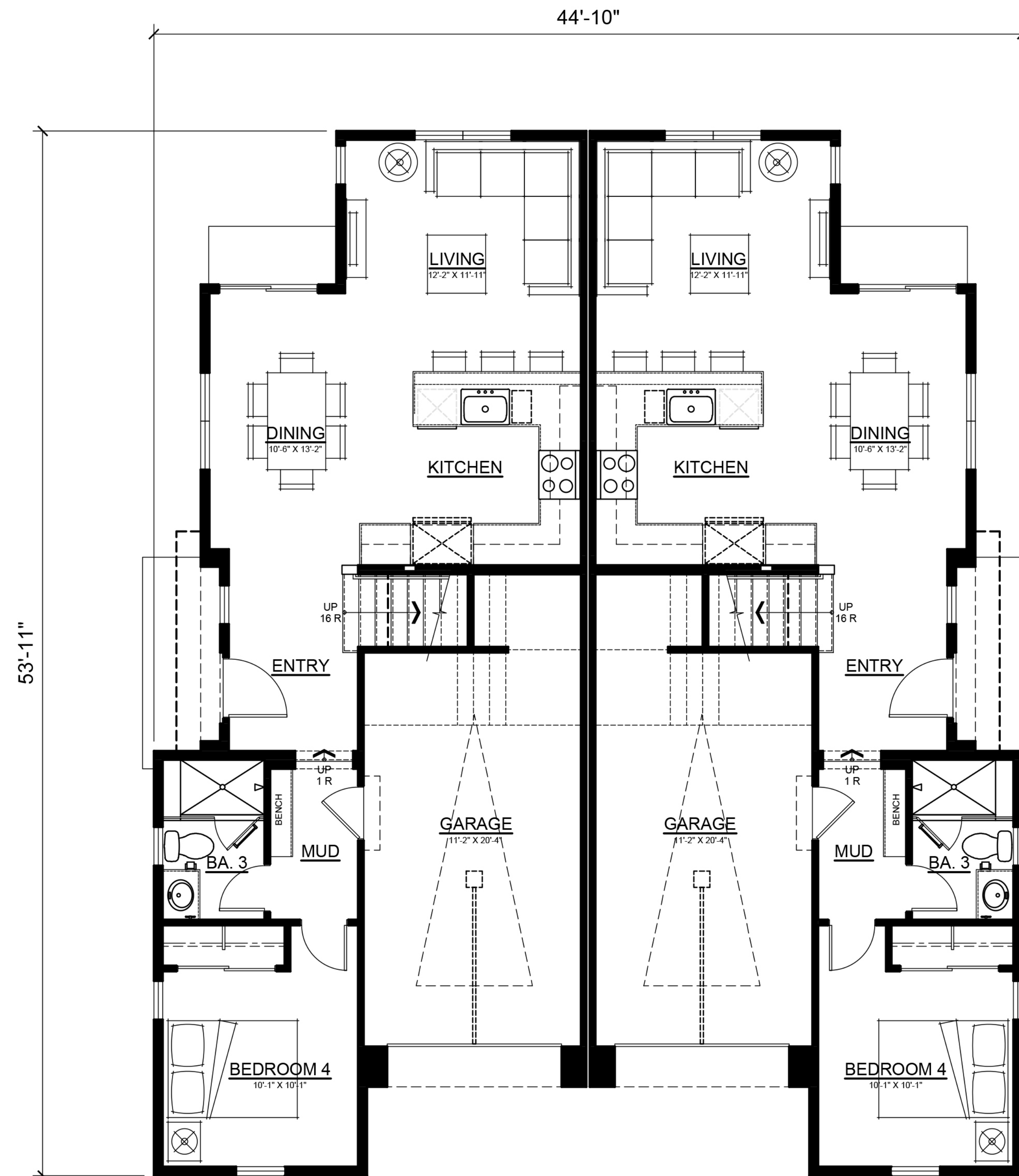




SECOND FLOOR  
(876 SF PER UNIT)

**PLAN 4 (PAIRED UNIT)**  
(‘C’ ELEVATION)  
TOTAL UNIT: 1,587 SF  
TOTAL BUILDING: 3,174 SF

**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA



FIRST FLOOR  
(711 SF PER UNIT)

**PLAN 4 (PAIRED UNIT) FLOOR PLAN**



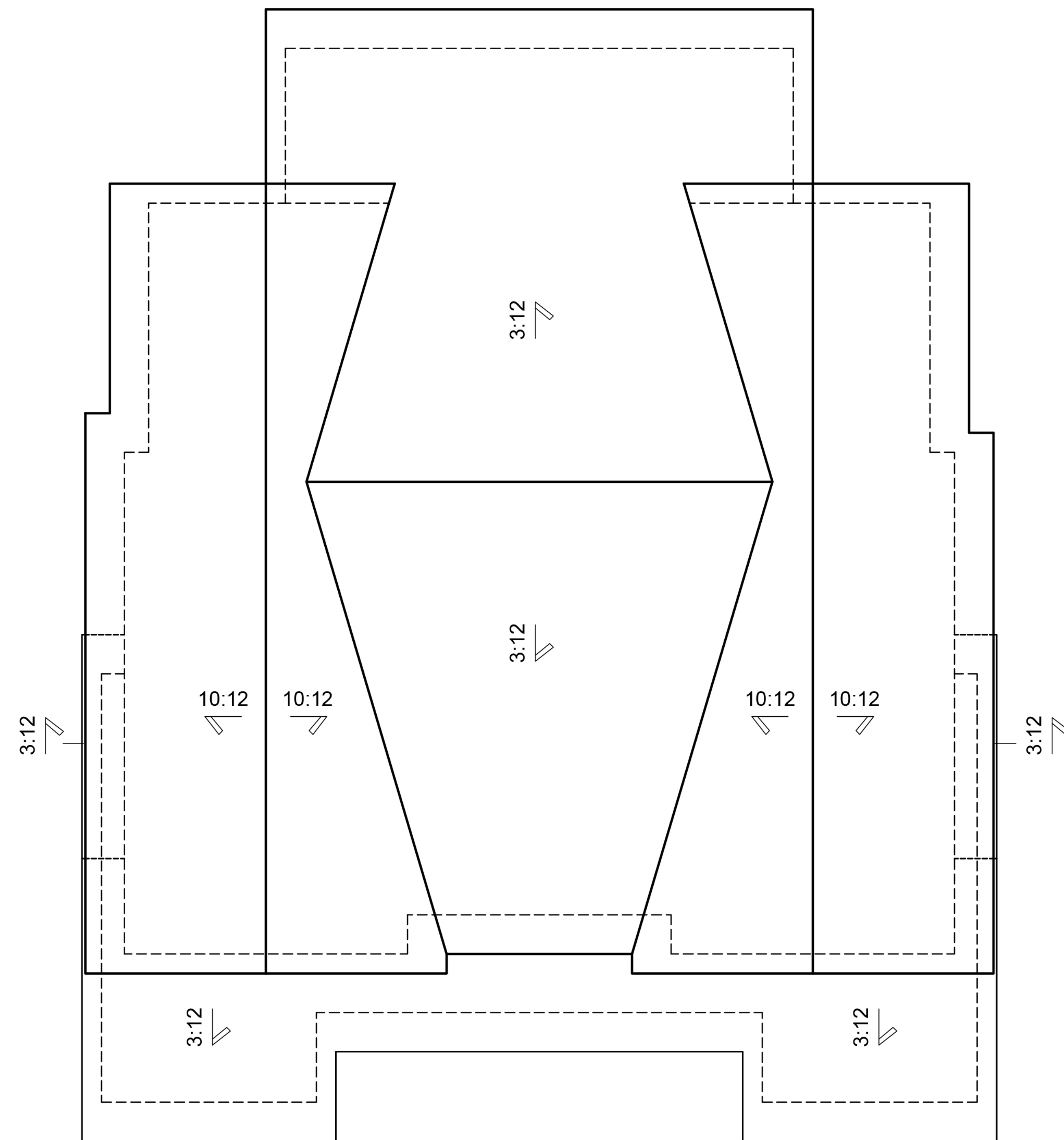
DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

**ROBSON HOMES**

16035.01 11/27/19





'4C' ELEVATION

PLAN 4

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

## ROOF PLAN



ROBSON HOMES

16035.01 11/27/19





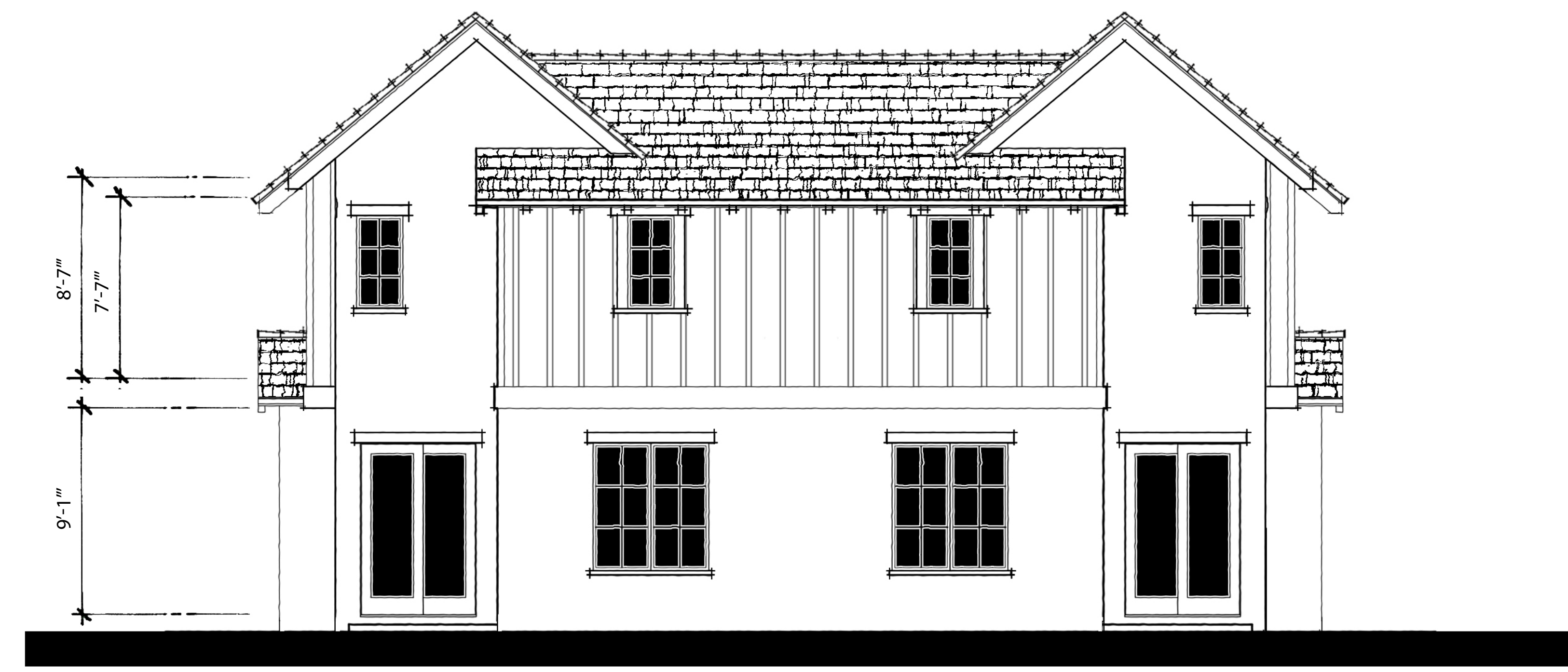
LEFT



FRONT  
SCHEME 2



RIGHT



REAR

PLAN 4C (PAIRED UNIT)  
NOTE: ALL STUCCO SHALL BE 20/30 FINISH

NORTH PARK VICTORIA  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

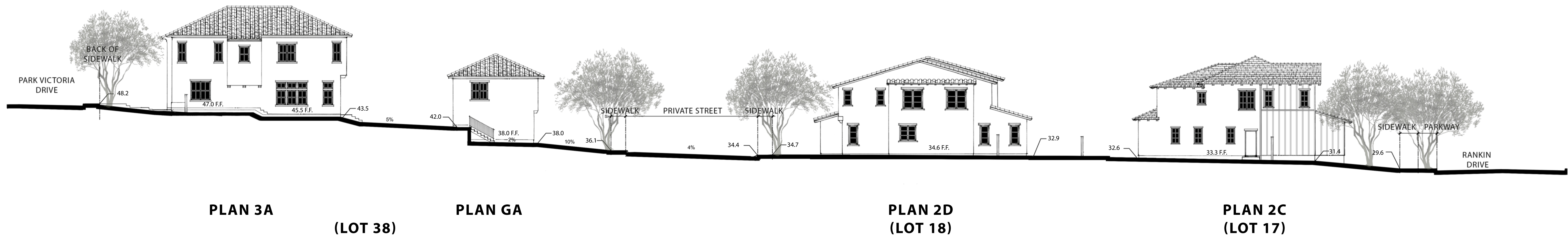
## ELEVATIONS

0 1' 2' 4' 8'  
SCALE: 1/4"=1'-0"

ROBSON HOMES

16035.01 11/27/19



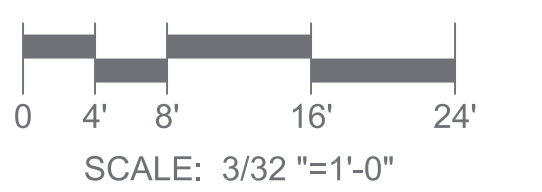


**NORTH PARK VICTORIA**  
MILPITAS, CALIFORNIA

DESIGN FOCUS  
LANDSCAPE

CIVIL ENGINEERING ASSOCIATES  
CIVIL

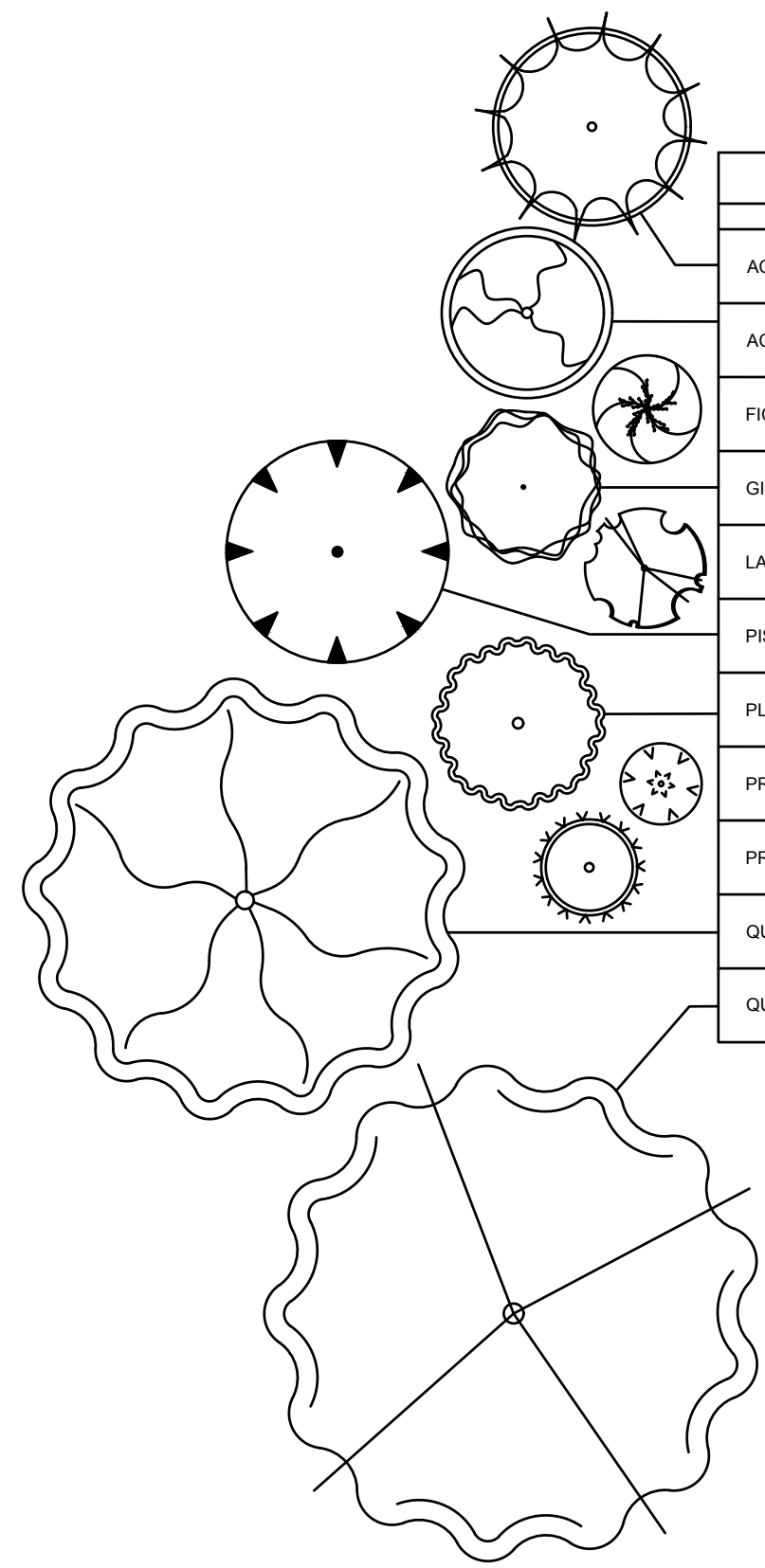
**SITE SECTION ' A '**



**ROBSON HOMES**

16035.01 11/27/19





| SITE TREES                       |       |        |      |                  |
|----------------------------------|-------|--------|------|------------------|
| NAME                             | COUNT | WUCOLS | SIZE | NOTES            |
| ACER NEGUNDO 'SENSATION'         | 5     | M      | 150  |                  |
| ACER PALMATUM 'RED EMPEROR'      | 1     | M      | 150  |                  |
| FICUS CARICA 'BLACK MISSION'     | 1     | M      | 24"  | FRUITING FIG     |
| GINKGO BILOBA 'FAIRMONT'         | 10    | M      | 24"  |                  |
| LAGERSTROEMIA X 'MUSKOGEE'       | 30    | L      | 24"  | STANDARD         |
| PISTACIA CHINENSIS 'KEITH DAVEY' | 21    | L      | 24"  |                  |
| PLATANUS X ACERIFOLIA 'COLUMBIA' | 22    | M      | 24"  |                  |
| PRUNUS ARMENIACA                 | 1     | M      | 24"  | FRUITING APRICOT |
| PRUNUS DOMESTICA                 | 1     | M      | 24"  | FRUITING PLUM    |
| QUERCUS LOBATA                   | 1     | L      | 24"  | CA NATIVE        |
| QUERCUS ROBUR                    | 2     | M      | 24"  |                  |

| NORTH PARK VICTORIA LEGEND |                      |                                                                                                                                         |
|----------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
|                            | STEPPING STONE       | 20"x20"x2" THICK TUMBLED CAMERON LIGHT STONE, AVAILABLE AT PENINSULA BUILDING MATERIALS, BRAD BULLOCK (408) 690-0348, SEE 2.1 DETAIL #6 |
|                            | POT                  |                                                                                                                                         |
|                            | FENCE                | GOOD NEIGHBOR, SEE L2.1 DETAIL #2                                                                                                       |
|                            | FENCE ON TOP OF WALL | GOOD NEIGHBOR, SEE L2.1 DETAIL #3                                                                                                       |
|                            | ENCLOSURE WALL       | STUCCO FACED, SEE L2.1 DETAIL #7                                                                                                        |
|                            | LOW GARDEN WALL      | WITH 32" WIDE GATE, SEE L2.1 DETAIL #4                                                                                                  |
|                            | CMU RETAINING WALL   |                                                                                                                                         |
|                            | STUCCO SOUND WALL    | 7' TALL                                                                                                                                 |
|                            | PEDESTRIAN GATE      | GOOD NEIGHBOR, SEE L2.1 DETAIL #1                                                                                                       |
|                            | BIORETENTION AREA    |                                                                                                                                         |

LANDSCAPE AND IRRIGATION PLAN SHALL COMPLY WITH THE ENGINEERING PLANS AND MAP PROCEDURES AND GUIDELINES



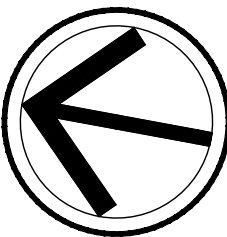
NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

LAYOUT PLAN

DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

FOCUS



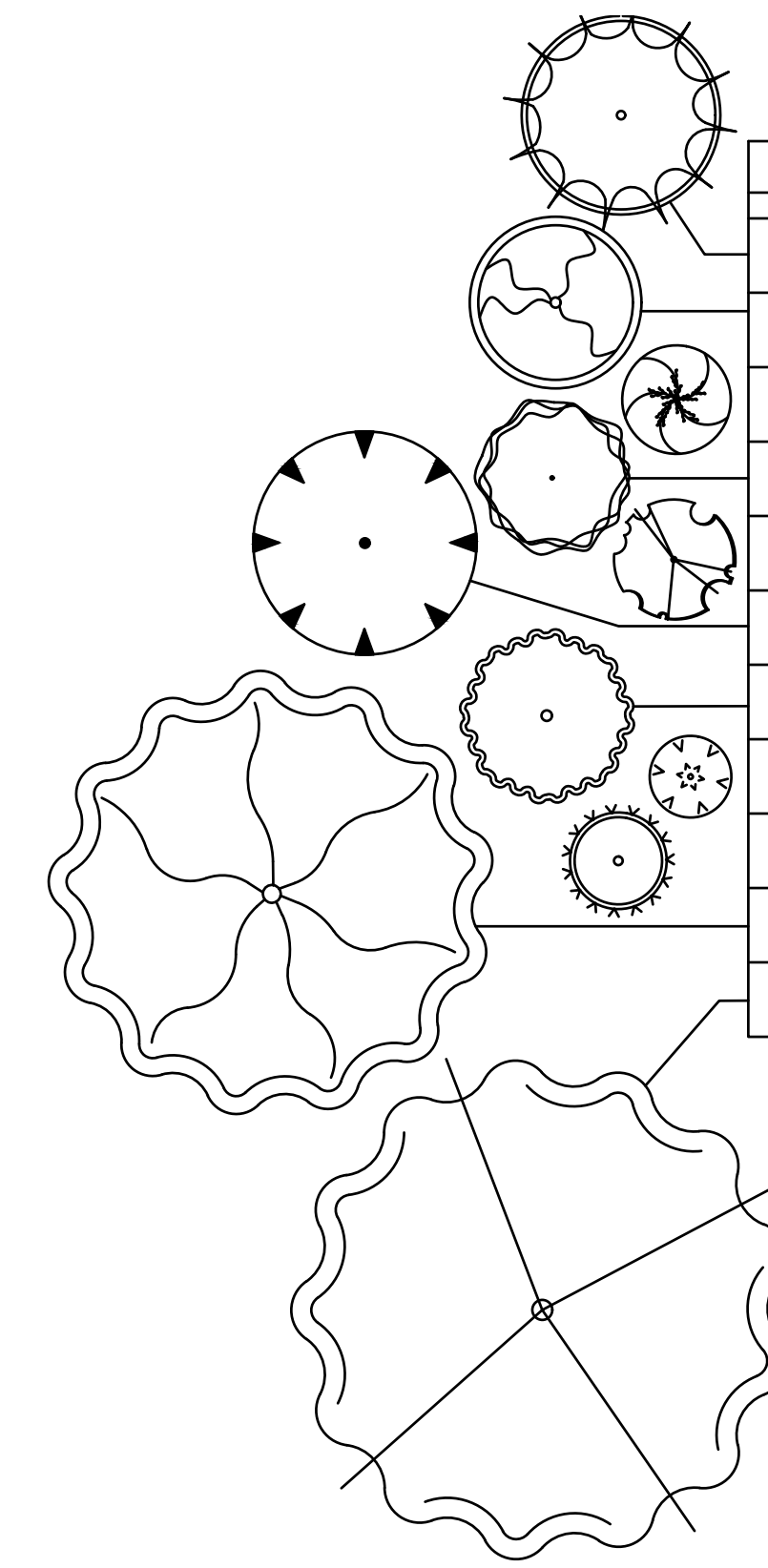
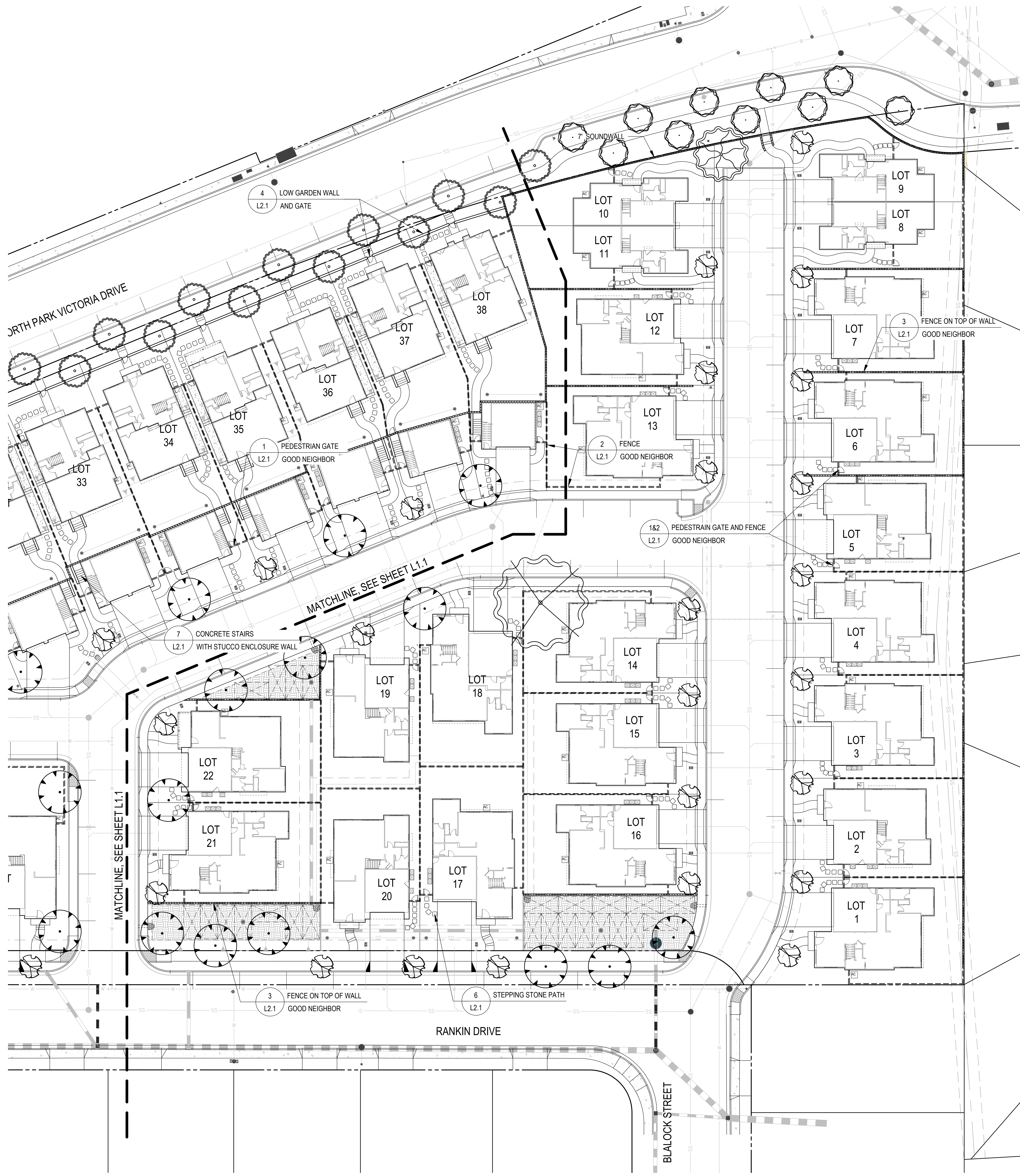
KEY MAP



REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH  
SCALE: 1"=20'-0"

L1.1





| SITE TREES                       |       |        |      |                  |
|----------------------------------|-------|--------|------|------------------|
| NAME                             | COUNT | WUCOLS | SIZE | NOTES            |
| ACER NEGUNDO 'SENSATION'         | 5     | M      | 150  |                  |
| ACER PALMATUM 'RED EMPEROR'      | 1     | M      | 150  |                  |
| FICUS CARICA 'BLACK MISSION'     | 1     | M      | 24"  | FRUITING FIG     |
| GINKGO BILOBA 'FAIRMONT'         | 10    | M      | 24"  |                  |
| LAGERSTROEMIA X 'MUSKOGEE'       | 30    | L      | 24"  | STANDARD         |
| PISTACIA CHINENSIS 'KEITH DAVEY' | 21    | L      | 24"  |                  |
| PLATANUS X ACERIFOLIA 'COLUMBIA' | 22    | M      | 24"  |                  |
| PRUNUS ARMENIACA                 | 1     | M      | 24"  | FRUITING APRICOT |
| PRUNUS DOMESTICA                 | 1     | M      | 24"  | FRUITING PLUM    |
| QUERCUS LOBATA                   | 1     | L      | 24"  | CA NATIVE        |
| QUERCUS ROBUR                    | 2     | M      | 24"  |                  |

| NORTH PARK VICTORIA LEGEND |                      |                                                                                                                                        |
|----------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------|
|                            | STEPPING STONE       | 20"x20"x2" THICK TUMBLED CAMERON LIGHT STONE, AVAILABLE AT PENINSULA BUILDING MATERIALS BRAD BULLOCK (408) 690-0348, SEE 2.1 DETAIL #6 |
|                            | POT                  |                                                                                                                                        |
|                            | FENCE                | GOOD NEIGHBOR, SEE L2.1 DETAIL #2                                                                                                      |
|                            | FENCE ON TOP OF WALL | GOOD NEIGHBOR, SEE L2.1 DETAIL #3                                                                                                      |
|                            | ENCLOSURE WALL       | STUCCO FACED, SEE L2.1 DETAIL #7                                                                                                       |
|                            | LOW GARDEN WALL      | WITH 32" WIDE GATE, SEE L2.1 DETAIL #4                                                                                                 |
|                            | CMU RETAINING WALL   |                                                                                                                                        |
|                            | STUCCO SOUND WALL    | 7' TALL                                                                                                                                |
|                            | PEDESTRIAN GATE      | GOOD NEIGHBOR, SEE L2.1 DETAIL #1                                                                                                      |
|                            | BIORETENTION AREA    |                                                                                                                                        |

LANDSCAPE AND IRRIGATION PLAN SHALL COMPLY WITH THE ENGINEERING PLANS AND MAP PROCEDURES AND GUIDELINES

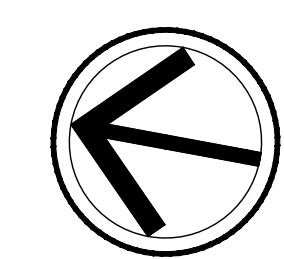
NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

LAYOUT PLAN

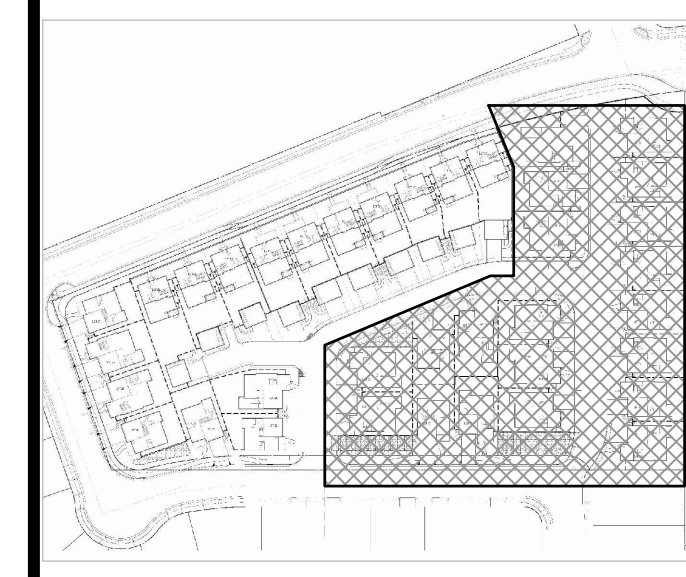
DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

FOCUS



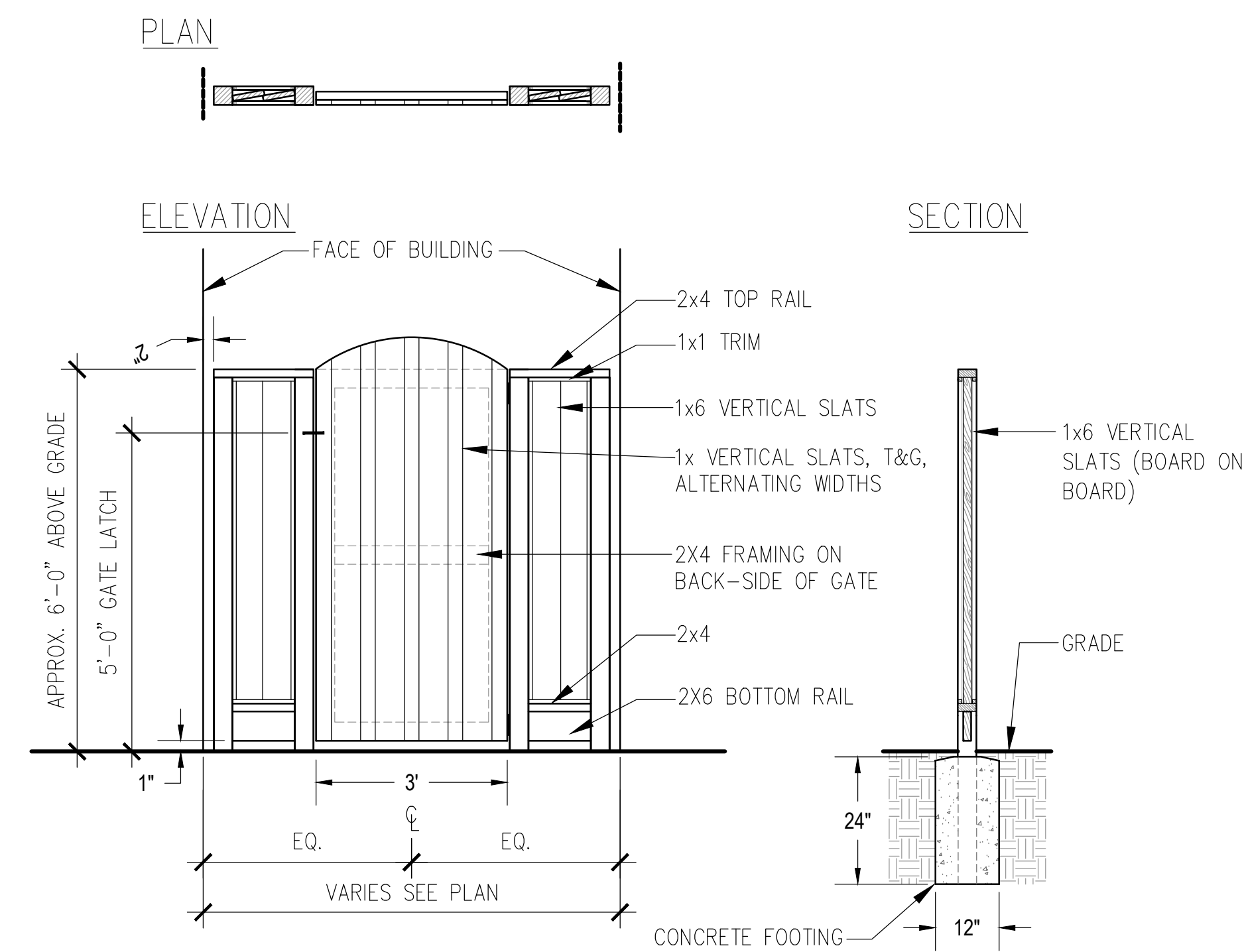
KEY MAP



REVISED: 11/25/2019  
DESIGN BY: RID  
DRAWN BY: KH  
SCALE: 1"=20'-0"

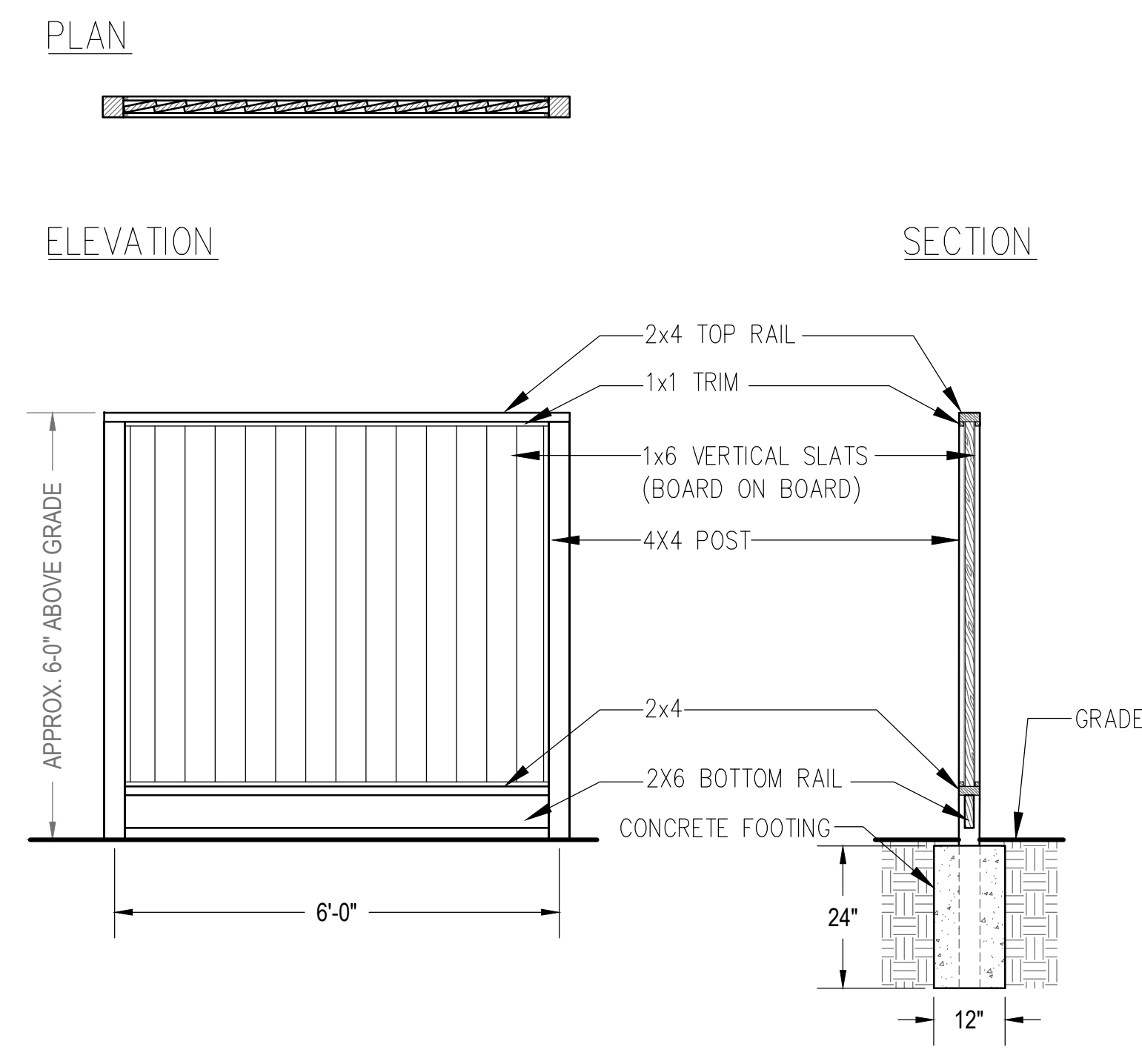
L1.2





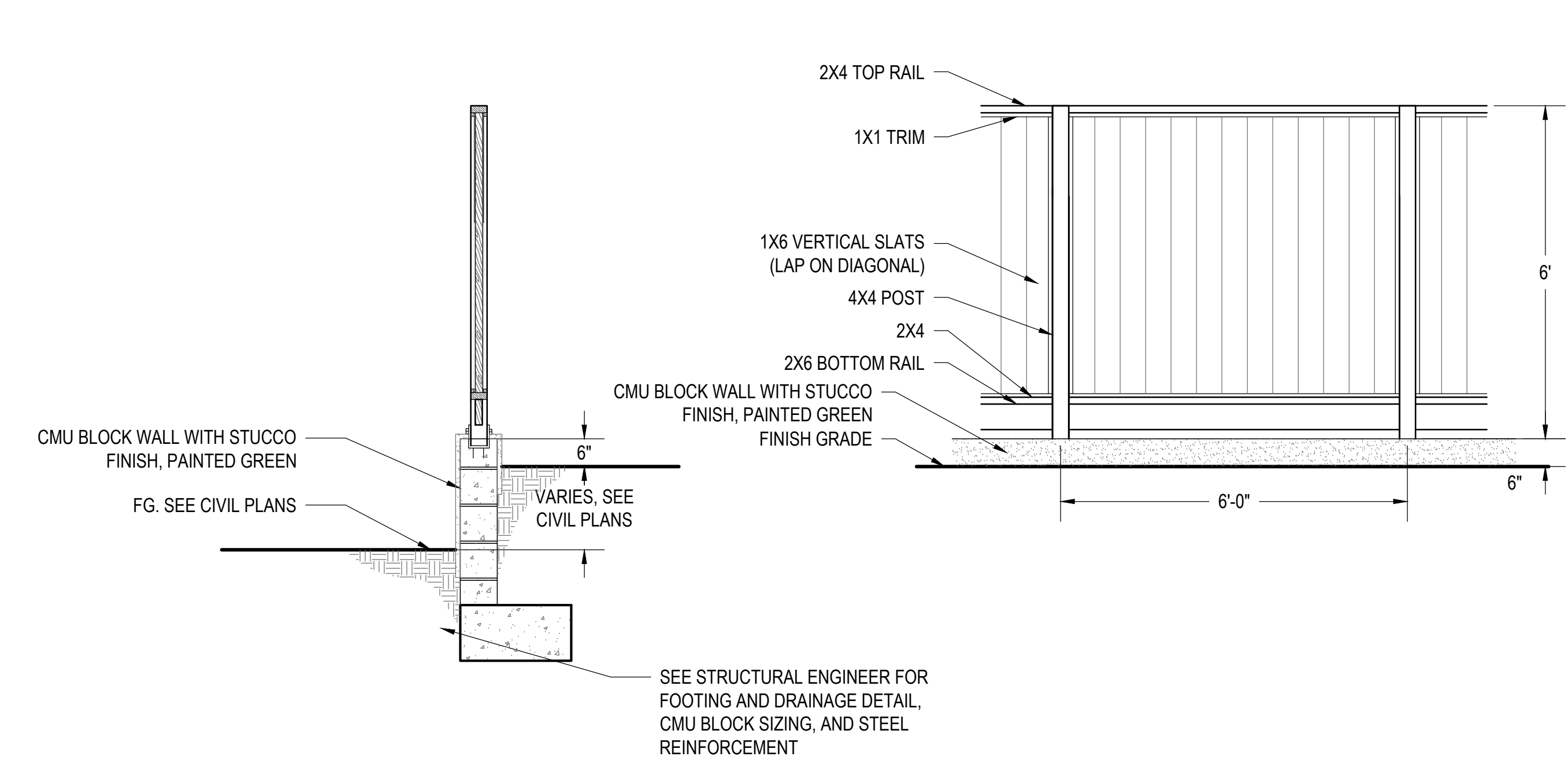
1 PEDESTRIAN GATE  
GOOD NEIGHBOR

SCALE: 1/2"=1'-0"



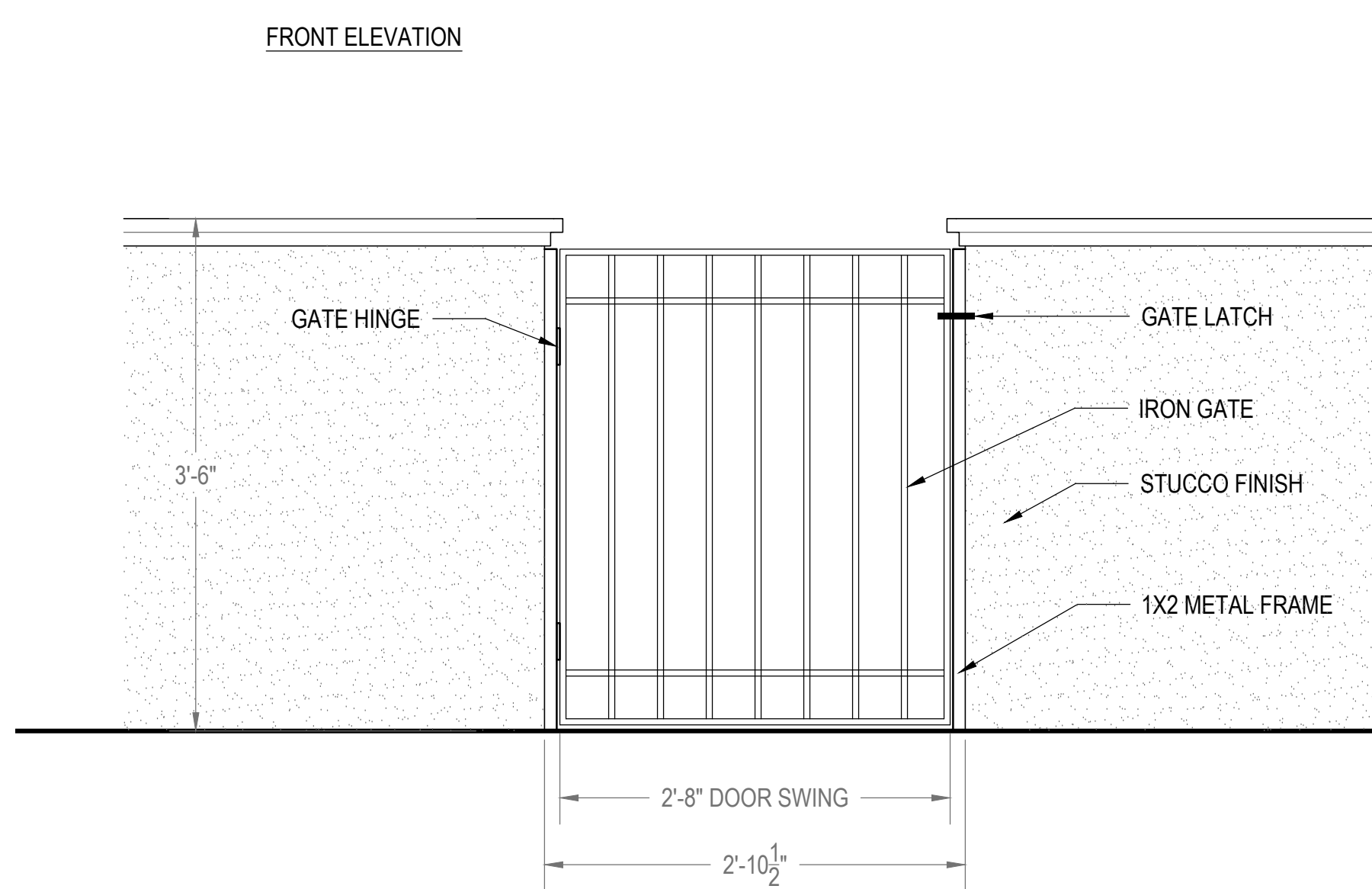
2 FENCE  
GOOD NEIGHBOR

SCALE: 1/2"=1'-0"

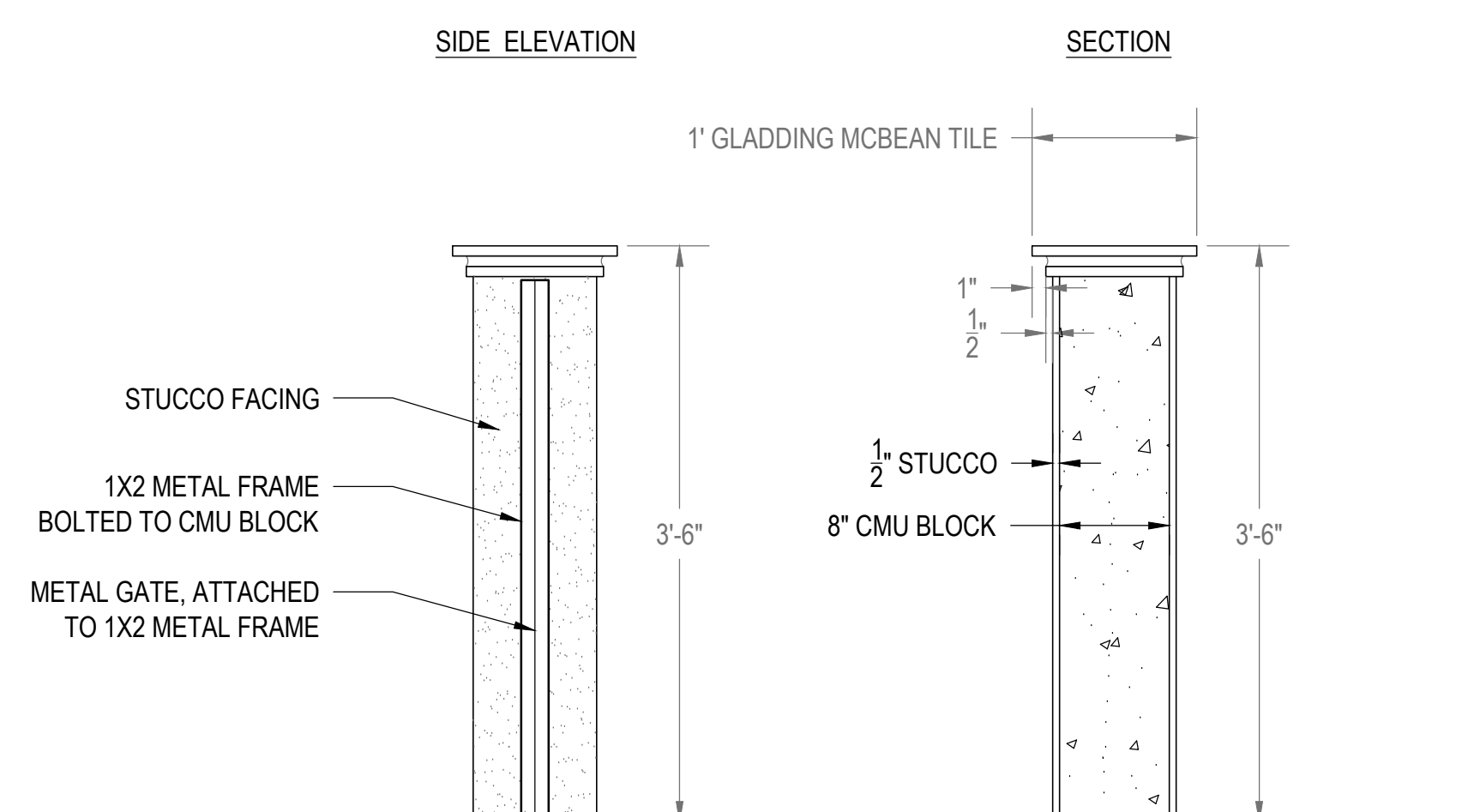


3 FENCE ON TOP OF WALL  
GOOD NEIGHBOR

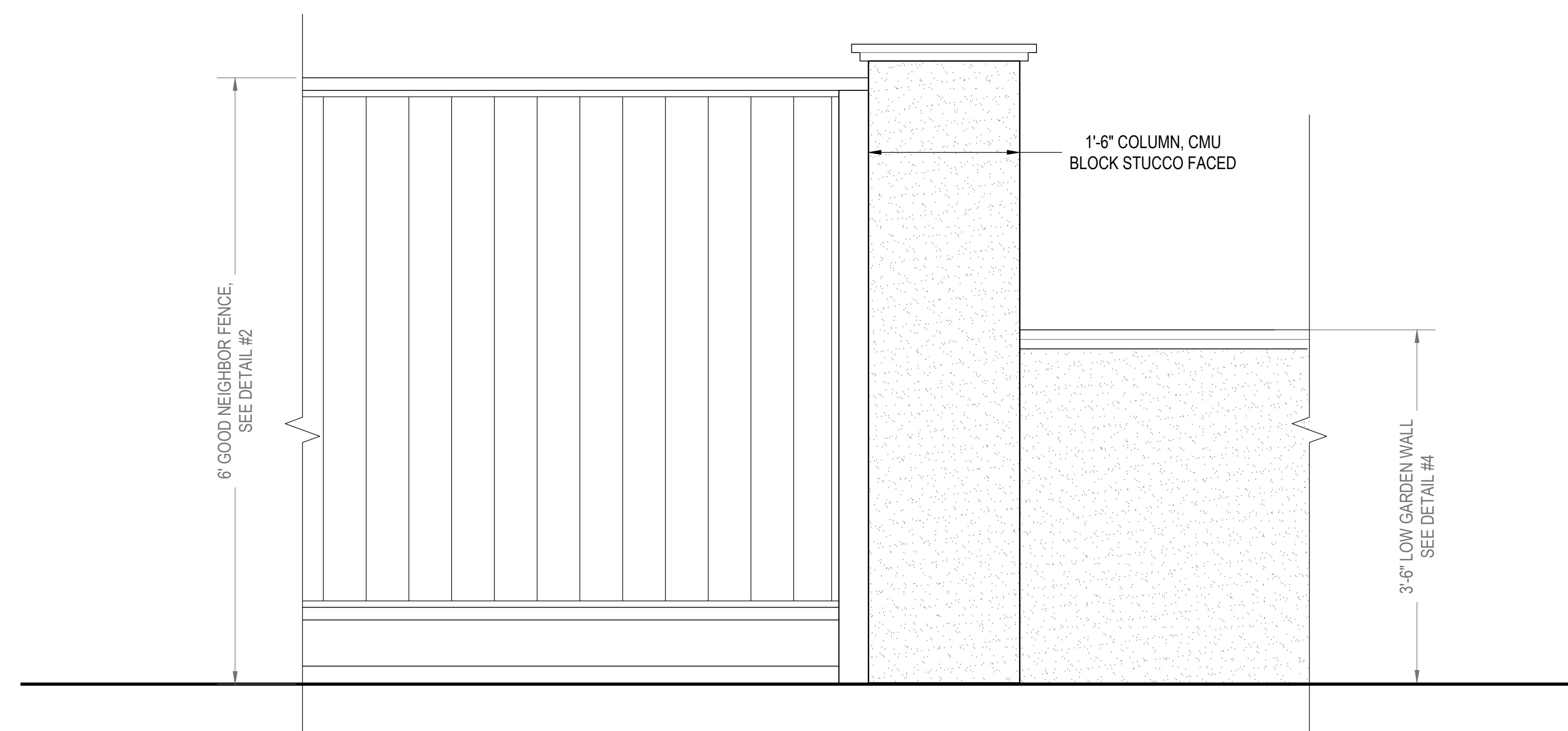
SCALE: 1/2"=1'-0"



4 LOW GARDEN WALL  
AND GATE

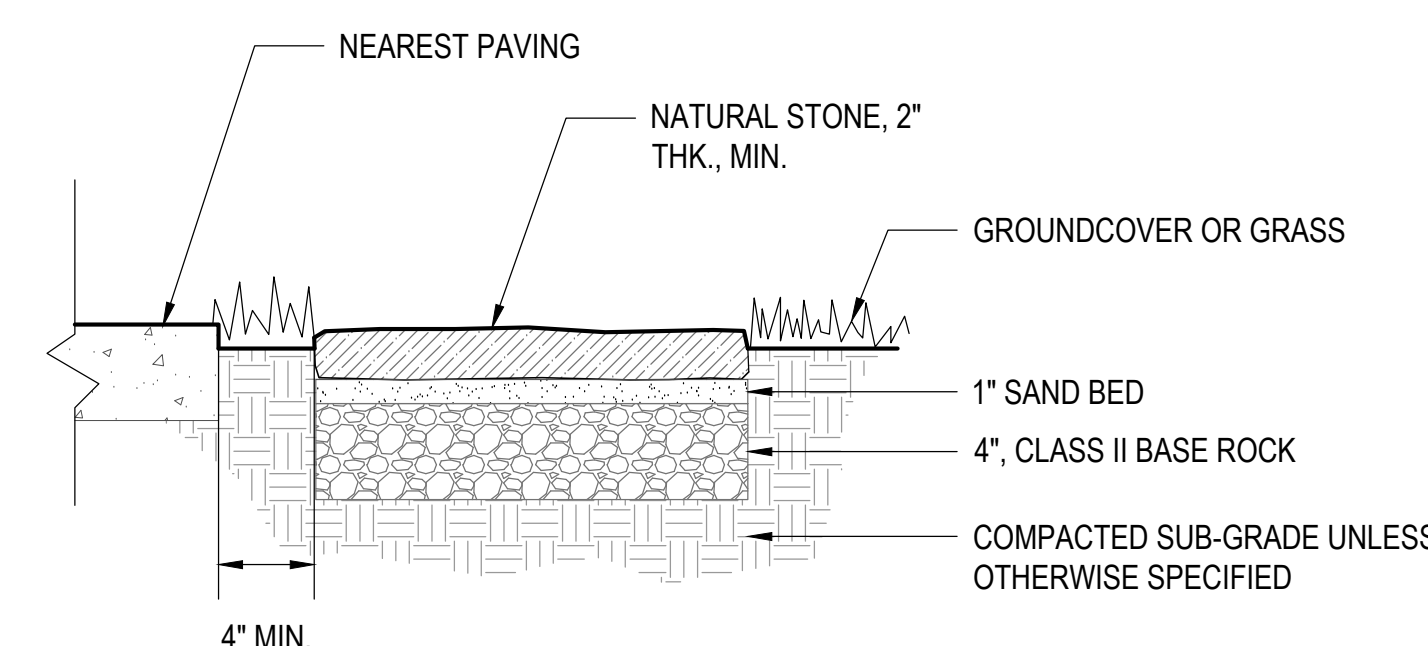


SCALE: 1"=1'-0"



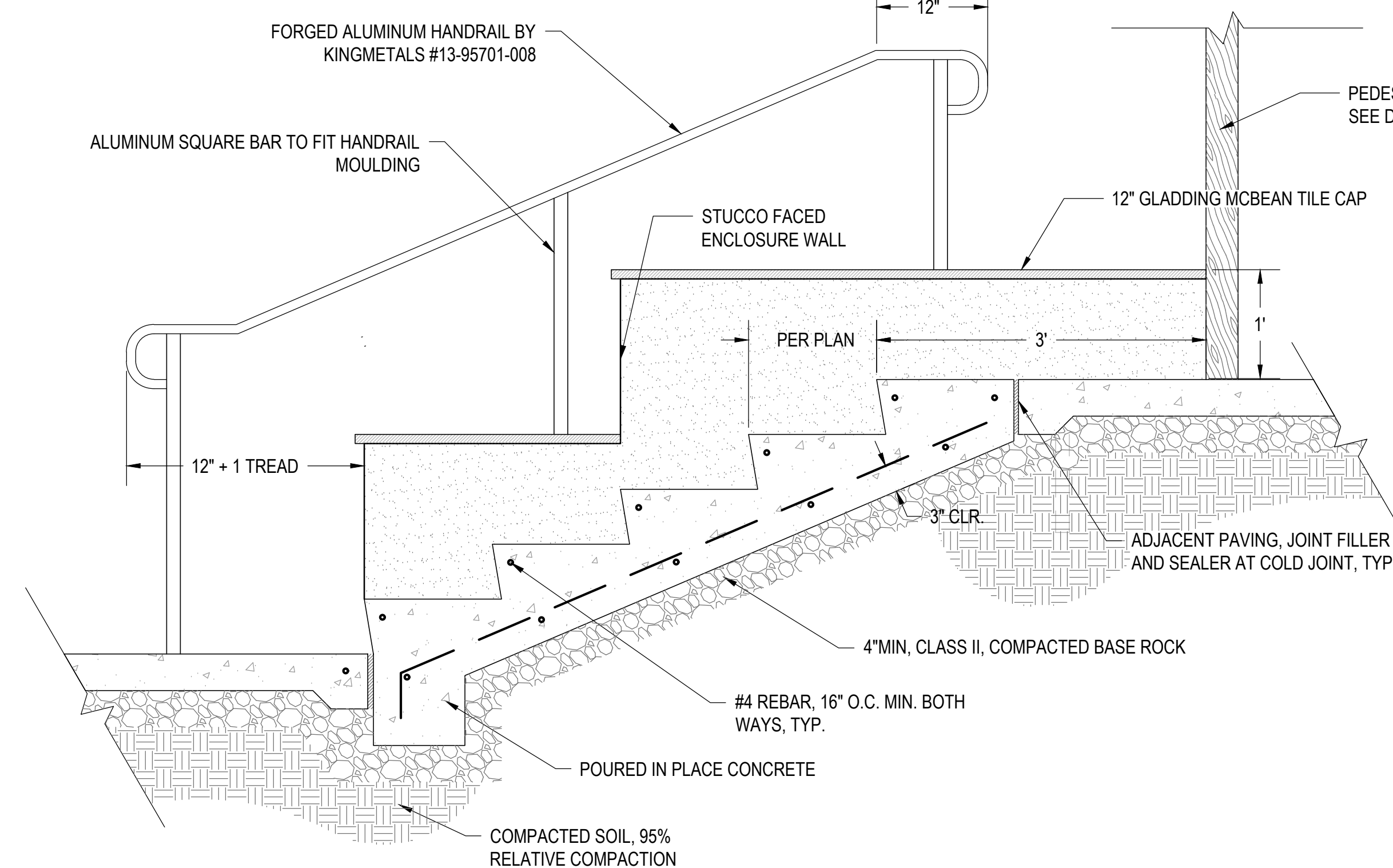
5 STUCCO COLUMN

SCALE: 1"=1'-0"

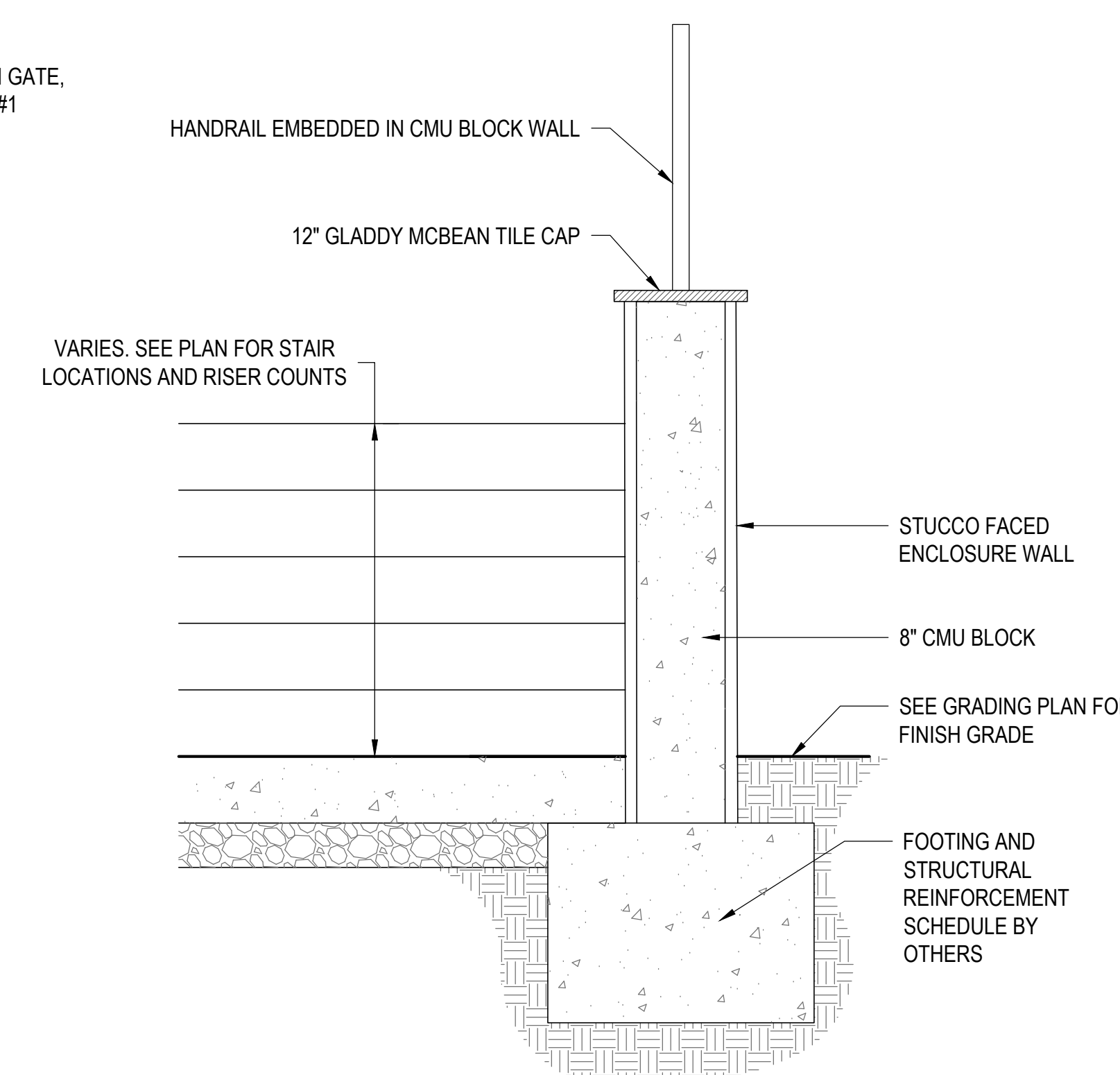


6 STEPPING STONE PATH

SCALE: 1-1/2"=1'-0"



7 CONCRETE STAIRS  
WITH STUCCO ENCLOSURE WALL



SCALE: 1"=1'-0"

NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

## LANDSCAPE DETAILS

### DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

### FOCUS

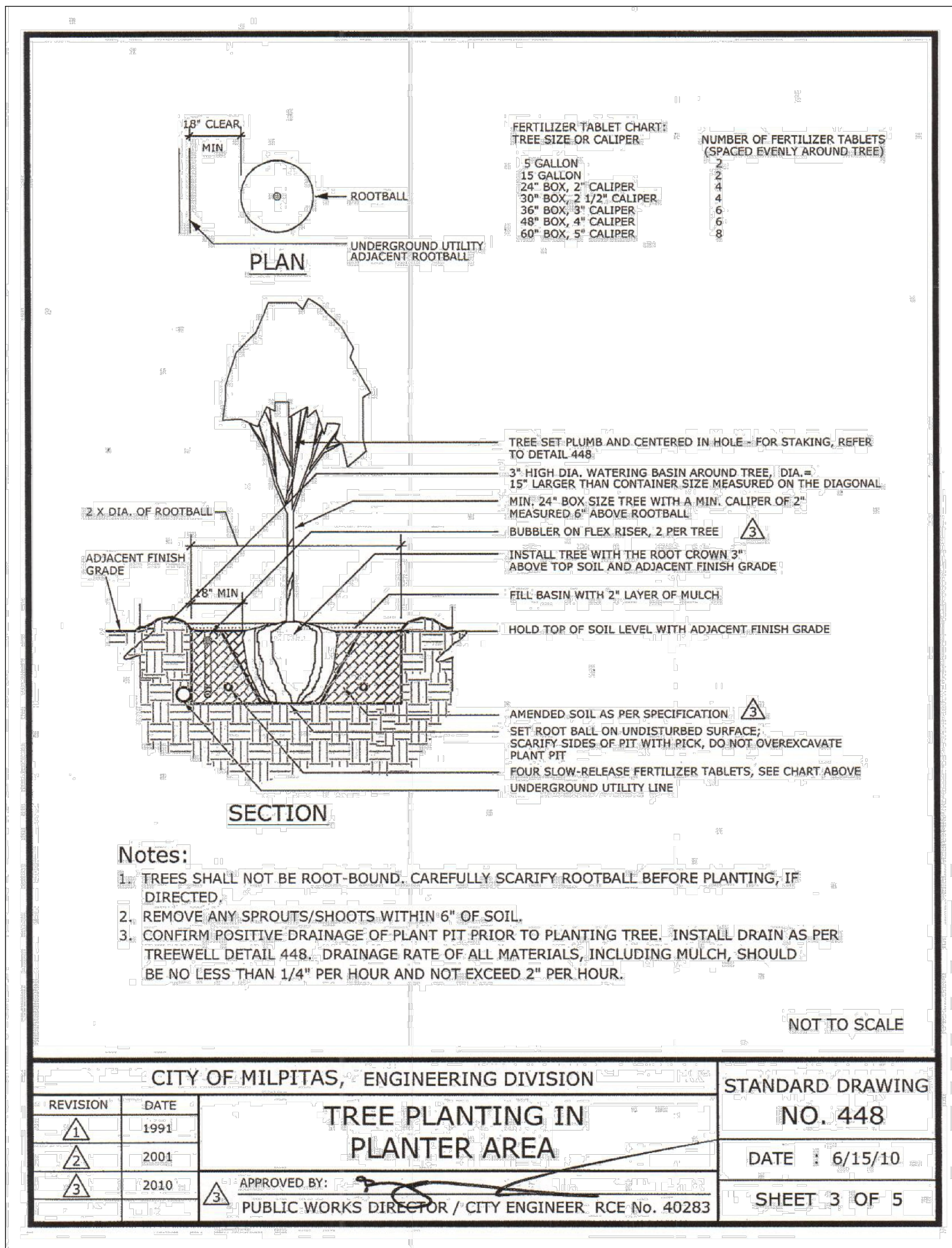
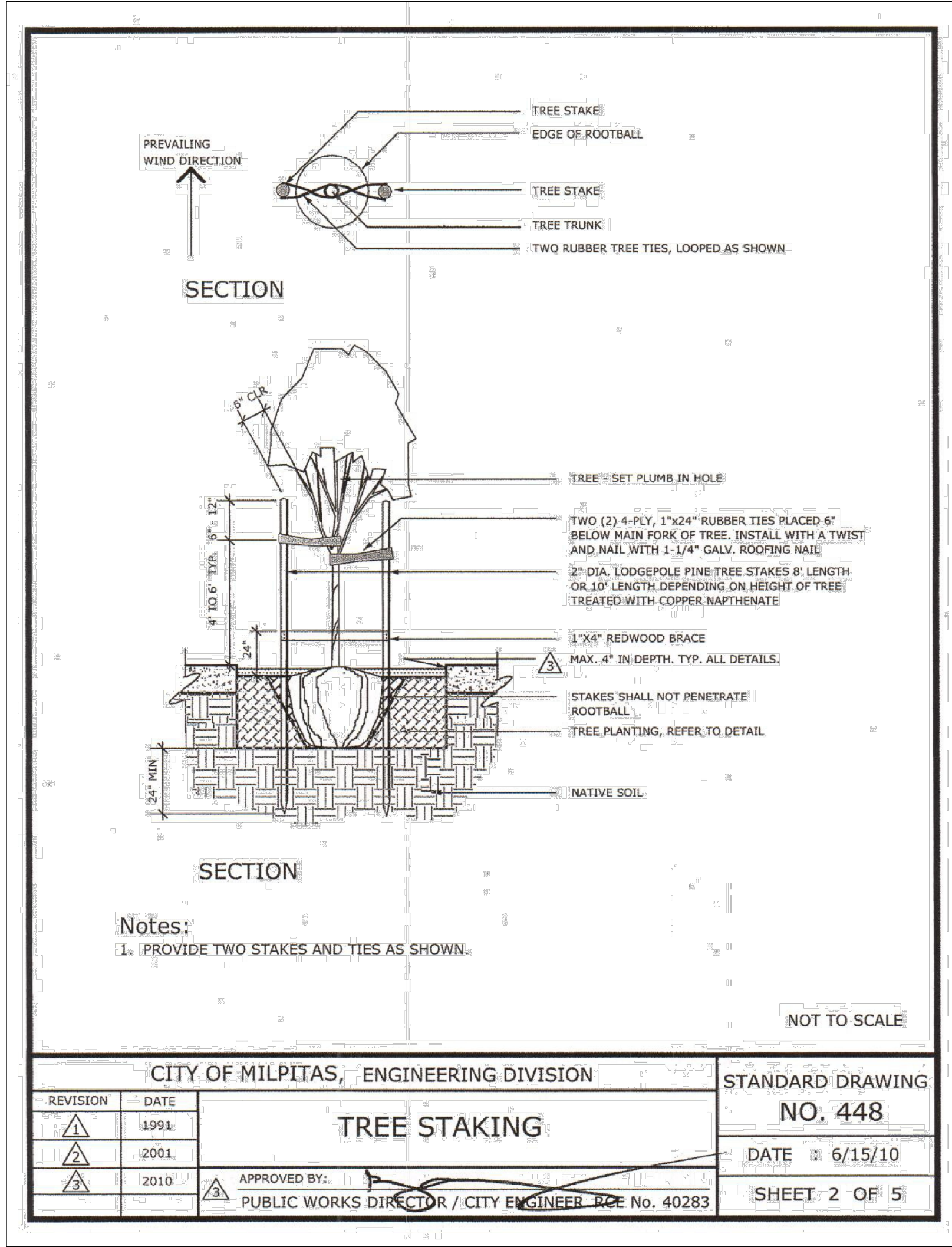
#### KEY MAP



REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH  
SCALE: AS NOTED

L2.1





1 TREE STAKING

SCALE: NTS

2 TREE IN PLANTER AREA

SCALE: NTS

NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

LANDSCAPE  
DETAILS

DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

FOCUS

KEY MAP



REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH  
SCALE: AS NOTED

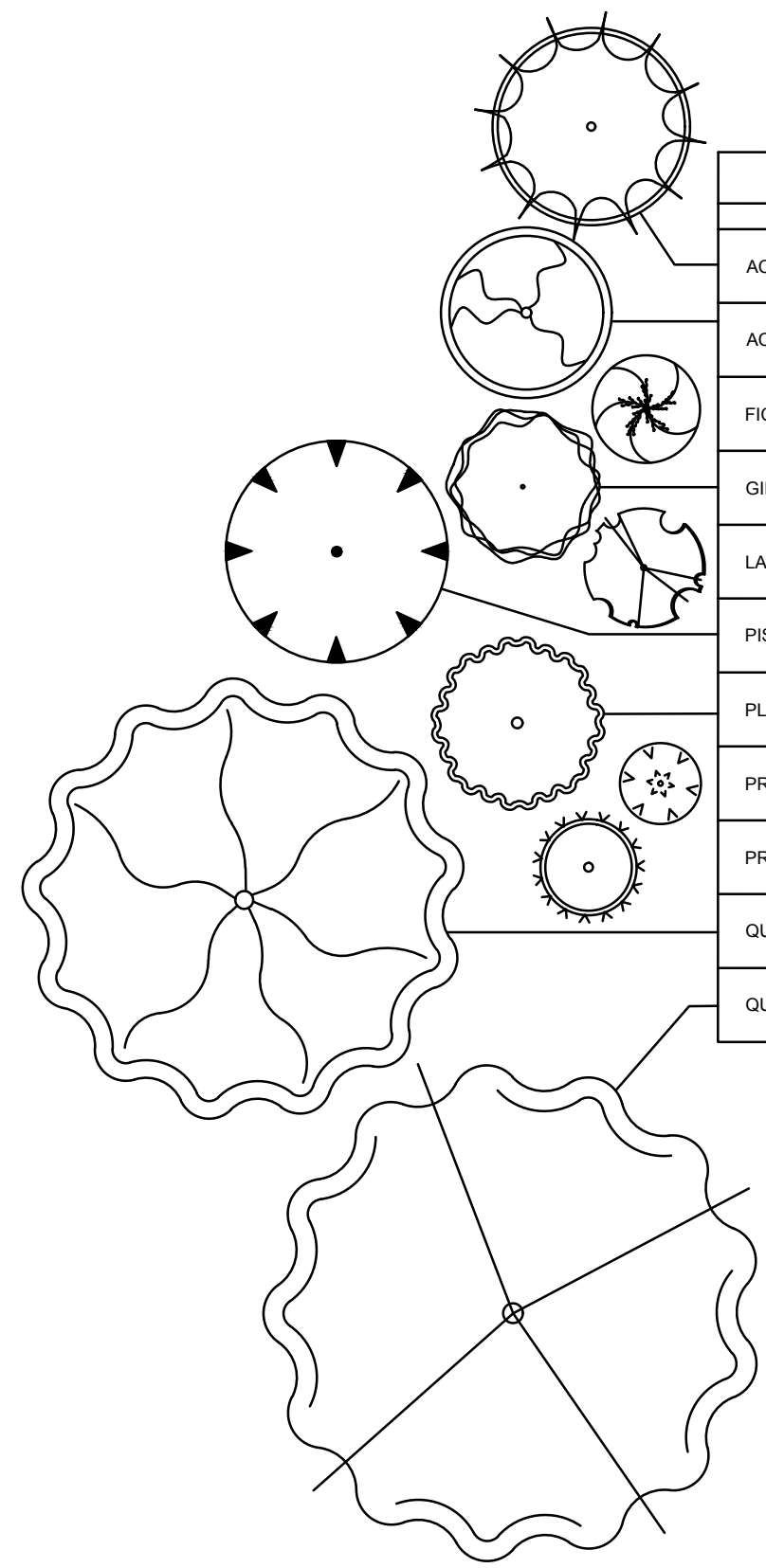
L2.2



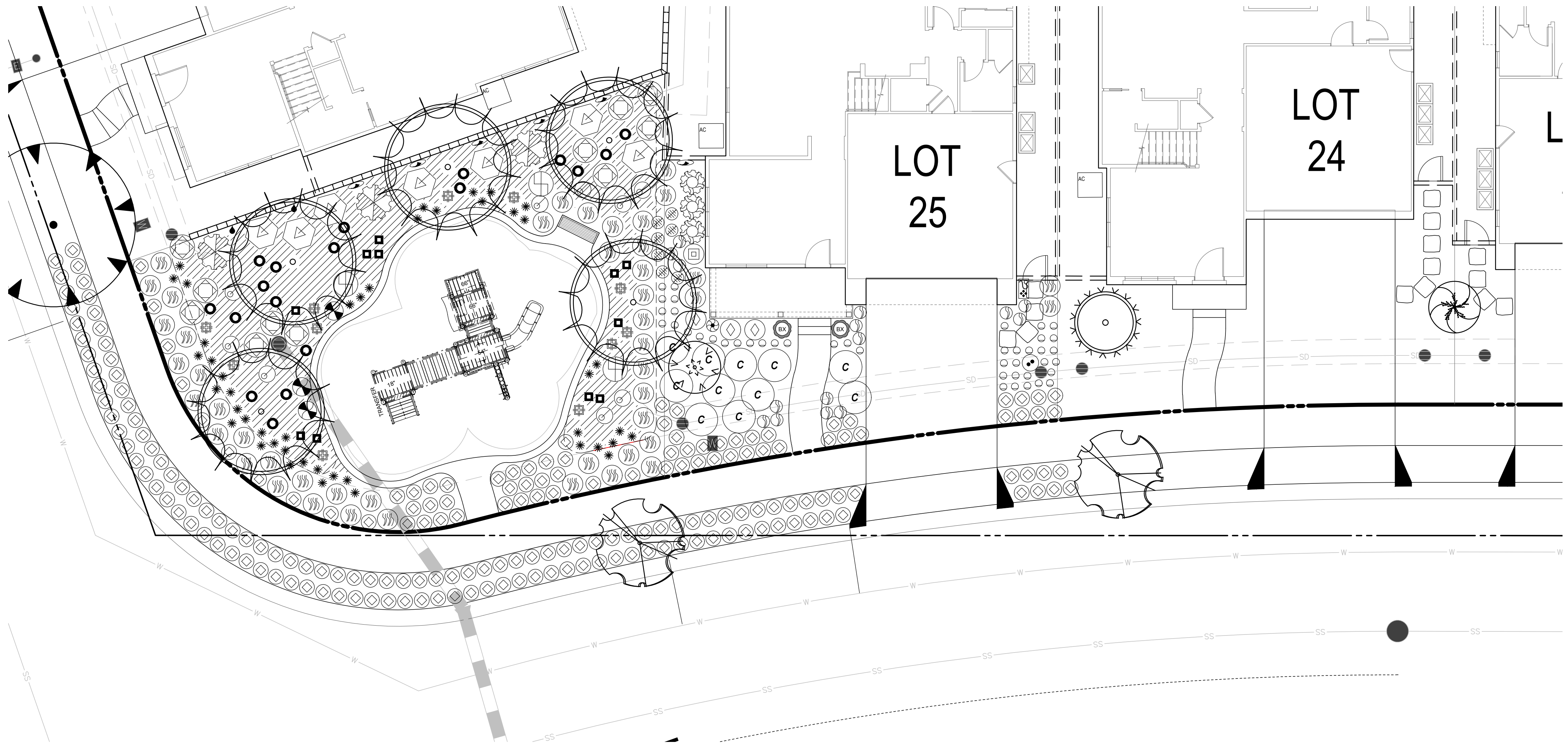
| BIORETENTION & COMMON SPACE PLANTING |       |        |      |                                                               |
|--------------------------------------|-------|--------|------|---------------------------------------------------------------|
| NAME                                 | COUNT | WUCOLS | SIZE | NOTES                                                         |
| AGAPANTHUS 'BABY PETE'               | 128   | L      | 1G   | 18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE                |
| BUDDLEIA DAVIDII 'PETITE PLUM'       | 3     | L      | 15G  |                                                               |
| CANNA 'EREBUS'                       | 9     | M      | 5G   |                                                               |
| CHONDROPETALUM TECTORUM 'EL CAMPO'   | 11    | M      | 5G   | LOW WATER ACCORDING TO L.A. EXPERIENCE                        |
| CORNUS STOLONIFERA                   | 7     | H      | 5G   |                                                               |
| DATURA WHITE                         | 3     | M      | 5G   |                                                               |
| DISTICTIS BUCCINATORIA               | 5     | M      | 5G   | BLOOD RED TRUMPET VINE                                        |
| FICUS PUMILA                         | 2     | M      | 5G   | REMOVE FROM STAKE & OUT TO GROUND. LOW WATER ONCE ESTABLISHED |
| HEMEROCALLIS 'AZTEC CHALICE'         | 11    | M      | 1G   | 2' O.C.                                                       |
| HEMEROCALLIS 'CRANBERRY BABY'        | 45    | M      | 1G   | 18" O.C.                                                      |
| IRIS ENSATA 'BENI BOTAN'             | 11    | H      | 1G   |                                                               |
| LOMANDRA LONGIFOLIA BREEZE           | 40    | L      | 1G   |                                                               |
| MIMULUS GUTTATUS                     | 18    | H      | 1G   |                                                               |
| PENSTEMON X GLOXINIODES 'MIDNIGHT'   | 3     | L      | 1G   | LOW WATER ACCORDING TO L.A. EXPERIENCE                        |

 NO MOW FESCUE

| TYPICAL LOT PLANTING - ATTACHED GARAGE                    |       |        |         |                                                                |
|-----------------------------------------------------------|-------|--------|---------|----------------------------------------------------------------|
| NAME                                                      | COUNT | WUCOLS | SIZE    | NOTES                                                          |
| AGAPANTHUS 'BABY PETE'                                    | 69    | L      | 1G      | 18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE                 |
| BOUGAINVILLEA 'BARBARA KARST'-TRACHELOSPERMUM JASMINOIDES | 1     | LM     | 15G6G   | 15G BOUGAINVILLEA AND 5G JASMINE STAKED                        |
| BUXUS 'GREEN BEAUTY' 15G                                  | 2     | M      | 15G     |                                                                |
| CAREX DIVULSA                                             | 7     | L      | 1G      |                                                                |
| COTONEASTER DAMMERI 'LOWFAST'                             | 11    | L      | 1G      | 48"O.C.                                                        |
| DISTICTIS BUCCINATORIA                                    | 1     | L      | 5G      | BLOOD RED TRUMPET VINE. LOW WATER ACCORDING TO L.A. EXPERIENCE |
| EUONYMUS JAPONICUS 'GREEN SPIRE'                          | 3     | L      | 3' O.C. |                                                                |
| GERANIUM X 'ROZANNE'                                      | 43    | L      | 1G      | 18"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE                 |
| KNIPHOFIA 'CHRISTMAS CHEER'                               | 1     | L      | 5G      | LOW WATER ACCORDING TO L.A. EXPERIENCE                         |
| LIMONIUM PEREZII                                          | 15    | L      | 1G      |                                                                |
| LOMANDRA LONGIFOLIA BREEZE                                | 6     | L      | 1G      |                                                                |
| ROSA 'FLOWER CARPET WHITE'                                | 3     | L      | 2G      | 30"O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE                 |
| WISTERIA SINENSIS 'COOKE'S SPECIAL'                       | 1     | M      | 5G      |                                                                |
| YUCCA GLOIOSA                                             | 1     | L      | 5G      |                                                                |



| SITE TREES                       |       |        |      |                  |
|----------------------------------|-------|--------|------|------------------|
| NAME                             | COUNT | WUCOLS | SIZE | NOTES            |
| ACER NEGUNDO 'SENSATION'         | 5     | M      | 15G  |                  |
| ACER PALMATUM 'RED EMPEROR'      | 1     | M      | 15G  |                  |
| FICUS CARICA 'BLACK MISSION'     | 1     | M      | 24"  | FRUITING FIG     |
| GINKGO BILOBA 'AIRMONT'          | 10    | M      | 24"  |                  |
| LAGERSTROEMIA X 'MUSKOGEE'       | 30    | L      | 24"  | STANDARD         |
| PISTACIA CHINENSIS 'KEITH DAVEY' | 21    | L      | 24"  |                  |
| PLATANUS X ACERIFOLIA 'COLUMBIA' | 22    | M      | 24"  |                  |
| PRUNUS ARMENIACA                 | 1     | M      | 24"  | FRUITING APRICOT |
| PRUNUS DOMESTICA                 | 1     | M      | 24"  | FRUITING PLUM    |
| QUERCUS LOBATA                   | 1     | L      | 24"  | CA NATIVE        |
| QUERCUS ROBUR                    | 2     | M      | 24"  |                  |



NOTE: PLANTING AND IRRIGATION  
WILL COMPLY WITH MWEL0  
REQUIREMENTS

NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

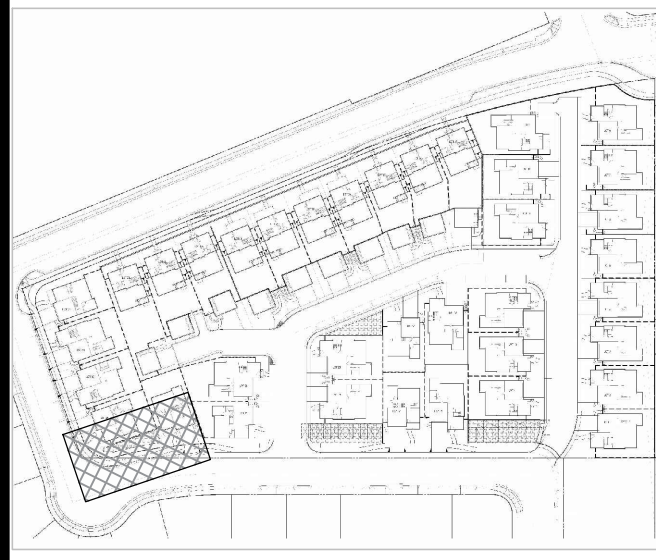
TYPICAL PLANTING  
PLAN - BIORETENTION  
AND ATTACHED  
GARAGE UNIT

DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

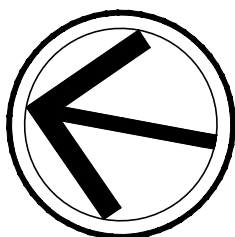
FOCUS

KEY MAP

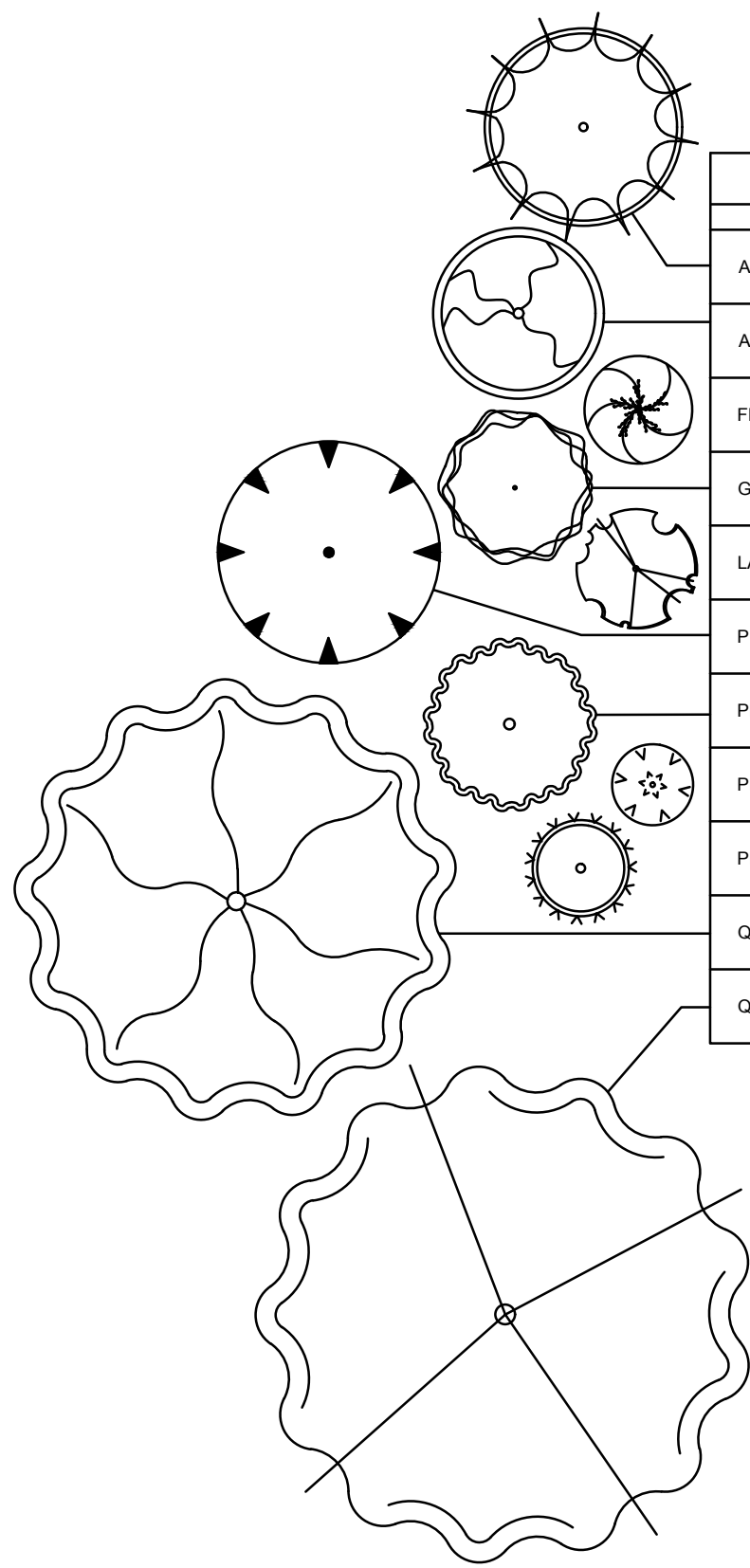


REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH, GEM  
SCALE: 1/8"=1'-0"

L3.1

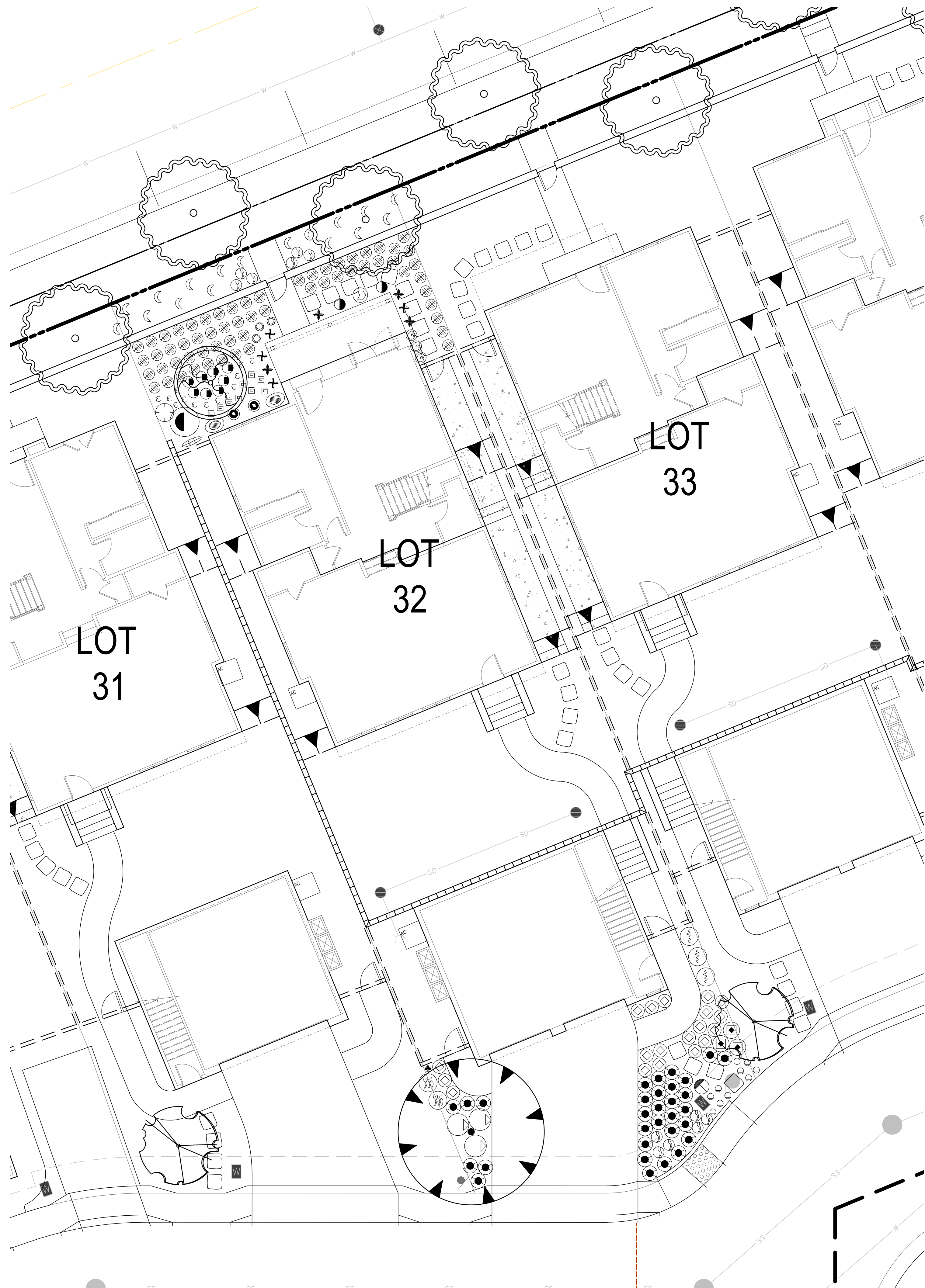






| SITE TREES                       |       |        |      |                  |
|----------------------------------|-------|--------|------|------------------|
| NAME                             | COUNT | WUCOLS | SIZE | NOTES            |
| ACER NEGUNDO 'SENSATION'         | 5     | M      | 15G  |                  |
| ACER PALMATUM 'RED EMPEROR'      | 1     | M      | 15G  |                  |
| FICUS CARICA 'BLACK MISSION'     | 1     | M      | 24"  | FRUITING FIG     |
| GINKGO BILOBA 'FAIRMONT'         | 10    | M      | 24"  |                  |
| LAGERSTROEMIA X 'MUSKOGEE'       | 30    | L      | 24"  | STANDARD         |
| PIETACIA CHINENSIS 'KEITH DAVEY' | 21    | L      | 24"  |                  |
| PLATANUS X ACERIFOLIA 'COLUMBIA' | 22    | M      | 24"  |                  |
| PRUNUS ARMENIACA                 | 1     | M      | 24"  | FRUITING APRICOT |
| PRUNUS DOMESTICA                 | 1     | M      | 24"  | FRUITING PLUM    |
| QUERCUS LOBATA                   | 1     | L      | 24"  | CA NATIVE        |
| QUERCUS ROBUR                    | 2     | M      | 24"  |                  |

| TYPICAL LOT PLANTING - DETACHED GARAGE |       |      |        |                                                 |
|----------------------------------------|-------|------|--------|-------------------------------------------------|
| NAME                                   | COUNT | SIZE | WUCOLS | NOTES                                           |
| AGAPANTHUS 'BABY PETE'                 | 19    | 1G   | L      | 18" O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE |
| ARCTOSTAPHYLOS 'PACIFIC MIST'          | 17    | 1G   | VL     | 3' O.C.                                         |
| CAMELLIA JAPONICA 'NUCCIO'S PEARL'     | 2     | 15G  | M      |                                                 |
| CAREX DIVULSA                          | 61    | 1G   | L      |                                                 |
| CLEMATIS 'JACKMANII'                   | 1     | 5G   | L      | LOW WATER ACCORDING TO L.A. EXPERIENCE          |
| ERIGERON KARVINSKIANUS 'MOERHEIMII'    | 31    | 1G   | L      |                                                 |
| GERANIUM X CANTABRIGIENSE 'BIOKOVO'    | 13    | 1G   | L      | 15" O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE |
| GERANIUM X 'ROZANNE'                   | 10    | 1G   | L      | LOW WATER ACCORDING TO L.A. EXPERIENCE          |
| HARDENBERGIA VIOLACEA 'HAPPY WANDERER' | 1     | 5G   | M      |                                                 |
| HELLERBORES 'SPARKLING DIAMOND'        | 3     | 1G   | L      | 18" O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE |
| HESPERALOE PARVIFLORA                  | 1     | 5G   | VL     |                                                 |
| HEUCHERA MAXIMA                        | 3     | 1G   | L      | 18" O.C. LOW WATER ACCORDING TO L.A. EXPERIENCE |
| HYDRANGEA ARBORESCENS 'ANNABELLE'      | 1     | 5G   | L      | LOW WATER ACCORDING TO L.A. EXPERIENCE          |
| HYDRANGEA MACROPHYLLA 'BALMER'         | 2     | 5G   | M      |                                                 |
| IRIS DOUGLASSIANA                      | 9     | 1G   | L      | CA NATIVE                                       |
| LIMONUM PEREZII                        | 12    | 1G   | L      |                                                 |
| LOMANDRA LONGIFOLIA BREEZE             | 2     | 1G   | L      |                                                 |
| MULLENBERGIA RIGENS                    | 3     | 5G   | L      | CA NATIVE                                       |
| NEPHROLEPS CORDIFOLIA                  | 8     | 5G   | M      |                                                 |
| RIBES SANGUINEUM 'CLAREMONT'           | 1     | 5G   | L      |                                                 |
| SALVIA LEUCANTHA                       | 3     | 1G   | L      |                                                 |
| SALVIA SPATHACEA                       | 8     | 1G   | L      | CA NATIVE                                       |
| SARCOCOCCA RUSCIFOLIA                  | 2     | 5G   | L      |                                                 |
| STIPA GIGANTEA                         | 3     | 1G   | L      | LOW WATER ACCORDING TO L.A. EXPERIENCE          |
| VACCINIUM OVATUM                       | 1     | 5G   | L      | CA NATIVE                                       |



NOTE: PLANTING AND IRRIGATION  
WILL COMPLY WITH MWEL0  
REQUIREMENTS

NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

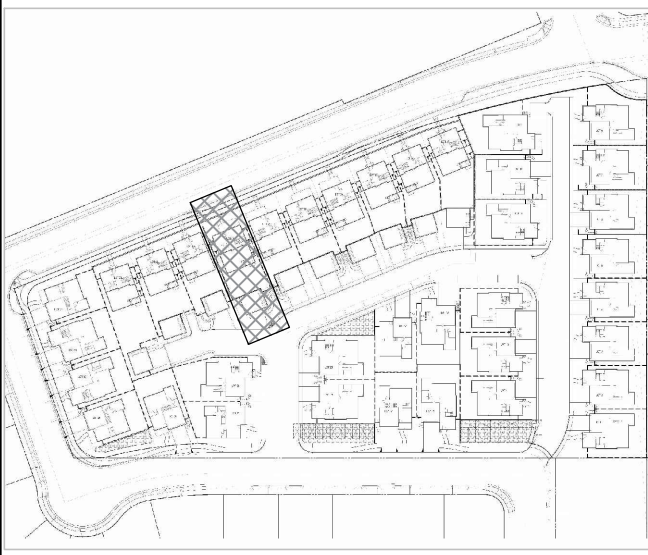
TYPICAL PLANTING  
PLAN - DETACHED  
GARAGE UNIT

DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

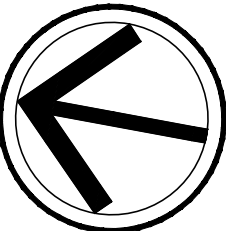
FOCUS

KEY MAP



REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH, GEM  
SCALE: 1/8"=1'-0"

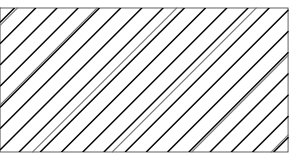
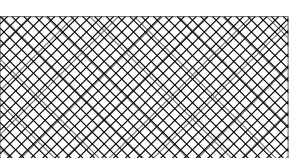
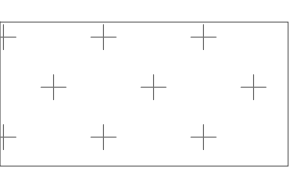
L3.2







| HYDROZONE INFORMATION TABLE |            |                   |               |                     |
|-----------------------------|------------|-------------------|---------------|---------------------|
| WATER USE                   | ZONE/VALVE | IRRIGATION METHOD | AREA (SQ.FT.) | % OF LANDSCAPE AREA |
| LOW WATER USE               | N/A        | DRIP              | 30,154        | 77.5%               |
| MEDIUM WATER USE            | N/A        | DRIP              | 8,740         | 22.5%               |
| HIGH WATER USE              | N/A        | N/A               | 0             | 0                   |
| TOTAL                       | N/A        | DRIP              | 38,894        | 100%                |

-  LOW WATER USE
-  MEDIUM WATER USE
-  HIGH WATER USE

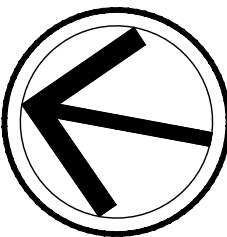
NORTH PARK VICTORIA  
1005 NORTH PARK VICTORIA DRIVE  
MILPITAS, CA 95035

HYDROZONE

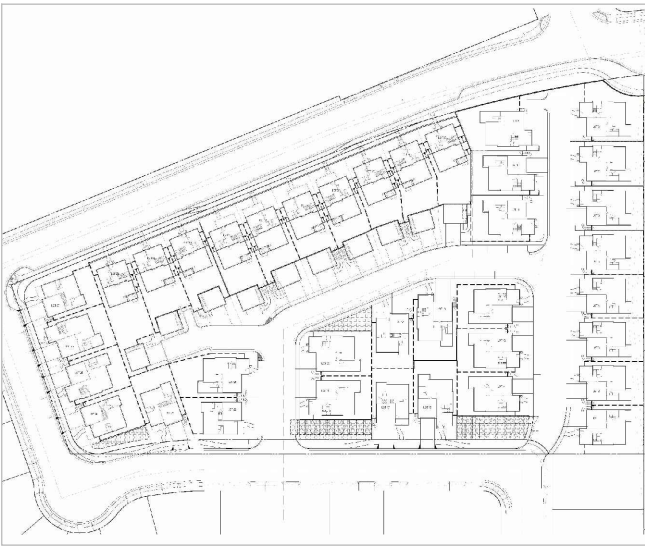
DESIGN

PO BOX 485  
BEN LOMOND, CA 95005  
(831) 336-3100

FOCUS



KEY MAP

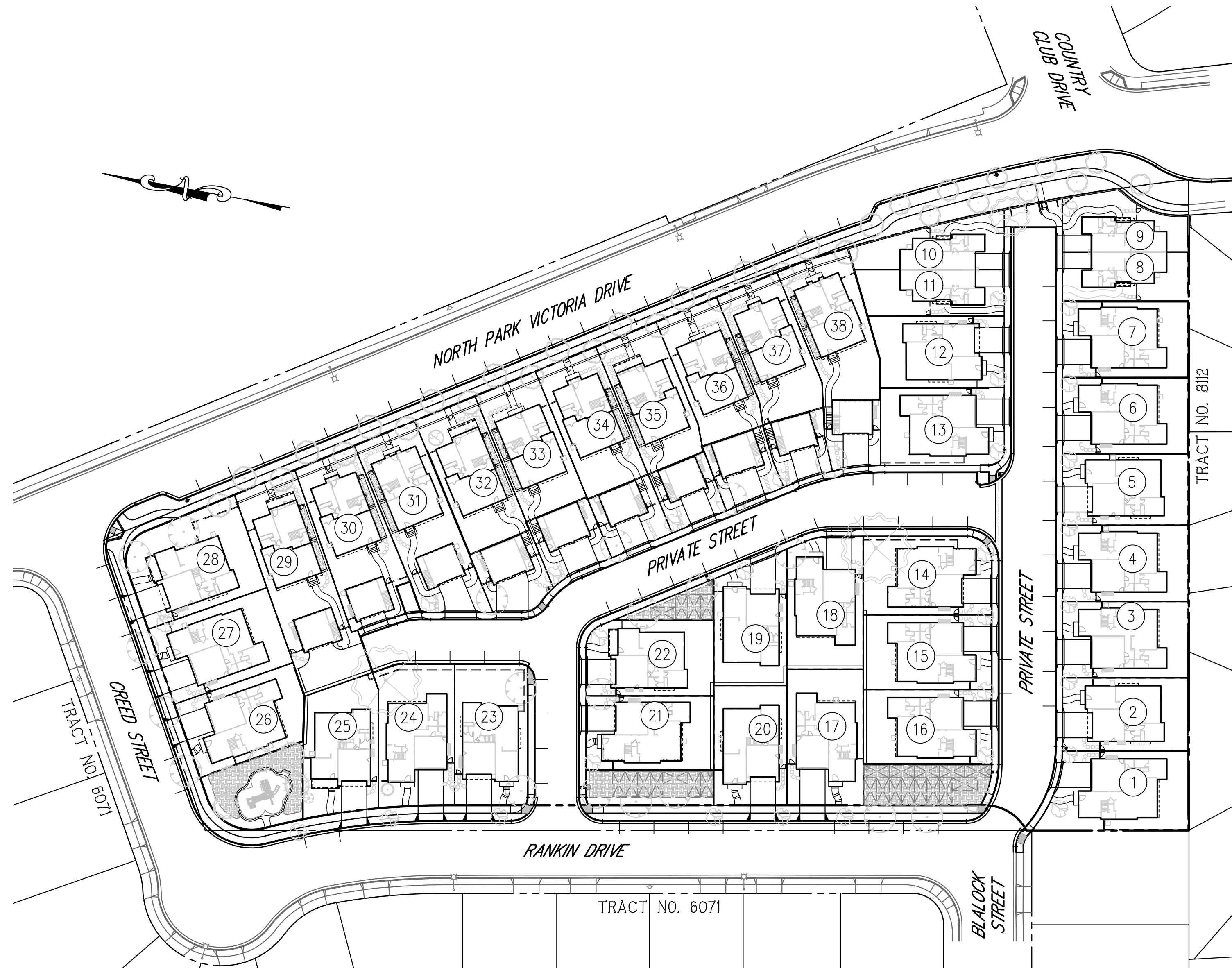
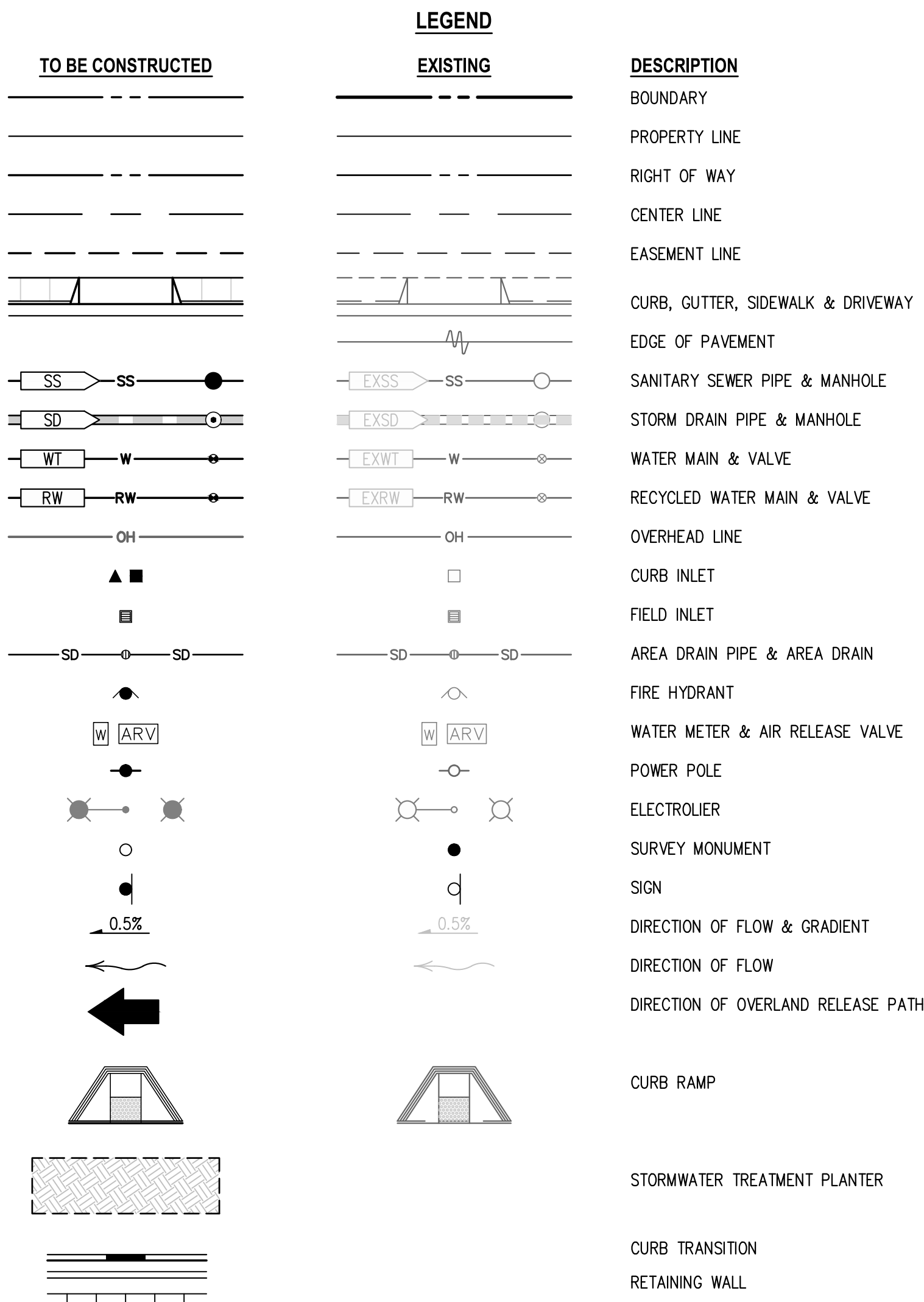
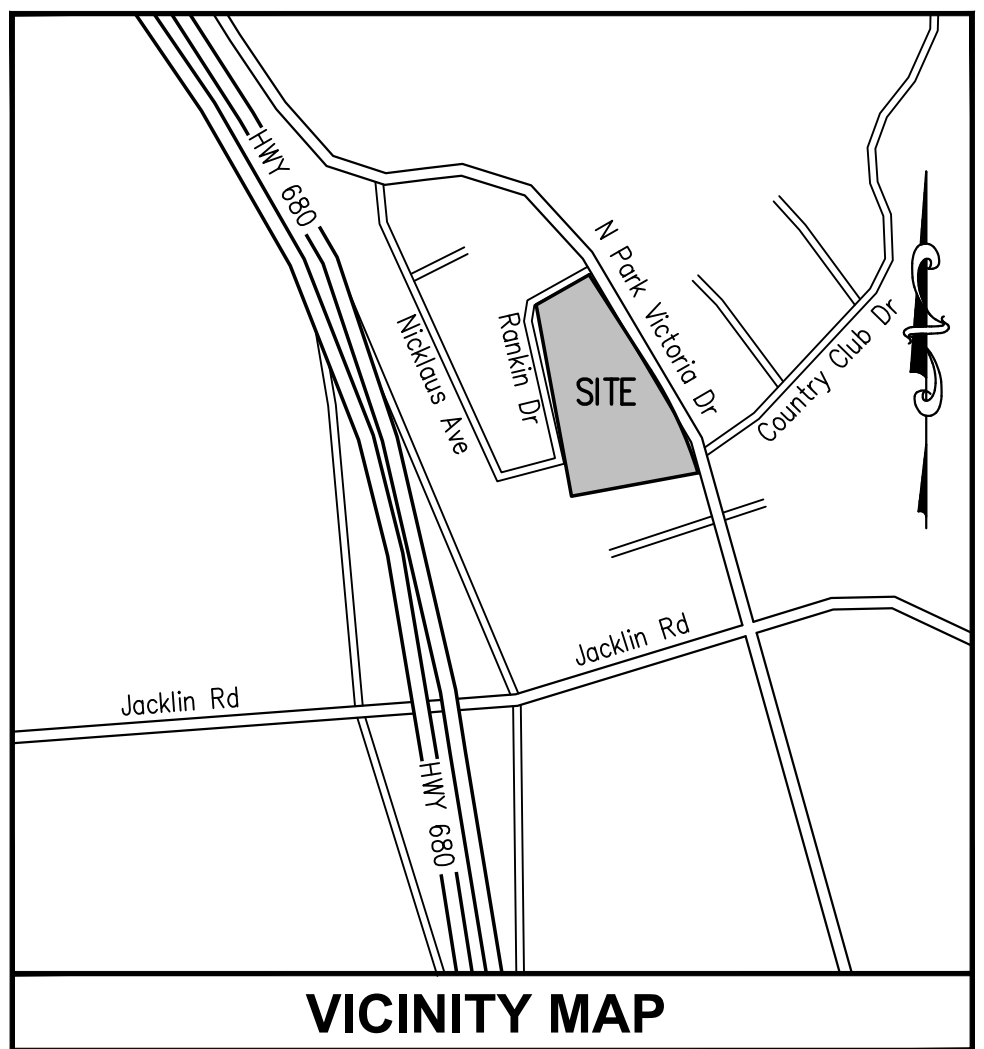


REVISED: 11/25/2019  
DESIGN BY: RJD  
DRAWN BY: KH/RL  
SCALE: 1"=30'-0"

L4.1



1005 N. PARK VICTORIA DRIVE  
MILPITAS CALIFORNIA



KEY MAP  
SCALE: 1"=50'

ABBREVIATIONS

|       |                            |      |                           |
|-------|----------------------------|------|---------------------------|
| AB    | AGGREGATE BASE             | GV   | GAS VALVE                 |
| AC    | ASPHALT CONCRETE           | HP   | HIGH POINT                |
| AD    | AREA DRAIN                 | IM   | IMAGE                     |
| AP    | ANGLE POINT                | INT  | INTERSECTION              |
| APN   | ASSESSORS PARCEL NUMBER    | INV  | INVERT                    |
| ARV   | AIR RELEASE VALVE          | IP   | IRON PIPE                 |
| ASB   | AGGREGATE SUBBASE          | JP   | JOINT POLE                |
| BOOK  | BOOK                       | LAT  | LATERAL                   |
| BW    | BOTTOM OF WALL             | JT   | JOINT TRENCH              |
| B/W   | BACK OF WALK               | LAT  | LATERAL                   |
| BFP   | BACK FLOW PREVENTOR        | LP   | LOW POINT                 |
| BOL   | BOLLARD                    | MH   | MANHOLE                   |
| BOV   | BLOW-OFF-VALVE             | M    | MAPS                      |
| BUDC  | BUILDING                   | MEAS | MEASURED                  |
| BRK   | BRICK                      | MON  | MONUMENT                  |
| BS    | BOTTOM OF STEP             | OR   | OFFICIAL RECORDS          |
| C&G   | CURB & GUTTER              | P    | PAGE                      |
| CB    | CATCH BASIN                | PKG  | PARKING                   |
| CEN   | CENTER                     | PLNT | PLANTER                   |
| CL    | CENTERLINE                 | PT   | POINT                     |
| CLF   | CHAIN LINK FENCE           | PIV  | POST INDICATOR VALVE      |
| CO    | CLEAN OUT                  | PL   | PROPERTY LINE             |
| CONC  | CONCRETE                   | PP   | POWER POLE                |
| CONST | CONSTRUCT                  | PS   | PROTECTIVE SLOPE          |
| COR   | CORNER                     | PVC  | POLYVINYL CHLORIDE PIPE   |
| CR    | CURB RAMP                  | RC   | ROLLED CURB               |
| DC    | DEPRESSED CURB             | RCE  | REGISTERED CIVIL ENGINEER |
| DI    | DRAINAGE INLET             | RCP  | REINFORCED CONCRETE PIPE  |
| DIA   | DIAMETER                   | RE   | REEL                      |
| DIP   | DUCTILE IRON PIPE          | RW   | RECYCLED WATER            |
| DBL   | DOUBLE                     | R/W  | RIGHT OF WAY              |
| DS    | DOWNSPOUT                  | SD   | STORM DRAIN               |
| DW    | DRIVEWAY                   | SER  | SERVICE                   |
| ESMT  | EASEMENT                   | SS   | SANITARY SEWER            |
| ELEC  | ELECTRICAL                 | STB  | STREET LIGHT BOX          |
| ELECT | ELECTROLIER                | STD  | STANDARD                  |
| ENCL  | ENCLOSURE                  | SQ   | SQUARE                    |
| ENCR  | ENCROACHING                | S/W  | SIDEWALK                  |
| EP    | EDGE OF PAVEMENT           | TC   | TOP OF CURB               |
| EWA   | END OF RETURN              | TDC  | TOP OF DEPRESSED CURB     |
| EX    | EXISTING                   | TEL  | TELEPHONE                 |
| FD    | FLUSH BAND                 | TG   | TOP OF GUTTER             |
| FID   | FIRE DEPARTMENT CONNECTION | TRC  | TOP OF ROLLED CURB        |
| FC    | FACE OF CURB               | TS   | TOP STEP                  |
| FEN   | FENCE                      | TSB  | TRAFFIC SIGNAL BOX        |
| FF    | FINISH FLOOR               | TW   | TOP OF WALL               |
| FG    | FINISH GRADE               | UB   | UTILITY BOX               |
| FH    | FIRE HYDRANT               | UTL  | UTILITY                   |
| FI    | FIELD INLET                | VCP  | VITRIFIED CLAY PIPE       |
| FL    | FLOWLINE                   | VLT  | VAULT                     |
| FS    | FIRE SERVICE               | WB   | WATER BOX                 |
| F/W   | FRONT OF WALK              | WM   | WATER METER               |
| GB    | GRADE BREAK                | WT   | WATER                     |
| GFF   | GARAGE FINISH FLOOR        | WV   | WATER VALVE               |
| GL    | GARAGE LIP                 | WD   | WOOD                      |
| GRT   | GRATE                      | XING | CROSSING                  |

SHEET INDEX

|     |                                         |
|-----|-----------------------------------------|
| C1  | COVER SHEET                             |
| C2  | EXISTING TOPOGRAPHY AND DEMOLITION PLAN |
| C3  | PRELIMINARY SITE PLAN                   |
| C4  | PRELIMINARY GRADING AND DRAINAGE PLAN   |
| C5  | PRELIMINARY UTILITY PLAN                |
| C6  | STORMWATER MANAGEMENT PLAN              |
| C7  | STORMWATER MANAGEMENT DETAILS           |
| C8  | SITE SECTIONS AND DETAILS               |
| C9  | SOLID WASTE HANDLING PLAN               |
| C10 | FIRE TRUCK ACCESS PLAN                  |

ARCHITECTURAL

|     |                                                     |
|-----|-----------------------------------------------------|
| A1  | COVER SHEET                                         |
| A2  | PLAN 1 - FLOOR PLANS                                |
| A3  | PLAN 1X - FLOOR PLANS                               |
| A4  | PLAN 1 - ROOF PLANS 'D', 'DX'                       |
| A5  | PLAN 1 - EXTERIOR ELEVATIONS 'D'                    |
| A6  | PLAN 1X - EXTERIOR ELEVATIONS 'D'                   |
| A7  | PLAN 2 - FLOOR PLANS - BASE PLANS                   |
| A8  | PLAN 2 - FLOOR PLANS - PARTIAL PLANS 'C' & 'D'      |
| A9  | PLAN 2 - ROOF PLANS 'A', 'C', 'D'                   |
| A10 | PLAN 2 - EXTERIOR ELEVATIONS 'A'                    |
| A11 | PLAN 2 - EXTERIOR ELEVATIONS 'C'                    |
| A12 | PLAN 2 - EXTERIOR ELEVATIONS 'D'                    |
| A13 | PLAN 3 - FLOOR PLANS - BASE PLANS                   |
| A14 | PLAN 3 - FLOOR PLANS - PARTIAL PLANS 'B', 'C' & 'D' |
| A15 | PLAN 3 - ROOF PLANS 'A' & 'B'                       |
| A16 | PLAN 3 - ROOF PLANS 'C' & 'D'                       |
| A17 | ADU - FLOOR PLANS 'GA', 'GB', 'GC'                  |
| A18 | ADU - ROOF PLANS 'GA', 'GB', 'GC'                   |
| A19 | PLAN 3 - EXTERIOR ELEVATIONS '3A' WITH GA AT LOT 36 |
| A20 | PLAN 3 - EXTERIOR ELEVATIONS '3A' WITH GA AT LOT 36 |
| A21 | PLAN 3 - EXTERIOR ELEVATIONS '3B' WITH GC AT LOT 34 |
| A22 | PLAN 3 - EXTERIOR ELEVATIONS '3B' WITH GC AT LOT 34 |
| A23 | PLAN 3 - EXTERIOR ELEVATIONS '3C' WITH GB AT LOT 35 |
| A24 | PLAN 3 - EXTERIOR ELEVATIONS '3C' WITH GB AT LOT 35 |
| A25 | PLAN 3 - EXTERIOR ELEVATIONS '3D' WITH GA AT LOT 33 |
| A26 | PLAN 3 - EXTERIOR ELEVATIONS '3D' WITH GA AT LOT 33 |
| A27 | SITE SECTION 'A'                                    |

LANDSCAPE

|      |                                                               |
|------|---------------------------------------------------------------|
| L1.1 | LAYOUT PLAN                                                   |
| L1.2 | LAYOUT PLAN                                                   |
| L2.1 | LANDSCAPE DETAILS                                             |
| L2.2 | LANDSCAPE DETAILS                                             |
| L3.1 | TYPICAL PLANTING PLAN - BIORETENTION AND ATTACHED GARAGE UNIT |
| L3.2 | TYPICAL PLANTING PLAN - DETACHED GARAGE UNIT                  |
| L4.1 | HYDROZONE                                                     |

|                                                                                                                                                                            | Required | Provided | Notes                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Xi-10-53.09 - Off-Street Parking Required by Land Use</b>                                                                                                               |          |          |                                                                                                                                                                                                                                  |
| Table 53.09 - Number of parking spaces required                                                                                                                            |          |          |                                                                                                                                                                                                                                  |
| <b>I. Residential Uses</b>                                                                                                                                                 |          |          |                                                                                                                                                                                                                                  |
| <b>Single Family and Duplexes:</b>                                                                                                                                         |          |          |                                                                                                                                                                                                                                  |
| 4 or more bedrooms - 3 per unit, plus 1 per each additional bedroom                                                                                                        | 108      | 143      | 143 spaces breakdown - 2x covered plus 2x driveway parking spaces for 35 lots and 2x covered plus 1x private parking stall for 1 lot                                                                                             |
| <b>Guest Parking - projects w/ private garages:</b>                                                                                                                        |          |          |                                                                                                                                                                                                                                  |
| 20% of the total required, may be uncovered                                                                                                                                | 21.6     | 24       | 24x guest parking stalls w/in the private street. This guest parking count does not include the 33x new public street parking spaces created along the project's street frontages on Rankin, Creed and North Park Victoria Drive |
| <b>Xi-10-13.08 - Accessory Dwelling Units</b>                                                                                                                              |          |          |                                                                                                                                                                                                                                  |
| <b>4.a.i. Parking:</b>                                                                                                                                                     |          |          |                                                                                                                                                                                                                                  |
| The owner must provide one additional off-street parking space for the accessory dwelling unit unless the accessory unit is located within one-half mile of public transit | 0        | 0        | VTA Bus #46 stops on Jacklin/Hwy 680 and N. Park Victoria Drive, between Daniel Court and Calle Oriente are within one-half mile of the project site                                                                             |

CITY OF MILPITAS MUNICIPAL CODE PARKING REQUIREMENTS

PROJECT INFORMATION:

THE PROJECT IS LOCATED IN AN AREA WITH THE FLOOD ZONE DESIGNATION OF "X", WHICH IS AN AREA OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAN.

BENCHMARK:

THE BENCHMARK FOR THIS PROJECT IS THE CITY OF MILPITAS BENCHMARK ID "CRE-NPV," IT IS A BRASS DISC IN THE MONUMENT WELL AT THE INTERSECTION OF CREED STREET AND NORTH PARK VICTORIA DRIVE.  
ELEVATION=35.218 (NGVD29)  
ELEVATION=37.958 (NAVD 89)  
ALL ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON THE NGVD29 DATUM. TO CONVERT PLAN ELEVATIONS TO NAVD89, ADD 2.74'.

BASIS OF BEARINGS:

THE BEARING NORTH 10°27'28"W OF THE MONUMENT LINE OF RANKIN DRIVE AS SHOWN UPON THAT CERTAIN TRACT MAP ENTITLED "TRACT NO. 6071" IN BOOK 429 OF MAPS PAGES 6-8 RECORDS OF SANTA CLARA COUNTY, CALIFORNIA WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

PROJECT TEAM

DEVELOPER:

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GEO-LOGIC ASSOCIATES  
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PREPARED FOR:

1005 N. PARK VICTORIA DRIVE  
COVER SHEET

Date 11/22/2019

Scale AS SHOWN

Drawn JG

Designed JG

Job 15-115

Sheet

C1

Of Sheets

CALIFORNIA

MILPITAS

ROBSON HOMES  
A CALIFORNIA LIMITED LIABILITY COMPANY  
2185 THE ALAMEDA, SUITE 150  
SAN JOSE, CA 95126



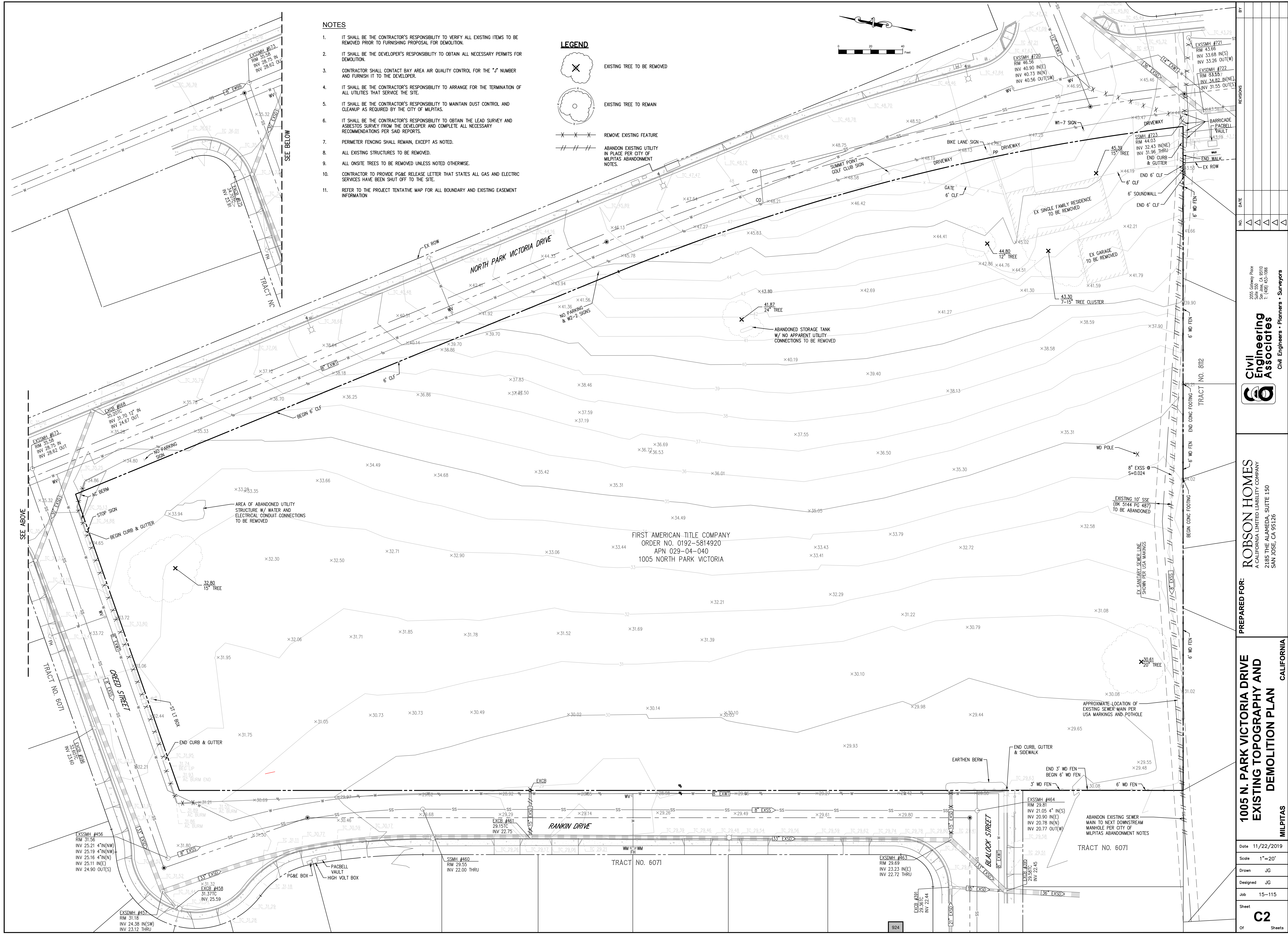
Civil Engineering Associates  
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REVISIONS

DATE

NO.





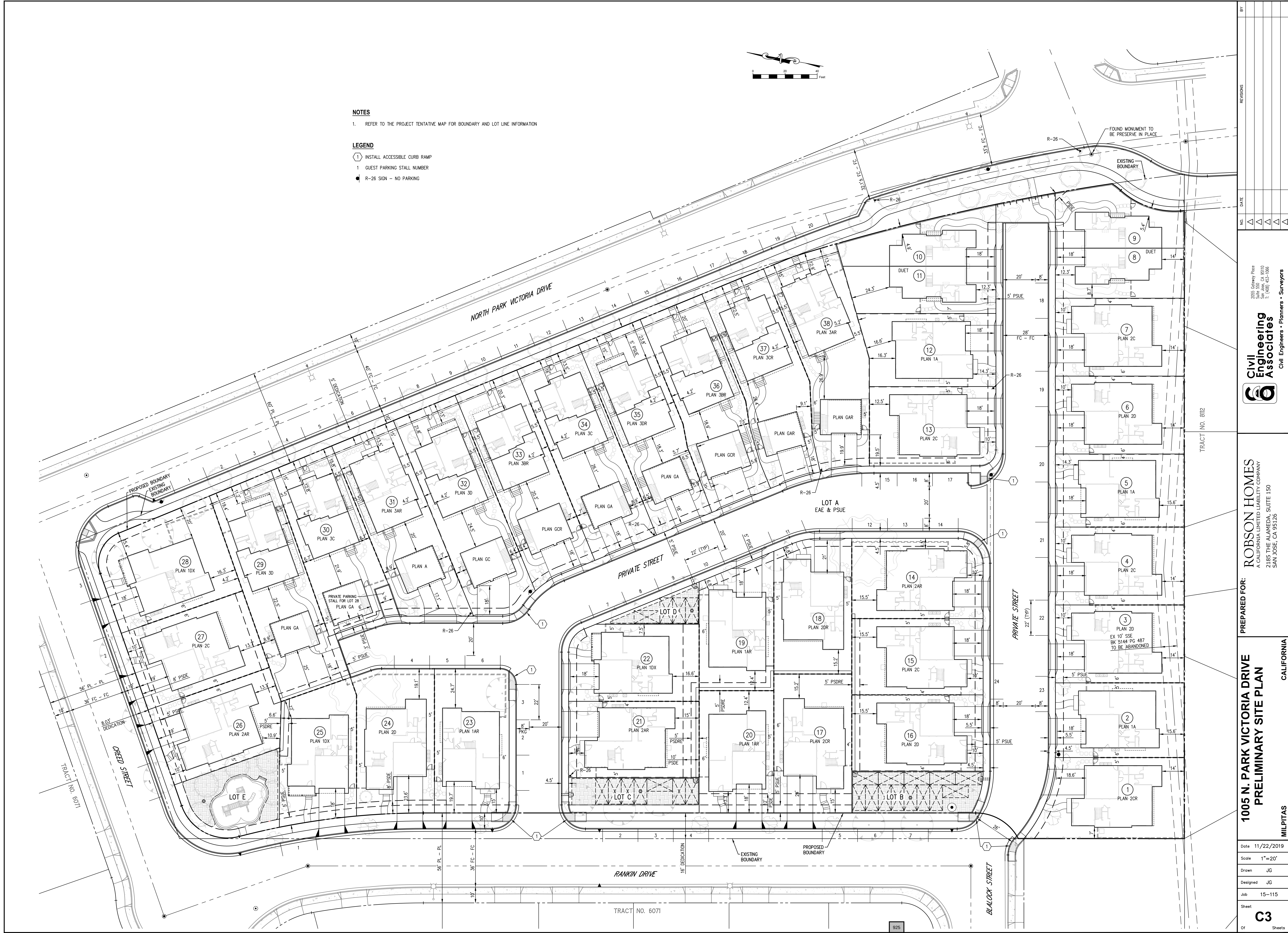
NOTES

1. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING ITEMS TO BE REMOVED PRIOR TO FURNISHING PROPOSAL FOR DEMOLITION.
2. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS FOR DEMOLITION.
3. CONTRACTOR SHALL CONTACT BAY AREA AIR QUALITY CONTROL FOR THE "J" NUMBER AND FURNISH IT TO THE DEVELOPER.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE FOR THE TERMINATION OF ALL UTILITIES THAT SERVICE THE SITE.
5. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN DUST CONTROL AND CLEANUP AS REQUIRED BY THE CITY OF MILPITAS.
6. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE LEAD SURVEY AND ASBESTOS SURVEY FROM THE DEVELOPER AND COMPLETE ALL NECESSARY RECOMMENDATIONS PER SAID REPORTS.
7. PERIMETER FENCING SHALL REMAIN, EXCEPT AS NOTED.
8. ALL EXISTING STRUCTURES TO BE REMOVED.
9. ALL ONSITE TREES TO BE REMOVED UNLESS NOTED OTHERWISE.
10. CONTRACTOR TO PROVIDE PG&E RELEASE LETTER THAT STATES ALL GAS AND ELECTRIC SERVICES HAVE BEEN SHUT OFF TO THE SITE.
11. REFER TO THE PROJECT TENTATIVE MAP FOR ALL BOUNDARY AND EXISTING EASEMENT INFORMATION

LEGEND

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- REMOVE EXISTING FEATURE
- ABANDON EXISTING UTILITY IN PLACE PER CITY OF MILPITAS ABANDONMENT NOTES.





**NOTES**

1. REFER TO THE PROJECT TENTATIVE MAP FOR BOUNDARY AND LOT LINE INFORMATION

**LEGEND**

- ① INSTALL ACCESSIBLE CURB RAMP  
1 GUEST PARKING STALL NUMBER  
R-26 SIGN - NO PARKING

| NO. | DATE | REVISIONS | BY |
|-----|------|-----------|----|
|     |      |           |    |
|     |      |           |    |
|     |      |           |    |
|     |      |           |    |

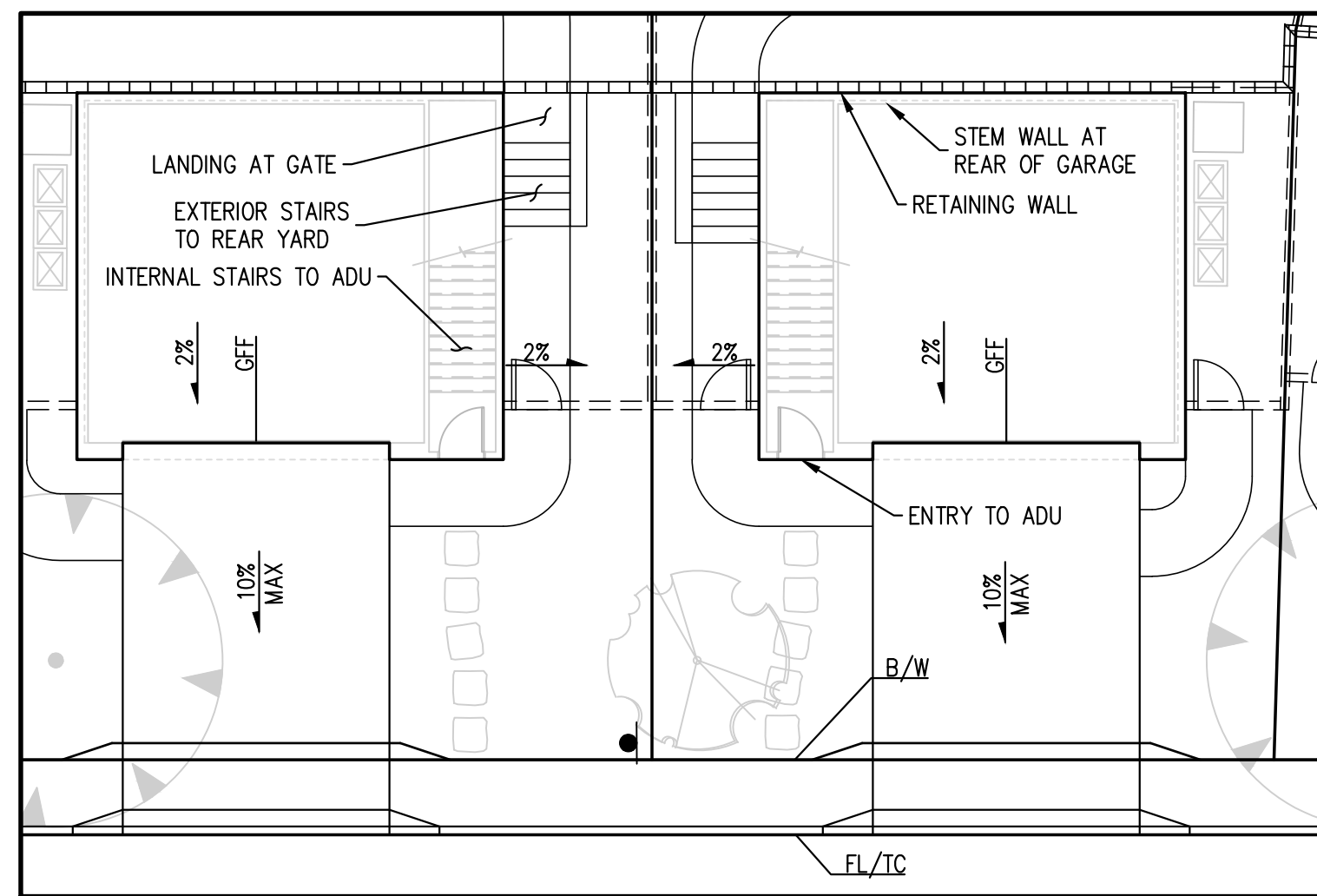
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|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 2025 Gateway Plaza<br>Suite 550<br>San Jose, CA 95130<br>Tel: (408) 453-1086 | <b>Civil Engineering Associates</b><br>Civil Engineers • Planners • Surveyors |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------|

|               |                                                                                                                    |
|---------------|--------------------------------------------------------------------------------------------------------------------|
| PREPARED FOR: | <b>ROBSON HOMES</b><br>A CALIFORNIA LIMITED LIABILITY COMPANY<br>2185 THE ALAMEDA, SUITE 150<br>SAN JOSE, CA 95126 |
|---------------|--------------------------------------------------------------------------------------------------------------------|

|                                                      |            |
|------------------------------------------------------|------------|
| 1005 N. PARK VICTORIA DRIVE<br>PRELIMINARY SITE PLAN | CALIFORNIA |
|------------------------------------------------------|------------|

|          |            |
|----------|------------|
| Date     | 11/22/2019 |
| Scale    | 1"=20'     |
| Drawn    | JG         |
| Designed | JG         |
| Job      | 15-115     |
| Sheet    | <b>C3</b>  |
| Of       | Sheets     |



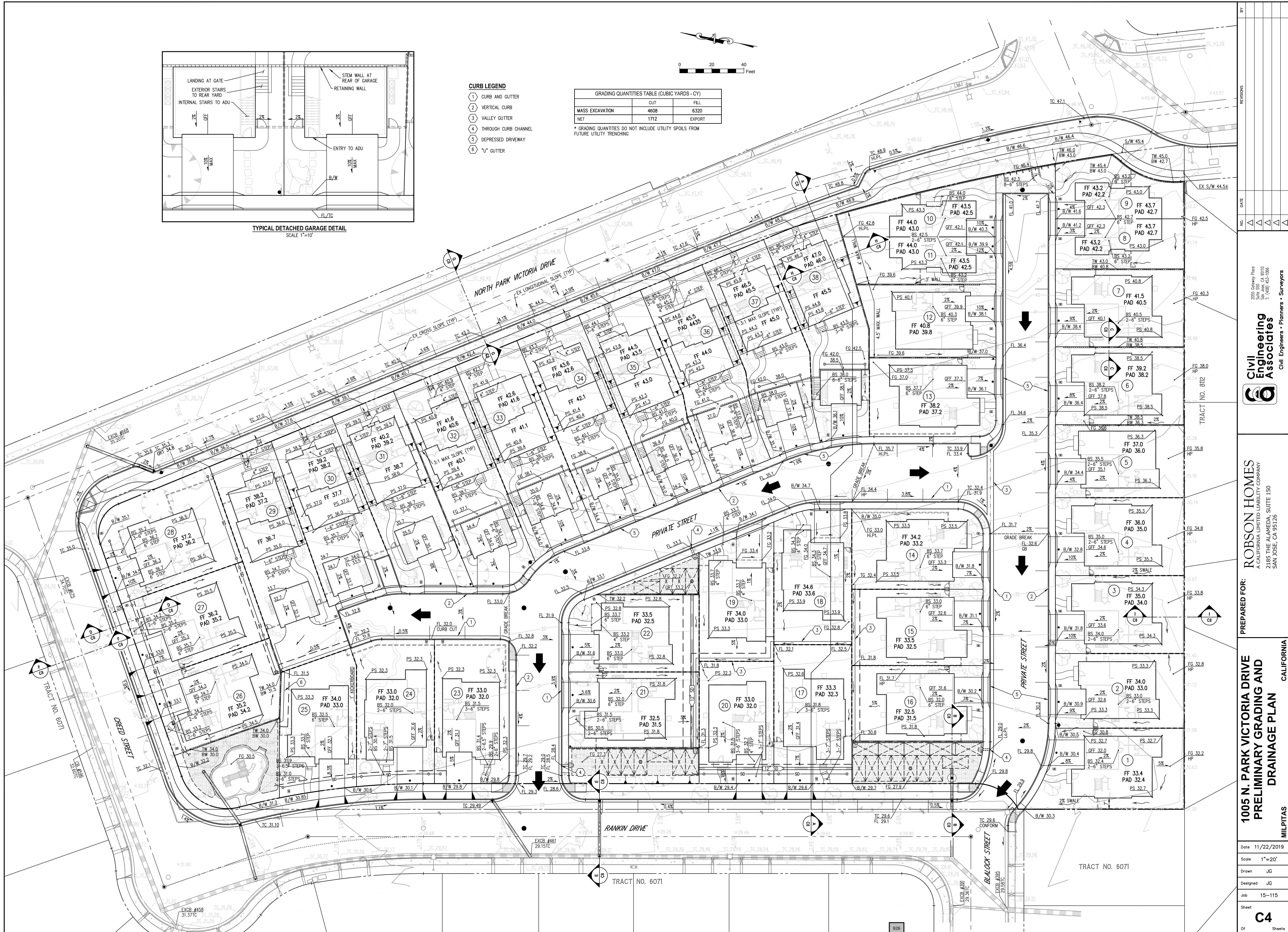


TYPICAL DETACHED GARAGE DETAIL  
SCALE 1"=10'

- CURB LEGEND**
- 1 CURB AND GUTTER
  - 2 VERTICAL CURB
  - 3 VALLEY GUTTER
  - 4 THROUGH CURB CHANNEL
  - 5 DEPRESSED DRIVEWAY
  - 6 "U" GUTTER

| GRADING QUANTITIES TABLE (CUBIC YARDS - CY) |      |        |
|---------------------------------------------|------|--------|
|                                             | CUT  | FILL   |
| MASS EXCAVATION                             | 4608 | 6320   |
| NET                                         | 1712 | EXPORT |

\* GRADING QUANTITIES DO NOT INCLUDE UTILITY SPOILS FROM FUTURE UTILITY TRENCHING



|                                                                                                                                  |     |      |             |
|----------------------------------------------------------------------------------------------------------------------------------|-----|------|-------------|
| REVISIONS                                                                                                                        | NO. | DATE | DESCRIPTION |
|                                                                                                                                  | 1   |      |             |
|                                                                                                                                  | 2   |      |             |
|                                                                                                                                  | 3   |      |             |
| PREPARED FOR: <b>ROBSON HOMES</b><br>A CALIFORNIA LIMITED LIABILITY COMPANY<br>2185 THE ALAMEDA, SUITE 150<br>SAN JOSE, CA 95126 |     |      |             |
| PROJECT: <b>1005 N. PARK VICTORIA DRIVE</b><br><b>PRELIMINARY GRADING AND DRAINAGE PLAN</b>                                      |     |      |             |
| MILPITAS, CALIFORNIA                                                                                                             |     |      |             |
| Date: 11/22/2019<br>Scale: 1"=20'<br>Drawn: JG<br>Designed: JG<br>Job: 15-115<br>Sheet: <b>C4</b><br>Of: 1 Sheets                |     |      |             |
| Civil Engineering Associates<br>Civil Engineers • Planners • Surveyors                                                           |     |      |             |

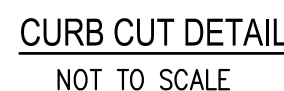
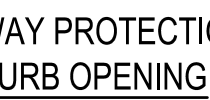
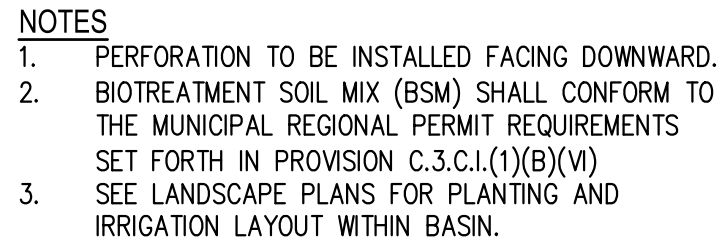






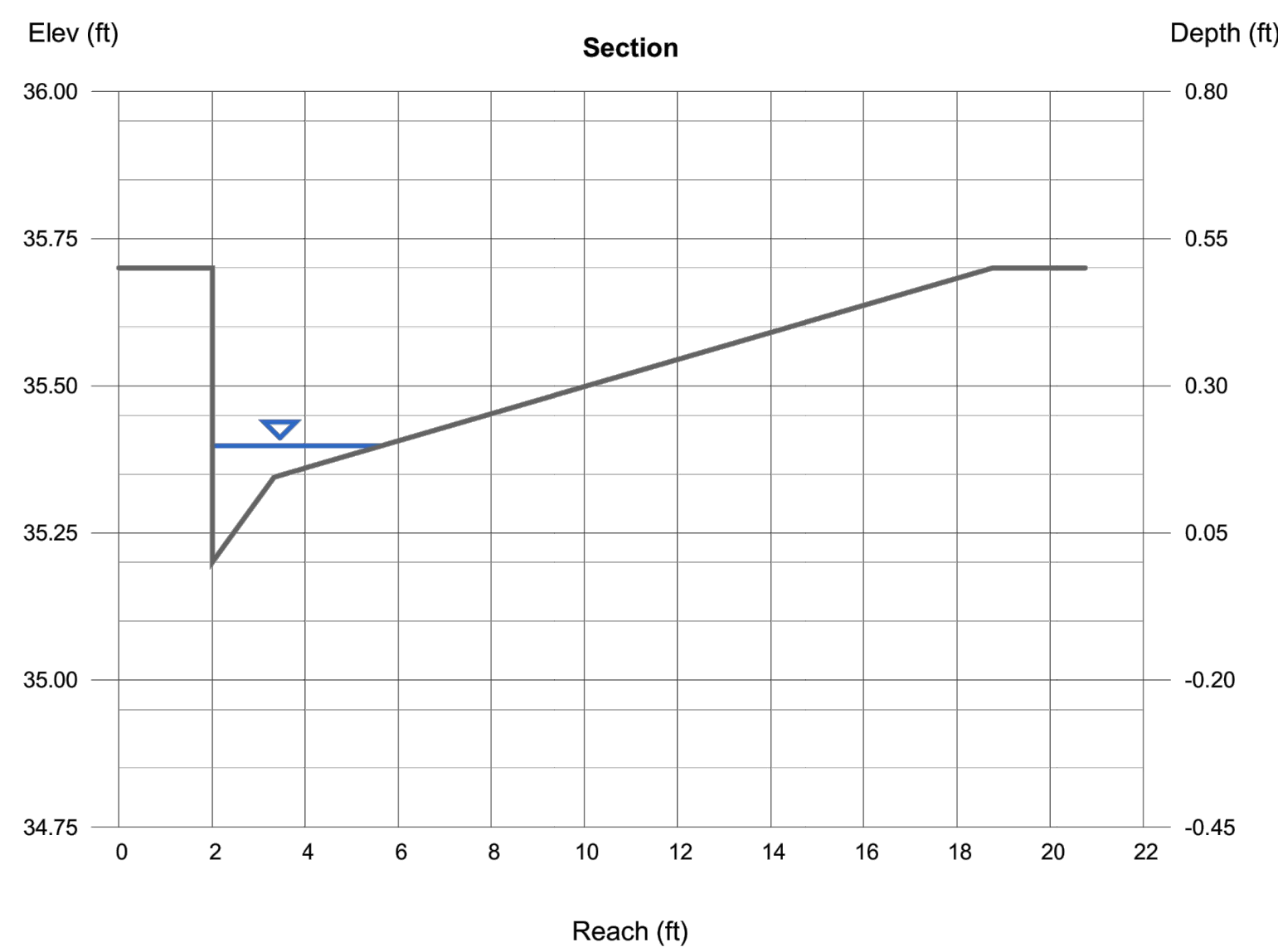




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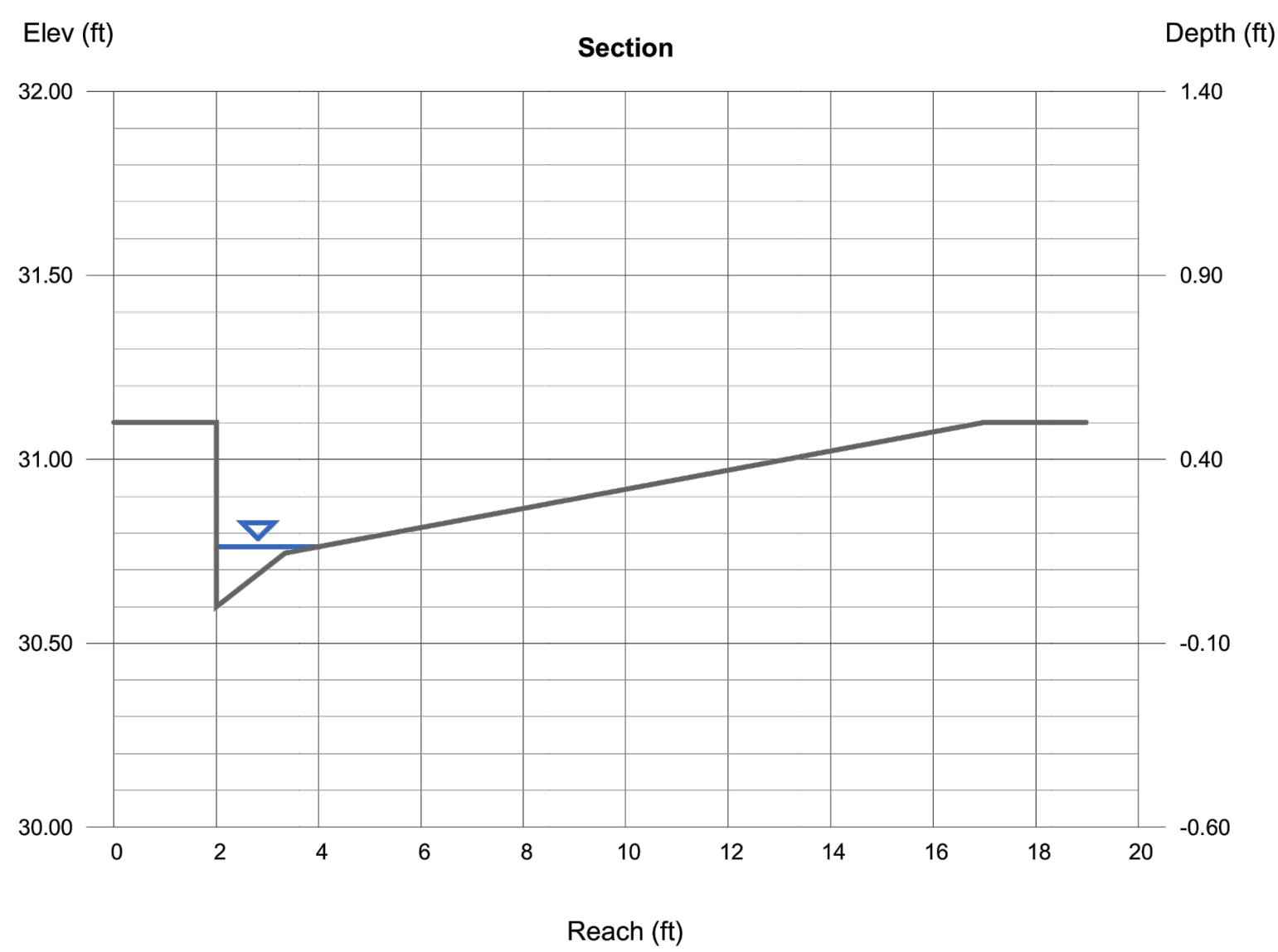
Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Wednesday, Apr 17 2019

| Gutter               |         | Highlighted         |         |
|----------------------|---------|---------------------|---------|
| Cross Sl, Sx (ft/ft) | = 0.023 | Depth (ft)          | = 0.20  |
| Cross Sl, Sz (ft/ft) | = 0.109 | Q (cfs)             | = 0.600 |
| Gutter Width (ft)    | = 1.33  | Area (sqft)         | = 0.23  |
| Invert Elev (ft)     | = 35.20 | Velocity (ft/s)     | = 2.63  |
| Slope (%)            | = 1.10  | Wetted Perim (ft)   | = 3.64  |
| N-Value              | = 0.013 | Crit Depth, Yc (ft) | = 0.24  |
|                      |         | Spread Width (ft)   | = 3.64  |
|                      |         | EGL (ft)            | = 0.31  |
| Calculations         |         |                     |         |
| Compute by           | Known Q |                     |         |
| Known Q (cfs)        | = 0.60  |                     |         |

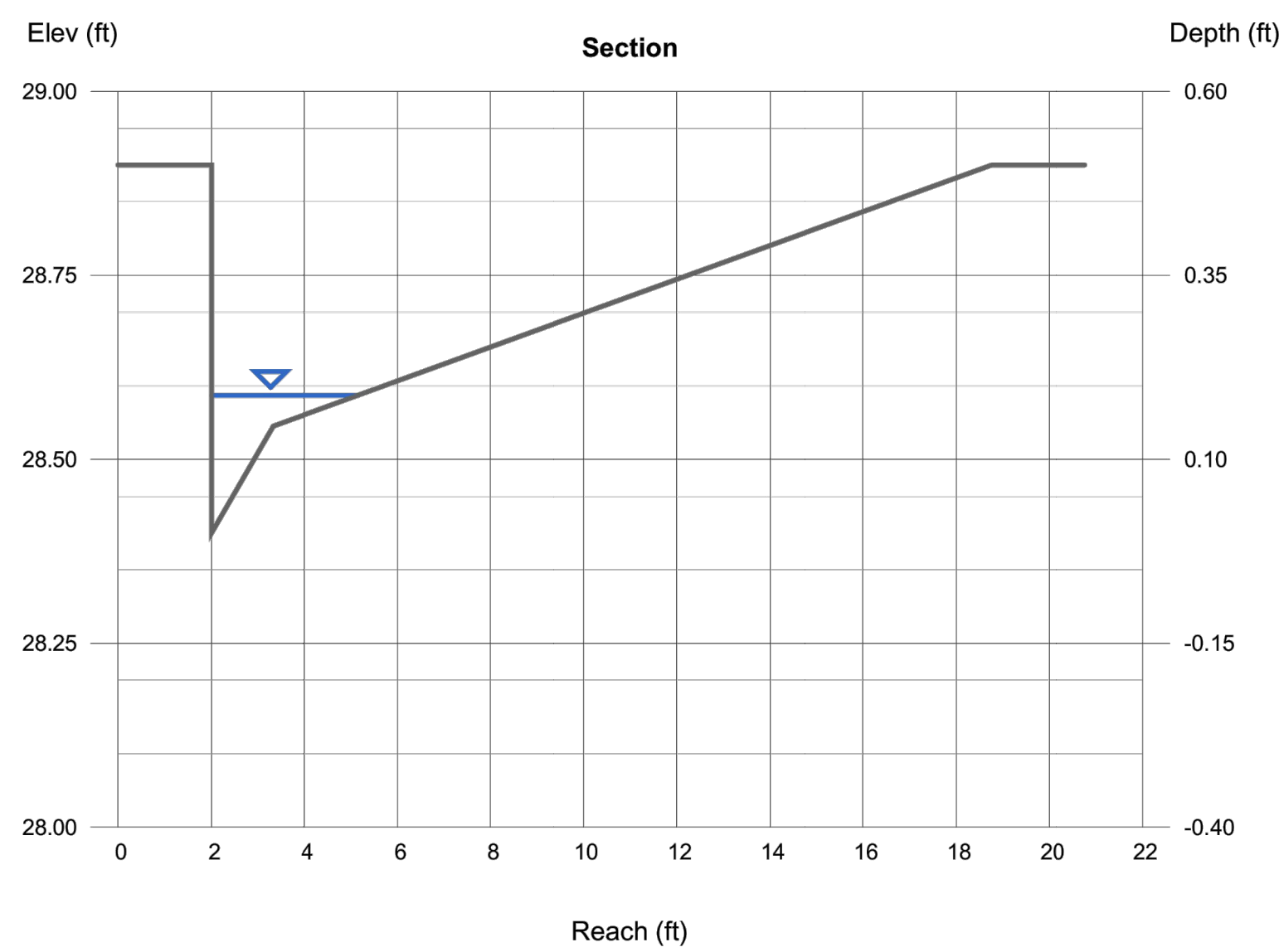


Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Wednesday, Apr 17 2019

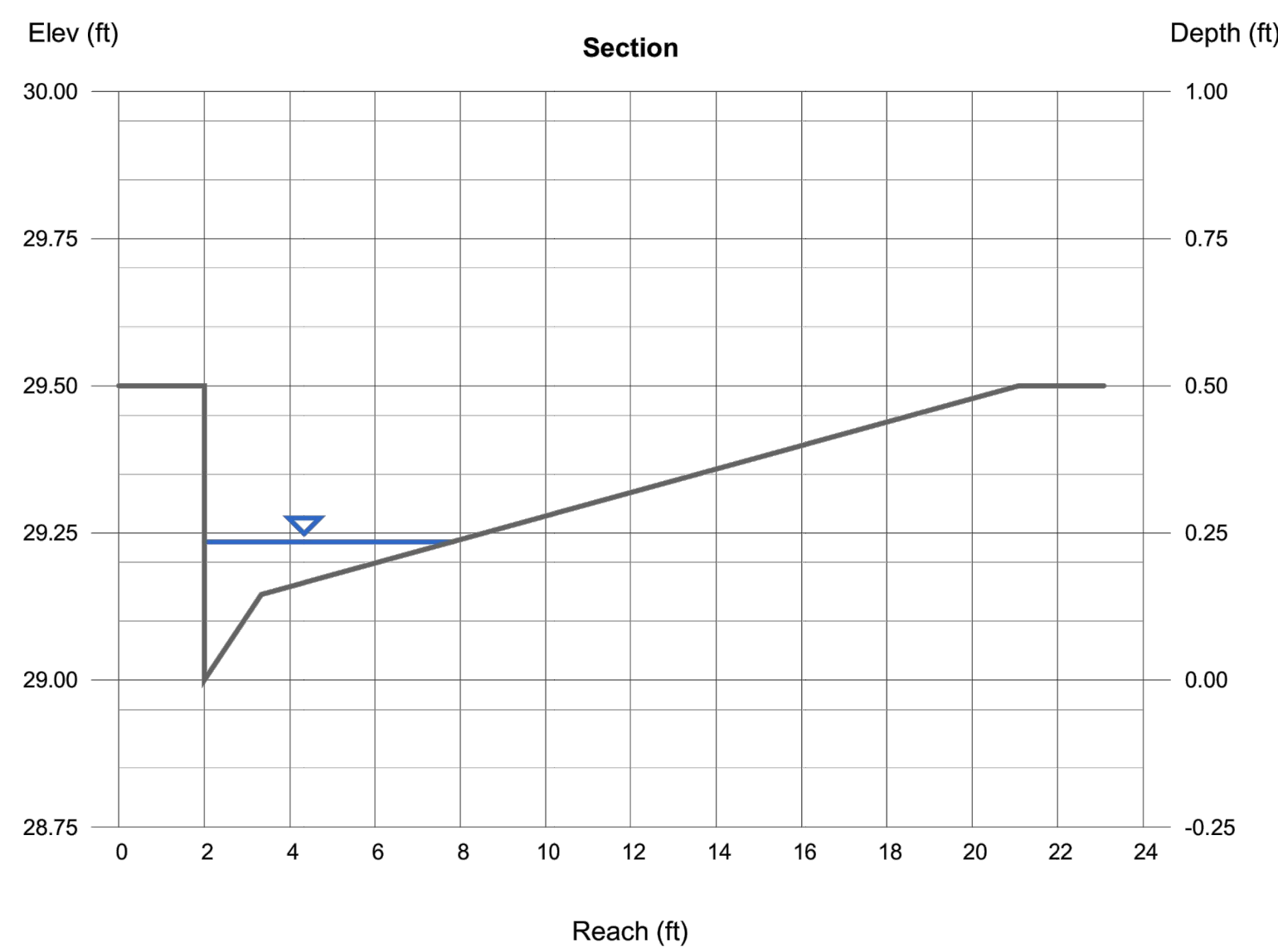
|                      |         |                     |         |
|----------------------|---------|---------------------|---------|
| <b>Gutter</b>        |         | <b>Highlighted</b>  |         |
| Cross Sl, Sx (ft/ft) | = 0.026 | Depth (ft)          | = 0.16  |
| Cross Sl, Sw (ft/ft) | = 0.109 | Q (cfs)             | = 0.370 |
| Gutter Width (ft)    | = 1.33  | Area (sqft)         | = 0.93  |
| Invert Elev (ft)     | = 30.60 | Velocity (ft/s)     | = 2.12  |
| Slope (%)            | = 1.40  | Wetted Perim (ft)   | = 0.19  |
| N-value              | = 0.013 | Crit Depth, Yc (ft) | = 0.21  |
|                      |         | Spread Width (ft)   | = 0.02  |
| <b>Calculations</b>  |         | EGL (ft)            | = 0.30  |
| Compute by:          | Known Q |                     |         |
| Known Q (cfs)        | = 0.37  |                     |         |

Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Wednesday, Apr 17 2019

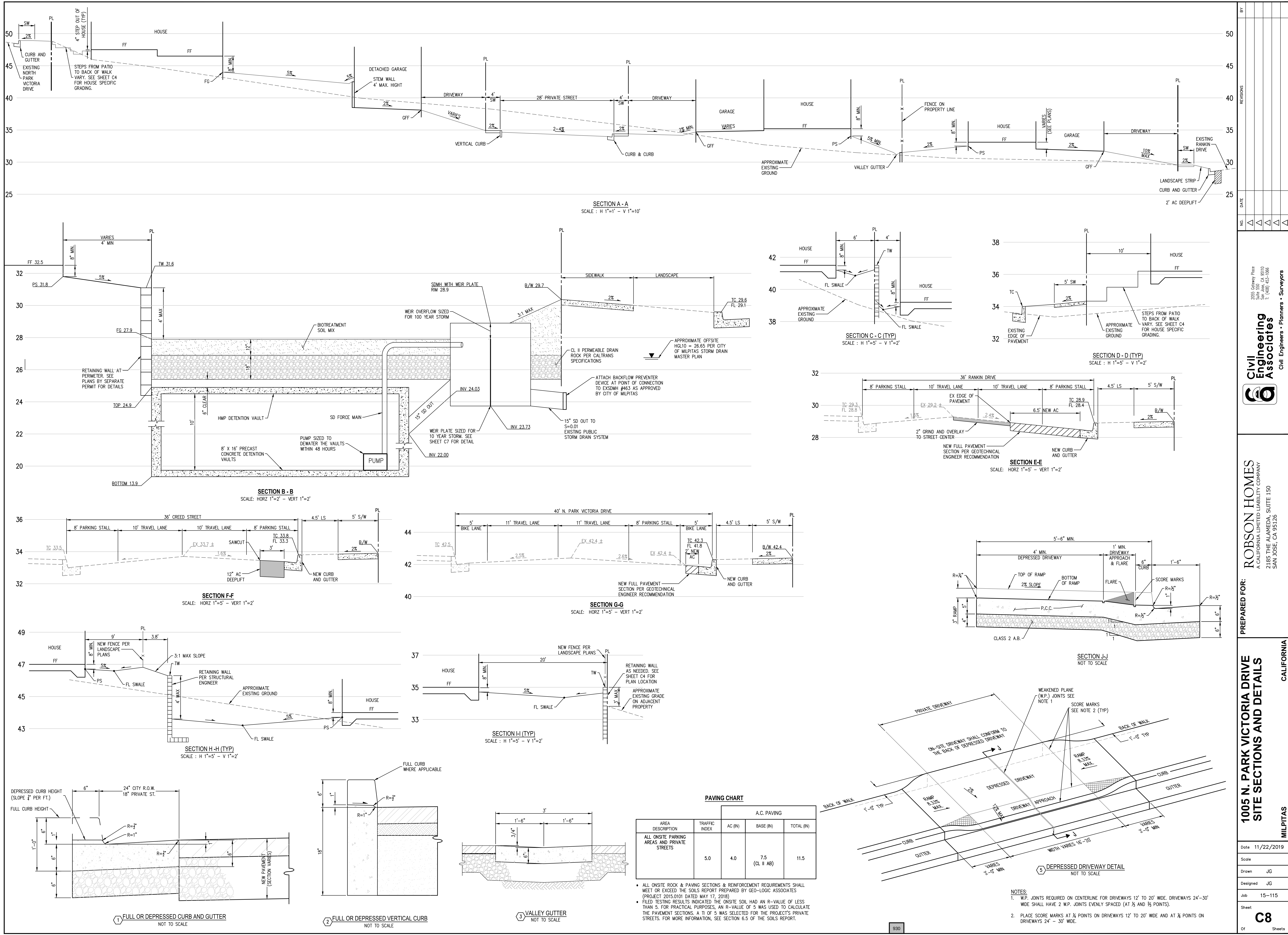
| Gutter                |         | Highlighted         |         |
|-----------------------|---------|---------------------|---------|
| Gutter Sl, Sx (ft/ft) | = 0.023 | Depth (ft)          | = 0.19  |
| Cross Sl, Sx (ft/ft)  | = 0.109 | Q (cfs)             | = 0.300 |
| Gutter Width (ft)     | = 1.33  | Area (sqft)         | = 0.19  |
| Invert Elev (ft)      | = 28.40 | Velocity (ft/s)     | = 1.57  |
| Slope (%)             | = 0.40  | Wetted Perim (ft)   | = 3.35  |
| N/A                   | = 0.013 | Crit Depth, Yc (ft) | = 0.20  |
|                       |         | Spread Width (ft)   | = 3.16  |
|                       |         | EGL (ft)            | = 0.23  |
| <b>Calculations</b>   |         |                     |         |
| Compute by            | Known Q |                     |         |
| Known Q (cfs)         | = 0.30  |                     |         |

Hydraflow Express Extension for Autodesk® AutoCAD® Civil 3D® by Autodesk, Inc. Wednesday, Apr 17 2019

|                      |         |                     |         |
|----------------------|---------|---------------------|---------|
| <b>Gutter</b>        |         | <b>Highlighted</b>  |         |
| Cross Sl, Sx (ft/ft) | = 0.020 | Depth (ft)          | = 0.24  |
| Cross Sl, Sy (ft/ft) | = 0.109 | Q (cfs)             | = 2.030 |
| Gutter Width (ft)    | = 1.33  | Area (sqft)         | = 0.42  |
| Invert Elev (ft)     | = 1.90  | Velocity (ft/s)     | = 4.85  |
| Slope (%)            | = 2.00  | Wetted Perim (ft)   | = 6.08  |
| N-Value              | = 0.010 | Crit Depth, Yc (ft) | = 0.32  |
|                      |         | Spread Width (ft)   | = 5.83  |
|                      |         | EGL (ft)            | = 0.60  |
| <b>Calculations</b>  |         |                     |         |
| Compute by           | Known Q |                     |         |
| Cross Q (cfs)        | = 2.03  |                     |         |











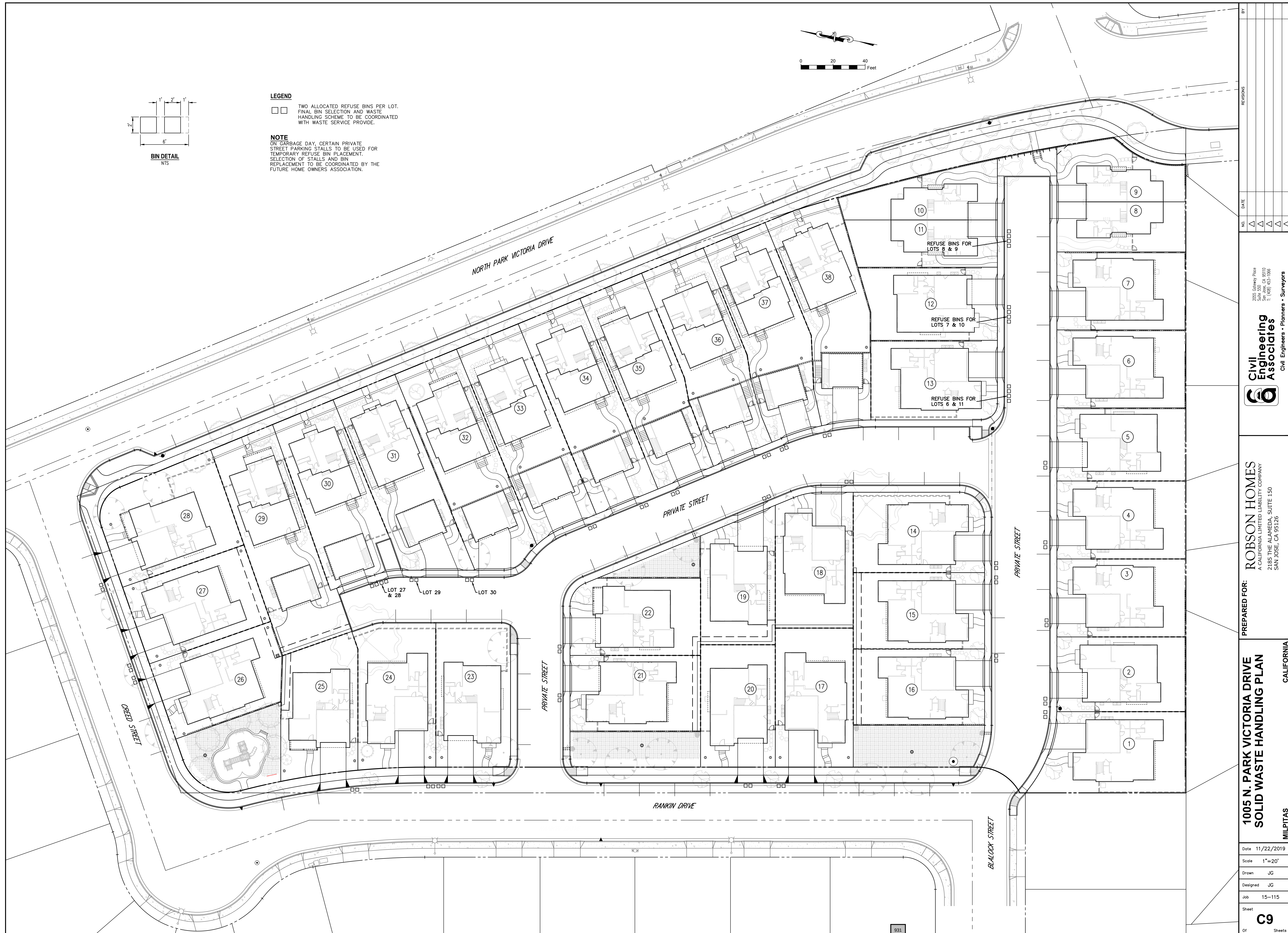
### LEGEND



☐ ☐ TWO ALLOCATED REFUSE BINS PER LOT.  
FINAL BIN SELECTION AND WASTE  
HANDLING SCHEME TO BE COORDINATED  
WITH WASTE SERVICE PROVIDER.

**NOTE**

**NOTE**  
ON GARBAGE DAY, CERTAIN PRIVATE  
STREET PARKING STALLS TO BE USED FOR  
TEMPORARY REFUSE BIN PLACEMENT.  
SELECTION OF STALLS AND BIN  
REPLACEMENT TO BE COORDINATED BY THE  
FUTURE HOME OWNERS ASSOCIATION.



**PREPARED FOR:**

**1005 N. PARK VICTORIA DRIVE  
SOLID WASTE HANDLING PLAN**

CALIFORNIA

MILPITAS

**ROBSON HOMES**  
A CALIFORNIA LIMITED LIABILITY COMPANY  
2185 THE ALAMEDA, SUITE 150  
SAN JOSE, CA 95126

Civil  
Engineering  
Associates

Civil Engineers • Planners • Surveyors

2055 Gateway Place  
Suite 550  
San Jose, CA 95110  
T: (408) 453-1066

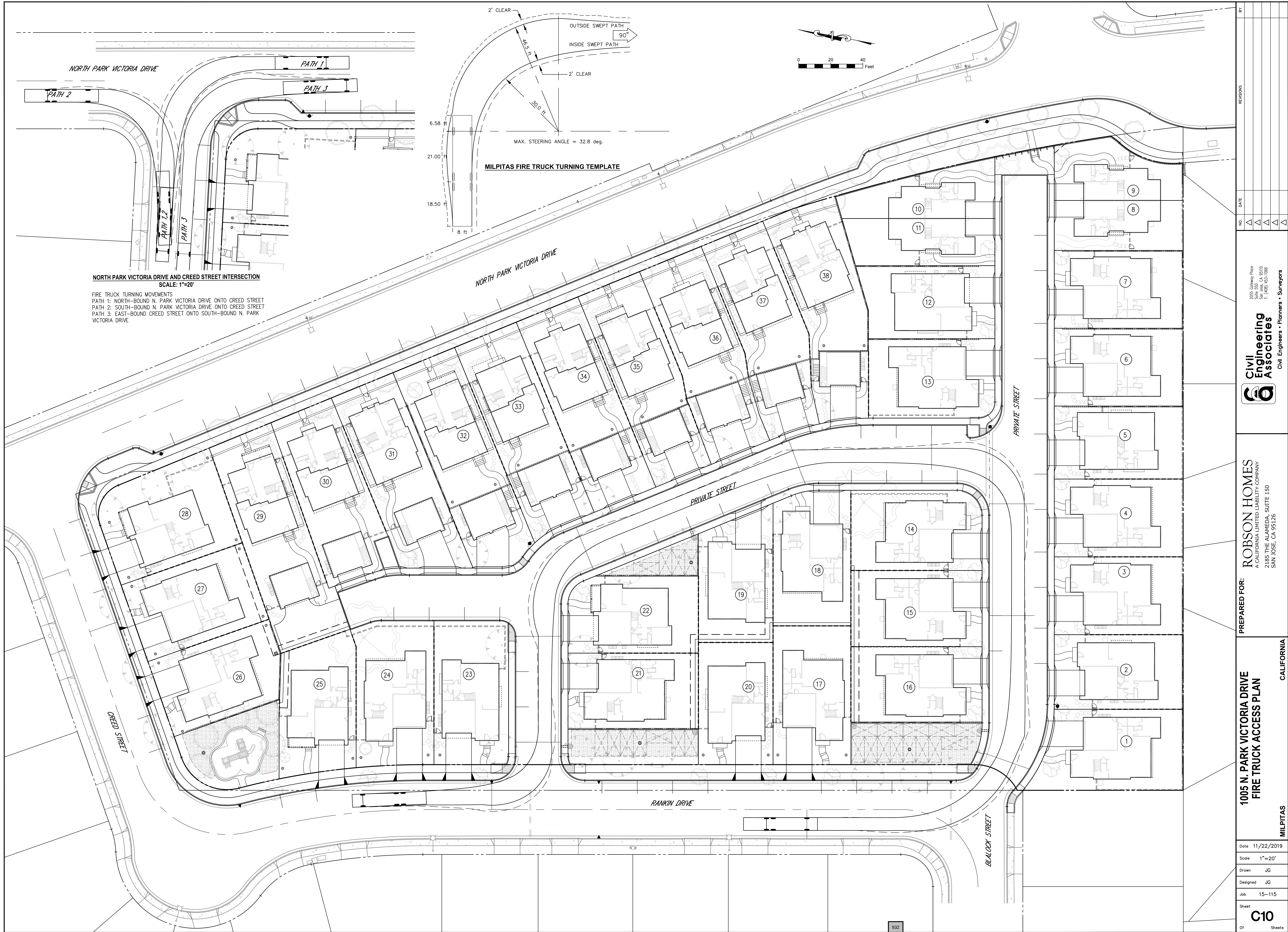
| NO. | DATE | REVISIONS |
|-----|------|-----------|
| △   |      |           |
| △   |      |           |
| △   |      |           |
| △   |      |           |
| △   |      |           |

REVISIONS

ATE

NO.







OWNER/DEVELOPER: ROBSON HOMES  
2185 THE ALAMEDA, SUITE 150  
SAN JOSE, CA 95126  
(408) 345-1767

ENGINEER: CIVIL ENGINEERING ASSOCIATES, INC.  
2055 GATEWAY PLACE, SUITE 550  
SAN JOSE, CALIFORNIA 95110  
(408) 453-1066

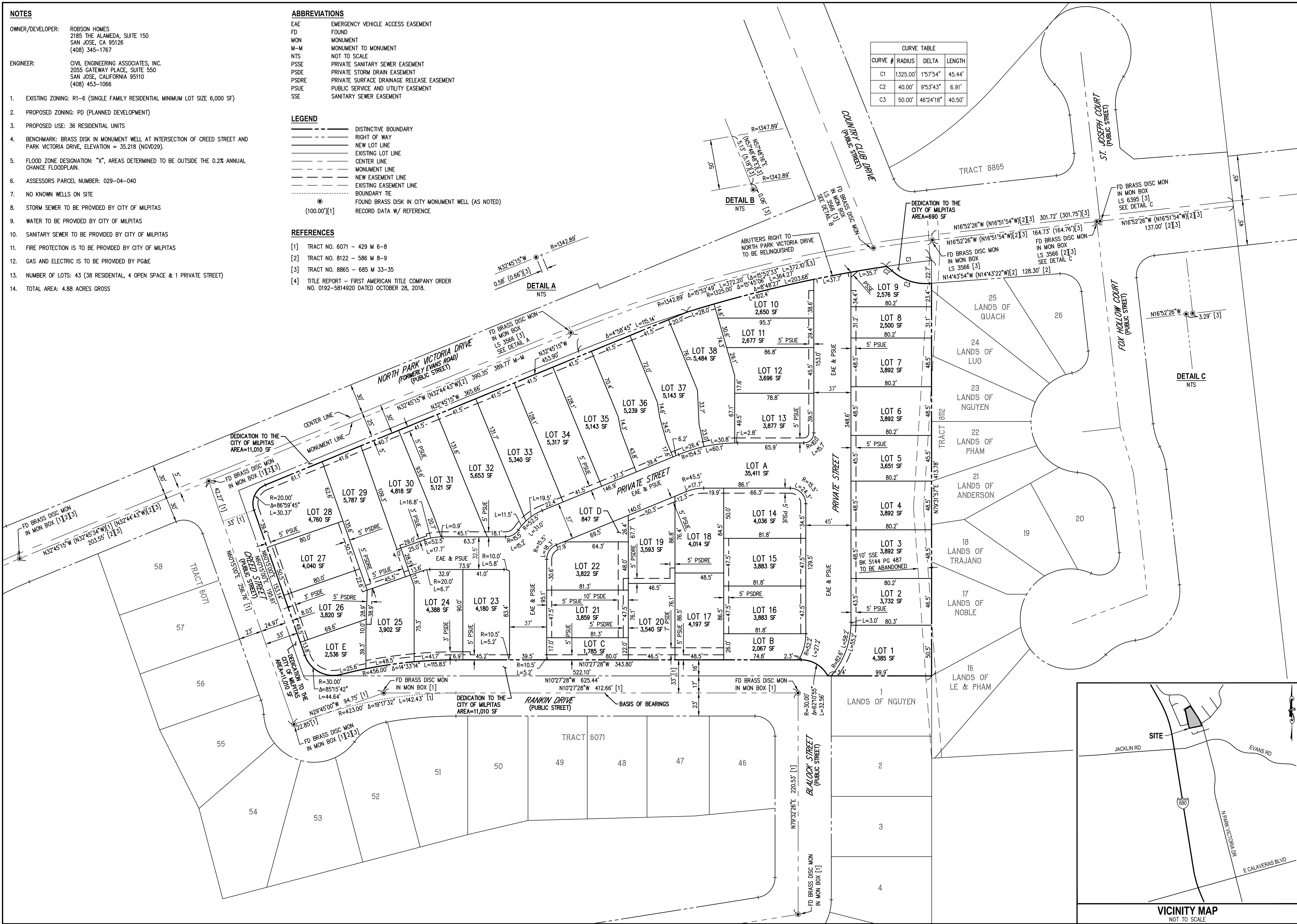
- ## ABBREVIATIONS

|      |                                           |
|------|-------------------------------------------|
| EAE  | EMERGENCY VEHICLE ACCESS EASEMENT         |
| FD   | FOUND                                     |
| MON  | MONUMENT                                  |
| M-M  | MONUMENT TO MONUMENT                      |
| NTS  | NOT TO SCALE                              |
| PSSE | PRIVATE SANITARY SEWER EASEMENT           |
| PSDE | PRIVATE STORM DRAIN EASEMENT              |
| PSDR | PRIVATE SURFACE DRAINAGE RELEASE EASEMENT |
| PSUE | PUBLIC SERVICE AND UTILITY EASEMENT       |
| SSE  | SANITARY SEWER EASEMENT                   |

\_\_\_\_\_ DISTINCTIVE BOUNDARY  
 \_\_\_\_\_ RIGHT OF WAY  
 \_\_\_\_\_ NEW LOT LINE  
 \_\_\_\_\_ EXISTING LOT LINE  
 \_\_\_\_\_ CENTER LINE  
 \_\_\_\_\_ MONUMENT LINE  
 \_\_\_\_\_ NEW EASEMENT LINE  
 \_\_\_\_\_ EXISTING EASEMENT LINE  
 \_\_\_\_\_ BOUNDARY TIE  
 ● FOUND BRASS DISK IN CITY MONUMENT WELL (AS NOTED)  
 (100.00°)[1] RECORD DATA W/ REFERENCE

- [1] TRACT NO. 6071 - 429 M 6-8
- [2] TRACT NO. 8122 - 586 M 8-9
- [3] TRACT NO. 8865 - 685 M 33-35
- [4] TITLE REPORT - FIRST AMERICAN TITLE COMPANY ORDER NO. 0192-5814920 DATED OCTOBER 28, 2018.

| CURVE TABLE |          |           |        |
|-------------|----------|-----------|--------|
| CURVE #     | RADIUS   | DELTA     | LENGTH |
| C1          | 1325.00' | 1°57'54"  | 45.44' |
| C2          | 40.00'   | 9°53'43"  | 6.91'  |
| C3          | 50.00'   | 46°24'18" | 40.50' |

[illegible]

**Civil Engineering Associates**  
Civil Engineers • Planners • Surveyors

2055 Gateway Place  
Suite 500  
San Jose, CA 95110  
T: (408) 453-1066

**PREPARED FOR:**

**ROBSON HOMES**  
A CALIFORNIA LIMITED LIABILITY COMPANY

2185 THE ALAMEDA, SUITE 150  
SAN JOSE, CA 95126  
(408) 345-1767

**1005 N. PARK VICTORIA DRIVE  
VESTING TENTATIVE MAP**

|            |            |
|------------|------------|
| DATE       | 11/19/2019 |
| SCALE      | 1"=30'     |
| DESIGNED   | JG         |
| DRAWN      | CH         |
| JOB NO.    | 15-115     |
| SHEET      |            |
| <b>TM1</b> |            |
| OF         | S 933      |













## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                    |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Introduce Ordinance No. 304 Adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park</b>                       |
| <b>Category:</b>       | Community Services and Sustainable Infrastructure                                                                                                                                  |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                          |
| <b>Staff Contact:</b>  | Renee Lorentzen, Recreation and Community Services Director, 408-586-3409                                                                                                          |
| <b>Recommendation:</b> | Waive the first reading and introduce Ordinance No. 304 adding Subsection 7.02 of Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park. |

### **Background:**

The new Milpitas Skate Park at the Milpitas Sports Center Complex grounds is expected to open in summer 2020. As this is a specialized facility for an activity that includes elements of physical risk, staff is recommending adoption of regulations specific to this park site to promote and communicate safe use rules to the public.

### **Analysis:**

Many cities, including Milpitas, routinely add sections to their Municipal Codes governing acceptable use of specialized city facilities, when general park rules are insufficient to address the concerns that are unique to a specialized facility.

Ordinances governing Milpitas' Park use (Title V, Chapter 9) already include regulations related to use of the City Dog Park located at Ed Levin Park and restricting the types of activities allowable on tennis courts.

Regulations for specialized facilities are particularly advisable when the intended use is a potentially hazardous recreational activity.

California Government Code section 831.7 provides that public entities and public employees are not liable for injuries and property damage incurred by persons who voluntarily place themselves at risk by participating in a hazardous recreational activity that the person, including persons who assist the participant or spectators, who knew or reasonably should have known the activity created a substantial risk of injury. Skateboarding is deemed a hazardous recreational activity within the meaning of California Government Code section 831.7. for persons 12 years of age or older, when a skateboard park is on public property and the local public agency adopts an ordinance and posts signs requiring a person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads. (Cal. Health & Safety Code section 115800.) (Note: this section does not limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property.)

Further, Section 115800 of the California Health and Safety Code says, with respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of riding a recreational skateboard, recreational skateboard use, and that is not supervised on a regular basis, the requirements may be satisfied by compliance with the following:

1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads; and



2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph

By establishing regulations governing safe use of a facility and posting on signage at the facility, cities can alert participants, parents and guardians, and spectators of the risks involved and offer guidelines to help prevent injury.

In anticipation of the opening of the Milpitas Skate Park, staff researched rules and/or regulations that have been adopted and/or posted at dedicated skate park facilities in nearby cities, including the City of Fremont's Skatepark at Central Park, Santa Clara Skate Park, and the City of San Jose, which has multiple dedicated skateboard facilities.

Staff has used this information to help draft the attached proposed Ordinance with regulations for the Milpitas Skate Park. In summary, Ordinance 304 would establish safety rules based on common safety practices at similar facilities in the area. If adopted, the ordinance could provide additional legal protection for the City in the event of future injuries incurred at the Skate Park as a result of unsafe use by the public.

Ordinance 304 would limit Skate Park use to skateboarders and others operating non-motorized, wheeled devices. It would require parents or guardians to accompany users under age 12 and require all users to wear safety gear, including helmets. It would prohibit use of user-supplied obstacles, ramps and jumps, eating, drinking, smoking, vaping and animals on the skate surface, and any other reckless and unsafe behavior. It would declare that Skate Park users use the facility at their own risk, no onsite supervision is provided, and the City is not responsible for injuries and damage.

#### **Policy Alternatives:**

**Alternative 1:** Do not introduce Ordinance No. 304 adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code Relating to the Milpitas Skate Park.

Pros: There are no pros associated with not introducing Ordinance No. 304.

Cons: Without formal safety regulations in place, the City will have difficulty enforcing safe use of the Skate Park facility and could subject Skate Park users to unnecessary risk of injury and leave the City liable if an injury occurs.

Reason not recommended: Existing park regulations are not sufficient to ensure safe use at a specialized Skate Park facility.

#### **Fiscal Impact:**

There is no immediate fiscal impact. However, ultimately adopting Ordinance No. 304 could help protect the City against costly litigation in the event of a serious injury sustained by a future Milpitas Skate Park user.

#### **California Environmental Quality Act:**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

#### **Recommendation:**

Following the City Attorney reading aloud the title, move to waive the first reading beyond the title and introduce Ordinance No. 304, adding Subsection 7.02 to Chapter 9 (Parks) of Title V of the Milpitas Municipal Code relating to the Milpitas Skate Park.

#### **Attachment:**

Ordinance No. 304 for introduction

**PLEASE NOTE:**

This copy of Ordinance No. 304 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

**REGULAR**

**NUMBER: 304**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
ADDING SUBSECTION 7.02 TO CHAPTER 9 (PARKS) OF TITLE V OF THE  
MILPITAS MUNICIPAL CODE RELATING TO THE MILPITAS SKATEPARK**

**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

\_\_\_\_\_  
Rich Tran, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

## **RECITALS AND FINDINGS:**

**WHEREAS**, the City of Milpitas has dedicated the Milpitas Skate Park facility at the Milpitas Sports Center Complex for the purpose of skateboarding, rollerblading and other recreational activities using non-motorized wheeled devices; and

**WHEREAS**, skateboarding, rollerblading and other recreational activities using wheeled devices are inherently hazardous recreational activities; and

**WHEREAS**, the City of Milpitas desires to establish facility use regulations to ensure safe use of the Milpitas Skate Park; and

**WHEREAS**, the City of Milpitas desires to limit its liability by clearly communicating safe use regulations to the public.

**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 V, CHAPTER 9, SECTION 7**

Title V, Chapter 9, Section 7 of the Milpitas Municipal Code is hereby amended to add subsection V-9-7.02, to read as follows:

#### V-9-7.02 - Use of the Milpitas Skate Park, located at the Milpitas Sports Center Complex

7.02-1 The purpose of this subsection V-9-7.02 is to provide regulations governing the conduct of Milpitas Skate Park users for the purpose of enforcement and administration in addition to the general regulations in Chapter 9.

#### 7.02-2 The following regulations shall apply at the Milpitas Skate Park:

1. Users are required to wear helmets, knee pads and elbow pads at all times in the skate bowls.
2. Non-city provided obstacles, ramps or jumps are not allowed.
3. Skate Park use is on a first-come, first-served basis. The facility is open to all skateboarders, roller skaters, cyclists, wheelchair users and others operating non-motorized, wheeled devices.
4. Users under twelve (12) years of age must be accompanied by a parent or guardian.
5. Unsafe or reckless behavior is not allowed.
6. Glass is not allowed.
7. Drinking or eating on the skate surface is not allowed.
8. Smoking and vaping are not allowed.
9. Animals are not allowed in the skate bowls.

10. Users of the Skate Park do so at their own risk. The City provides no on-site supervision. The City shall not be liable for any injuries or damage resulting from the use of this facility.

### **SECTION 3. 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 4. 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.



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Review the Pension Actuarial Report and Direct Staff to Return to the Council with the necessary Documents for the Establishment of a 115 Pension Trust</b> |
| <b>Category:</b>       | Leadership and Support Services                                                                                                                                |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                      |
| <b>Staff Contact:</b>  | Walter C. Rossmann, 408-586-3111                                                                                                                               |
| <b>Recommendation:</b> | Review the Pension Actuarial Report and direct staff to return to City Council with the necessary documents for the establishment of a 115 Pension Trust.      |

### **Background:**

The City has two pension plans with CalPERS; the Safety Plan for its sworn employees and the Miscellaneous Plan for its non-sworn employees. Since the deep recession about a decade ago, the cost for the City's pension benefit has risen drastically. In FY 2009-10, the pension cost was approximately \$7 million for both plans. By 2018-19 the cost increased to approximately \$17 million, an increase of 143% over ten years. The primary reasons for the cost increase are investment losses, demographic changes, and CalPERS policy changes (contribution policy changes; amortization policy changes; and discount rate changes).

The major demographic changes are an increase in the retiree population and a longer life expectancy. In FY 2008-09, the City had 276 active or employed Miscellaneous or non-sworn employees versus 228 retired employees. In 2018, the City had 202 active Miscellaneous employees versus 383 retired employees. Within ten years, the retiree population increased by 68%. During the last five years, CalPERS changed various policies to improve funding to the pension system thereby increasing the annual cost to CalPERS agencies such as the City of Milpitas. Changes to the contribution policy included closed versus rolling amortization periods, discontinuing asset smoothing, and introducing five-year ramp-ups to fund changes in the Unfunded Actuarial Liability (UAL). Further, CalPERS reduced its discount rate, the interest rate which its investment portfolio is targeted to earn annually, from 7.75% in FY 2012-13 to 7.00% in FY 2020-21.

Due to the impact of the deep recession, enhanced benefits granted in the 2000s, and CalPERS policy changes, the City's unfunded actuarial liability (UAL) for the Miscellaneous and Sworn Plans combined as of June 30, 2018 stands at \$207 million with a combined funded ratio of 65.2%. In FY 2006-07, both plans were more than 100% funded.

Over the last decade this Council as well as previous Councils have taken several actions to mitigate increased pension costs:

1. Planning for funding in the annual budget to ensure that the City pay its annual pension contribution as determined by CalPERS;
2. Working with its bargaining units, the City approved a lower and less expensive pension benefit (Tier 2) for classic employees (effective October 2011 for Miscellaneous employees and April 2012 for Sworn employees); and
3. Setting aside during the last two to three years approximately \$34 million of one-time General Fund dollars in the PERS Rate Stabilization Reserve to address the pension plans' UAL.

### **Analysis:**

At the Council meeting, the City's actuary from Bartel and Associates will present the attached pension actuarial report as summarized below and staff will present options to address the City's UAL and investment and utilization of the PERS Rate Stabilization Reserve in the amount of \$34 million.



### Pension Actuarial Report

Annually, CalPERS issues pension valuations reports for Miscellaneous and Sworn employees' plans providing anticipated pension costs for the current plus five years. To fully understand the long-term impact of pension costs over 30 years staff contracted with Bartel & Associates. Bartel Associates, LLC specializes in providing states, counties, cities, and other public agencies with actuarial consulting services. Its 300+ clients range from special districts, to small and large cities, to state governments.

The attached report provides detailed demographic and historical information as well as pension cost projections for Miscellaneous and Sworn Plans, discusses recent CalPERS policy changes, and provides options for paying down the UAL. Bartel & Associates' representatives will attend the Council meeting to present the report and address Council questions. Additionally, the report will be presented to employees.

### City's Pension Unfunded Actuarial Liability

During the last two to three years, the Council set aside \$34 million in a PERS Rate Stabilization Reserve to address the City's Pension UAL in the amount of \$207 million. Per the City's Reserve Policies, as approved by the City Council, the funds for this reserve shall remain in the General Fund or be transferred into a Section 115 Trust. Based on Council direction, staff reviewed various options to utilize and/or invest the PERS Rate Stabilization Reserve funds as summarized in the table below.

| Considerations                                            | City's Cash Pool                                                      | Section 115 Trust                                                | CalPERS                                                            |
|-----------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Utilization of Reserve Funds</b>                       | Council may re-designate the use of the reserve funds for any purpose | Funds can only be used for pension related expenditures          | Funds can only be used to pay off the Unfunded Actuarial Liability |
| Flexibility to address potential future budget shortfalls | High                                                                  | Medium (funds can only be used for pension related expenditures) | Not applicable (funds are transferred to CalPERS)                  |
| Reserve Funds estimated investment earnings               | approximately 2%                                                      | 4% to 5% depending on the investment strategy                    | CalPERS assumed interest rate of 7%                                |
| Investment Strategy Choice                                | Limited                                                               | Yes                                                              | None (CalPERS administers the funds)                               |
| Investment Loss Risk                                      | Very Low                                                              | Low to Medium depending on investment strategy                   | High                                                               |

To preserve flexibility for utilization of the funds allocated to the PERS Rate Stabilization Reserve while improving the potential to improve interest earnings, staff recommends that the Council direct staff to return to the Council with the necessary documents to establish a Section 115 Trust. Since there are several firms who offer such a trust and related investment services, staff intends to issue a Request for Proposal to recommend the most qualified firm to the Council.

### Policy Alternatives:

Alternative 1: Do not direct staff to return to the Council with the necessary documents to establish a Section 115 Trust and keep funds in the PERS Rate Stabilization Reserve.

Pros: Staff time will be dedicated to other high priority projects.

Cons: The City will keep investing PERS Rate Stabilization Reserve funds in the City's investment pool earning a rate around 2%.

Reason not recommended: By transferring PERS Rate Stabilization Reserve funds into a Section 115 Trust, the funds can only be used for pension expenses and be invested in securities generating a long-term higher yield than the City's investment pool. Further, it would preserve spending flexibility for the City during recessionary periods.

Alternative 2: Transfer the PERS Rate Stabilization Reserve funds to CalPERS to pay down the UAL.

Pros: Through an upfront payment of \$30 million, the annual payment to CalPERS for pension obligations is estimated to be reduced by several millions.

Cons: The City will not have access to the funds transferred to CalPERS, anymore.

Reason not recommended: By transferring PERS Rate Stabilization Reserve funds to CalPERS, the City will substantially reduce its ability to address budget shortfalls during recessionary times and expose the transferred funds to higher investment loss risk.

**Fiscal Impact:**

There is no fiscal impact from issuing a Request for Proposal to seek the most qualified firm for the establishment of a Section 115 Trust other than staff time. However, the City will have to pay a fee for the management of the City's assets by an investment firm. Such costs will be determined through the competitive RFP process.

**Recommendation:**

Review the Pension Actuarial Report; and direct staff to return to City Council with the necessary documents for the establishment of a 115 Pension Trust.

**Attachment:**

Bartel and Associates Actuarial Report



## **CITY OF MILPITAS MISCELLANEOUS AND SAFETY PLANS**

---

**B**ARTEL  
ASSOCIATES, LLC

### **CalPERS Actuarial Analysis – 6/30/18 Valuation**

**Doug Pryor, Vice President**

Bianca Lin, Assistant Vice President

Tina Liu, Associate Actuary

**Bartel Associates, LLC**

January 21, 2020

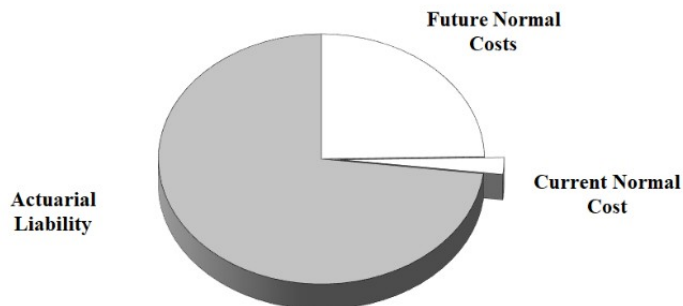
## Contents

| <u>Topic</u>                      | <u>Page</u> |
|-----------------------------------|-------------|
| Background                        | 1           |
| Miscellaneous Plan:               |             |
| Historical Information            | 13          |
| Projections                       | 23          |
| Safety Plan:                      |             |
| Historical Information            | 31          |
| Projections                       | 41          |
| Combined Miscellaneous and Safety | 52          |
| PEPRA Cost Sharing                | 53          |
| Actuarial Certification           | 55          |



## DEFINITIONS

Present Value of Benefits  
June 30, 2018



### ■ PVB - Present Value of all Projected Benefits:

- The value now of amounts due to be paid in the future
- Discounted value (at valuation date - 6/30/18), of all future expected benefit payments based on various (actuarial) assumptions

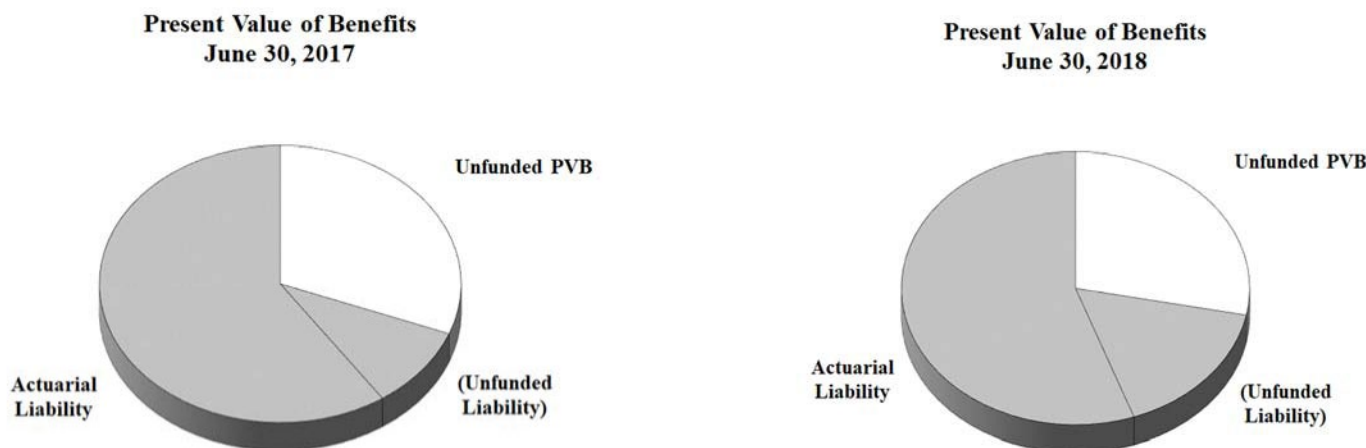
### ■ Current Normal Cost (NC):

- Portion of PVB allocated to (or “earned” during) current year
- Value of employee and employer current service benefit

### ■ Actuarial Liability (AAL):

- Discounted value (at valuation date) of benefits earned through valuation date [value of past service benefit]
- Portion of PVB “earned” at measurement

## DEFINITIONS



- **Target-** Have money in the bank to cover Actuarial Liability (past service)
- **Unfunded Liability (UAAL or UAL) -** Money short of target at valuation date
  - If all actuarial assumptions were always exactly met, then the plan assets would always equal AAL
  - Any difference is the unfunded (or overfunded) AAL
  - Every year, the actuary calculates the difference between the expected UAAL and Actual UAAL. This is a new layer or amortization base
  - Each new layer gets amortized (paid off) over a period of time as part of the contribution [rate].



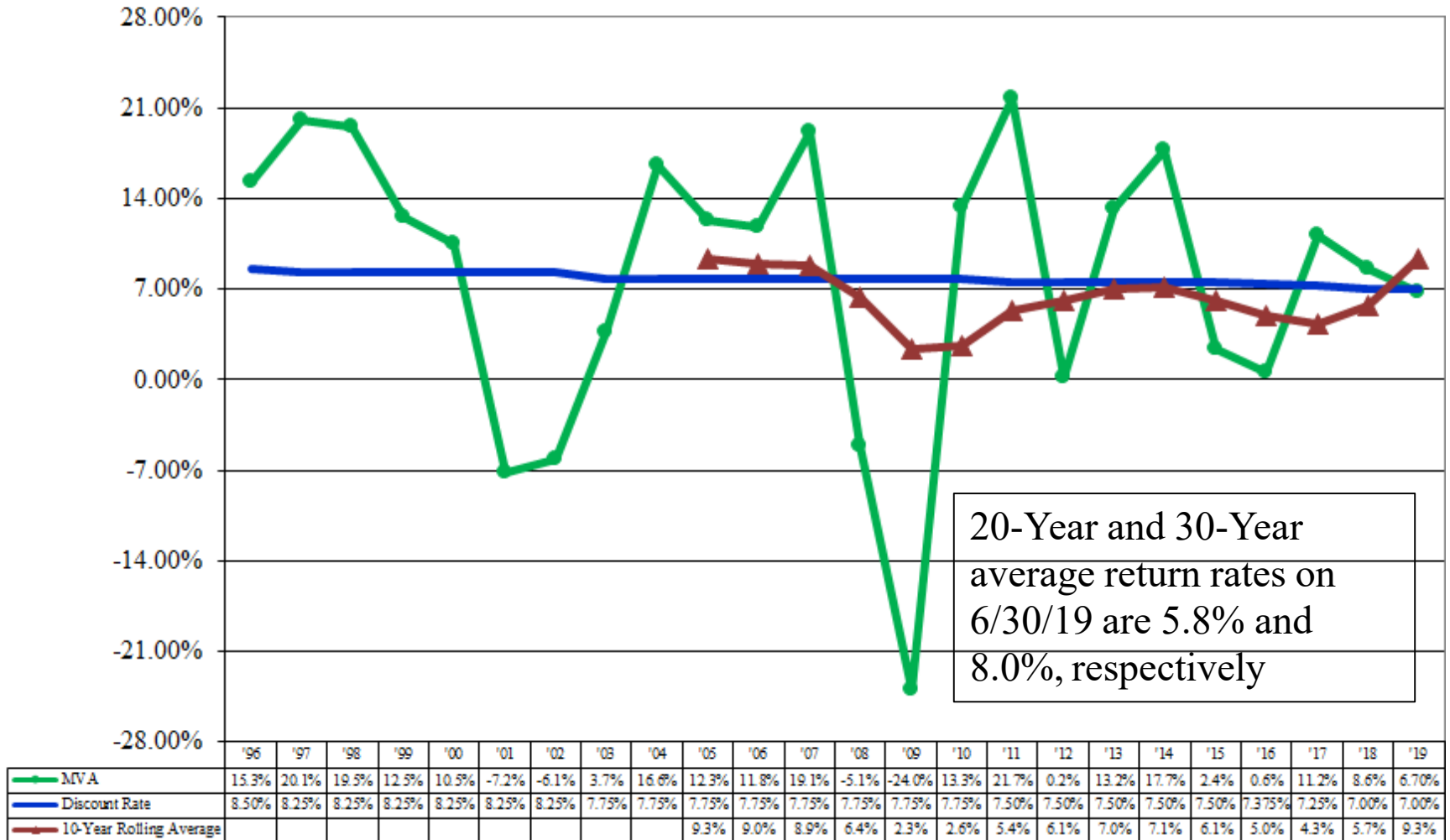
## HOW WE GOT HERE

- Investment Losses
- CalPERS Contribution Policy
- Enhanced Benefits
- Demographics



# HOW WE GOT HERE – INVESTMENT RETURN

## Annual Return on Market Value of Assets



Returns (after 2001) shown are gross returns, unreduced for administrative expenses. The discount rate is based on expected returns net of administrative expenses.

## HOW WE GOT HERE – OLD CONTRIBUTION POLICY

- Effective with 2003 valuations:
  - Slow (15 year) recognition of investment losses into funded status
  - Rolling 30 year amortization of all (primarily investment) losses
- Designed to:
  - First smooth rates and
  - Second pay off UAL
- Mitigated contribution volatility



## HOW WE GOT HERE – ENHANCED BENEFITS

- At CalPERS, Enhanced Benefits implemented using all (future & prior) service
- Typically not negotiated with cost sharing
- City of Milpitas

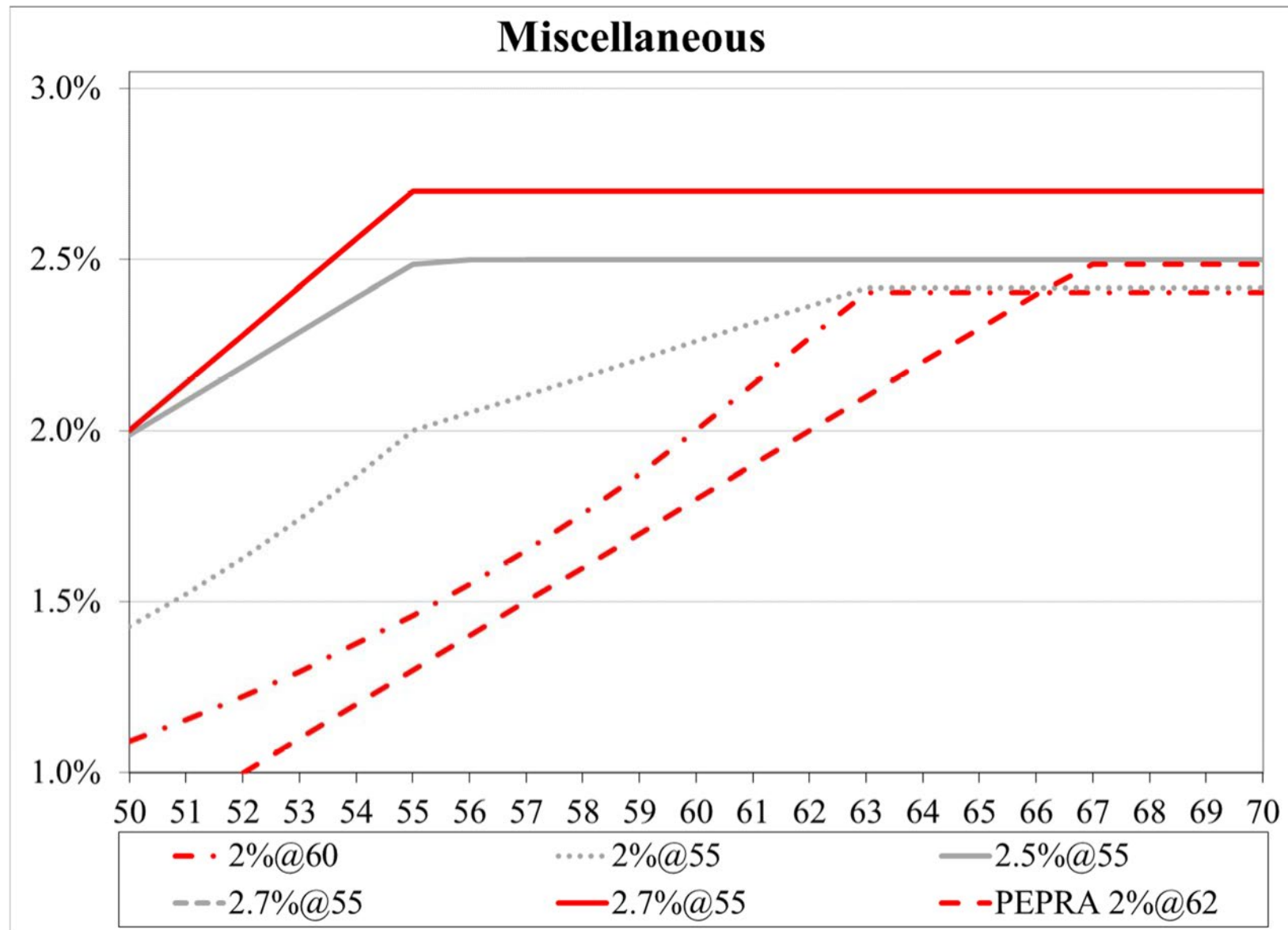
|                       | <b>Tier 1</b> | <b>Tier 2<sup>1</sup></b> | <b>PEPRA</b> |
|-----------------------|---------------|---------------------------|--------------|
| ● Miscellaneous       | 2.7%@55 FAE1  | 2%@60 FAE3                | 2%@62 FAE3   |
| ● Safety <sup>2</sup> | 3%@50 FAE1    | 3%@55 FAE1                | 2.7%@57 FAE3 |

- Note:
  - FAE1 is highest one year (typically final) average earnings
  - FAE3 is highest three years (typically final three) average earnings
- PEPRA tier implemented for new employees hired after 1/1/13
  - Employee pays half of total normal cost
  - 2019 Compensation limit
    - Social Security participants: \$124,180
    - Non-Social Security participants: \$149,016

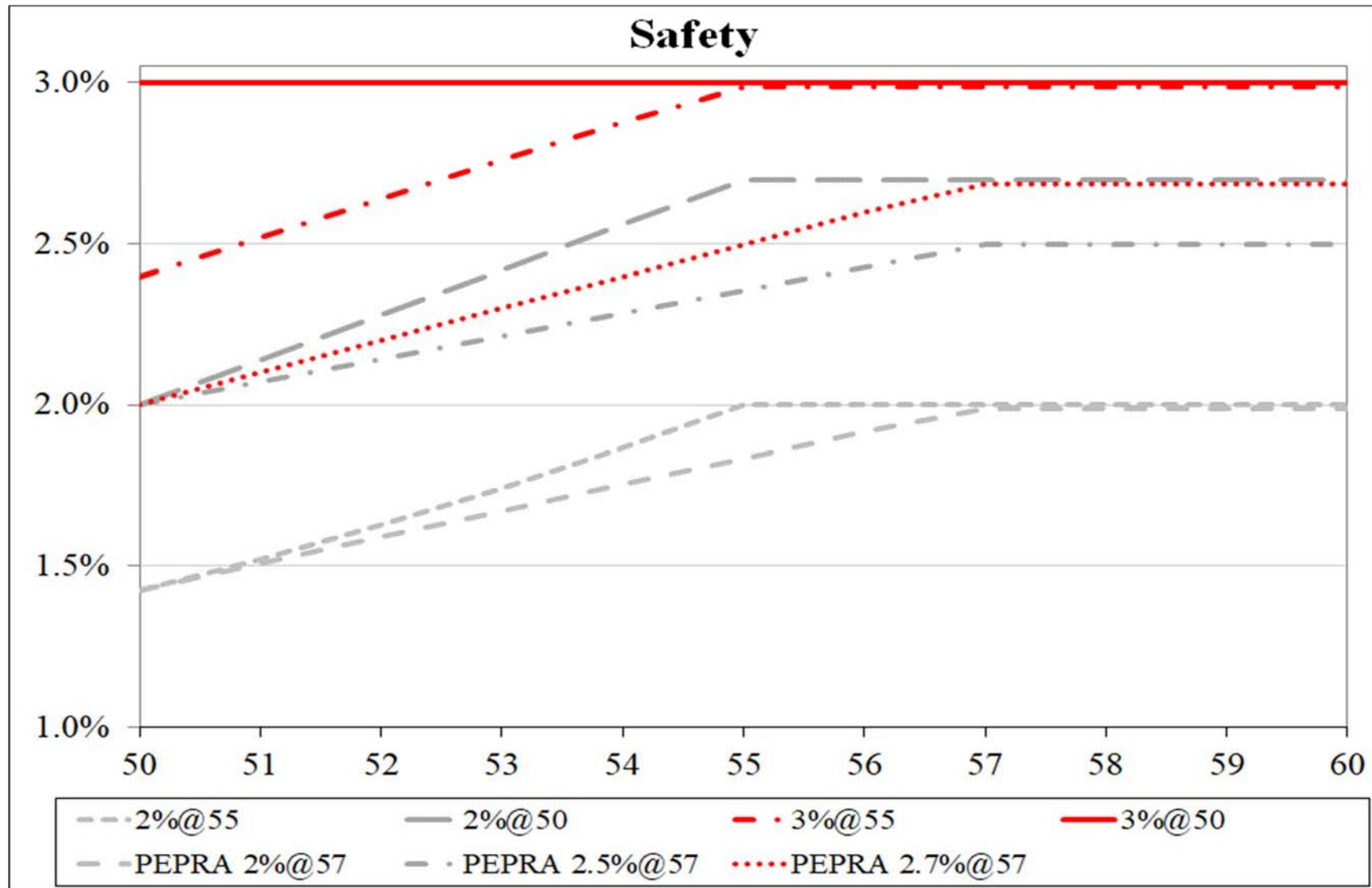
<sup>1</sup> Hired after October 9, 2011 for Miscellaneous and after April 8, 2012 for Safety

<sup>2</sup> Fire and Police members are combined in this group

## HOW WE GOT HERE – ENHANCED BENEFITS



## HOW WE GOT HERE – ENHANCED BENEFITS





## HOW WE GOT HERE – DEMOGRAPHIC

- Around the State
  - Large retiree liability compared to actives
    - State average: 59% for Miscellaneous, 62% for Safety
  - Declining active population and increasing number of retirees
  - Higher percentage of retiree liability increases contribution volatility
- City of Milpitas percentage of liability belonging to retirees:
  - Miscellaneous 61%
  - Safety 70%



## CALPERS CHANGES

- Recent contribution policy changes:
  - No asset smoothing
  - No rolling amortization
  - 5-year ramp up
- February 2018: CalPERS adopted new amortization policy
  - Applies only to newly established amortization bases
    - Fixed dollar amortization rather than % pay
    - Amortize gains/losses over 20 rather than 30 years
    - 5-year ramp up (not down) for investment gains and losses
    - No ramp up/down for other amortization bases
  - Minimizes total interest paid over time and pays off UAL faster
  - Effective June 30, 2019 valuation for 2021/22 contributions
- CalPERS Board changed the discount rate:

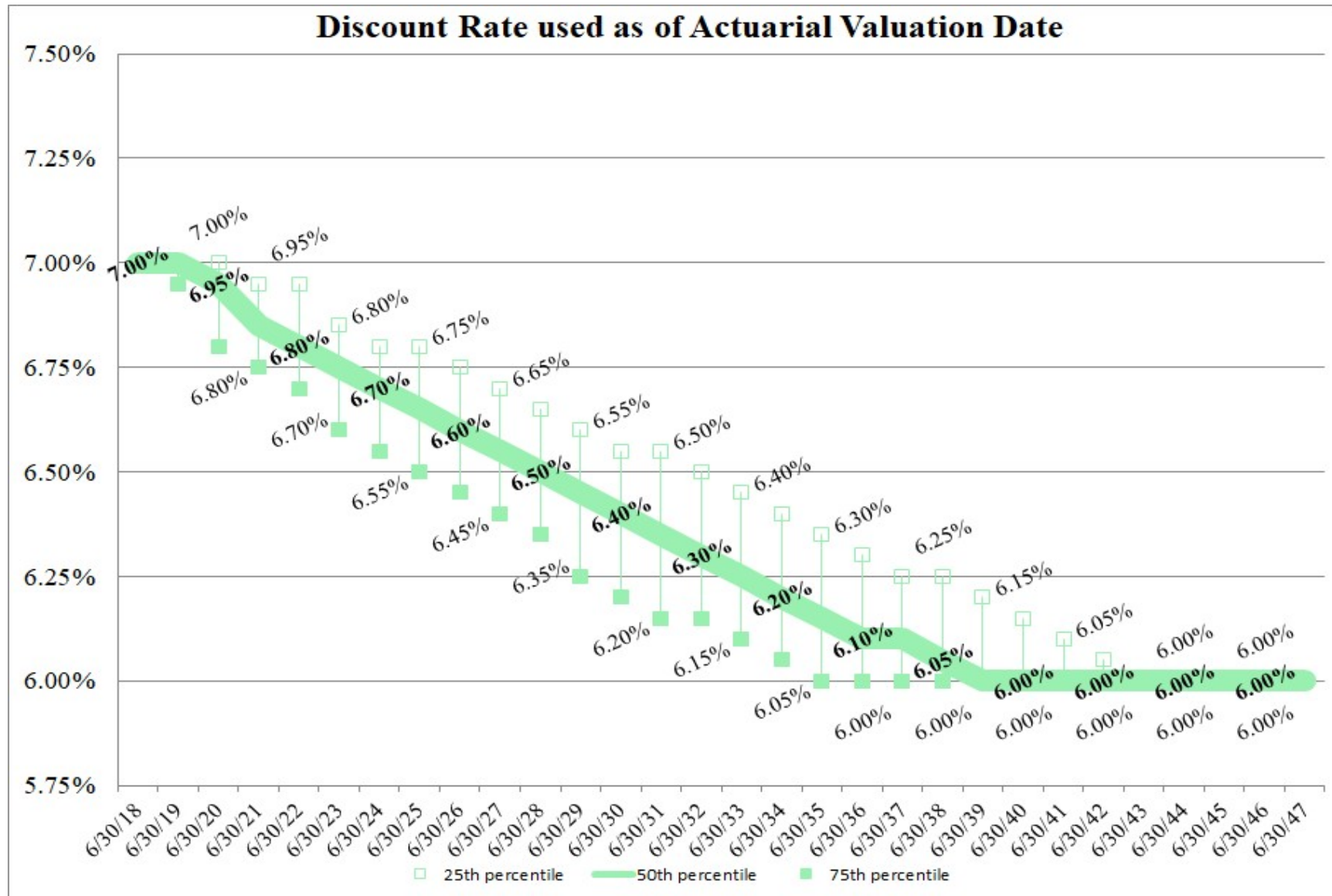
|                     | <u>Rate</u> | <u>Initial Impact</u> | <u>Full Impact</u> |
|---------------------|-------------|-----------------------|--------------------|
| ● 6/30/16 valuation | 7.375%      | 18/19                 | 22/23              |
| ● 6/30/17 valuation | 7.25%       | 19/20                 | 23/24              |
| ● 6/30/18 valuation | 7.00%       | 20/21                 | 24/25              |

## CALPERS CHANGES

### ■ Risk Mitigation Strategy

- Move to more conservative investments over time to reduce volatility
- Only when investment return is better than expected
- Lower discount rate in concert
- Essentially use  $\approx 50\%$  of investment gains to pay for cost increases
- Likely get to 6.0% discount rate over 20+ years
- Risk mitigation suspended from 6/30/16 to 6/30/18 valuation
- Did not trigger for 6/30/19 valuation

# CALPERS CHANGES

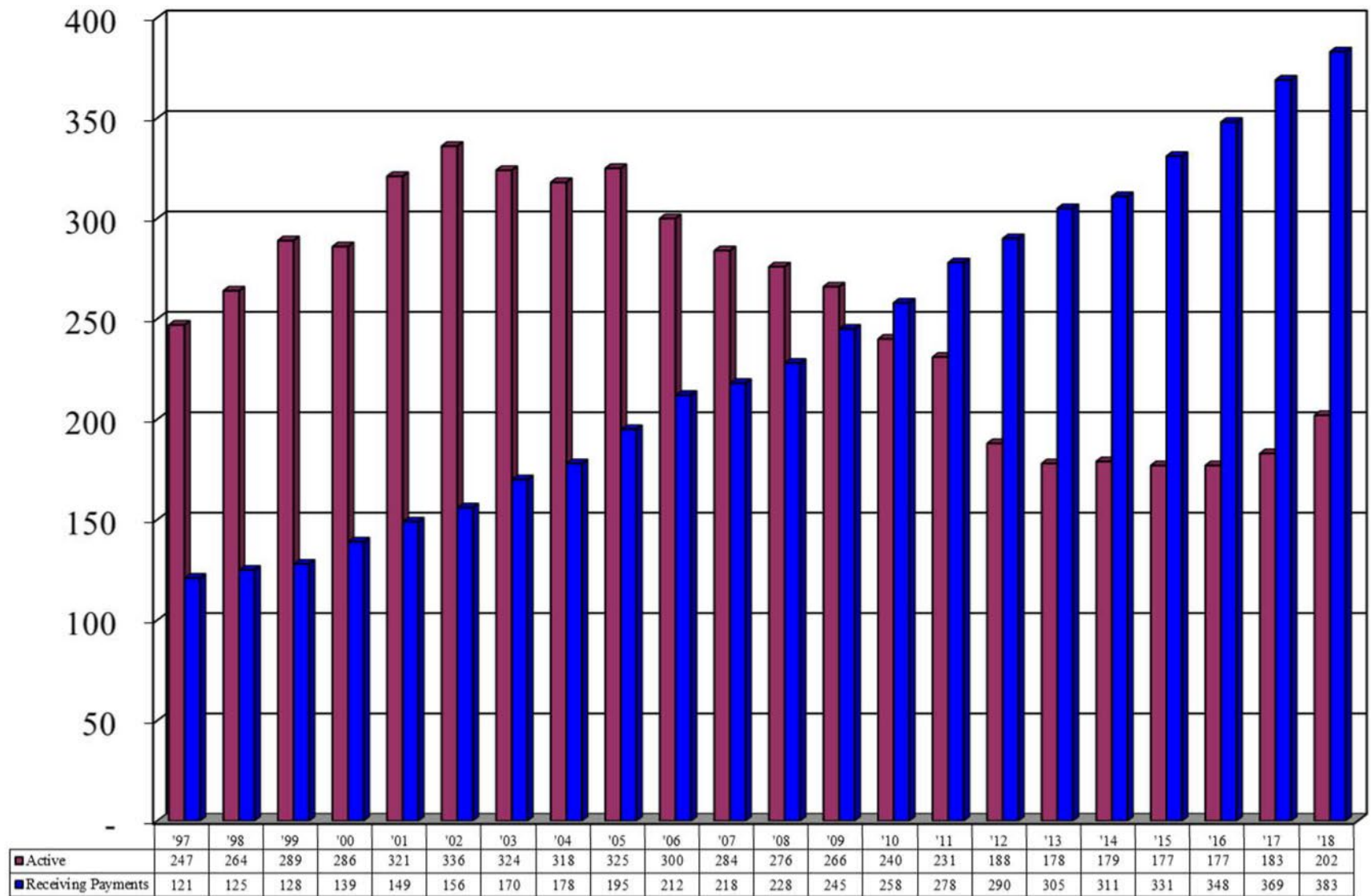


## SUMMARY OF DEMOGRAPHIC INFORMATION - MISCELLANEOUS

|                                                                          | 1998       | 2008       | 2017       | 2018       |
|--------------------------------------------------------------------------|------------|------------|------------|------------|
| <b>Actives</b>                                                           |            |            |            |            |
| ■ Counts                                                                 | 264        | 276        | 183        | 202        |
| ■ Average                                                                |            |            |            |            |
| • Age                                                                    | 42         | 45         | 46         | 45         |
| • City Service                                                           | 8          | 11         | 12         | 11         |
| • PERSable Wages                                                         | \$ 55,200  | \$ 81,400  | \$ 92,700  | \$ 96,100  |
| ■ Total PERSable Wages                                                   | 14,600,000 | 22,500,000 | 17,000,000 | 19,400,000 |
| <b>Inactive Members</b>                                                  |            |            |            |            |
| ■ Counts                                                                 |            |            |            |            |
| • Transferred                                                            | 82         | 158        | 182        | 185        |
| • Separated                                                              | 66         | 113        | 133        | 135        |
| • Retired                                                                |            |            |            |            |
| □ Service                                                                | 105        | 194        | 322        | 331        |
| □ Disability                                                             | 10         | 16         | 23         | 24         |
| □ Beneficiaries                                                          | 10         | 18         | 24         | 28         |
| □ Total                                                                  | 125        | 228        | 369        | 383        |
| ■ Average Annual City Provided Benefit for Service Retirees <sup>3</sup> | 9,200      | 20,300     | 30,500     | 31,200     |

<sup>3</sup> Average City-provided pensions are based on City service & City benefit formula, and are not representative of benefits for long-service employees.

# SUMMARY OF DEMOGRAPHIC INFORMATION - MISCELLANEOUS





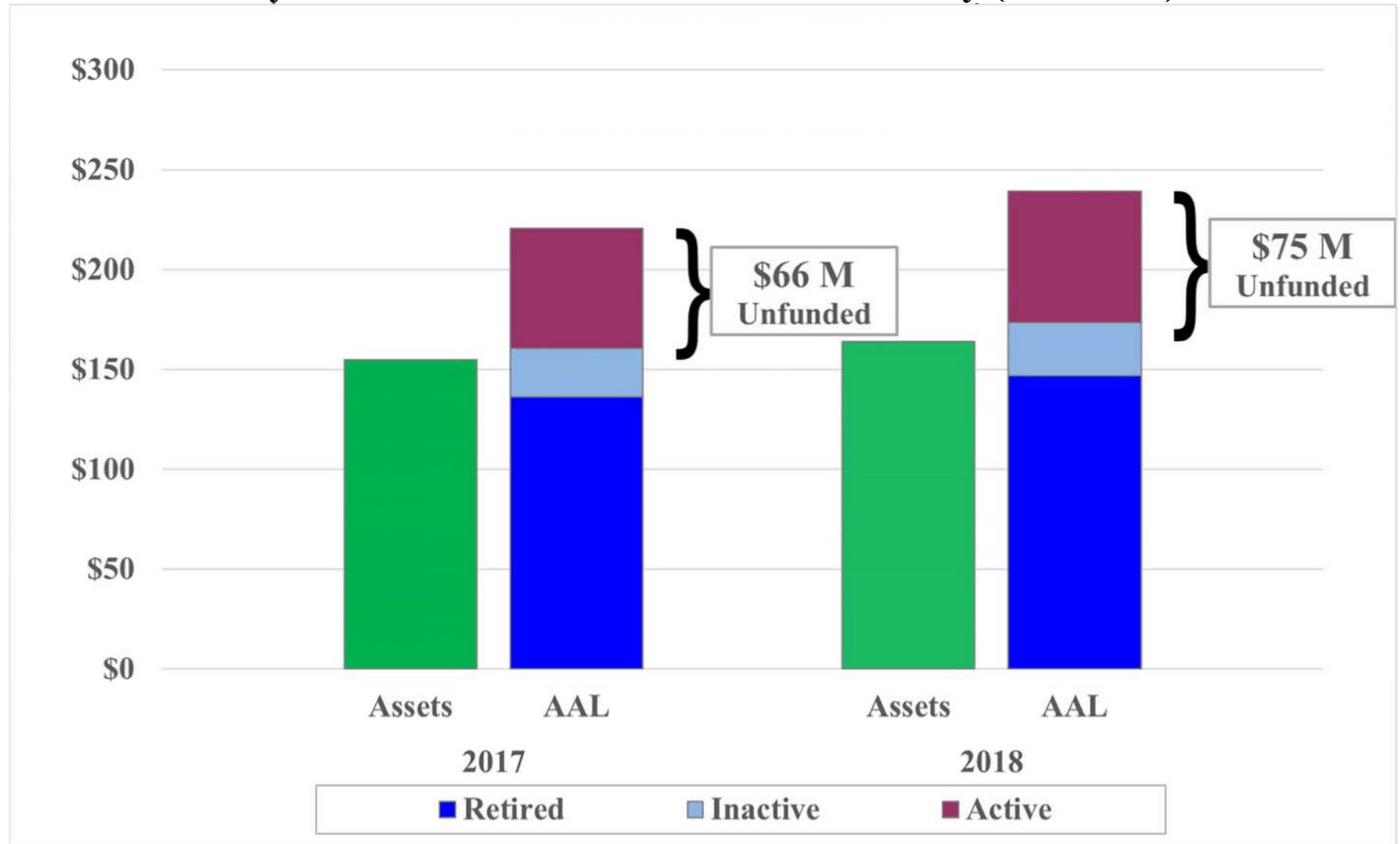
## PLAN FUNDED STATUS - MISCELLANEOUS

|                                      | <u><b>June 30, 2017</b></u> | <u><b>June 30, 2018</b></u> |
|--------------------------------------|-----------------------------|-----------------------------|
| ■ <b>Actuarial Accrued Liability</b> |                             |                             |
| ● Active                             | \$ 60,300,000               | \$ 66,000,000               |
| ● Retiree                            | 136,200,000                 | 147,000,000                 |
| ● Inactive                           | <u>24,200,000</u>           | <u>26,400,000</u>           |
| ● Total                              | 220,700,000                 | 239,400,000                 |
| ■ <b>Assets</b>                      | <u>154,800,000</u>          | <u>164,100,000</u>          |
| ■ <b>Unfunded Liability</b>          | 65,900,000                  | 75,300,000                  |
| ■ <b>Funded Ratio</b>                | 70.1%                       | 68.5%                       |



## PLAN FUNDED STATUS - MISCELLANEOUS

### City CalPERS Assets and Actuarial Liability (\$Millions)



## PLAN FUNDED STATUS - MISCELLANEOUS

### Discount Rate Sensitivity

June 30, 2018

|                           | <u>Discount Rate</u> |                |                |
|---------------------------|----------------------|----------------|----------------|
|                           | <u>7.00%</u>         | <u>6.50%</u>   | <u>6.00%</u>   |
| <b>AAL</b>                | \$ 239,400,000       | \$ 255,300,000 | \$ 271,100,000 |
| <b>Assets</b>             | 164,100,000          | 164,100,000    | 164,100,000    |
| <b>Unfunded Liability</b> | 75,300,000           | 91,200,000     | 107,000,000    |
| <b>Funded Ratio</b>       | 68.5%                | 64.3%          | 60.5%          |



## PLAN FUNDED STATUS - MISCELLANEOUS

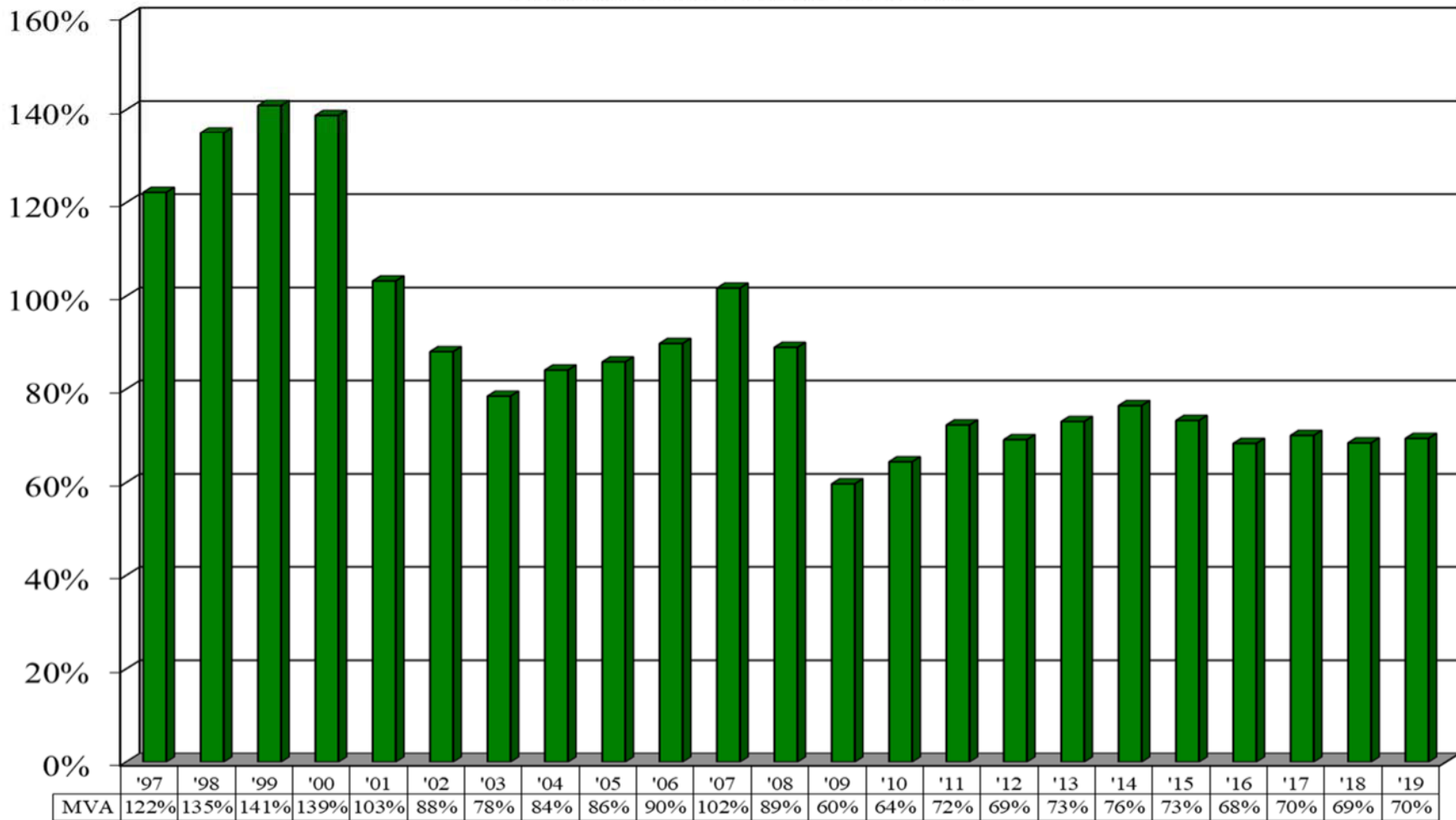
### Unfunded Accrued Liability Changes

|                                                   |             |                  |
|---------------------------------------------------|-------------|------------------|
| ■ Unfunded Accrued Liability on 6/30/17           |             | \$ 65,900,000    |
| ■ Expected 6/30/18 Unfunded Accrued Liability     |             | 66,600,000       |
| ■ Other Changes                                   |             |                  |
| • Asset Loss (Gain) (8.6% return for FY 2018)     | (1,800,000) |                  |
| • Assumption Change (DR 7.25% → 7%)               | 6,400,000   |                  |
| • Method Change (Software system)                 | 1,600,000   |                  |
| • Contribution & Experience Loss (Gain)           | 2,500,000   |                  |
| • Total                                           |             | <u>8,700,000</u> |
| ■ Unfunded Accrued Liability on 6/30/18           |             | 75,300,000       |
| ■ Projected Unfunded Accrued Liability on 6/30/19 |             | 75,600,000       |



## FUNDED RATIO - MISCELLANEOUS

**Historical Funded Ratio**



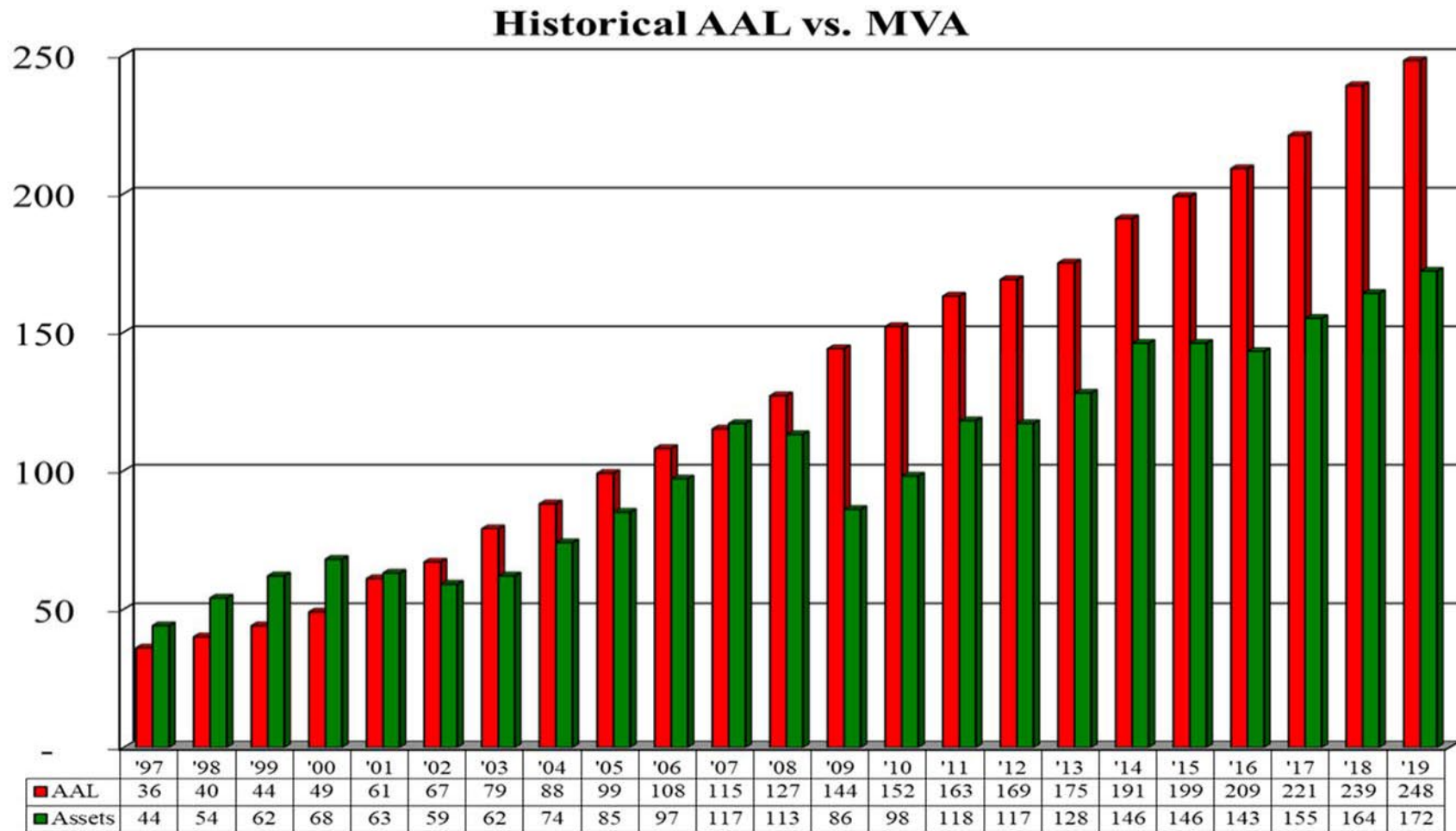
6/30/19 funded status estimated



January 21, 2020



## FUNDED STATUS (MILLIONS) - MISCELLANEOUS



6/30/19 funded status estimated



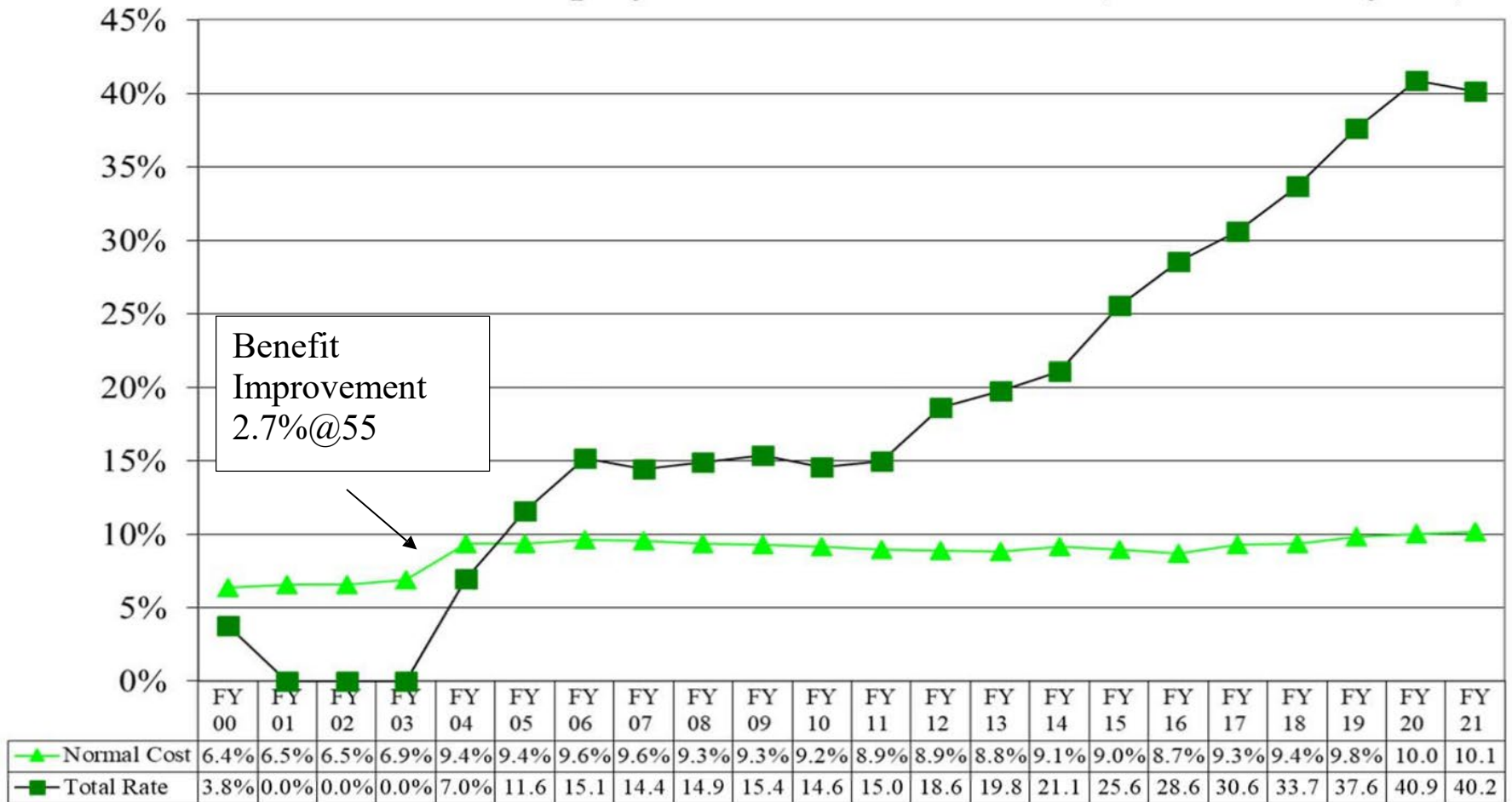
January 21, 2020





## CONTRIBUTION RATES - MISCELLANEOUS

### Historical Employer Contribution Rates (Percent of Payroll)



## CONTRIBUTION RATES - MISCELLANEOUS

|                                                            | <b>6/30/17<br/><u>2019/2020</u></b> | <b>6/30/18<br/><u>2020/2021</u></b> |
|------------------------------------------------------------|-------------------------------------|-------------------------------------|
| ■ Total Normal Cost                                        | 17.3%                               | 17.4%                               |
| ■ Employee Normal Cost                                     | <u>7.3%</u>                         | <u>7.3%</u>                         |
| ■ Employer Normal Cost                                     | 10.0%                               | 10.1%                               |
| ■ Amortization Payments                                    | <u>30.9%</u>                        | <u>30.1%</u> <sup>4</sup>           |
| ■ Total Employer Contribution Rate                         | 40.9%                               | 40.2%                               |
| ■ 2019/20 Employer Contribution Rate                       |                                     | 40.9%                               |
| ● Payroll > Expected                                       |                                     | -3.4%                               |
| ● 6/30/14 Assumption Change (5 <sup>th</sup> Year)         |                                     | 1.2%                                |
| ● 6/30/16 Discount Rate Change (3 <sup>rd</sup> Year)      |                                     | 0.4%                                |
| ● 6/30/17 Discount Rate & Inflation (2 <sup>nd</sup> Year) |                                     | 0.4%                                |
| ● 6/30/18 Discount Rate change (1 <sup>st</sup> Year)      |                                     | 1.4%                                |
| ● Other (Gains)/Losses                                     |                                     | <u>-0.7%</u>                        |
| ■ 2020/21 Employer Contribution Rate                       |                                     | 40.2%                               |

<sup>4</sup> Equivalent to 8.4% of UAL. One year, 7% interest on the UAL is 25.1% of payroll.

## CONTRIBUTION PROJECTIONS - MISCELLANEOUS

### ■ Market Value Investment Return:

- June 30, 2019 6.7%<sup>5</sup>

- Future returns based on stochastic analysis using 1,000 trials

| <u>Single Year Returns at<sup>6</sup></u> | <u>25<sup>th</sup> Percentile</u> | <u>50<sup>th</sup> Percentile</u> | <u>75<sup>th</sup> Percentile</u> |
|-------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Current Investment Mix                    | <b>0.1%</b>                       | <b>7.0%</b>                       | <b>14.8%</b>                      |
| Ultimate Investment Mix                   | <b>0.8%</b>                       | <b>6.0%</b>                       | <b>11.4%</b>                      |

- Assumes investment returns will, generally be 6.5% (as compared to 7.0%) over the next 9 years and higher beyond that.

### ■ Discount Rate decreases due to Risk Mitigation policy

### ■ No Other: Gains/Losses, Method/Assumption Changes, Benefit Improvements

### ■ Different from CalPERS projection

<sup>5</sup> Gross return based on July 2019 CalPERS press release

<sup>6</sup> N<sup>th</sup> percentile means N percentage of our trials result in returns lower than the indicated rates.

## CONTRIBUTION PROJECTIONS - MISCELLANEOUS

### ■ New hire assumptions:

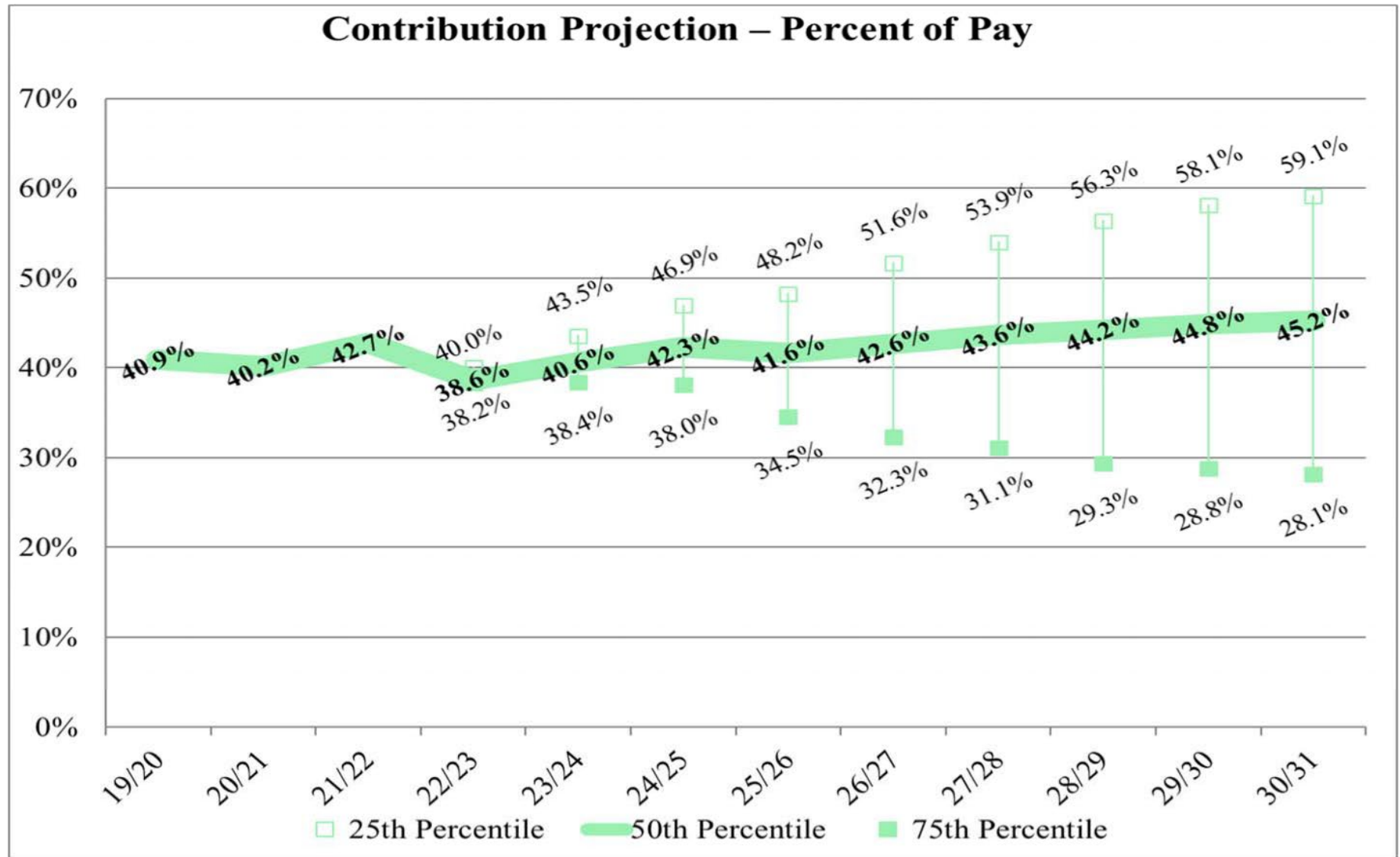
- 92.5% of 2019/20 new hires are PEPRAs members and 7.5% are Classic members
- Percentage of PEPRAs member future hires to increase from 92.5% to 100% over 3 years

### ■ 6/30/18 employee distribution:

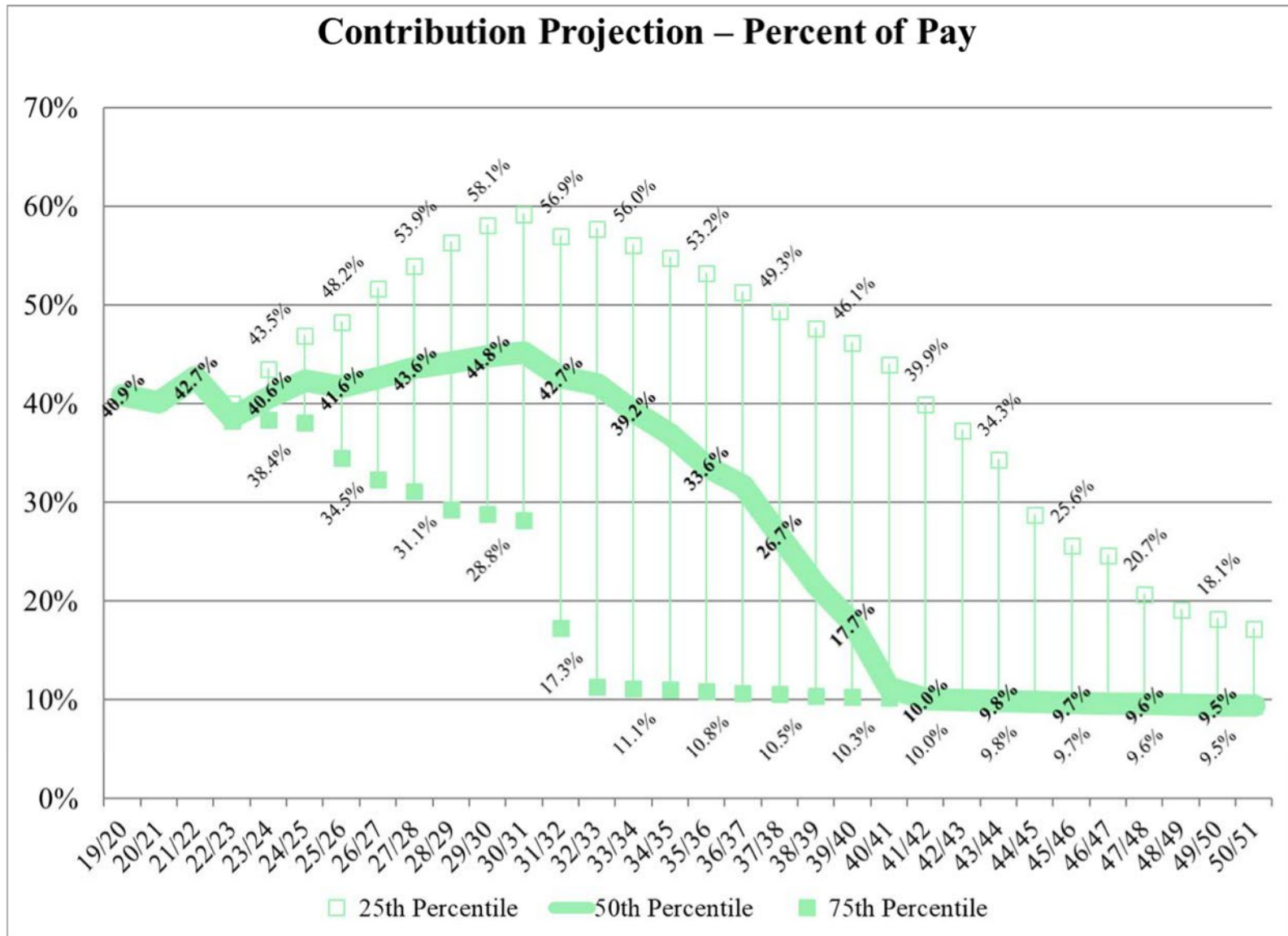
| Benefit Tier           | Count | 6/30/18 Payroll |
|------------------------|-------|-----------------|
| ● 2.7% @ 55 FAE1       | 104   | \$ 10,234,138   |
| ● 2% @ 60 FAE3         | 23    | 3,062,422       |
| ● 2% @ 62 FAE3 (PEPRA) | 75    | 6,243,845       |



## CONTRIBUTION PROJECTIONS - MISCELLANEOUS

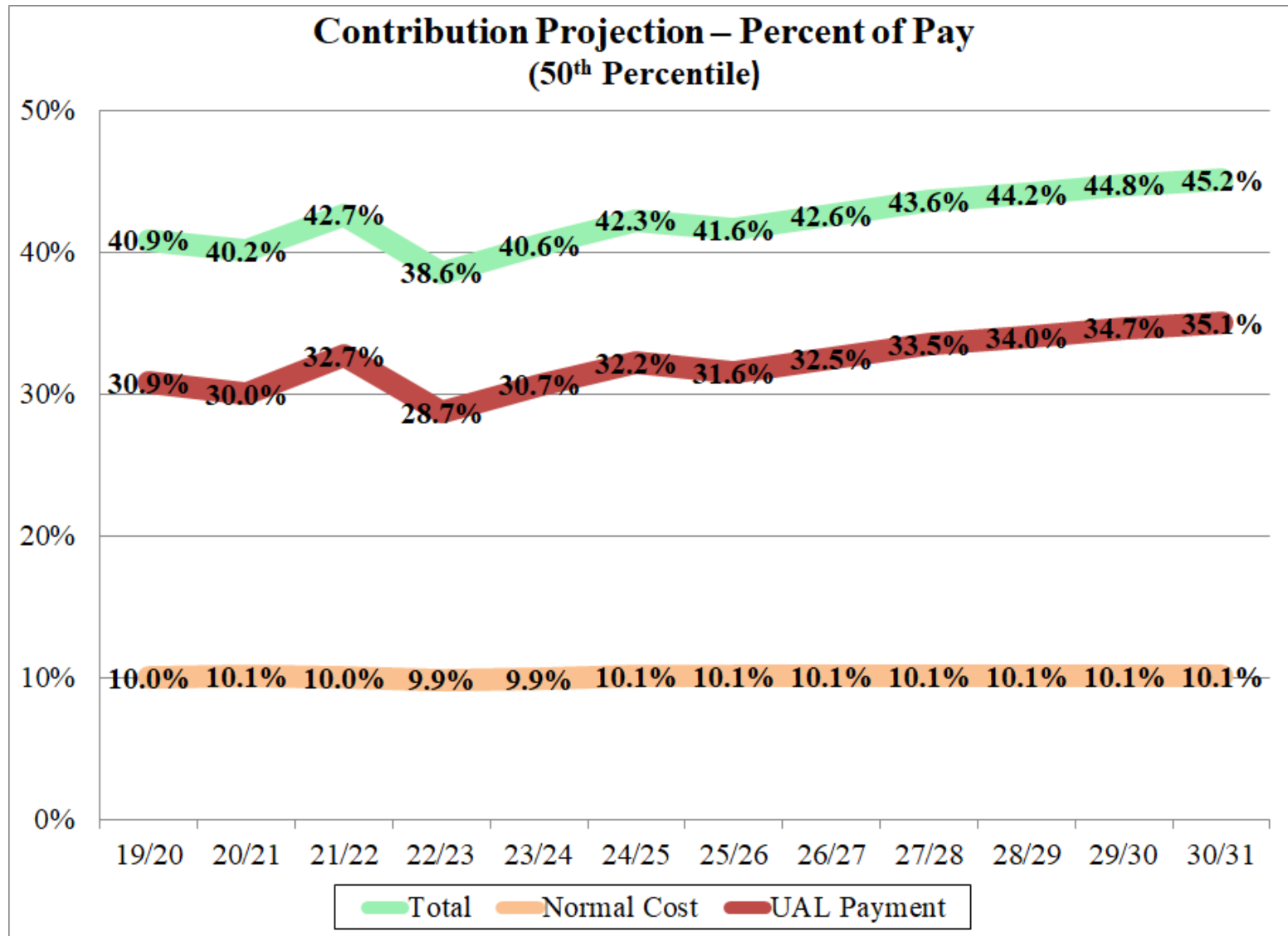


# CONTRIBUTION PROJECTIONS - MISCELLANEOUS

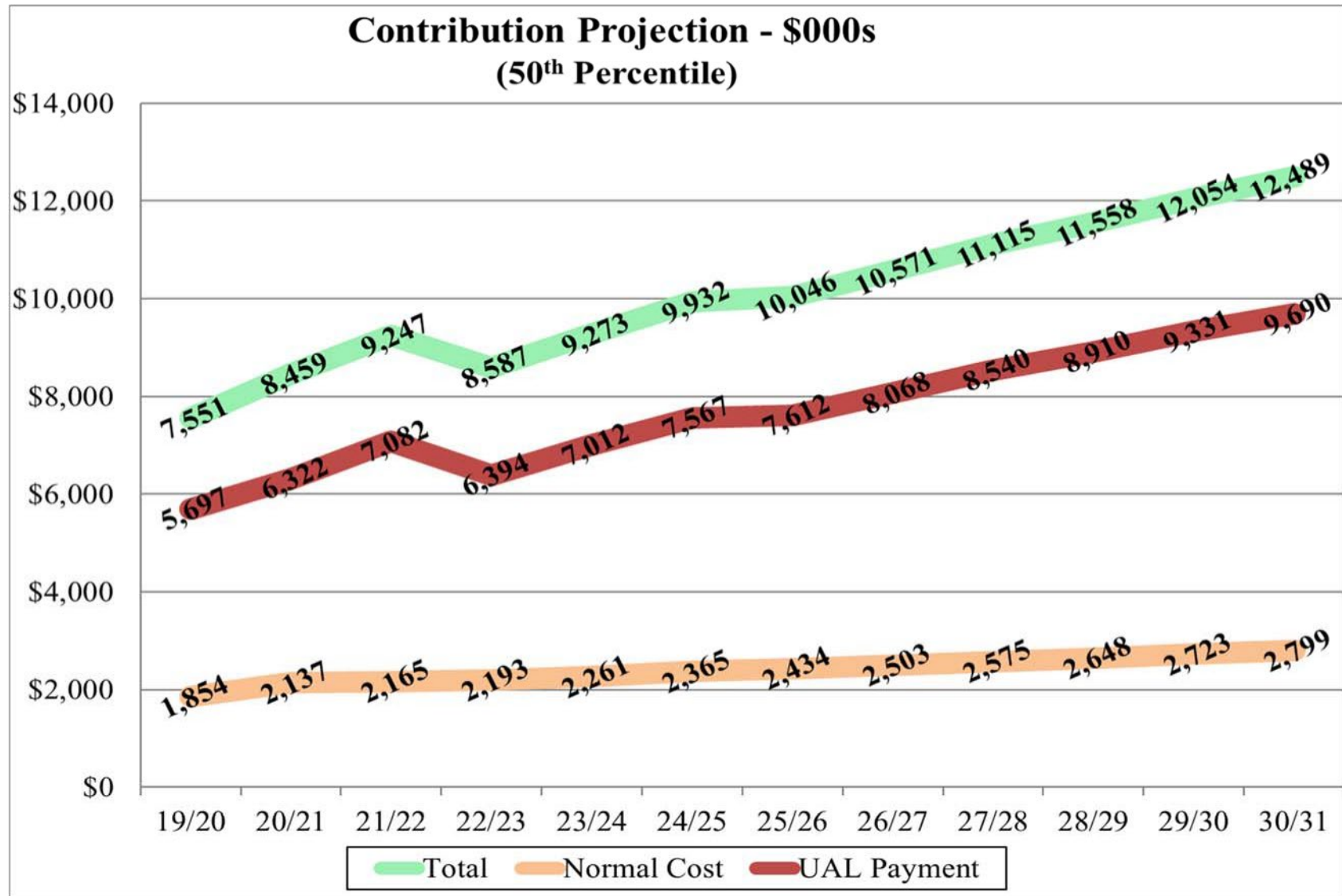




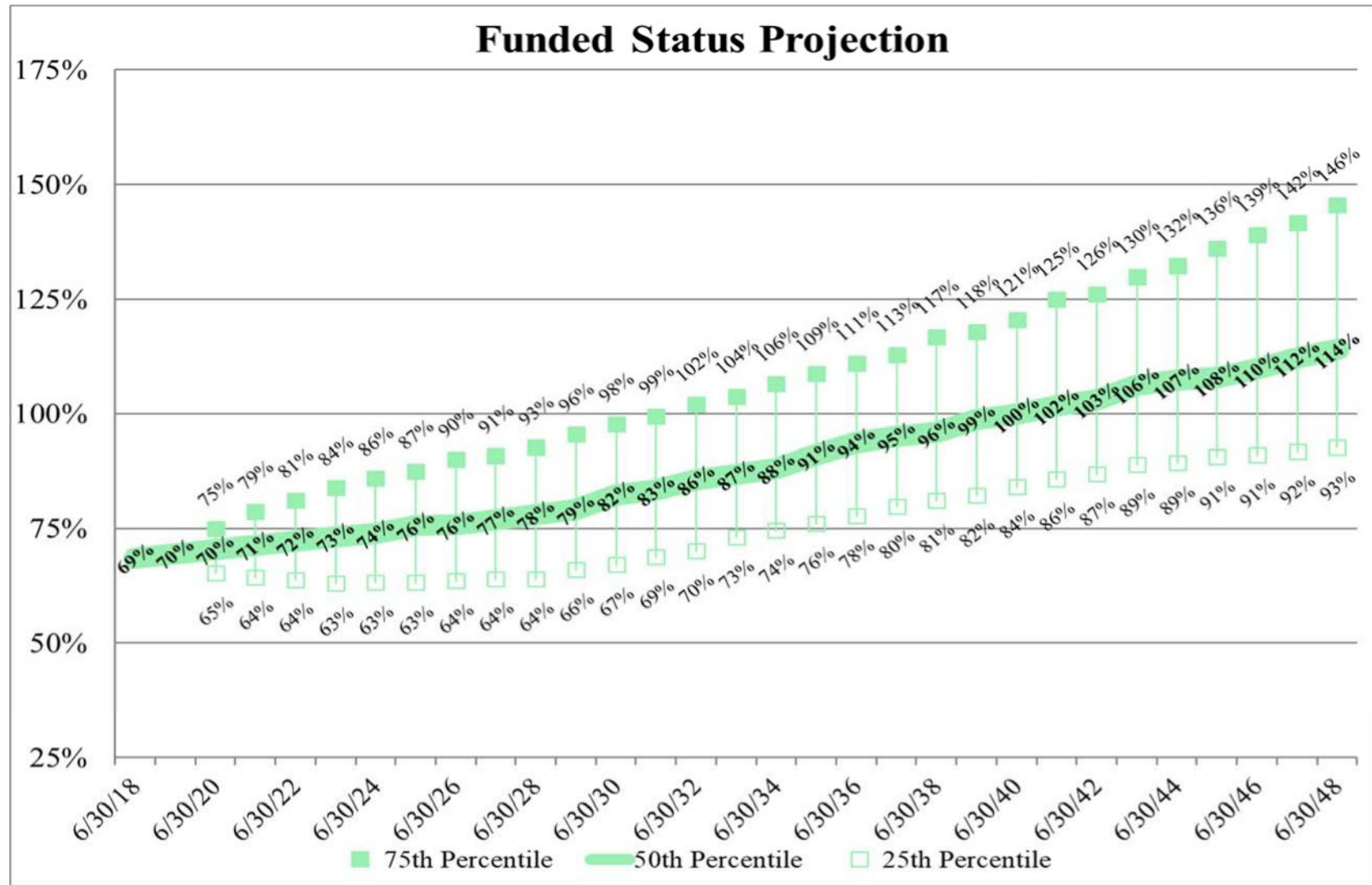
## CONTRIBUTION PROJECTIONS - MISCELLANEOUS



## CONTRIBUTION PROJECTIONS - MISCELLANEOUS



# FUNDED STATUS - MISCELLANEOUS



## FUNDED STATUS - MISCELLANEOUS

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January 21, 2020

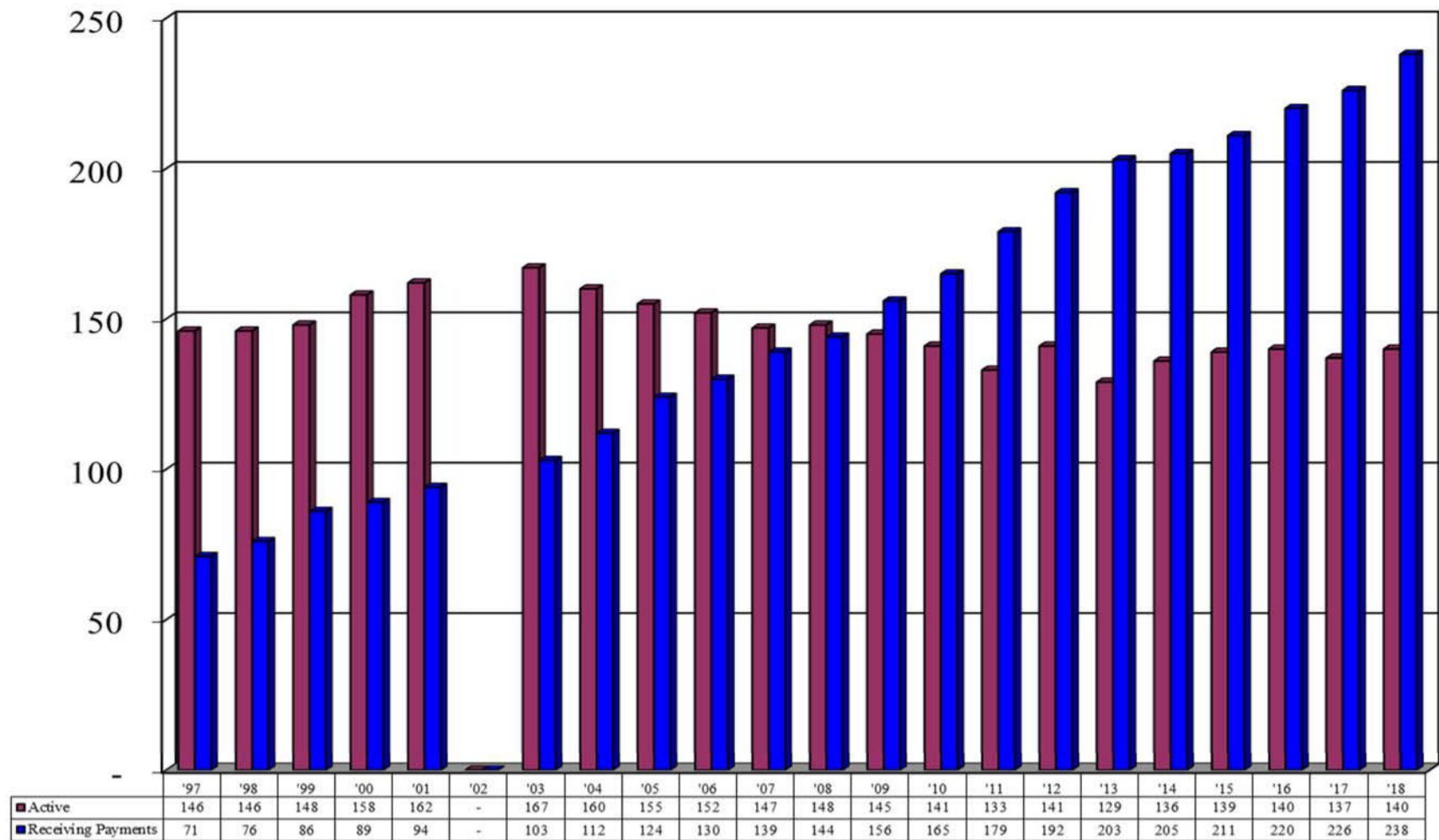


## SUMMARY OF DEMOGRAPHIC INFORMATION -SAFETY

|                                                                          | 1998       | 2008       | 2017       | 2018       |
|--------------------------------------------------------------------------|------------|------------|------------|------------|
| <b>Actives</b>                                                           |            |            |            |            |
| ■ Counts                                                                 | 146        | 148        | 137        | 140        |
| ■ Average                                                                |            |            |            |            |
| • Age                                                                    | 39         | 41         | 42         | 41         |
| • City Service                                                           | 12         | 14         | 13         | 12         |
| • PERsable Wages                                                         | \$ 85,700  | \$ 127,500 | \$ 148,000 | \$ 150,700 |
| ■ Total PERsable Wages                                                   | 12,500,000 | 18,900,000 | 20,300,000 | 21,100,000 |
| <b>Inactive Members</b>                                                  |            |            |            |            |
| ■ Counts                                                                 |            |            |            |            |
| • Transferred                                                            | 26         | 37         | 17         | 16         |
| • Separated                                                              | 18         | 18         | 14         | 14         |
| • Retired                                                                |            |            |            |            |
| □ Service                                                                | 25         | 66         | 129        | 134        |
| □ Disability                                                             | 46         | 64         | 73         | 75         |
| □ Beneficiaries                                                          | 5          | 14         | 24         | 29         |
| □ Total                                                                  | 76         | 144        | 226        | 238        |
| ■ Average Annual City Provided Benefit for Service Retirees <sup>7</sup> | 31,000     | 62,600     | 80,200     | 84,100     |

<sup>7</sup> Average City-provided pensions are based on City service & City benefit formula, and are not representative of benefits for long-service employees.

## SUMMARY OF DEMOGRAPHIC INFORMATION -SAFETY



6/30/2002 data are not available.

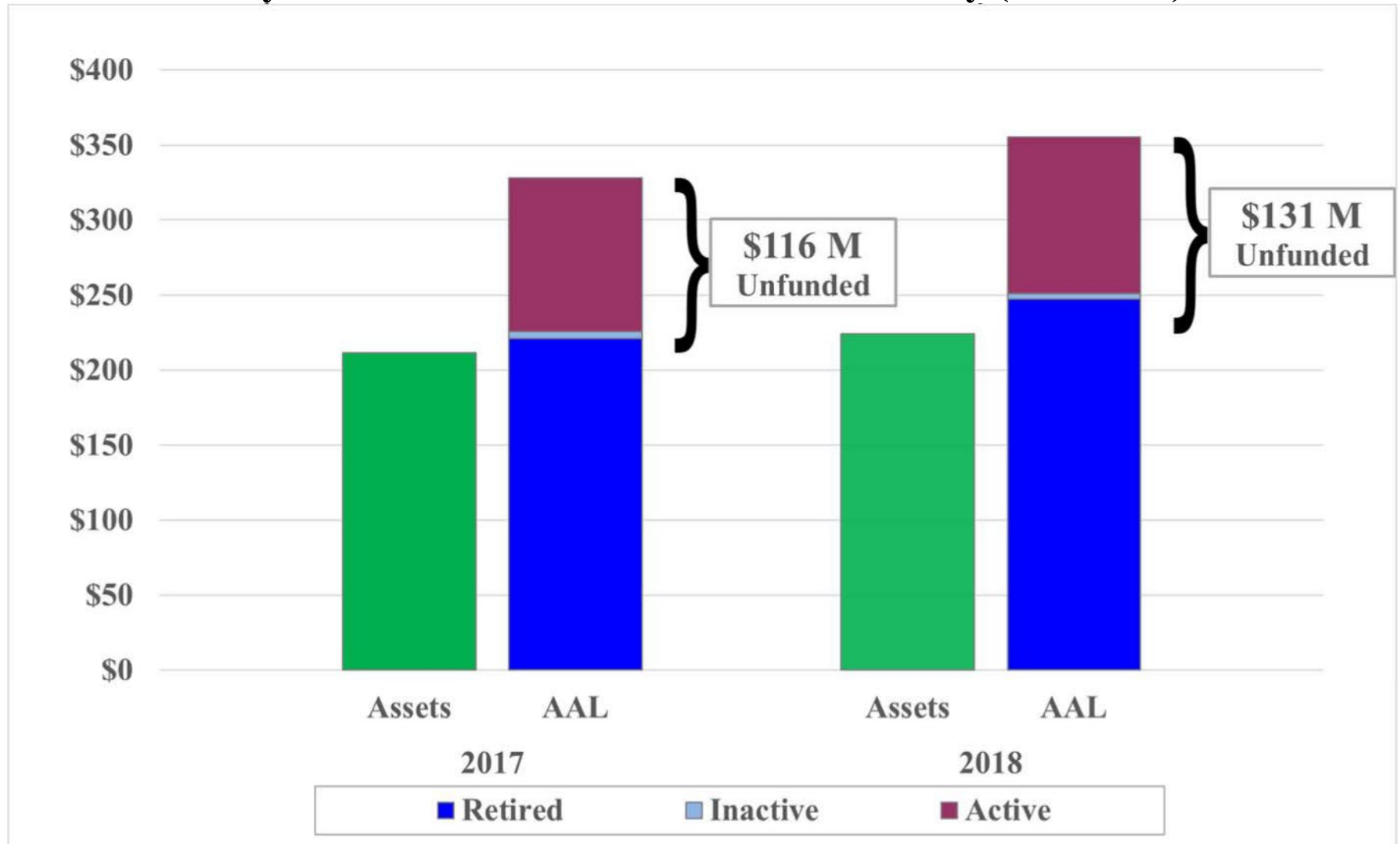


## PLAN FUNDED STATUS -SAFETY

|                                      | <u><b>June 30, 2017</b></u> | <u><b>June 30, 2018</b></u> |
|--------------------------------------|-----------------------------|-----------------------------|
| ■ <b>Actuarial Accrued Liability</b> |                             |                             |
| ● Active                             | \$ 102,500,000              | \$ 104,700,000              |
| ● Retiree                            | 221,300,000                 | 247,300,000                 |
| ● Inactive                           | <u>4,300,000</u>            | <u>3,600,000</u>            |
| ● Total                              | 328,100,000                 | 355,600,000                 |
| ■ <b>Assets</b>                      | <u>211,700,000</u>          | <u>224,300,000</u>          |
| ■ <b>Unfunded Liability</b>          | 116,400,000                 | 131,300,000                 |
| ■ <b>Funded Ratio</b>                | 64.5%                       | 63.1%                       |

## PLAN FUNDED STATUS -SAFETY

### City CalPERS Assets and Actuarial Liability (\$Millions)



## PLAN FUNDED STATUS -SAFETY

### Discount Rate Sensitivity

June 30, 2018

|                           | <u>Discount Rate</u> |                |                |
|---------------------------|----------------------|----------------|----------------|
|                           | <u>7.00%</u>         | <u>6.50%</u>   | <u>6.00%</u>   |
| <b>AAL</b>                | \$ 355,600,000       | \$ 379,500,000 | \$ 403,400,000 |
| <b>Assets</b>             | 224,300,000          | 224,300,000    | 224,300,000    |
| <b>Unfunded Liability</b> | 131,300,000          | 155,200,000    | 179,100,000    |
| <b>Funded Ratio</b>       | 63.1%                | 59.1%          | 55.6%          |



## PLAN FUNDED STATUS -SAFETY

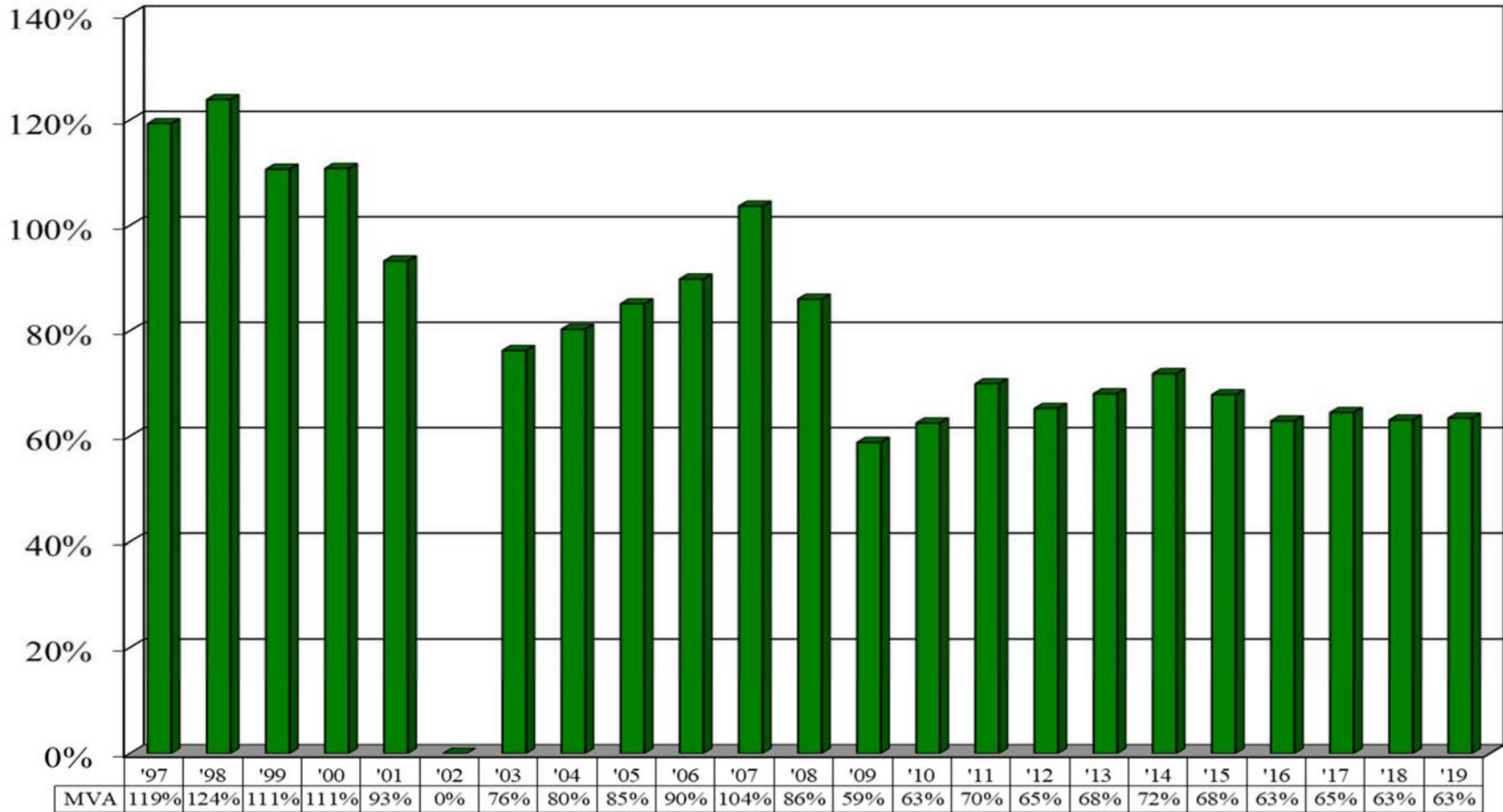
### Unfunded Accrued Liability Changes

|                                                   |             |                   |
|---------------------------------------------------|-------------|-------------------|
| ■ Unfunded Accrued Liability on 6/30/17           |             | \$ 116,400,000    |
| ■ Expected 6/30/18 Unfunded Accrued Liability     |             | 119,700,000       |
| ■ Other Changes                                   |             |                   |
| • Asset Loss (Gain) (8.6% return for FY 2018)     | (2,500,000) |                   |
| • Assumption Change (DR 7.25% → 7%)               | 9,900,000   |                   |
| • Method Change (Software system)                 | 1,800,000   |                   |
| • Contribution & Experience Loss (Gain)           | 2,400,000   |                   |
| • Total                                           |             | <u>11,600,000</u> |
| ■ Unfunded Accrued Liability on 6/30/18           |             | 131,300,000       |
| ■ Projected Unfunded Accrued Liability on 6/30/19 |             | 135,100,000       |



## FUNDED RATIO - SAFETY

**Historical Funded Ratio**



Funded status for 6/30/02 is not available. 6/30/19 funded status is estimated.

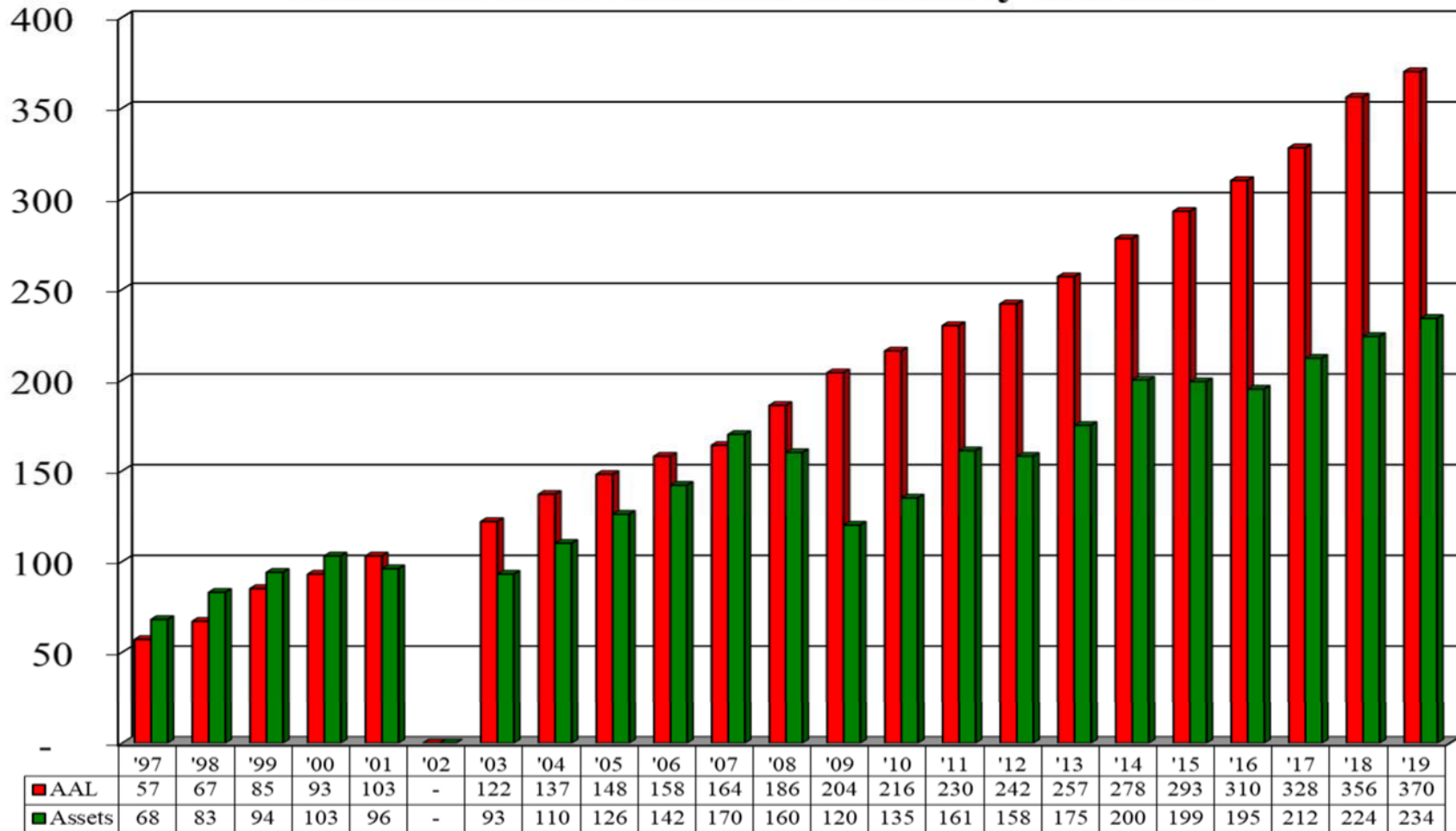


January 21, 2020



## FUNDED STATUS (MILLIONS) -SAFETY

**Historical Actuarial Accrued Liability vs. Assets**



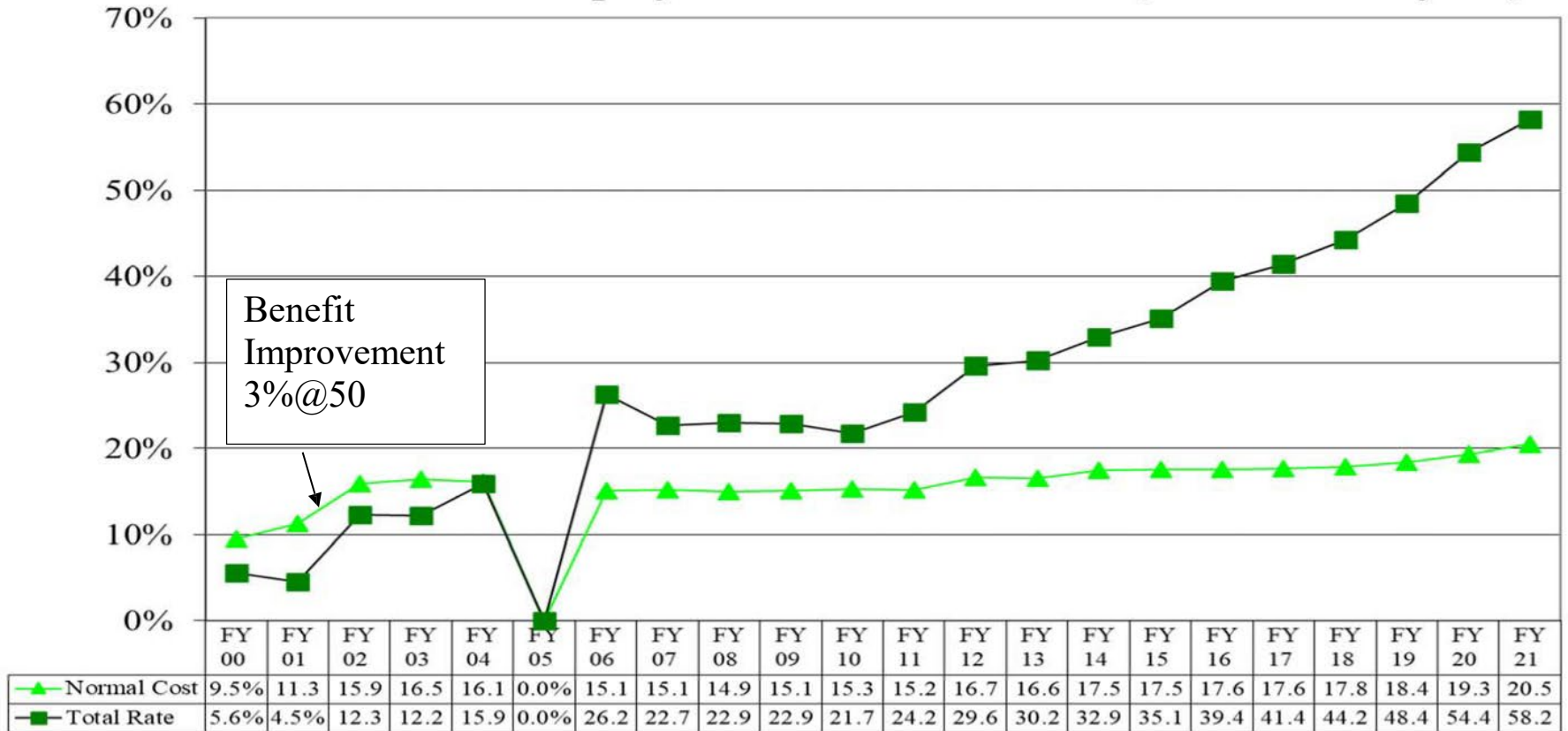
Funded status for 6/30/02 is not available. 6/30/19 funded status is estimated.





## CONTRIBUTION RATES - SAFETY

### Historical Employer Contribution Rates (Percent of Payroll)



Rates for FY05 are not available

## CONTRIBUTION RATES - SAFETY

|                                                            | <b>6/30/17</b><br><b><u>2019/2020</u></b> | <b>6/30/18</b><br><b><u>2020/2021</u></b> |
|------------------------------------------------------------|-------------------------------------------|-------------------------------------------|
| ■ Total Normal Cost                                        | 28.4%                                     | 29.6%                                     |
| ■ Employee Normal Cost                                     | <u>9.1%</u>                               | <u>9.1%</u>                               |
| ■ Employer Normal Cost                                     | 19.3%                                     | 20.5%                                     |
| ■ Amortization Payments                                    | <u>35.1%</u>                              | <u>37.7%</u> <sup>8</sup>                 |
| ■ Total Employer Contribution Rate                         | 54.4%                                     | 58.2%                                     |
| ■ 2019/20 Employer Contribution Rate                       |                                           | 54.4%                                     |
| ● Payroll > Expected                                       |                                           | -0.3%                                     |
| ● 6/30/14 Assumption Change (5 <sup>th</sup> Year)         |                                           | 1.3%                                      |
| ● 6/30/16 Discount Rate Change (3 <sup>rd</sup> Year)      |                                           | 0.5%                                      |
| ● 6/30/17 Discount Rate & Inflation (2 <sup>nd</sup> Year) |                                           | 0.6%                                      |
| ● 6/30/18 Discount Rate change (1 <sup>st</sup> Year)      |                                           | 2.2%                                      |
| ● Other (Gains)/Losses                                     |                                           | <u>-0.5%</u>                              |
| ■ 2020/21 Employer Contribution Rate                       |                                           | 58.2%                                     |

<sup>8</sup> Equivalent to 6.3% of UAL. One year, 7% interest on the UAL is 41.6% of payroll.

## CONTRIBUTION PROJECTIONS - SAFETY

### ■ Market Value Investment Return:

- June 30, 2019 6.7%<sup>9</sup>

- Future returns based on stochastic analysis using 1,000 trials

| <u>Single Year Returns at<sup>10</sup></u> | <u>25<sup>th</sup> Percentile</u> | <u>50<sup>th</sup> Percentile</u> | <u>75<sup>th</sup> Percentile</u> |
|--------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Current Investment Mix                     | <b>0.1%</b>                       | <b>7.0%</b>                       | <b>14.8%</b>                      |
| Ultimate Investment Mix                    | <b>0.8%</b>                       | <b>6.0%</b>                       | <b>11.4%</b>                      |

- Assumes investment returns will, generally be 6.5% (as compared to 7.0%) over the next 9 years and higher beyond that.

### ■ Discount Rate decreases due to Risk Mitigation policy

### ■ No Other: Gains/Losses, Method/Assumption Changes, Benefit Improvements

### ■ Different from CalPERS projection

<sup>9</sup> Gross return based on July 2019 CalPERS press release.

<sup>10</sup> N<sup>th</sup> percentile means N percentage of our trials result in returns lower than the indicated rates.

## CONTRIBUTION PROJECTIONS - SAFETY

### ■ New hire assumptions:

- 92.5% of 2019/20 new hires are PEPRA members and 7.5% are Classic members
- Percentage of PEPRA member future hires to increase from 92.5% to 100% over 3 years

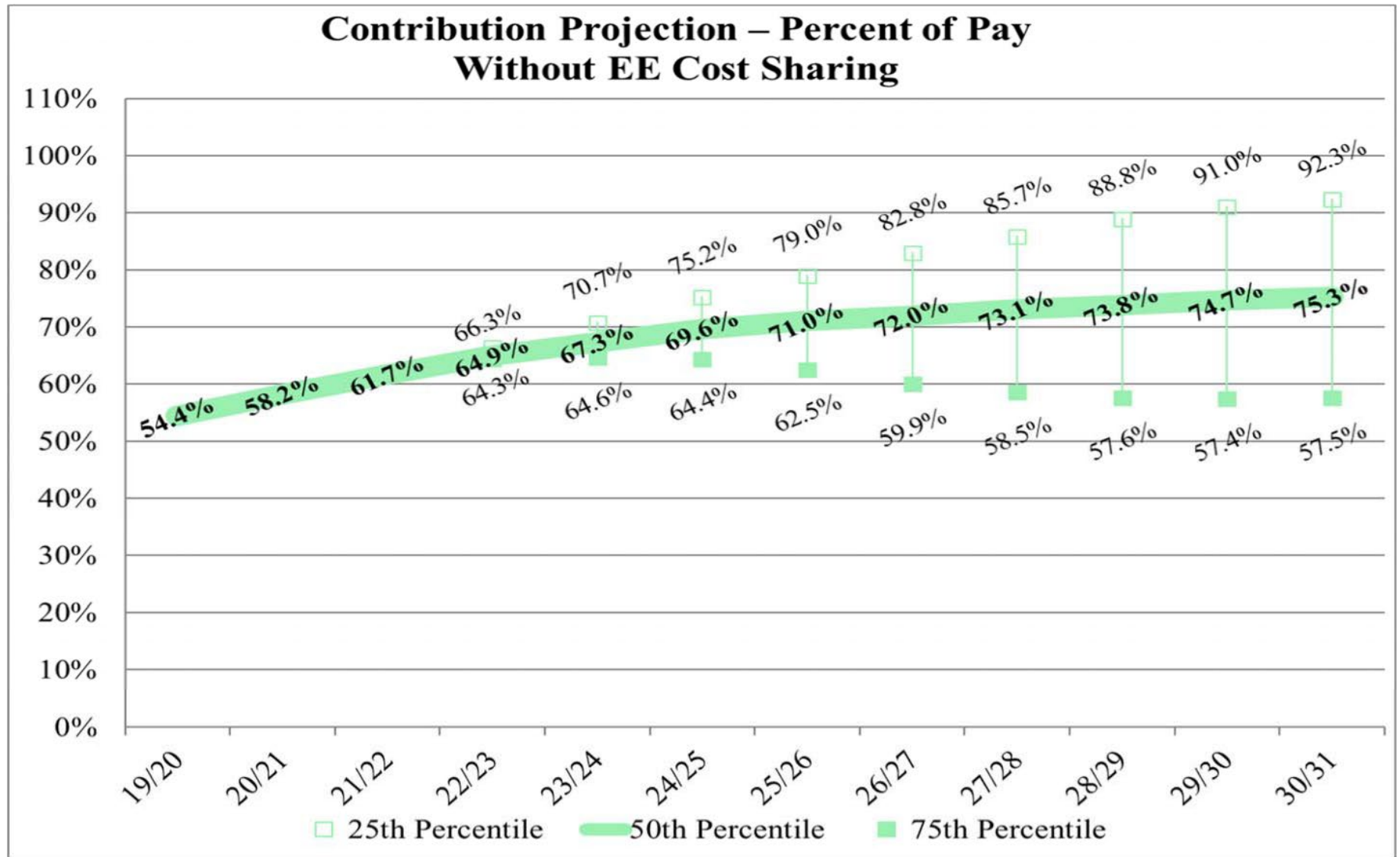
### ■ 6/30/18 employee distribution:

| Benefit Tier           | Count | 6/30/18 Payroll |
|------------------------|-------|-----------------|
| ● 3%@50 FAE1           | 92    | \$ 15,210,753   |
| ● 3%@55 FAE1           | 20    | 2,500,260       |
| ● 2.7%@57 FAE3 (PEPRA) | 28    | 3,455,032       |

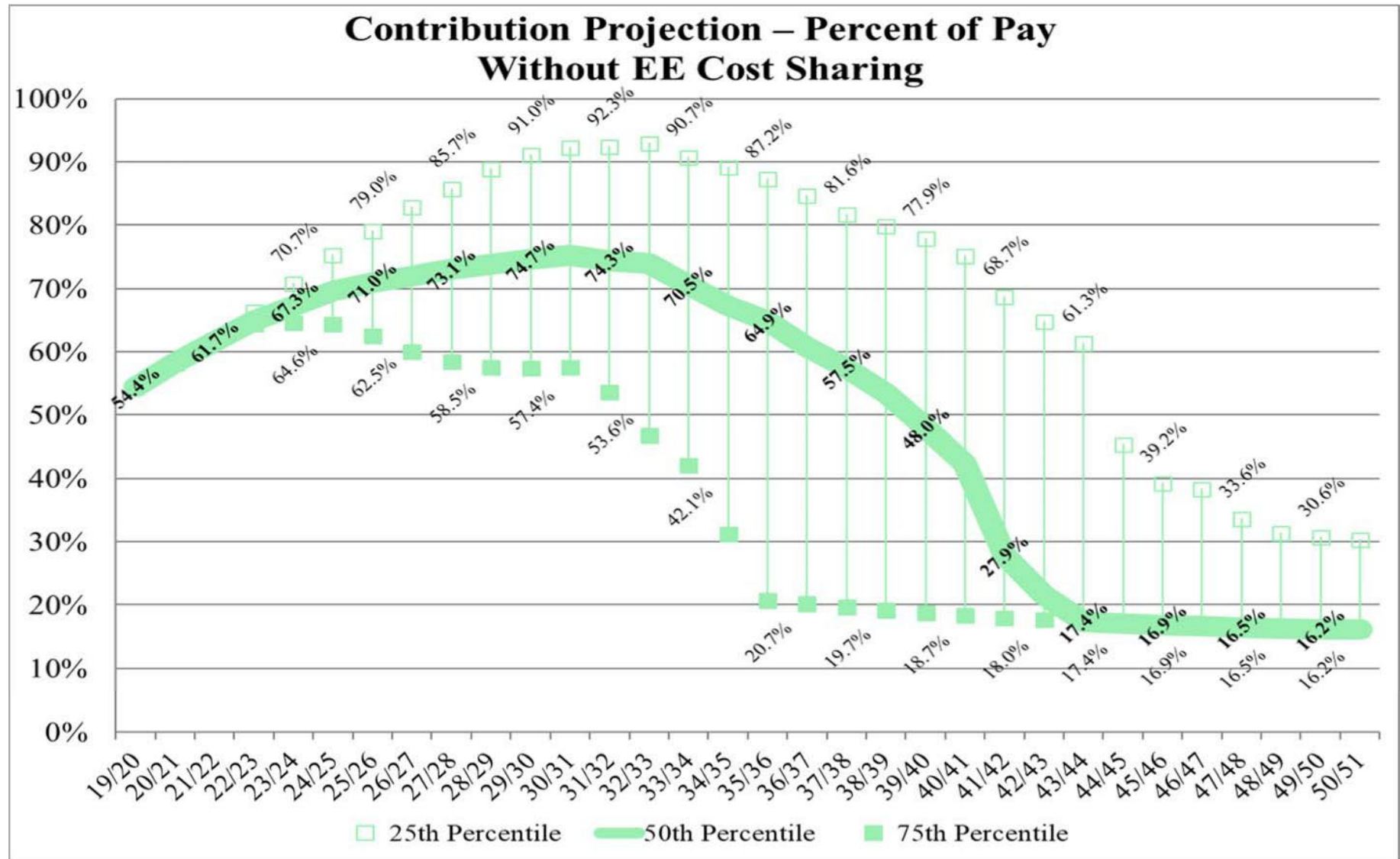
### ■ Employee Cost Sharing:

- All Fire employees (Classic and PEPRA) pay 3% toward employer rates
- City provided: 45% of 2018/19 total Safety payroll belongs to Fire employees

## CONTRIBUTION PROJECTIONS - SAFETY

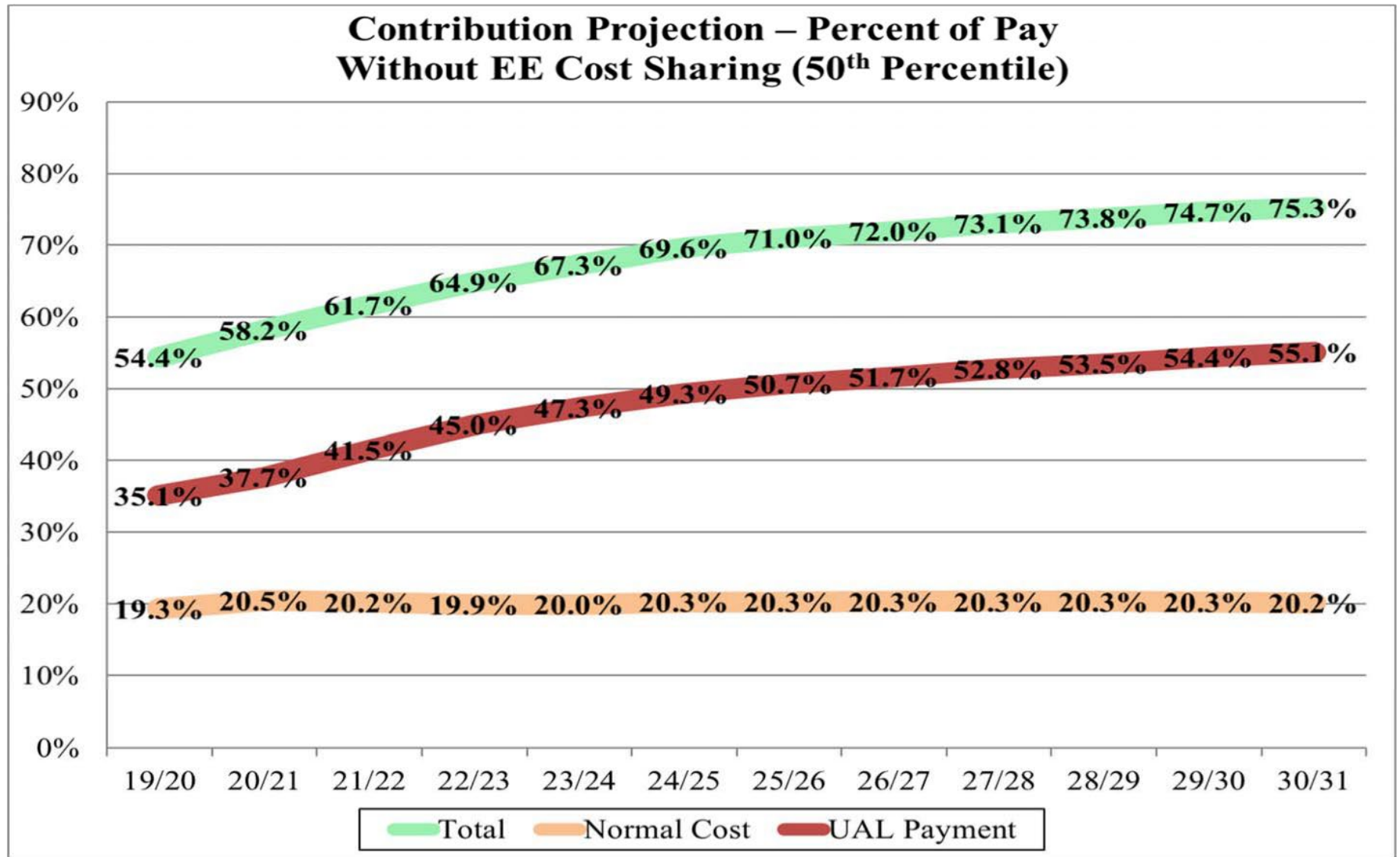


## CONTRIBUTION PROJECTIONS - SAFETY

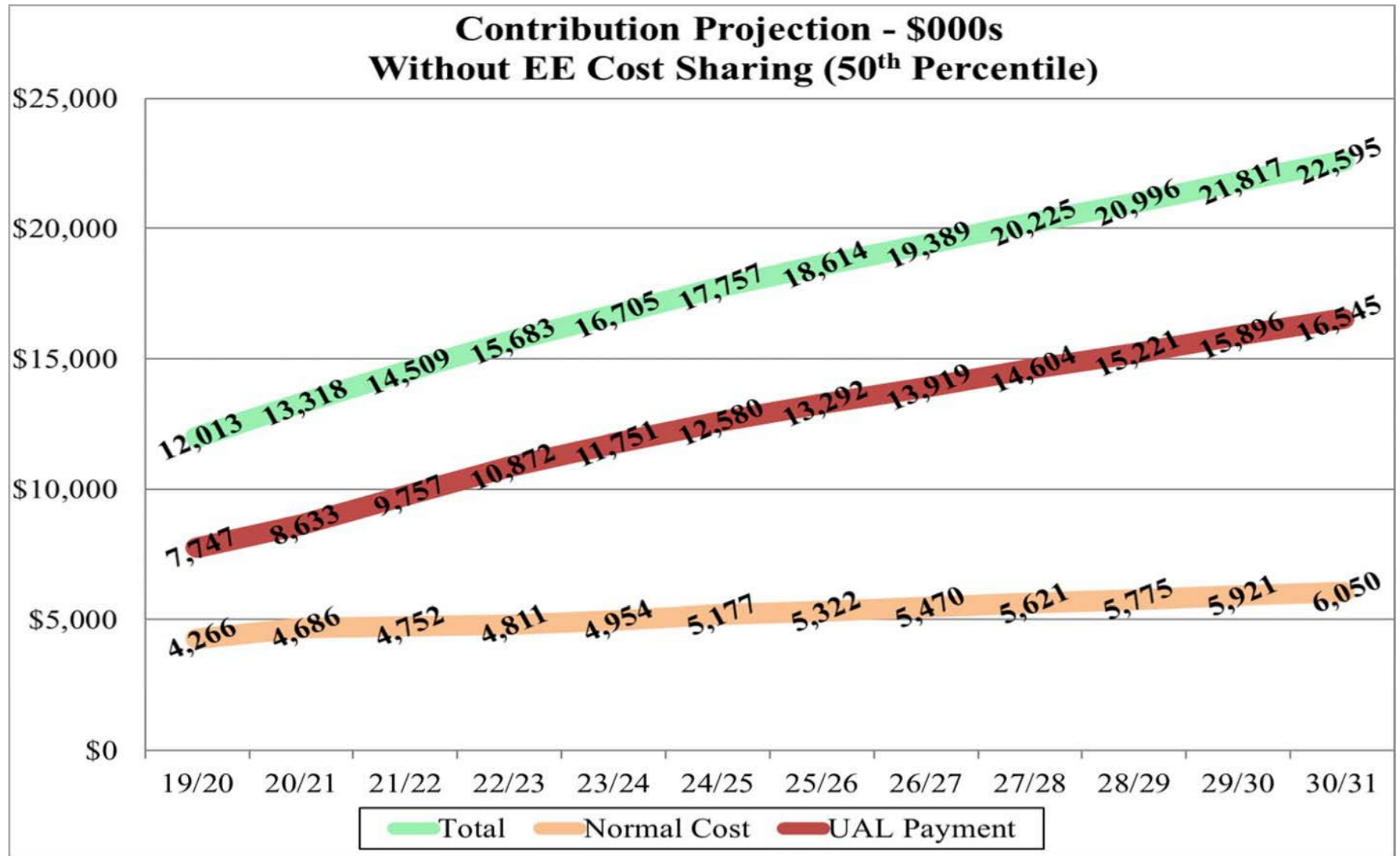




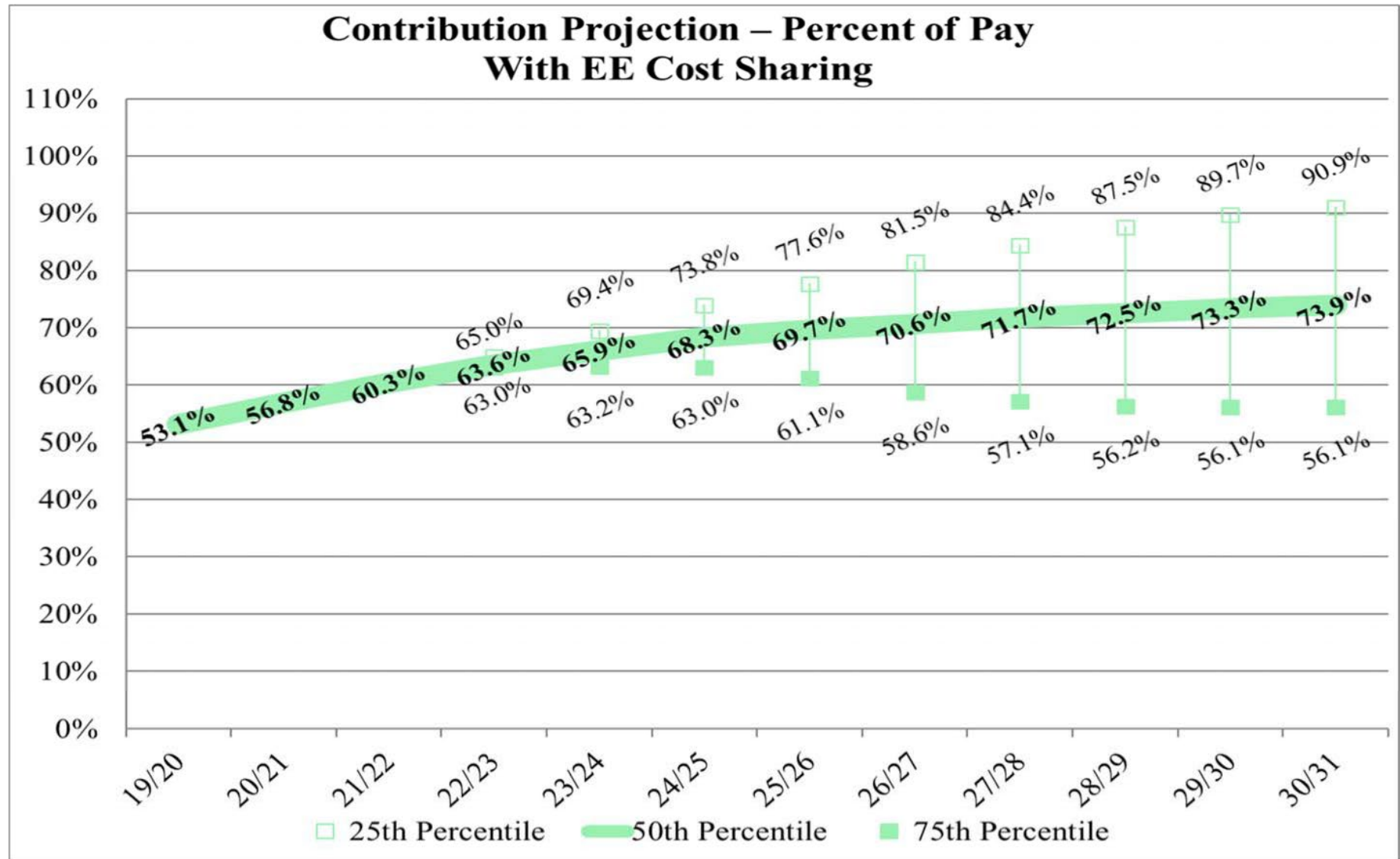
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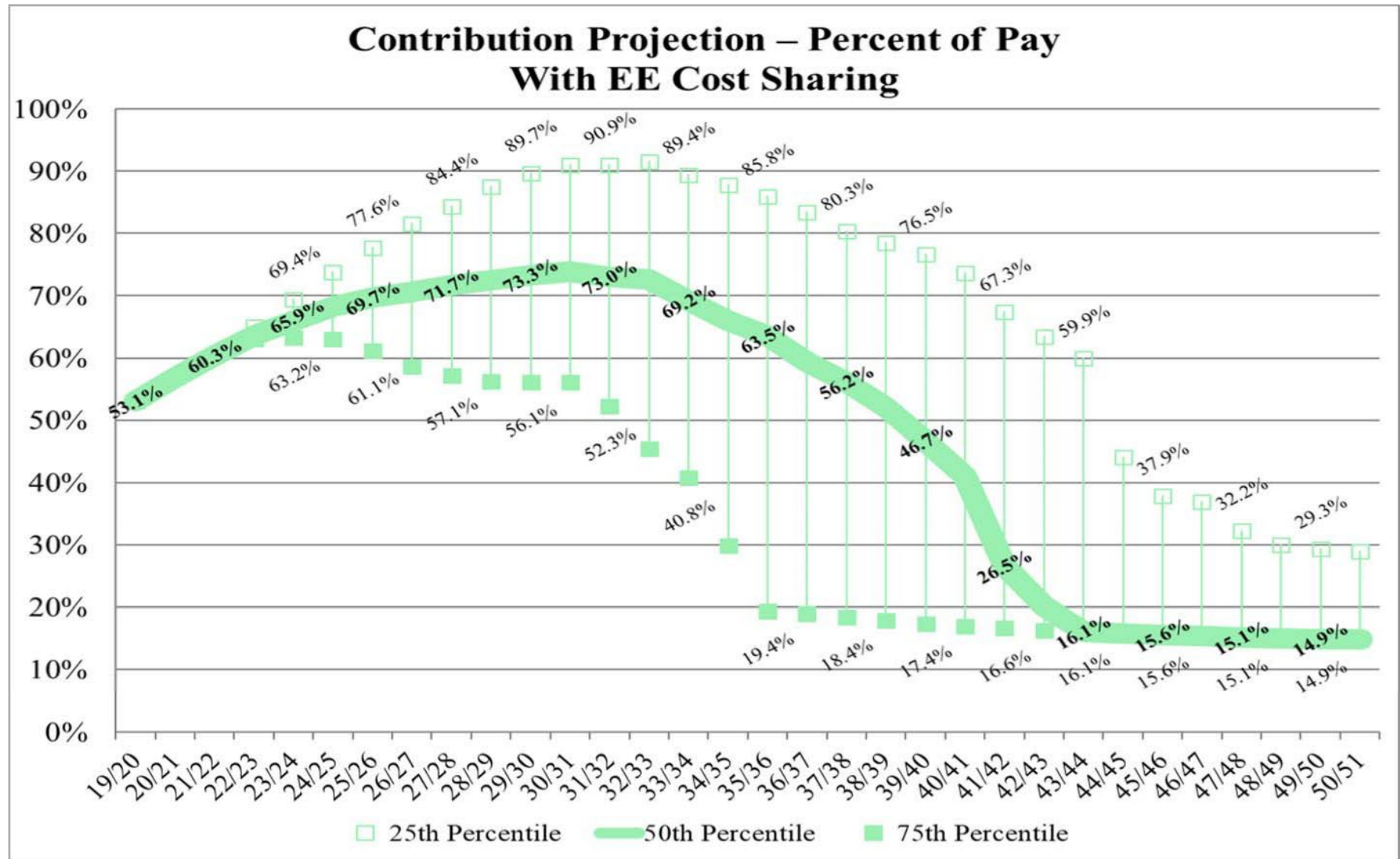
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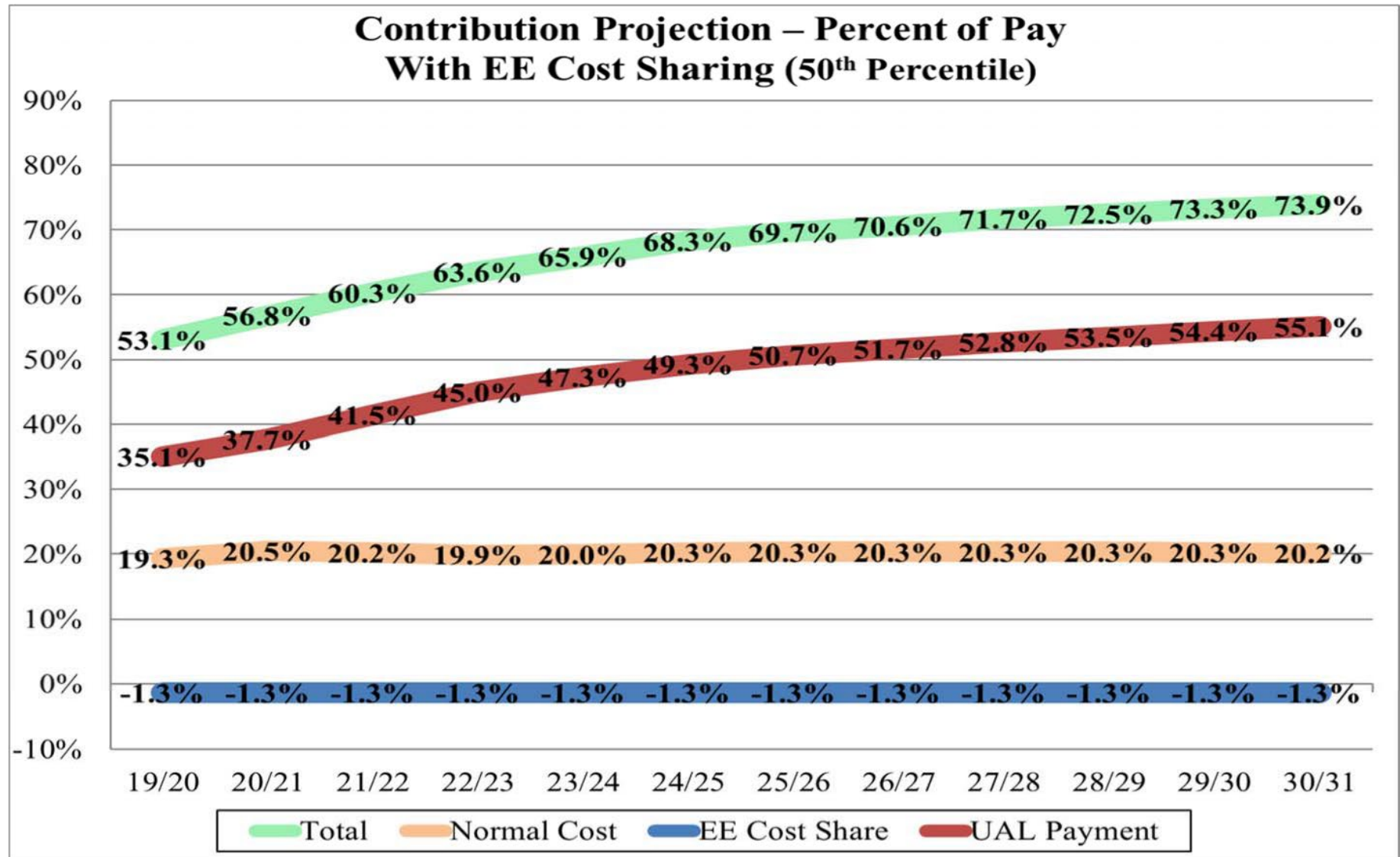
## CONTRIBUTION PROJECTIONS - SAFETY



# CONTRIBUTION PROJECTIONS - SAFETY

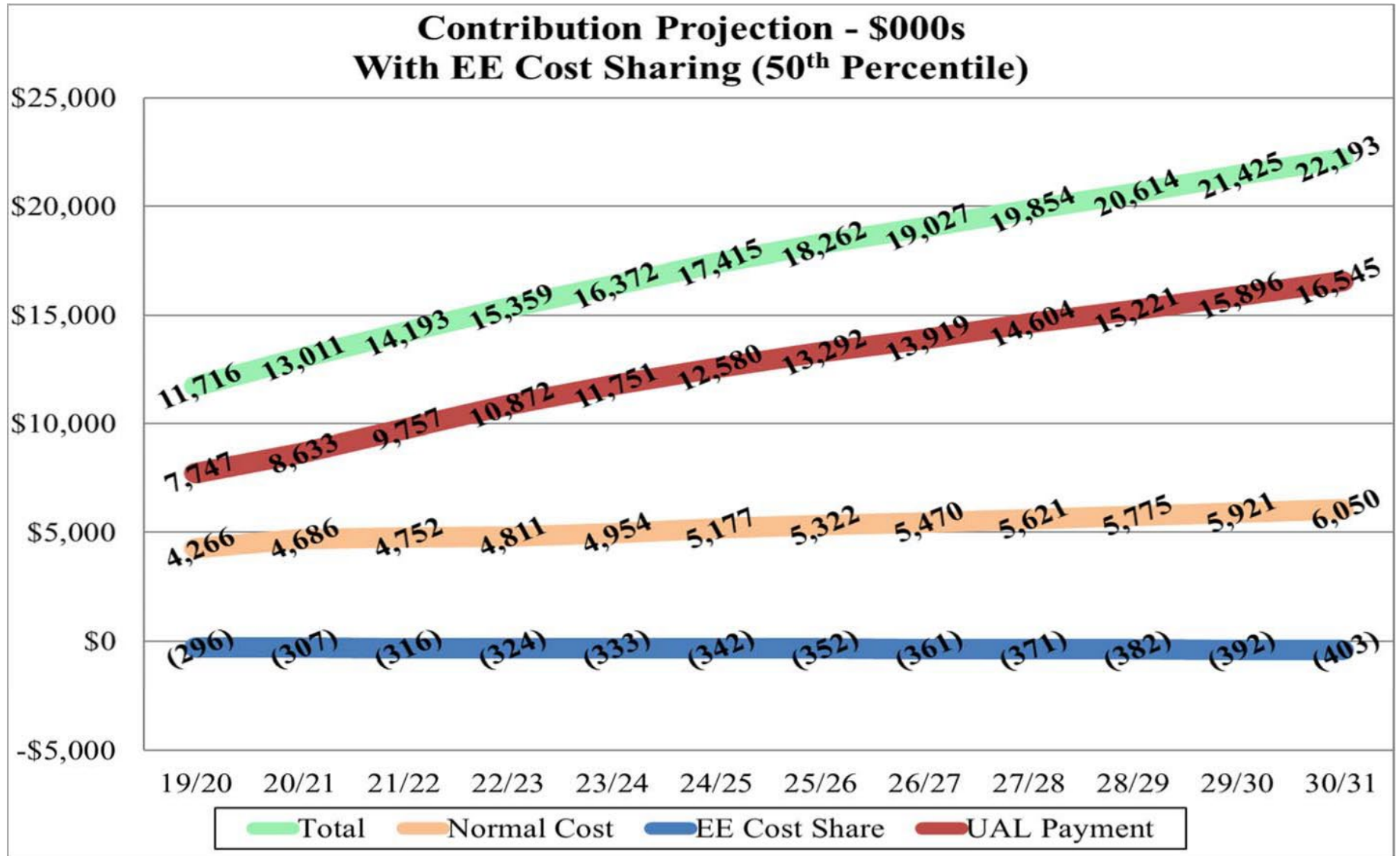


## CONTRIBUTION PROJECTIONS - SAFETY



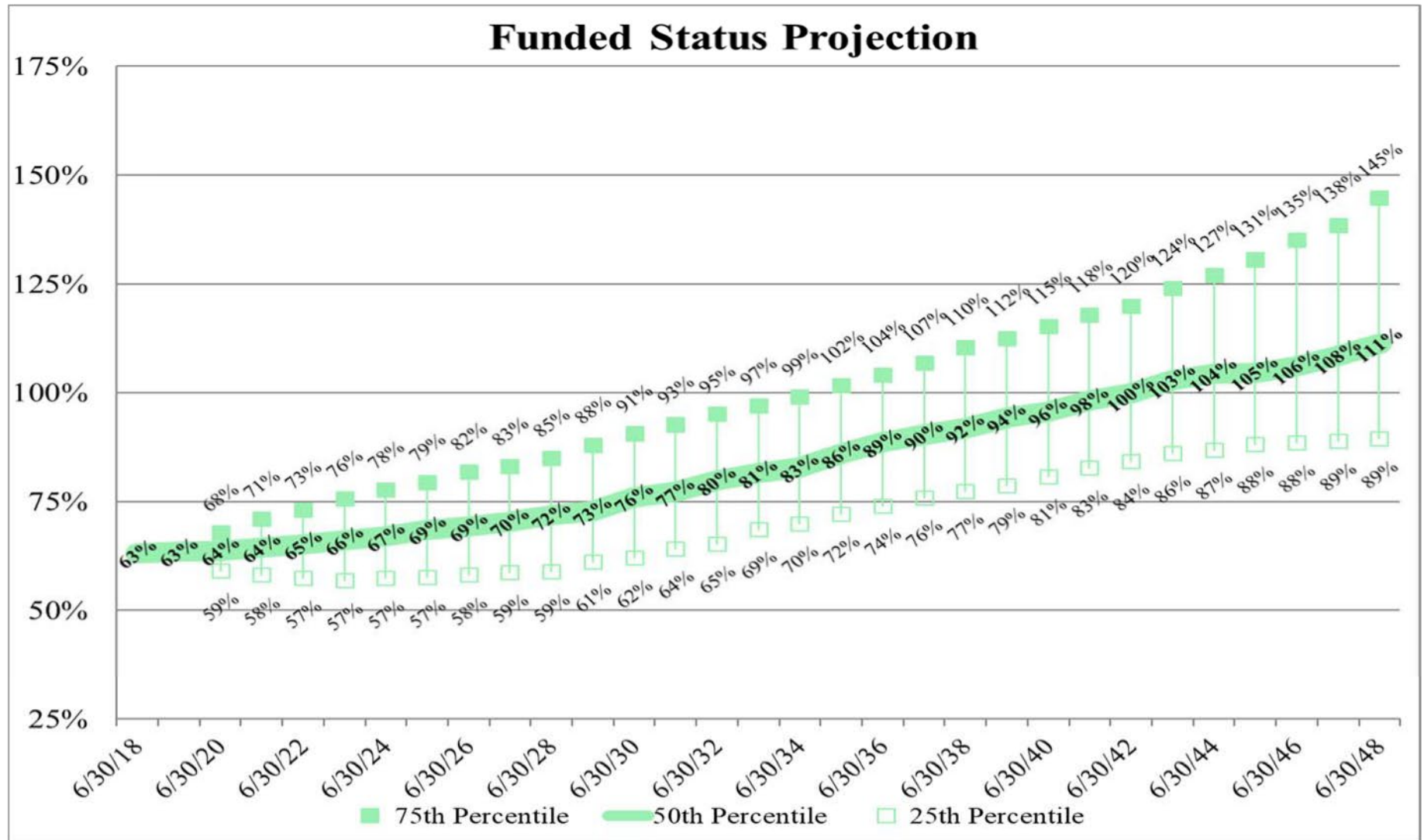


## CONTRIBUTION PROJECTIONS - SAFETY





# FUNDED STATUS - SAFETY



## COMBINED MISCELLANEOUS AND SAFETY

### **Funded Status Summary on June 30, 2018**

(Amounts in \$Millions)

|                | Miscellaneous | Safety     | Total      |
|----------------|---------------|------------|------------|
| ■ AAL          | \$ 239        | \$ 356     | \$ 595     |
| ■ Assets       | <u>164</u>    | <u>224</u> | <u>388</u> |
| ■ Unfunded AAL | 75            | 132        | 207        |
| ■ Funded Ratio | 68.5%         | 63.1%      | 65.2%      |



## PEPRA COST SHARING

- Target of 50% of total normal cost paid by all employees
- *PEPRA members* must pay greater of 50% of total normal cost or bargained amount if higher
- Employer cannot pay any part of *PEPRA member* required employee contributions
- Employer may impose current employees pay 50% of total normal cost (limited to 8% of pay for Miscellaneous and 12% for Safety) if not agreed through collective bargaining by 1/1/18
- Miscellaneous Plan 2020/21:

|                        | <u><b>Classic Members</b></u> |                            | <u><b>New Members</b></u>  |
|------------------------|-------------------------------|----------------------------|----------------------------|
|                        | <b>Tier 1</b>                 | <b>Tier 2</b>              | <b>PEPRA</b>               |
|                        | <u><b>2.7% @ 55 FAE1</b></u>  | <u><b>2% @ 60 FAE3</b></u> | <u><b>2% @ 62 FAE3</b></u> |
| ● Employer Normal Cost | 11.6%                         | 10.6%                      | 7.57%                      |
| ● Member Normal Cost   | <u>8.0%</u>                   | <u>7.0%</u>                | <u>6.25%</u>               |
| ● Total Normal Cost    | 19.6%                         | 17.6%                      | 13.82%                     |
| ● 50% Target           | 9.8%                          | 8.8%                       | 6.91%                      |

## PEPRA COST SHARING

### ■ Safety Plan 2020/21:

|                        | <u><b>Classic Members</b></u> |                            | <u><b>New Members</b></u>    |
|------------------------|-------------------------------|----------------------------|------------------------------|
|                        | <b>Tier 1</b>                 | <b>Tier 2</b>              | <b>PEPRA</b>                 |
|                        | <u><b>3% @ 50 FAE1</b></u>    | <u><b>3% @ 55 FAE3</b></u> | <u><b>2.7% @ 57 FAE3</b></u> |
| ● Employer Normal Cost | 21.9%                         | 21.8%                      | 13.50%                       |
| ● Member Normal Cost   | <u>9.0%</u>                   | <u>9.0%</u>                | <u>10.00%</u>                |
| ● Total Normal Cost    | 30.9%                         | 30.8%                      | 23.50%                       |
| ● 50% Target           | 15.5%                         | 15.4%                      | 11.75%                       |

### ■ PEPRA Member Contributions:

| <b>Group</b>  | <b>2019/20</b>          |                    | <b>2020/21</b>           |               |                    |               |
|---------------|-------------------------|--------------------|--------------------------|---------------|--------------------|---------------|
|               | <b>Total NC (Basis)</b> | <b>Member Rate</b> | <b>Total Normal Cost</b> | <b>Change</b> | <b>Member Rate</b> | <b>Method</b> |
| Miscellaneous | 12.63%                  | 6.25%              | 13.19%                   | 0.55%         | 6.25%              | Pool Basis    |
| Safety        | 20.17%                  | 10.00%             | 22.33%                   | 2.16%         | 11.25%             | Pool Basis    |

## ACTUARIAL CERTIFICATION

This report presents analysis of the City of Milpitas's CalPERS pension plans. The purpose of this report is to provide the City:

- Historical perspective on the plan investment returns, assets, funded status and contributions.
- Projections of likely future contributions and the impact of investment volatility

The calculations and projections in this report are based on information contained in the City's June 30, 2018 and earlier CalPERS actuarial valuation reports. We reviewed this information for reasonableness, but do not make any representation on the accuracy of the CalPERS reports.

Future investment returns and volatility are based on Bartel Associates Capital Market model which results in long term returns summarized on pages 23 and 41.

Future results may differ from our projections due to differences in actual experience as well as changes in plan provisions, CalPERS actuarial assumptions or methodology. Other than variations in investment return, this study does not analyze these.

To the best of our knowledge, this report is complete and accurate and has been conducted using generally accepted actuarial principles and practices. As members of the American Academy of Actuaries meeting the Academy Qualification Standards, we certify the actuarial results and opinions herein.

Respectfully submitted,



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Doug Pryor, ASA, EA, MAAA  
Vice President  
Bartel Associates, LLC  
January 21, 2020



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Bianca Lin, FSA, EA, FSA, MAAA  
Assistant Vice President  
Bartel Associates, LLC  
January 21, 2020



January 21, 2020





## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                          |
|------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Receive Update From City Attorney On Senate Bill 50</b>                                               |
| <b>Category:</b>       | Leadership and Support Services                                                                          |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                |
| <b>Staff Contact:</b>  | <b>Christopher J. Diaz, City Attorney</b>                                                                |
| <b>Recommendation:</b> | Receive update on Senate Bill 50 and direct staff regarding position letter or other legislative efforts |

The following provides a high-level overview of Senate Bill 50 as requested by the City Council on January 7, 2020.

### **Background:**

#### *Procedural Status*

Senate Bill 50 (SB 50) was originally introduced in 2018. It failed to pass out of Appropriations in June 2019, but it was made a two-year bill. It is back now, with amendments, and must be approved by the Senate by the end of January 2020 to stay alive. If it makes it out of the Senate to the Assembly, it will be subject to further amendment.

#### *Controversy*

The bill has been controversial, due in large part to the potential that it has for turning R-1 properties into R-4 properties, allowing four-plex development in all residential and mixed-use zones, including single-family zones. The bill also reduces local control by requiring cities to waive local development standards as “Equitable Community Incentives” in addition to the concessions, incentives, and bonuses that cities must grant under the State’s density-bonus statute. Housing advocates and local governments disagree over the wisdom of these amendments.

### **Analysis:**

#### *Recent Amendments*

While SB 50 was amended after the Legislature returned earlier this month, the amendments are relatively minor. They do not change the two-fold thrust of the bill, namely, allowing four-plex development by right and reducing local control of housing projects in “transit rich” and “jobs rich” areas. The most recent amendments do add a “local flexibility plan” concept, which allows cities to avoid some of the Equitable Community Incentive requirements if they develop a “local flexibility plan” and have it approved by State Housing and Community Development (HCD). However, the local flexibility plan is likely to amount to substantially the same kinds of limits on local control, just more tailored to the respective city. A local flexibility plan does not affect the four-plex requirements in the bill and those provisions would apply regardless of whether a city adopts a local flexibility plan.



## *Four-plex Development*

SB 50 would allow multifamily residential development, up to four units, by right on every parcel that meets the following conditions:

- Has a general plan designation or is zoned residential or mixed-use (note the “or”). If mixed-use, then at least 2/3 of the square footage of the proposed development must be residential.
- Lies in an urbanized area (Milpitas probably is, but HCD will confirm).
- Is surrounded by urban uses (on at least 75 percent of perimeter).
- Has no affordable units or historic structures already on site.
- Is not farmland, a wetland, or in a flood, fire-hazard, hazardous-waste, earthquake, or conservation area.
- Is either vacant land or has an existing structure (e.g., a single-family home) that can be converted to multifamily without demolishing 25 percent of the exterior or adding more than 15 percent to the square footage.

If the parcel qualifies, the project must still meet all *objective* development standards (not subjective ones), except for restrictions on density.

## *Equitable Community Incentives*

Starting in 2023, SB 50 would also require cities to grant “Equitable Community Incentives” (ECIs) to project applicants (essentially waivers of zoning requirements), beyond what cities must grant under the State’s density-bonus law.

ECIs are only available for “transit rich” and “job rich” projects. Transit rich means that most of the land and units lie within a short distance of a major transit stop or bus corridor (1/2 or 1/4 mile, respectively). This likely applies to most of Milpitas and definitely around the BART station. Job rich means that most of the land and units lie within a job-rich area as designated by HCD. Milpitas is in a designed job-rich area.

ECI requirements differ based on county population. Six hundred thousand is the tipping point. Santa Clara County has more than 600,000 people. So a transit rich or job rich project in Milpitas would be eligible for

- A waiver from maximum density controls, and
- A waiver from minimum parking.

The extent of the waivers varies with proximity to transit. The closer the project is to transit, the greater the extent of the required waiver.

## *Local Flexibility Plans*

The bill would require HCD to develop rules regarding “Local Flexibility Plans” (LFPs) by July 2021, and cities may begin submitting an LFP on that date. HCD must review and approve an LFP. To be approved, an LFP must go beyond what the city would do under just the ECI requirements. The LFP must increase overall feasible-housing capacity and affirmatively further fair housing to a greater extent and achieve the same or better transportation efficiency as under just the ECI requirements. It appears that an LFP would not lessen the loss of local control, but it would allow a city to perhaps tailor the nature of that loss and avoid the Equitable Community Incentive requirement for job-rich and transit-rich projects.

**Fiscal Impact:** None identified at this time.

**California Environmental Quality Act:** N/A

**Recommendation:** Receive update on SB 50 and direct staff regarding position letter or other legislative efforts.

**Attachments:** Copy of SB 50, as amended 1/6/2020


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### SB-50 Planning and zoning: housing development: streamlined approval: incentives. (2019-2020)

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Date Published: 01/06/2020 09:00 PM

AMENDED IN SENATE JANUARY 06, 2020

AMENDED IN SENATE JUNE 04, 2019

AMENDED IN SENATE MAY 01, 2019

AMENDED IN SENATE MARCH 11, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

## SENATE BILL

## NO. 50

Introduced by Senator Wiener

(Coauthors: Senators Caballero, Hueso, McGuire, Moorlach, ~~Skinner, and Stone~~ Roth, and Skinner)

(Coauthors: Assembly Members Chu, Diep, Fong, Kalra, Kiley, Low, McCarty, Quirk-Silva, Robert Rivas, Ting, and Wicks)

December 03, 2018

An act to amend Section 65589.5 of, to add Sections 65913.5 and 65913.6 to, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of, the Government Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Wiener. Planning and zoning: housing development: streamlined approval: incentives.

(1) Existing law authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit.

This bill would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure, consisting of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would also define "eligible parcel" to mean a parcel that meets specified requirements, including requirements relating to the location of the parcel and restricting the demolition of certain housing development that may already exist on the site.

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval within 60 days of the submission of the development to the local agency. If the local agency does not notify the development proponent within this time period, the development would be deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that the approval of a project under these provisions expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

This bill would allow a local agency to exempt a project from the streamlined ministerial approval process described above by finding that the project will cause a specific adverse impact to public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill would establish a streamlined ministerial approval process for neighborhood multifamily projects, thereby exempting these projects from the CEQA approval process.

(2) Existing law, known as the density bonus law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This ~~bill~~ *bill, on or after January 1, 2023*, would require a *specified* city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would impose additional requirements on a residential development located within a county with a population equal to or less than 600,000. The bill would require that a residential development within a county with a population greater than 600,000 that is eligible for an equitable communities incentive receive, upon request, waivers from maximum controls on density; minimum automobile parking requirements greater than 0.5 parking spots per unit; and specified additional waivers if the residential development is located within a  $\frac{1}{2}$ -mile or  $\frac{1}{4}$ -mile radius of a major transit stop, as defined. For a residential development within a county with a population equal to or less than 600,000, the bill would instead require that the incentive provide waivers from maximum controls on density, subject to certain limitations; maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use; certain requirements governing the size of the parcel and the area that the building may occupy; and minimum automobile parking requirements, as provided. The bill would require a local government to grant an equitable communities incentive unless it makes a specified finding regarding the effects of the incentive on any real property or historic district that is listed on a federal or state register of historical resources. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

*The bill would delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2023. The bill would further delay implementation of these provisions in sensitive communities determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to*

*make these provisions applicable after a specified petition and public hearing process. On and after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.*

*The bill would also exempt from these provisions a local government that has a local flexibility plan that has been reviewed and certified by the Department of Housing and Community Development, as specified. The bill, on or before July 1, 2021, would require the Governor's Office of Planning and Research, in consultation with the Department of Housing and Community Development, to develop and publish on its internet website rules, regulations, or guidelines for the submission and approval of a local flexibility plan, as specified. The bill, on or after July 1, 2021, would authorize a local government to submit a local flexibility plan for review and approval by the Department of Housing and Community Development pursuant to those rules, regulations, or guidelines.*

The bill would include findings that the changes proposed by these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. ~~The bill would also delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2020. The bill would further delay implementation of these provisions in sensitive communities, determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to make these provisions applicable after a specified petition and public hearing process. On and after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.~~

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

(3) By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 65589.5 of the Government Code is amended to read:~~

~~65589.5.(a)(1) The Legislature finds and declares all of the following:~~

~~(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.~~

~~(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.~~

~~(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.~~

~~(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.~~

~~(2)In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:~~

~~(A)California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.~~

~~(B)While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.~~

~~(C)The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.~~

~~(D)According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.~~

~~(E)California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one half of California's households are able to afford the cost of housing in their local regions.~~

~~(F)Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.~~

~~(G)The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.~~

~~(H)When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.~~

~~(I)An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working and middle class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.~~

~~(J)California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.~~

~~(K)The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.~~

~~(L)It is the policy of the state that this section should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.~~

~~(3)It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently:~~

~~(b)It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).~~

~~(c)The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from~~

~~prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.~~

~~(d)A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low, or moderate income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low, or moderate income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:~~

~~(1)The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.~~

~~(2)The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low and moderate income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.~~

~~(3)The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low and moderate income households or rendering the development of the emergency shelter financially infeasible.~~

~~(4)The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.~~

~~(5)The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.~~

~~(A)This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low, or moderate income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.~~

~~(B)If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action to~~



~~court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low, and moderate income categories.~~

~~(C)If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

~~(e)Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Nothing in this section shall be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).~~

~~(f)(1)Nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.~~

~~(2)Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.~~

~~(3)This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.~~

~~(4)For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.~~

~~(g)This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.~~

~~(h)The following definitions apply for the purposes of this section:~~

~~(1)"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.~~

~~(2)"Housing development project" means a use consisting of any of the following:~~

~~(A)Residential units only.~~

~~(B)Mixed use developments consisting of residential and nonresidential uses with at least two thirds of the square footage designated for residential use.~~

~~(C)Transitional housing or supportive housing.~~

~~(3)"Housing for very low, low, or moderate income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined~~

~~in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate income eligibility limits are based.~~

~~(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low income households in accordance with the provisions of this subdivision for 30 years.~~

~~(5) "Disapprove the housing development project" includes any instance in which a local agency does either of the following:~~

~~(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.~~

~~(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.~~

~~(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low, or moderate income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by a preponderance of the evidence in the record. For purposes of this section, "lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing.~~

~~(j)(1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:~~

~~(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

~~(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.~~

~~(2)(A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:~~

~~(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.~~

~~(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.~~

~~(B)If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.~~

~~(3)For purposes of this section, the receipt of a density bonus pursuant to Section 65915 or an equitable communities incentive pursuant to Section 65918.51 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.~~

~~(4)For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.~~

~~(5)For purposes of this section, "lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing.~~

~~(k)(1)(A)The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that either (i) the local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low, or moderate income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence, or (ii) the local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. For purposes of this section, "lower density" includes conditions that have the same effect or impact on the ability of the project to provide housing.~~

~~(B)(i)Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017-18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low, and moderate income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017-18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low income households.~~

~~(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.~~

~~(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.~~

~~(2) For purposes of this subdivision, "housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce this section.~~

~~(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, "bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.~~

~~(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.~~

~~(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.~~

~~(o) This section shall be known, and may be cited, as the Housing Accountability Act.~~

***SECTION 1. Section 65589.5 of the Government Code, as amended by Section 3.1 of Chapter 665 of the Statutes of 2019, is amended to read:***

**65589.5.** (a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing

increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j) arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(A) Inconsistency with the zoning ordinance or general plan land use designation.

(B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.



(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). ~~Neither shall anything in this section~~ *This section shall not* be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, "deemed complete" means that the applicant has submitted a preliminary application pursuant to Section 65941.1.

(6) "Disapprove the housing development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) "Lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, "objective" means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, "determined to be complete" means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time housing development project's the application is complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning and subdivision standards and criteria, including design review standards, in effect at the time that th

application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 *or an equitable communities incentive pursuant to Section 65918.51* shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in ~~conformity~~, *conformity* with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect

when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause(i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs *Trust* Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs *Trust* Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, "housing organization" means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney's fees and costs if it is the prevailing party in an action to enforce this section.

(I) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, "bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, "final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, "ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

**SEC. 2.** Section 65913.5 is added to the Government Code, to read:

**65913.5.** For purposes of this section and Section 65913.6, the following definitions shall apply:

(a) "Development proponent" means the developer who submits an application for streamlined approval pursuant to Section 65913.6.

(b) "Eligible parcel" means a parcel that meets all of the following requirements:

*(1) The parcel is not located on a site that is on a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, unless the local agency has a population of 50,000 or more, based on the most recent United States Census Bureau data.*

~~(1)~~

*(2) The parcel satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.*

*(3) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.*

~~(2) The parcel is not located on a site that is any of the following:~~

~~(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, unless the local agency has a population of 50,000 or more, based on the most recent United States Census Bureau data.~~

~~(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.~~

~~(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).~~

~~(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted~~



~~by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. A parcel is not ineligible within the meaning of this subparagraph if it is either:~~

~~(i) A site excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179.~~

~~(ii) A site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.~~

~~(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.~~

~~(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.~~

~~(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:~~

~~(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.~~

~~(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.~~

~~(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.~~

~~(I) Lands identified for conservation in any of the following:~~

~~(i) An adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code).~~

~~(ii) A habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).~~

~~(iii) Any other adopted natural resource protection plan.~~

~~(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by any of the following:~~

~~(i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).~~

~~(ii) The California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).~~

~~(iii) The Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).~~

~~(K) Lands under conservation easement:~~

~~(3)~~

(4) The development of the project on the proposed parcel would not require the demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing occupied by tenants, as that term is defined in subdivision (I) of Section 65918.50, within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated before the application for a development permit.

(D) A parcel or parcels on which an owner of residential real property has exercised their rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application pursuant to Section 65913.6.

~~(4)~~

(5) The development of the project on the proposed parcel would not require the demolition of a historic structure that was placed on a national, state, or local historic register.

(c) "Local agency" means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(d) "Neighborhood multifamily project" means a project to construct a multifamily structure of up to four residential dwelling units that meets all of the following requirements:

(1) The project meets one of the following conditions:

(A) The parcel or parcels on which the neighborhood multifamily project would be located is vacant land, as defined in subdivision (e).

(B) If the project is a conversion of an existing structure, the conversion shall not require substantial exterior alteration. For the purposes of this subparagraph, a project requires "substantial exterior alteration" if the project would require either of the following:

(i) The demolition of 25 percent or more of the existing exterior vertical walls, measured by linear feet.

(ii) Any building addition that would increase total interior square footage by more than 15 percent.

(2) (A) The neighborhood multifamily project shall meet all objective zoning standards and objective design review standards that do not conflict with this section or Section 65913.6. If, on or after July 1, 2019, a local agency adopts an ordinance that eliminates zoning designations permissive to residential use or decreases residential zoning development capacity within an existing zoning district in which the development is located than what was authorized on July 1, 2019, then that development shall be deemed to be consistent with any applicable requirement of this section and Section 65913.6 if it complies with zoning designations not in conflict with this section and Section 65913.6 that were authorized as of July 1, 2019.

(B) For purposes of this paragraph, "objective zoning standards" and "objective design review standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development proponent and the public official before the development proponent submits an application pursuant to this section. These standards include, but are not limited to, height, setbacks, floor area ratio, and lot coverage. For purposes of this section and Section 65913.6, "objective zoning standard" does not include any limits related to residential density that would limit a development to fewer than four residential units per parcel.

(3) A local agency may require the neighborhood multifamily project to provide at least 0.5 parking spaces per unit.

(e) "Vacant land" means either of the following:

(1) A property that contains no existing structures.

(2) A property that contains at least one existing structure, but the structure or structures have been unoccupied for at least five years and are considered substandard as defined by Section 17920.3 of the Health and Safety Code.

**SEC. 3.** Section 65913.6 is added to the Government Code, to read:

**65913.6.** (a) For purposes of this section, the definitions provided in Section 65913.5 shall apply.

(b) Except as provided in subdivision (g), a development proponent of a neighborhood multifamily project on an eligible parcel may submit an application for a development to be subject to a streamlined, ministerial approval process provided by this section and not be subject to a conditional use permit if the development meets the requirements of this section and Section 65913.5.

(c) (1) If a local agency determines that a development submitted pursuant to this section is in conflict with any of the requirements specified in this section or Section 65913.5, it shall provide the development proponent written documentation of which requirement or requirements the development conflicts with, and an explanation for the reason or reasons the development conflicts with that requirement or requirements, within 60 days of submission of the development to the local agency pursuant to this section.

(2) If the local agency fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the requirements of this section and Section 65913.5.

(d) Any design review or public oversight of the development may be conducted by the local agency's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local agency before submission of a development application, and shall be broadly applicable to development within the local agency. That design review or public oversight shall be completed within 90 days of submission of the development to the local agency pursuant to this section and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable.

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section, including those related to orientation or structure of off-street automobile parking, beyond those provided in the minimum requirements of Section 65913.5.

(f) (1) If a local agency approves a development pursuant to this section, that approval shall automatically expire after three years except that a project may receive a one-time, one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready. For purposes of this paragraph, "significant progress" includes filing a building permit application.

(2) If a local agency approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the local agency shall have discretion to grant, an additional one-year extension to the original three-year period. The local agency's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(g) This section shall not apply if the local agency finds that the development project as proposed would have a specific, adverse impact upon the public health or safety, including, but not limited to, fire safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(h) A local agency shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(i) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local agency, including the provisions of subdivision (i) of Section 65583.2 or 65913.4.

**SEC. 4.** Chapter 4.35 (commencing with Section 65918.50) is added to Division 1 of Title 7 of the Government Code, to read:

**CHAPTER 4.35. Equitable Communities Incentives**

**65918.50.** For purposes of this chapter:

(a) "Development proponent" means an applicant who submits an application for an equitable communities incentive pursuant to this chapter.

(b) "Eligible applicant" means a development proponent ~~who receives~~ *whose development project meets the requirements of this chapter to receive* an equitable communities incentive.

(c) "FAR" means floor area ratio.

(d) "High-quality bus corridor" means a corridor with fixed route bus service that meets all of the following criteria:

(1) It has average service intervals for each line and in each direction of no more than 10 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. to 7 p.m., inclusive, on Monday through Friday.

(2) It has average service intervals for each line and in each direction of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.

(3) It has average service intervals for each line and in each direction of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(4) It has met the criteria specified in paragraphs (1) to (3), inclusive, for the five years preceding the date that a development proponent submits an application for approval of a residential development.

(e) (1) "Jobs-rich area" means an area identified by the Department of Housing and Community Development in consultation with the Office of Planning and Research that is high opportunity and either is jobs rich or would enable shorter commute distances based on whether, in a regional analysis, the tract meets both of the following:

(A) The tract is high opportunity, meaning its characteristics are associated with positive educational and economic outcomes for households of all income levels residing in the tract.

(B) The tract meets either of the following criteria:

(i) New housing sited in the tract would enable residents to live near more jobs than is typical for tracts in the region.

(ii) New housing sited in the tract would enable shorter commute distances for residents, relative to existing commute patterns and jobs-housing fit.

(2) The Department of Housing and Community Development shall, commencing on January 1, ~~2020~~, *2021*, publish and update, every five years thereafter, a map of the state showing the areas identified by the department as "jobs-rich areas."

(f) "Job-rich housing project" means a residential development within a jobs-rich area. A residential development shall be deemed to be within a jobs-rich area if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of the jobs-rich area.

(2) No more than 10 percent of residential units or 100 units, whichever is less, of the development are outside of the jobs-rich area.

(g) "Local government" means a city, including a charter city, a county, or a city and county.

(h) "Major transit stop" means a rail transit station or a ferry terminal that is a major transit stop pursuant to subdivision (b) of Section 21155 of the Public Resources Code.

(i) "Potentially sensitive community" means any of the following:

(1) An area that is designated as "high segregation and poverty" or "low resource" on the 2019 Opportunity Maps developed by the California Tax Credit Allocation Committee.

(2) A census tract that is in the top 25 percent scoring census tracts from the internet-based CalEnviroScreen 3.0 tool.

(3) A qualified census tract identified by the United States Department of Housing and Urban Development for 2019.

(4) It is the intent of the Legislature to consider ~~all~~ **both** of the following:

(A) Identifying additional communities as potentially sensitive communities in inland areas, areas experiencing rapid change in housing cost, and other areas based on objective measures of community sensitivity.

(B) Application of the process for determining sensitive communities established in subdivision (d) of Section 65918.55 to the San Francisco Bay area.

(j) "Residential development" means a project with at least two-thirds of the square footage of the development designated for residential use.

(k) "Sensitive community" means either of the following:

(1) Except as provided in paragraph (2), an area identified pursuant to subdivision ~~(d)~~ **(b)** of Section ~~65918.55~~ **65918.58**.

(2) In the Counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission on December 19, 2018, as the intersection of disadvantaged and vulnerable communities as defined by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission, which identification of a sensitive community shall be updated at least every five years by the Department of Housing and Community Development.

(l) "Tenant" means a person who does not own the property where they reside, including residential situations that are any of the following:

(1) Residential real property rented by the person under a long-term lease.

(2) A single-room occupancy unit.

(3) An accessory dwelling unit that is not subject to, or does not have a valid permit in accordance with, an ordinance adopted by a local agency pursuant to Section 65852.2.

(4) A residential motel.

(5) A mobilehome park, as governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(6) Any other type of residential property that is not owned by the person or a member of the person's household, for which the person or a member of the person's household provides payments on a regular schedule in exchange for the right to occupy the residential property.

(m) "Transit-rich housing project" means a residential development, the parcels of which are all within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor. A project shall be deemed to be within the radius if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

(2) No more than 10 percent of the residential units or 100 units, whichever is less, of the project are outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

**65918.51.** ~~A~~ *(a) Except as provided in subdivision (b) or Section 65918.58, on and after January 1, 2023, a* local government shall, upon request of a development proponent, grant an equitable communities incentive, as specified in ~~Section 65918.53, Sections 65918.54 and 65918.55,~~ when the development proponent seeks and agrees to construct a *multifamily* residential development that satisfies the requirements specified in ~~Section 65918.52. Sections 65918.52 and 65918.53, and, if applicable, Sections 65918.54 and 65918.55.~~

*(b) A local government shall not be required to grant an equitable communities incentive pursuant to subdivision (a) if the local government has a local flexibility plan that has been reviewed and certified by the Department of Housing and Community Development pursuant to Section 65918.59.*

**65918.52.** ~~In order to be eligible for an equitable communities incentive pursuant to this chapter, a~~ residential development ~~shall meet~~ *is not eligible for an equitable communities incentive pursuant to this chapter unless the residential development meets* all of the following criteria:

(a) The residential development is either a job-rich housing project or transit-rich housing project.

(b) The residential development is located on a site that meets the following requirements:

(1) At the time of application, the site is zoned to allow housing as an underlying use in the zone, including, but not limited to, a residential, mixed-use, or commercial zone, as defined and allowed by the local government.

(2) If the residential development is located within a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, the site ~~satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.~~ *meets the following conditions:*

*(A) The site satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.*

*(B) The site is located in a city that has a population equal to or greater than 50,000, based on the most recent United States Census Bureau data.*

(3) The site is not located within any of the following:

~~(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, if the site is also located in a city that has a population of less than 50,000, based on the most recent United States Census Bureau data.~~

~~(B)~~

*(A)* A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. A parcel is not ineligible within the meaning of this paragraph if it is either of the following:

(i) A site excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179.

(ii) A site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

~~(C)~~

*(B)* A parcel for which either of the following apply:

(i) The parcel is a contributing parcel within a historic district established by an ordinance of the local government that was in effect as of December 31, 2010.

(ii) The parcel includes a structure that was listed on a state or federal register of historic resources before the date that the development proponent first submits an application for an equitable communities incentive



pursuant to this chapter.

~~(c) If the residential development is located within a county that has a population equal to or less than 600,000, based on the most recent United States Census Bureau data, the residential development satisfies all of the following additional requirements:~~

~~(1) The site satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.~~

~~(2) The site is not located within either of the following:~~

~~(A) An architecturally or historically significant historic district, as defined in subdivision (h) of Section 5020.1 of the Public Resources Code.~~

~~(B) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:~~

~~(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.~~

~~(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.~~

~~(3) The residential development has a minimum density of 30 dwelling units per acre in jurisdictions considered metropolitan, as defined in subdivision (f) of Section 65583.2, or a minimum density of 20 dwelling units per acre in jurisdictions considered suburban, as defined in subdivision (e) of Section 65583.2.~~

~~(4) The residential development is located within a one-half mile radius of a major transit stop and within a city with a population greater than 50,000.~~

~~(d)(1) If the local government has adopted an inclusionary housing ordinance requiring that the development include a certain number of units affordable to households with incomes that do not exceed the limits for moderate income, lower income, very low income, or extremely low income specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, and that ordinance requires that a new development include levels of affordable housing in excess of the requirements specified in paragraph (2), the residential development complies with that ordinance. The ordinance may provide alternative means of compliance that may include, but are not limited to, in lieu fees, land dedication, offsite construction, or acquisition and rehabilitation of existing units.~~

~~(2)(A) If the local government has not adopted an inclusionary housing ordinance, as described in paragraph (1), the residential development includes an affordable housing contribution for households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code.~~

~~(B) For purposes of this paragraph, the residential development is subject to one of the following, as applicable:~~

~~(i) If the project has 10 or fewer units, no affordability contribution is imposed.~~

~~(ii) If the project has 11 to 20 residential units, the development proponent may pay an in lieu fee to the local government for affordable housing, where feasible, pursuant to subparagraph (C).~~

~~(iii) If the project has more than 20 residential units, the development proponent shall do either of the following:~~

~~(I) Make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to subparagraph (C).~~

~~(II) Include units on the site of the project that are affordable to extremely low income, very low income, or lower income households, as defined in Sections 50079.5, 50105, and 50106 of the Health and Safety Code, a~~

follows:

| Project Size      | Inclusionary Requirement                                                    |
|-------------------|-----------------------------------------------------------------------------|
| 21–200 units      | 15% lower income; or<br>8% very low income; or<br>6% extremely low income   |
| 201–350 units     | 17% lower income; or<br>10% very low income; or<br>8% extremely low income  |
| 351 or more units | 25% lower income; or<br>15% very low income; or<br>11% extremely low income |

~~(C)(i)The development proponent of a project that qualifies pursuant to clause (ii) or subclause (I) of clause (iii) of subparagraph (B) may make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to this subparagraph.~~

~~(ii)For the purposes of this subparagraph, “comparable affordability contribution” means either a dedication of land or direct in lieu fee payment to a housing provider that proposes to build a residential development in which 100 percent of the units, excluding manager’s units, are sold or rented at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, subject to all of the following conditions:~~

~~(I)The site, and if applicable, the dedicated land, is located within a one-half mile of the qualifying project.~~

~~(II)The site, and if applicable, the dedicated land, is eligible for an equitable communities incentive.~~

~~(III)The residential development that receives a dedication of land or in lieu fee payment pursuant to this paragraph provides the same number of affordable units at the same income category, which would have been required onsite for the qualifying project pursuant to subclause (II) of clause (iii) of subparagraph (B) of paragraph (2).~~

~~(IV)The value of the dedicated land or in lieu fee payment must be at least equal to the capitalized value of the forgone revenue that the development proponent would have incurred if the qualifying project had provided the required number and type of affordable units onsite.~~

~~(V)If the qualifying project includes 21 or more units of housing, the comparable affordability contribution is subject to a recorded covenant with the local jurisdiction. A copy of the covenant shall be provided to the Department of Housing and Community Development.~~

~~(iii)For the purposes of this subparagraph, “qualifying project” means a project that receives an equitable communities incentive by providing a comparable affordability contribution.~~

~~(iv)The qualifying development shall not be issued a certificate of occupancy before the residential development receiving a dedication of land or direct in lieu fee payment pursuant to this subparagraph receives a building permit.~~

~~(D)Affordability of units pursuant to this paragraph shall be restricted by deed for a period of 55 years for rental units or 45 years for units offered for sale.~~

~~(e)~~

~~(c) The site does not contain, or has not contained, either of the following:~~

~~(1) Housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the application for a development permit.~~

~~(2) A parcel or parcels on which an owner of residential real property has exercised their rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease.~~

within 15 years prior to the date that the development proponent submits an application pursuant to this chapter.

~~(f)~~

(d) The residential development complies with all applicable labor, construction employment, and wage standards otherwise required by law and any other generally applicable requirement regarding the approval of a development project, including, but not limited to, the local government's conditional use or other discretionary permit approval process, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), or a streamlined approval process that includes labor protections.

~~(g)~~

(e) The residential development complies with all other relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefits agreements.

~~(h)~~

(f) The equitable communities incentive shall not be used to undermine the economic feasibility of delivering low-income housing under the state density bonus program or a local implementation of the state density bonus program, or any locally adopted program that puts conditions on new development applications on the basis of receiving a zone change or general plan amendment in exchange for benefits such as increased affordable housing, local hire, or payment of prevailing wages.

~~65918.53.(a)(1) Any transit rich or job rich housing project within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:~~

**65918.53.** *A residential development is not eligible for an equitable communities incentive pursuant to this chapter unless the residential development meets all of the following criteria:*

*(a) If the local government has adopted an inclusionary housing ordinance requiring that the development include a certain number of units affordable to households with incomes that do not exceed the limits for moderate income, lower income, very low income, or extremely low income specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, and that ordinance requires that a new development include levels of affordable housing in excess of the requirements specified in paragraph (2), the residential development complies with that ordinance. The ordinance may provide alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, offsite construction, or acquisition and rehabilitation of existing units.*

*(b) (1) If the local government has not adopted an inclusionary housing ordinance, as described in subdivision (a), the residential development includes an affordable housing contribution for households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code.*

*(2) For purposes of this subdivision, a residential development satisfies the affordable housing contribution requirement of this subdivision if the residential development is subject to one of the following, as applicable:*

*(A) If the project has 10 or fewer units, no affordability contribution is imposed.*

*(B) If the project has 11 to 20 residential units, the development proponent may pay an in-lieu fee to the local government for affordable housing, where feasible, pursuant to paragraph (3).*

*(C) If the project has more than 20 residential units, the development proponent shall do either of the following:*

*(i) Make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to paragraph (3).*

*(ii) Include units on the site of the project that are affordable to extremely low income, very low income, or lower income households, as defined in Sections 50079.5, 50105, and 50106 of the Health and Safety Code, as follows:*

*Project Size*

*Inclusionary Requirement*

|                   |                                                                             |
|-------------------|-----------------------------------------------------------------------------|
| 21–200 units      | 15% lower income; or<br>8% very low income; or<br>6% extremely low income   |
| 201–350 units     | 17% lower income; or<br>10% very low income; or<br>8% extremely low income  |
| 351 or more units | 25% lower income; or<br>15% very low income; or<br>11% extremely low income |

(3) (A) The development proponent of a project that qualifies pursuant to subparagraph (B) of, or clause (i) of subparagraph (C) of, paragraph (2) may make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to this paragraph.

(B) For the purposes of this paragraph, "comparable affordability contribution" means either a dedication of land or direct in-lieu fee payment to a housing provider that proposes to build a residential development in which 100 percent of the units, excluding manager's units, are sold or rented at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, subject to all of the following conditions:

(i) The site, and, if applicable, the dedicated land are located within a one-half mile of the qualifying project.

(ii) The site, and, if applicable, the dedicated land are eligible for an equitable communities incentive.

(iii) The residential development that receives a dedication of land or in-lieu fee payment pursuant to this paragraph provides the same number of affordable units at the same income category that would have been required on the site of the qualifying project pursuant to clause (ii) of subparagraph (C) of paragraph (2) for the qualifying project to be eligible for an equitable community incentive if the development proponent did not make a comparable affordability contribution.

(iv) The value of the dedicated land or in-lieu fee payment is at least equal to the capitalized value of the forgone revenue that the development proponent would have incurred if the qualifying project had provided the required number and type of affordable units onsite.

(v) If the qualifying project includes 21 or more units of housing, the comparable affordability contribution is subject to a recorded covenant with the local jurisdiction. A copy of the covenant shall be provided to the Department of Housing and Community Development.

(C) For the purposes of this paragraph, "qualifying project" means a project that receives an equitable communities incentive by providing a comparable affordability contribution.

(D) The qualifying development shall not be issued a certificate of occupancy before the residential development receiving a dedication of land or direct in-lieu fee payment pursuant to this paragraph receives a building permit.

(4) The affordability of units made affordable to meet the requirements of this subdivision shall be restricted by deed for a period of 55 years for rental units or 45 years for units offered for sale.

(c) Residents living within one-half mile of the development at time of application shall receive priority for the following:

(1) Forty percent of the affordable housing units in the development that are reserved for lower income households.

(2) Forty percent of the affordable housing units in the development that are reserved for very low income households.

(3) Forty percent of the affordable housing units in the development that are reserved for extremely low income households.

**65918.54.** An eligible applicant that proposes a residential development within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, shall receive, upon request, an equitable communities incentive as follows:

*(a) If the residential development is a transit-rich or job-rich housing project, the applicant shall receive both of the following:*

~~(A)~~

*(1) A waiver from maximum controls on density.*

~~(B)~~

*(2) A waiver from minimum automobile parking requirements greater than 0.5 automobile parking spots per unit.*

~~(2)An eligible applicant proposing a~~

*(b) If the residential development ~~within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, that~~ is located within a one-half mile radius, but outside a one-quarter mile radius, of a major transit ~~stop~~ stop, the applicant shall receive, in addition to the incentives specified in ~~paragraph (1); subdivision (a),~~ waivers from all of the following:*

~~(A)~~

*(1) Maximum height requirements less than 45 feet.*

~~(B)~~

*(2) Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 2.5.*

~~(C)~~

*(3) Notwithstanding ~~subparagraph (B) of paragraph (1);~~ paragraph (2) of subdivision (a), any minimum automobile parking requirement.*

~~(3)An eligible applicant proposing a~~

*(c) If the residential development ~~within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, that~~ is located within a one-quarter mile radius of a major transit ~~stop~~ stop, the applicant shall receive, in addition to the incentives specified in ~~paragraph (1); subdivision (a),~~ waivers from all of the following:*

~~(A)~~

*(1) Maximum height requirements less than 55 feet.*

~~(B)~~

*(2) Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 3.25.*

~~(C)~~

*(3) Notwithstanding paragraph (2) of subdivision (a), any minimum automobile parking requirement.*

~~(b)A residential development within a county that has a population less than or equal to 600,000, based on the most recent United States Census Bureau data, that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:~~

~~(1)A waiver from maximum controls on density, subject to paragraph (3) of subdivision (c) of Section 65918.52:~~

~~(2)A waiver from maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use. For purposes of this paragraph, "highest allowable height" means the tallest height, including heights that require conditional approval, allowable pursuant to zoning and any specific or area plan that covers the parcel.~~

~~(3)Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 0.6 times the number of stories proposed for the project.~~

~~(4) A waiver from minimum automobile parking requirements, as follows:~~

~~(A) If the residential development is located within a one-quarter mile radius of a rail transit station in a city with a population of greater than 100,000, based on the most recent United States Census Bureau data, the residential development project shall receive a waiver from any minimum automobile parking requirement.~~

~~(B) If the residential development does not meet the criteria specified in clause (i), the residential development project shall receive a waiver from minimum automobile parking requirements of more than 0.5 parking spaces per unit.~~

~~(c) Notwithstanding any other law, a project that qualifies for an equitable communities incentive may also apply for a density bonus, incentives or concessions, and parking ratios in accordance with subdivision (b) of Section 65915. To calculate a density bonus for a project that receives an equitable communities incentive, the "otherwise maximum allowable gross residential density" as described in subdivision (f) of Section 65915 shall be equal to the proposed number of units in, or the proposed square footage of, the residential development after applying the equitable communities incentive received pursuant to this chapter. In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of this chapter and subdivision (b) of Section 65915 at the unit count or square footage or with the concessions or incentives permitted by this chapter and as may be increased under Section 65915 in accordance with this subdivision, but no additional waivers or reductions of development standards, as described in subdivision (e) of Section 65915 shall be permitted.~~

~~(d) The local government shall grant an incentive requested by an eligible applicant pursuant to this chapter unless the local government makes a written finding, based on substantial evidence, that the incentive would have a specific, adverse impact on any real property or historic district that is listed on a federal or state register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable.~~

~~(e) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.~~

~~(f) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.~~

**65918.55. (a) An eligible applicant that proposes a residential development within a county that has a population less than or equal to 600,000, based on the most recent United States Census Bureau data, that meets all of the requirements in subdivision (b) shall receive, upon request, an equitable communities incentive as follows:**

**(1) A waiver from maximum controls on density.**

**(2) A waiver from maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use. For purposes of this paragraph, "highest allowable height" means the tallest height, including heights that require conditional approval, allowable pursuant to zoning and any specific or area plan that covers the parcel.**

**(3) Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 0.6 times the number of stories proposed for the project.**

**(4) A waiver from minimum automobile parking requirements, as follows:**

**(A) If the residential development is located within a one-quarter mile radius of a rail transit station in a city with a population of greater than 100,000, based on the most recent United States Census Bureau data, the residential development project shall receive a waiver from any minimum automobile parking requirement.**

**(B) If the residential development does not meet the criteria specified in subparagraph (A), the residential development project shall receive a waiver from minimum automobile parking requirements of more than 0.5 parking spaces per unit.**

**(b) To be eligible for an equitable communities incentive outlined in subdivision (a), a residential development shall meet all of the following requirements:**

**(1) The site satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.**



*(2) The site is not located within either of the following:*

*(A) An architecturally or historically significant historic district, as defined in subdivision (h) of Section 5020.1 of the Public Resources Code.*

*(B) A special flood hazard area subject to inundation by the 1-percent annual chance flood (100-year flood), as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for an equitable communities incentive under this chapter, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:*

*(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.*

*(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.*

*(3) The residential development has a minimum density of 30 dwelling units per acre in jurisdictions considered metropolitan, as defined in subdivision (f) of Section 65583.2, or a minimum density of 20 dwelling units per acre in jurisdictions considered suburban, as defined in subdivision (e) of Section 65583.2.*

*(4) The residential development is located within a one-half mile radius of a major transit stop and within a city with a population greater than 50,000.*

*(c) Notwithstanding any other law, a project that qualifies for an equitable communities incentive may also apply for a density bonus, incentives or concessions, and parking ratios in accordance with subdivision (b) of Section 65915. To calculate a density bonus for a project that receives an equitable communities incentive, the "otherwise maximum allowable gross residential density," as described in subdivision (f) of Section 65915, shall be equal to the proposed number of units in, or the proposed square footage of, the residential development after applying the equitable communities incentive received pursuant to this chapter. In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of this chapter and subdivision (b) of Section 65915 at the unit count or square footage or with the concessions or incentives permitted by this chapter and as may be increased under Section 65915 in accordance with this subdivision, but no additional waivers or reductions of development standards, as described in subdivision (e) of Section 65915 shall be permitted.*

**65918.56.** *(a) The local government shall grant an incentive requested by an eligible applicant pursuant to this chapter unless the local government makes a written finding, based on substantial evidence, that the incentive would have a specific, adverse impact on any real property or historic district that is listed on a federal or state register of historical resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable.*

*(b) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.*

*(c) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.*

~~65918.54.~~**65918.57.** The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

~~65918.55.~~**65918.58.** (a) On or before July 1, ~~2020,~~ 2023, Sections 65918.51 to 65918.54, inclusive, shall not apply to a potentially sensitive community. After July 1, ~~2020,~~ 2023, Sections 65918.51 to 65918.54, inclusive, shall apply in any potentially sensitive community that is not identified as a sensitive community pursuant to subdivision (b).

(b) On or before July 1, ~~2020~~, **2023**, sensitive communities in each county shall be identified and mapped in accordance with the following:

(1) The council of governments, or the county board of supervisors in a county without a council of governments, shall establish a working group comprised of residents of potentially sensitive communities within the county, ensuring equitable representation of vulnerable populations, including, but not limited to, renters, low-income people, and members of classes protected under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2).

(2) The working group shall develop a map of sensitive communities within the county, which shall include some or all of the areas identified as potentially sensitive communities pursuant to subdivision (i) of Section 65918.50. The working group shall prioritize the input of residents from each potentially sensitive community in making a determination about that community.

(3) Each board of supervisors or council of governments shall adopt the sensitive communities map for the county, along with an explanation of the composition and function of the working group and the community process and methodology used to create the maps, at a public hearing held on or before July 1, ~~2020~~, **2023**.

(c) Sections 65918.51 to 65918.54, inclusive, shall apply in a sensitive community on and after January 1, 2026, unless the city or county in which the sensitive community is located has adopted a community plan for an area that includes the sensitive community that is aimed toward increasing residential density and multifamily housing choices near transit stops and meets all of the following:

(1) The community plan is not in conflict with the goals of this chapter.

(2) The community plan permits increased density and multifamily development near transit, with all upzoning linked to onsite affordable housing requirements that meet or exceed the affordable housing requirements in Sections 65918.51 to 65918.54, inclusive. Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in Sections 65918.51 to 65918.54, inclusive, within the boundaries of the community plan.

(3) The community plan includes provisions to protect vulnerable residents from displacement.

(4) The community plan promotes economic justice for workers and residents.

(5) The community plan was developed in partnership with at least one of the following:

(A) A nonprofit or community organization that focuses on organizing low-income residents in the sensitive community.

(B) A nonprofit or community organization that focuses on organizing low-income residents in the jurisdiction.

(C) If there are no nonprofit or community organizations working within the sensitive community or the jurisdiction, a nonprofit with demonstrated experience conducting outreach to low-income communities.

(6) Residents of the sensitive community are engaged throughout the planning process, including through at least three community meetings that are held at times and locations accessible to low-income residents.

(7) All public documents and meetings related to the planning process are translated into all languages spoken by at least 25 percent of residents of the sensitive community.

(8) The community plan is adopted before July 1, 2025.

(d) Each city and each county shall make reasonable efforts to develop a community plan for any sensitive communities within its jurisdiction. A community plan may address other locally identified priorities, provided they are not in conflict with the intent of this chapter or any other law. A city or county may designate a community plan adopted before July 1, ~~2020~~, **2023**, as the plan that meets the requirements of this ~~paragraph~~, **subdivision**, provided that the plan meets all criteria in this section.

(e) Notwithstanding any other provision of this section, Sections 65918.51 to 65918.54, inclusive, shall apply in any sensitive community if all of the following apply:

(1) At least 20 percent of adult residents of the sensitive community sign a petition attesting that the community desires to make the provisions of Sections 65918.51 to 65918.54, inclusive, applicable in the area. The petition shall describe in plain language the planning standards set forth in Sections 65918.51 to 65918.54, inclusive; b

translated into all languages spoken by at least 25 percent of residents in the affected area; and collect contact information from signatories to the petition, including first, middle, and last name, mailing address, and phone number and email address if available.

(2) The local government has verified the petition to ensure compliance with paragraph (1).

(3) Following signature verification, the ~~local government~~ *city or county* provides public notice and opportunity to comment to residents of the affected area and holds a minimum of three public hearings in the affected area at a time and in a place and manner accessible to low-income residents and other vulnerable populations.

(4) The governing body for the city or county in which the sensitive community is located determines, by majority vote, to apply this chapter in the affected area.

(f) It is the intent of the Legislature to consider all of the following:

(1) Tasking local government entities with greater community connection with convening and administering the process for identifying sensitive communities.

(2) Requiring review by the Department of Housing and Community Development of the designation of sensitive communities.

**65918.59.** *(a) On or before July 1, 2021, the Governor's Office of Planning and Research, in consultation with the Department of Housing and Community Development, shall develop and publish on its internet website rules, regulations, or guidelines for the submission and approval of a local flexibility plan. The rules, regulations, or guidelines shall include requirements that the local government demonstrate that the local flexibility plan would do the following:*

*(1) Affirmatively further fair housing, as that term is defined in Section 8899.50, to an extent as great or greater than if the local government were to grant equitable communities incentives in fulfillment of Section 65918.51.*

*(2) Achieve a standard of transportation efficiency as great or greater than if the local government were to grant equitable communities incentives in fulfillment of Section 65918.51.*

*(3) Increase overall feasible housing capacity for households of lower, moderate, and above moderate incomes, considering economic factors such as cost of likely construction types, affordable housing requirements, and the impact of local development fees.*

*(b) On or after July 1, 2021, a local government may submit a local flexibility plan for review and approval by the Department of Housing and Community Development pursuant to the rules, regulations, or guidelines adopted pursuant to subdivision (a).*

*(c) A local government submitting a local flexibility plan and the Department of Housing and Community Development shall process, review, and certify the local flexibility plan as expeditiously as possible after local community planning and stakeholder outreach is complete.*

*(d) Any rule, regulation, or guideline developed and published by the Governor's Office of Planning and Research pursuant to this section shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.*

**SEC. 5.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



## CITY OF MILPITAS AGENDA REPORT (AR)

|                        |                                                                                                                                                                                                                                                                                                                   |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>     | <b>Follow Up on Councilmember requests from January 7, 2020</b>                                                                                                                                                                                                                                                   |
| <b>Category:</b>       | Leadership and Support Services                                                                                                                                                                                                                                                                                   |
| <b>Meeting Date:</b>   | 1/21/2020                                                                                                                                                                                                                                                                                                         |
| <b>Staff Contact:</b>  | Steven McHarris, Interim City Manager, 408-586-3059<br>Chris Diaz, City Attorney, 408-586-3040                                                                                                                                                                                                                    |
| <b>Recommendation:</b> | <ol style="list-style-type: none"> <li>1. Receive staff report on planned follow up actions for Councilmember requests from January 7, 2020 and provide input to staff.</li> <li>2. Provide direction to staff on pending agenda item requests and process for adding items to future Council agendas.</li> </ol> |

### **Background:**

At the January 7, 2020 City Council meeting, under the Announcements section of the agenda, individual Councilmembers noted their interest and made requests related to various topics. This staff report summarizes the requests and provides information on planned follow up actions in order to seek Council consensus and/or solicit additional Council input.

### **Analysis:**

The item requests along with planned follow up actions are described below:

**1. An update from staff on Senate Bill 50**

Staff will provide a legislative update and key items for Council consideration and discussion on January 21, 2020.

**2. A staff report on speed enforcement cameras, like those being used in Fremont**

Staff received further clarification on this item from Councilmember Phan, who made the request, and will bring back this topic for further Council input at the January 28, 2020 Budget Study Session.

**3. Parking in the Pines neighborhood (including a timeline) and timed parking pilot near BART**

Staff will bring an update on both topics to Council on February 18, 2020. In the current Adopted CIP, the Pines parking project was deferred to FY 2020-2021 CIP as additional time was needed to monitor the situation after certain parking management mitigation measures had been implemented by adjacent apartment buildings. Staff will seek further Council input as part of the March 24 CIP Budget Study Session and community input during the FY 2020-2021 budget meetings.

**4. Police Substation**

Staff is tracking Valley Transportation Authority's (VTA) efforts related to the contract for supplemental law enforcement services for the Milpitas BART Station and will keep Council updated. In the 2019-2024 Capital Improvement Program, Council approved a Transit Area Police Substation. A Police Substation is desired on or near the Milpitas BART Station property. This substation will service the entire Transit Area and contribute to a police deployment that will aid in maintaining low response times. VTA has extended their current contract with the County Sheriff's Office until March 31, 2020.

**5. Traffic Calming, including flashing beacons**

Discussion at next Transportation Committee meeting scheduled on February 12, 2020. Staff will seek further input from the community and the Council through the FY 2020-2021 budget process.

**6. Potential ban on vaping in Milpitas**

Staff will prepare an Informational Memo by January 24, outlining current efforts on this topic, grant opportunities, and potential next steps to move this forward and will seek additional Council input on this topic at the January 28 Budget Study Session.

**7. Dumpster Days**

Staff will include this as a discussion topic at the January 28, 2020 Budget Study Session to seek further Council direction.

In addition to the items listed above, Council also referenced pending Council agenda item requests that have been submitted to the Rules Subcommittee. Those items have not been discussed or prioritized to date although some are included in the items listed above or overlap with other items (see attached list). Staff would like Council direction on whether to bring these items forward for Council discussion as part of the annual budget process or separately at a future Council meeting.

Additionally, staff is also seeking clarification and direction on desired process for placing items requested by Councilmembers on future Council agendas.

**Fiscal Impact:**

Not applicable

**California Environmental Quality Act:**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**Recommendations:**

1. Receive staff report on planned follow up actions for Councilmember requests from January 7, 2020 and provide input to staff.
2. Provide direction to staff on pending agenda item requests and process for adding items to future Council agendas.

**Attachment:**

List of Council agenda item requests

### COUNCIL AGENDA ITEM REQUESTS

| Line Number | Council Agenda Item Requests [AK1]                                                                 | City Council Members                    | Status                     |
|-------------|----------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------|
| 1           | Renaming of Dixon Landing Road to Barack Obama Blvd. (8/20/2019)                                   | Vice Mayor Nuñez and Councilmember Phan | Pending                    |
| 2           | Community Museum and Park (8/20/2019)                                                              | Vice Mayor Nuñez and Councilmember Phan | Overlap with item 3        |
| 3           | Feasibility Study of Community Theatre (8/20/2019)                                                 | Vice Mayor Nuñez and Councilmember Phan | Included in January 7 list |
| 4           | Social Media (8/20/2019)                                                                           | Vice Mayor Nuñez and Councilmember Phan | Pending                    |
| 5           | Proclamation and Commendation Process (8/20/2019)                                                  | Vice Mayor Nuñez and Councilmember Phan | Pending                    |
| 6           | Renaming of Augustine Memorial Park to "Sunnyhills Albert Augustine Jr. Memorial Park" (9/16/2019) | Mayor Tran and Councilmember Montano    | In Progress                |
| 7           | Union Pacific Railroad Quiet Zone (9/16/2019)                                                      | Mayor Tran and Councilmember Montano    | Pending                    |
| 8           | Green Bike Lanes (CIP) (9/16/2019)                                                                 | Mayor Tran and Councilmember Montano    | Pending                    |
| 9           | Dumpster Days (9/16/2019)                                                                          | Mayor Tran and Councilmember Montano    | Included in January 7 list |
| 10          | Renewal of Sister City Relationship with Dagupan, Philippines (9/16/2019)                          | Mayor Tran and Councilmember Montano    | Done                       |





## CITY OF MILPITAS AGENDA REPORT (AR)

|                         |                                                                                                                                                                                                          |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item Title:</b>      | <b>Approve the Milpitas Parks, Recreation and Cultural Resources Commission Work Plan for Fiscal Year 2019-20 and Consider Approval of the Sister Cities Cultural and Community Relationship program</b> |
| <b>Category:</b>        | Leadership and Support Services                                                                                                                                                                          |
| <b>Meeting Date:</b>    | 1/21/2020                                                                                                                                                                                                |
| <b>Staff Contact:</b>   | Renee Lorentzen, 408-586-3409                                                                                                                                                                            |
| <b>Recommendations:</b> | 1) Approve proposed Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan and<br>2) Consider approval of the Sister Cities Cultural and Community Relationship program       |

### **Background:**

The Milpitas Parks, Recreation and Cultural Resources Commission was originally established in May 1964, with the purpose of advising City Council on matters pertaining to recreation, bicycle, and pedestrian trails and access, historic preservation, planning and development of new and existing parks and facilities, and identifying, protecting, and enhancing structures and other features reflecting special aspects of the City's cultural heritage. The Commission's Fiscal Year 2019-20 Work Plan identifies goals, projects and ongoing tasks that the Commission plans to accomplish in this fiscal year.

At its September 9, 2019 meeting, Commissioners discussed and voted to move forward their 2019-20 Work Plan to the City Council for final approval.

At the December 17, 2019, City Council directed that the Parks, Recreation and Cultural Resources Commission begin advising City Council on the Sister City relationships and programs as they pertain to culture and community benefit, under the Commission's "Cultural Resources" advisory area; to update the Commission Work Plan to reflect the added advisory area; and to have staff return to City Council with a new program as recommended by PRCRC at the January 21, 2020 City Council meeting.

On January 6, 2020, PRCRC met and made recommendations for City Council consideration and approval of a new Sister Cities culture and community relationship program as part of the Commission's Work Plan.

### **Analysis:**

The Parks, Recreation and Cultural Resources Commission advisory area and Work Plan goals are in support and alignment with the City Council Priority Area "Community Wellness and Open Space."

Key proposed tasks are detailed below with lead task resource in parenthesis:

#### **Park Name History Project**

1. Research Park Names & Develop Park Bios (Comm Subcommittee)
2. Update online webpage with map highlighting parks and corresponding name biographies (Commission & Staff)
3. Promote public awareness of Park Naming History (Commission)

### **Master Plan Updates and/or Recommendations**

1. Receive updates and provide any requested feedback on the Parks and Recreation Master Plan (Commission)
2. Receive update and provide recommendation for final City Council acceptance of the Bicycle and Pedestrian Trails Master Plan (Commission)

### **City Historic Sites**

1. Review current list of Historic Sites on the local and national registries (Commission)
2. Create online webpage with map highlighting Historic Sites and corresponding location information (Commission & Staff)
3. Work with Historical Society on promoting its Annual Historic Sites Tour (Comm Subcommittee)
4. Promote public awareness of Milpitas Historic sites (Commission)

### **Park Project Review**

1. Receive presentation and make recommendation for final City Council approval on Park Projects as part of Private Development plans (Commission)
2. Receive presentation and make recommendation for final City Council approval on new Public Park Projects or existing Public Park Renovation Projects (Commission)

### **Make recommendation on Annual CIP**

1. Make recommendations for City Council consideration on Park project priority as part of the Capital Improvement Program (Commission)

### **Family Bike Mini-Event**

1. Review past Family Bike Event (Commission)
2. Select bike ride route (Comm Subcommittee)
3. Promote public awareness to encourage participation (Commission & Staff)

### **Sister Cities Culture and Community Relationship**

1. Review and make recommendation on new Sister Cities Cultural and Community Benefit process (Commission)
2. Establish list of existing international "sister" relationships (Commission & Staff)
3. Conduct outreach to existing organizations with international "sister" relationships (Commission & Staff)
4. Recommend new/renew Friendship and/or Sister City relationships (Commission)

### **Sister Cities Culture and Community Relationship Program Overview**

#### Existing Conditions

In response to City Council request, staff researched Sister City programs in other cities, including but not limited to the cities of Monterey, Pleasanton and Livermore. Cities participating in international relationship programs do so through either or both Sister City relationships and Friendship City relationships. Generally, friendship cities are less formal than sister cities. In some cities, "friendship city" is often used as a first stage in the relationship, and after it is strengthened, and the partners are sure they want a long-term relationship they will become "sister cities." Friendship cities are typically handled by letters of agreement between mayors where sister cities are memorialized through formal memoranda of understanding.

In several of the cities participating in a sister cities relationship, there is a group of residents formed either formally (non-profit) and informally as associations, that serve as the lead contact group for a sister city. These associations are not managed by their city but work with them to help promote the sister city relationships within the community. These associations also manage and coordinate delegation visits and exchanges, as well as events around a sister city relationship.

Staff also researched existing international "sister" relationships in Milpitas. Currently staff is aware of international relationships and/or exchanges with:

- Two service clubs (Rotary, Lions Executive)
- Sister Schools at the Jr. High and High School level

Based off the nearby city research, existing international “sister” relationships, and comments made at the December 17 City Council meeting, a new Milpitas Sister Cities culture and community relationship program would be community based and led, with the City taking a supportive role.

## Roles

### **City**

City staff and commissioners would provide support for the creation of informal, resident run “Friendship Associations” for Sister Cities relationships made directly with the City and would offer support to those external groups already formed and operating. In both scenarios, the City’s main contributions would be local government exchange information, staff presentations, and dignitary presentations and commendations.

The PRCRC would advise City Council on new requests for sister city relationships focused on culture and community, requests from an established friendship association or community group/service club for support beyond the scope of the City Council approved program, and/or any other matter pertaining to Sister Cities cultural and community relationships.

### **Friendship Associations**

The friendship association would be the point of contact for the sister city. It would help promote the sister city relationships within the community through educational campaigns, coordinate delegation visits and exchanges, communication exchange program(s) i.e. “pen pals,” as well as events and fundraising related to the sister city relationship.

### Delegations

Delegation visits and exchanges would not be required as part of a Sister City culture and community relationship. Delegations both to Milpitas and from Milpitas would be the responsibility of the Friendship Associations. The City would provide staff presentations, scheduled dignitary presentations and commendations to visiting delegations as requested. For delegations going from Milpitas to a sister relationship city, the City would provide appropriate dignitary commendations and messaging.

### New Relationship Requests

Requests for the City of Milpitas to form a new sister city relationship would be received through staff via an application process that would assist in determining the current demographics, overall identity of the city, similarities and differences to Milpitas, and if the new city relationship would be based on cultural/community, or trade and commerce. The PRCRC would review applications pertaining to culture and community, and make recommendations to City Council for consideration and final approval or denial.

### **Fiscal Impact:**

Marketing costs associated with the promotion of the Family Bike Mini-Event, Bike to Work Day and History Site promotion are estimated not to exceed \$700 and are within the Commission’s \$1,000 budget.

The City’s budget for supplies for Sister Cities Programs is \$6,240. These monies will be shared between Sister Cities programs related to cultural and community relationships and trade and commerce through the Economic Development and Trade Commission. This budgeted amount is adequate for Sister Cities programs for the remainder of the Fiscal year.

There is no additional fiscal impact to the Fiscal Year 2019-20 budget associated with any of the remaining items on the PRCRC Work Plan.

### **Recommendations:**

- 1) Approve proposed Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan
- 2) Consider approval of the Sister Cities Cultural and Community Relationship program.

**Attachment**

Draft Parks, Recreation and Cultural Resources Commission Fiscal Year 2019-20 Work Plan

**Parks, Recreation and Cultural Resources Commission**  
**Work Plan FY 2019-2020**

**DRAFT**

**Work Plan Goals:**

Advise City Council on recreation, park, and historic preservation activities; review and recommend planning and development of new and existing parks and recreation facilities; recommend protecting and enhancing special aspects of the City's heritage

| <u>Topic/Advisory Area</u>               | <u>Tasks</u>                                                                           | <u>Required Resources</u>                     | <u>Deadline</u> |
|------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------|-----------------|
| <b>Park Name History Project Phase I</b> | 1. Establish Subcommittee                                                              | Commission, Staff, Grants                     | Mar-20          |
|                                          | 2. Research Park Names & Develop Bio                                                   | Historical Society                            |                 |
|                                          | 3. Create online webpage (Comm & Dept.)                                                |                                               |                 |
|                                          | <b>Potential Phase II - (next FY)</b>                                                  |                                               |                 |
|                                          | 4. Cost out physical park markers                                                      |                                               |                 |
|                                          | 5. Seek Grants/Identify Funding                                                        |                                               |                 |
|                                          | 6. Seek CC approval                                                                    |                                               |                 |
|                                          | 7. Marker Development & Installation                                                   |                                               |                 |
|                                          |                                                                                        |                                               |                 |
|                                          |                                                                                        |                                               |                 |
| <b>Park and Recreation Master Plan</b>   | 1. Hear Updates and/or Receive presentation on Park and Recreation Master Plan         | Commission, Staff                             |                 |
|                                          |                                                                                        |                                               |                 |
|                                          |                                                                                        |                                               |                 |
| <b>Annual Park/Facility Tour</b>         | 1. Determine theme for tour                                                            | Commission , Staff                            | Annually - June |
|                                          | 2. Confirm location(s)                                                                 |                                               |                 |
|                                          | 3. Conduct Tour                                                                        |                                               |                 |
|                                          |                                                                                        |                                               |                 |
| <b>Quarterly Reports</b>                 | 1. Receive Quarterly Reports from Recreation Staff on: Community Garden, Program areas | Staff                                         | Quarterly       |
|                                          | Allocations, Recreation, Trends, CIP, Special                                          |                                               |                 |
|                                          | Events                                                                                 |                                               |                 |
|                                          |                                                                                        |                                               |                 |
| <b>Review Historic Site List</b>         | 1. Review Plan and make updates to goals, themes, priorities                           | Commission, Staff, County, Historical Society | May-20          |
|                                          | 2. Create online component                                                             |                                               |                 |
|                                          | 3. Work with Historical Society on Annual Tour                                         |                                               |                 |
|                                          |                                                                                        |                                               |                 |

**Parks, Recreation and Cultural Resources Commission**  
**Work Plan FY 2019-2020**

**DRAFT**

|                                                 |                                                                                               |  |                                       |                           |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------|--|---------------------------------------|---------------------------|
| <b>Bicycle &amp; Pedestrian Trails</b>          | 1. Receive presentation on Bicycle and Pedestrian Trails Master Plan                          |  | Commission, Staff                     | Ongoing/Per project       |
|                                                 | 2. Review Family Bike Day Mini Event                                                          |  |                                       |                           |
|                                                 | 3. Review City Trail system updates                                                           |  |                                       |                           |
|                                                 | 4. Bike to Work Day                                                                           |  |                                       |                           |
|                                                 |                                                                                               |  |                                       |                           |
| <b>Ongoing Review</b>                           | 1. Private Development Projects including                                                     |  | Commission, Staff                     | Ongoing/Per project       |
|                                                 | open space                                                                                    |  |                                       |                           |
|                                                 | 2. Make recommendation on Annual CIP Park                                                     |  |                                       |                           |
|                                                 | Improvement Projects & Priorities                                                             |  |                                       |                           |
|                                                 |                                                                                               |  |                                       |                           |
| <b>Sister Cities Program (Cultural Benefit)</b> | 1. Review and make recommendation on new Sister Cities Cultural and Community Benefit process |  | Commission, Community Partners, Staff | Ongoing/Per relationships |
|                                                 | 2. Establish list of existing international "sister" relationships                            |  |                                       |                           |
|                                                 | 3. Conduct outreach to existing organizations with international "sister" relationships       |  |                                       |                           |
|                                                 | 3. Recommend new/renew Friendship and/or Sister City relationships                            |  |                                       |                           |
|                                                 |                                                                                               |  |                                       |                           |
|                                                 |                                                                                               |  |                                       |                           |
|                                                 |                                                                                               |  |                                       |                           |



**Parks, Recreation and Cultural Resources Commission  
Work Plan FY 2019-2020**

**DRAFT**

# **MILPITAS CITY COUNCIL MEETING**

## **PREVIEW OF AGENDA ITEMS**

**FEBRUARY 4, 2020**

### **PRESENTATIONS**

Commendations for 2019 Manufacturing Day (Alex Andrade)  
Proclaim Boy Scout Anniversary Week for Feb 2-9, 2020  
Proclaim February as Black History Month

### **CONSENT CALENDAR**

- 1) Receive City Council calendar for February 2020 (Mary Lavelle)
- 2) Approve City Council meeting minutes of January 21, 2020 (Mary Lavelle)
- 3) 2<sup>nd</sup> reading/Adopt Ordinance No. 38.838 for zoning change (Robson Homes project) (Ned Thomas)
- 4) 2<sup>nd</sup> reading/Adopt Ordinance No. 304 for Skate Park Regulations (Tegan McLane)
- 5) Adopt a Resolution Accepting Public Improvements and Approving Bond Reduction for Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive by DR Horton CA3 Inc. and Granting Authorization to City Engineer to Release Performance Bond After 1-year Warranty Period.(Kan Xu)
- 6) Adopt a Resolution Approving Agreement for Sole Source Purchase over \$100,000 for Central Square Software - Permit System Upgrade (Mike Luu, Chris Schroeder)
- 7) Accept California OES Public Safety Communications Division, CA 9-1-1 Emergency Communications Branch Annual Training Allotment of up to \$10,000 for FY 2019-20 (Henry Kwong)
- 8) Award Bid and Approve Contract for Notice Inviting Bids 2390 for Citywide Parks and Playgrounds Rehabilitation (Tony Ndah)
- 9) Consider Approval of Fee Waiver Requested by the Nuñez Community Foundation for Rental of Community Center Auditorium for March 4 Health Wellness Fair (Mary Lavelle)

### **COMMUNITY SERVICES**

- 10) Report from Chief Executive Officer of Silicon Valley Clean Energy and staff concerning SVCE, Pacific Gas & Electric on the San Jose Mayor's plan (Tony Ndah)

### **PUBLIC SAFETY**

- 11) Receive Emergency Management Consultant Report (Brian Sherrard)

### **LEADERSHIP**

- 12) From 12/17/19: Resolution amending Classification Plan for new position (Liz Brown)

### **REPORT**

- 13) Hear report of Councilmember related to supporting elimination of discrimination against women (Karina Dominguez)

### **COMMISSION**

- 14) Approve Science, Technology and Innovation Commission work plan for 2020 (Mike Luu)

### **PREVIEW NEXT AGENDA**

- 15) Preview list of agenda items for February 18, 2020 City Council meeting (Mary Lavelle)