



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, FEBRUARY 4, 2020
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
5:30 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)
Viashali Nikam and Vijaya Nikam v Devin J.R. Pedranti, City of Milpitas, et al., Santa Clara County Superior Court, Case No. 18CV326668

b) 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

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 LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6
Agency designated representatives: Mayor Rich Tran
Unrepresented Employee: City Manager

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****PRESENTATIONS**

- Presentation of "Key to the City" to Carl Guardino
- Commendations for Manufacturing Day 2019 Partners

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.

ANNOUNCEMENTS**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 Calendar of Meetings for February 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive City Council Calendar of Meeting for February 2020 from the City Clerk.

C2. Approve Meeting Minutes of the January 21, 2020 City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft City Council meeting minutes of the January 21, 2020 regular meeting.

C3. Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map (Staff Contact: Adrienne Smith, Associate Planner, 408-586-3287)

Recommendation: Move to Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation, Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map.

C4. 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 order(s) in an aggregate amount not to exceed \$265,000 for the Project.

C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive by D.R. Horton CA3, Inc. and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

1) Adopt a resolution (a) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; and (b) approve a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period; and,

(2) Grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

C6. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 3, 2020 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 3, 2020.

C7. Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020 and Approve the Related Budget Amendment (Staff Contact: Henry Kwong, 408-586-2419)

Recommendations:

1) Accept the Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.

2) Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

C8. Consider and approve a Fee Waiver for the Nuñez Community Foundation (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Health and Wellness Fair.

C9. Consider Community Member Request to Rename Albert Augustine Jr. Memorial Park to "Albert Augustine Jr. Memorial Park Jr. Park of Sunnyhills" (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Approve Request from a Community Member to rename Albert Augustine Jr. Memorial Park to "Albert Augustine Memorial Park Jr. of Sunnyhills."

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

10. Receive Update and Presentation from Silicon Valley Clean Energy (Staff Contact: Elaine Marshall, 408-586-2603)

Recommendation: Receive update and presentation from Silicon Valley Clean Energy

11. Receive Update on Preliminary Energy and Water Savings Conservation Measures for Implementation on City Facilities and Land (Staff Contact: Tony Ndah, 408-586-2602)

Recommendations:

1) Accept the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc.

2) Provide input to staff on Preliminary Conservation Measures

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

COMMISSION REPORTS

12. 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

13. Receive and approve the Science, Technology & Innovation Commission Work Plan 2019-2020 (Staff Contact: Mike Luu, 408 586-2706)

Recommendation: Receive report and approve the Science Technology and Innovation Commission Work Plan 2019-2020

NEXT AGENDA PREVIEW

14. Receive Preview of February 18, 2020 City Council Meeting Agenda (Staff Contact: Mary Lavelle, 408 586-3001)

Recommendation: Receive Preview of February 18, 2020 City Council Meeting Agenda as presented by the City Clerk.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: 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 by selecting the Milpitas Municipal Code link.

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

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at 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 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.

C1. Receive City Council Calendar of Meetings for February 2020 (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Receive City Council Calendar of Meeting for February 2020 from the City Clerk.

January 2020						
S	M	T	W	T	F	S
	5	6	7	1	2	3
12	13	14	15	8	9	10
19	20	21	22	16	17	18
26	27	28	29	23	24	25
			30	31		

March 2020						
S	M	T	W	T		S
	1	2	3	4	5	6
8	9	10	11	12	13	14
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 7:00 PM-Parks, Recreation & Cultural Resources Commission (AP)	4 12:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (RT) ?:00 PM-Closed Session 7:00 PM-City Council	5 5:30 PM-Veterans Commission (RT) 7:00 PM-Community Advisory Commission (BN)	6 5:30 PM-Milpitas Chamber of Commerce Board (CM) 5:30 PM-Santa Clara VTA Board of Directors (RT)	7	8 2:00 PM-Black History Month Flag Raising & Film Screening (Cesar Chavez Plaza)
			League of CA Cities -City Managers Conference Interim City Manager Steve McHarris			
9	10 4:30 PM-Economic Development and Trade Commission (KD)	11	12 4:30 PM-City Council Transportation Subcommittee (RT/CM) 6:00 PM-Project Sentinel Drop-In Clinic 7:00 PM-Silicon Valley Clean Energy Board of Directors (CM) 7:00 PM-Planning Commission	13 4:00 PM-Treatment Plant Advisory Committee (CM) 4:00 PM-Santa Clara VTA Policy Advisory Committee (KD) 7:00 PM-Youth Advisory Commission (AP) 7:00 PM-Cities Assoc of SCC (CM)	14	15
16	17 PRESIDENT'S DAY  CITY HALL CLOSED	18 ?:00 PM-Closed Session 7:00 PM-City Council	19 6:00 PM-Energy and Environmental Sustainability Commission (BN)	20	21 9:00 AM-Santa Clara VTA Board of Directors Workshop (RT)	22
23	24 7:00 PM-Science, Technology, and Innovation Commission (BN)	25 1:30 PM-Senior Advisory Commission (AP)	26 6:00 PM-Project Sentinel Drop-In Clinic 7:00 PM-Project Sentinel Informational Workshop 7:00 PM-Planning Commission	27 4:00 PM-City Council City/MUSD Collaborative Subcommittee (RT/CM)	28 12:00 PM-City Council Finance Subcommittee (RT/CM)	29

C2. Approve Meeting Minutes of the January 21, 2020 City Council meeting (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Approve draft City Council meeting minutes of the January 21, 2020 regular meeting.

Draft **MEETING MINUTES**
CITY OF MILPITAS

Minutes of: **Regular Meeting of the Milpitas City Council**
Date: **Tuesday, January 21, 2020**
Time: **6:00 PM Closed Session**
7:00 PM Open Session
Location: **Council Chambers, Milpitas City Hall,**
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Tran called the meeting to order at 6:02 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano and Phan

ABSENT: None

CLOSED SESSION City Council convened in Closed Session to discuss three matters listed on the agenda (two related to litigation, and one employment matter). Item (c) from the agenda was not considered. Council exited Closed Session and came to the dais at 7:40 PM.

ANNOUNCEMENT City Attorney Diaz stated there was no reportable action out of Closed Session, and that City Council would reconvene in Closed Session at the conclusion of the Open Session agenda.

PLEDGE Mayor Tran led all in the pledge of allegiance.

INVOCATION Councilmember Phan welcomed and wished everyone a Happy New Year.

PUBLIC FORUM Rob Means, resident, discussed Personal Rapid Transit (PRT).

Mrs. Means, resident, was in support of PRT.

Mike Pellazari, resident, said most residents did not know what days street sweeping in Milpitas would occur, so he requested signs be posted, as done in San Jose.

Councilmember Montano responded that the Council's Transportation Subcommittee had discussed that topic, and was exploring what the resident mentioned.

Yolie Garcia, resident, stated traffic was difficult in Milpitas.

Barbara Martens, resident, stated traffic was bad throughout Milpitas.

Vice Mayor Nuñez asked for a copy of the Ms. Marten's comments, that she had prepared in writing.

Councilmember Dominguez wanted to clarify process and asked City Manager or City Attorney if it was correct that Councilmembers could not have a dialogue with speakers. City Attorney Diaz responded that the Brown Act officials to briefly respond, but have no discussion with fellow Councilmembers. Mayor and Councilmembers could also give direction to staff. She asked the Mayor, for the Council, to define "brief" and to move items along.

Lee Springer, Parktown area resident, stated how bad traffic had become and supported PRT.

John Agg, a 25 year resident, said there was a need for people moving, partly due to the many new developments.

Tom Valore, resident, was confused about how to get something on the City Council agenda, such as Rob Means' PRT.

Frank DeSmidt announced upcoming Chamber of Commerce and Rotary Club events.

Matt Tinsley, from the Santa Clara County Office of Education, supported full time care for pre-schoolers throughout the county. He stated Milpitas families were eligible for state assistance and provided printed information for the City Council.

Student Kristin Dang thanked the Mayor and City Council for supporting Center Stage Performing Arts and attending shows. She displayed videos of support (testimonials).

Student Natalie Bradford thanked the City Council for support of the theater group and displayed a video of the group performing at Disneyland.

Voltaire Montemayor, resident, enjoyed stage singing and dancing.

ANNOUNCEMENTS

The City Clerk announced results of a vote of the property owner/voter in an election on annexation no. 18 for one parcel to be added into Community Facilities District No. 2008-1: one voter voted "yes," related to consent agenda item no. 4.

The City Manager announced a proposal to have a parade to honor Milpitas High School Trojans football team, which won state championship in its division. City Attorney Diaz said staff was seeking a yes or no answer on whether Council wanted work on the item. Assistant City Manager Ashwini Kantak noted there was a Special City Council meeting on January 28. If directed by the Council, staff would bring the parade topic including fee waiver on January 28, per consensus of the Council. Mayor and City Councilmembers all expressed support for the parade. The parade would be held on Saturday morning, February 1 at 10:00 AM.

Councilmember Dominguez commented on PRT in terms of process as residents were looking for what just happened with the parade. Community members were asking for staff time on the subject, so she asked the Council to consider having staff spend four or more hours of staff time on PRT.

Mayor Tran reminded his colleagues that there was a Rules Subcommittee and would like this topic to move there to decide about having it on the Council's agenda. He was ready to meet.

Vice Mayor Nuñez commented the process had morphed into using Announcements to have items brought back to City Council. The Transportation Subcommittee would meet soon, so he inquired where this topic would go. He was concerned about direction to staff on issues.

City Manager McHarris responded about the Transportation Subcommittee's role and recommended passing the PRT topic to that body and the members could decide whether to recommend it or not to the full City Council.

Councilmember Dominguez distributed a written memo regarding the Rules Subcommittee to each Councilmember and then read it aloud. The City Attorney noted that agenda item no. 19 addressed this process.

Vice Mayor Nuñez asked Mayor Tran if there was any difference in what the City Manager was asking versus what Ms. Dominguez sought. If his colleagues wanted the Rules Subcommittee to work, the Council needed to get to work.

Mayor Tran agreed with Vice Mayor Nuñez, and appreciated the memo in writing.

Councilmember Dominguez asked for confirmation that Council had already given direction on a special meeting to discuss the Rules Subcommittee and the Housing Authority. The City Manager confirmed.

Councilmember Phan requested Mayor Tran present Carl Guardino with a key to the City at the next City Council meeting, upon his announced upcoming retirement from the Silicon Valley Leadership Group. Mayor Tran agreed so long as all Councilmember names were printed on the key.

Vice Mayor Nuñez addressed three topics: (1) on comments regarding early childhood education, he wanted to follow up on what County staff requested for young children; (2) he went to the School District and observed electric school buses and learned that some districts had buses purchased but not in use, due to lack of charging stations, and suggested these could be put to use; and (3) thanked his recent intern from San Jose State University, who worked on a parklets study.

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 amended

City Attorney Diaz said agenda item no. C3 (McCandless Well project) would be removed from agenda (to be rescheduled).

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

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

CONSENT CALENDAR

Motion: to approve the consent calendar including agenda items no. 1 – 4, 7, 9-12, 14

Councilmember Phan asked to move up an item (no. 18) to be heard after the public hearing (no. 15).

Vice Mayor Nuñez requested removal of items no. C5, C6, C8 and C13 from consent.

Motion/Second: Councilmember Phan/Councilmember Montano

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

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| C1. Council Calendar | Received City Council calendars for January and February 2020. |
| C2. Meeting Minutes | Approved City Council meeting minutes of January 7, 2020. |
| C3. Two Resolutions –
McCandless Well | Item was removed from the agenda and would be continued to a future City Council meeting. |
| C4. Resolution | <p>(1) Following receipt of election results from the City Clerk indicating one yes vote, adopted Resolution No. 8936 certifying election results and adding Tract No. 10522 to Community Facilities District 2008-1 (Annexation No. 18); and</p> <p>(2) Approved Final Tract Map No. 10522, and accepted all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements; and</p> <p>(3) Approved and authorized the Interim City Manager to execute the Subdivision Improvement Agreement between the City of Milpitas and SJ Main St, LLC.</p> |
| 5. Resolution | Vice Mayor Nuñez had a question about lawsuits and claims. He would talk to the City Attorney separately as it was regarding pending litigation. |

Motion: to adopt Resolution No. 8937 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

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

6. Resolution

Item was not heard and was continued to the next meeting.

C7. Stormwater Agreement

Approved and authorized 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.

8. Amendment to Agreement with JP Graphics

Vice Mayor Nuñez asked if the City had studied costs for printing and whether there was any need to hire back print shop staff.

Motion: to 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 an amount not to exceed \$857,510

Motion/Second: Vice Mayor Nuñez/Councilmember Phan

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

Following the vote above, the City Council returned to Closed Session at 11:52 PM. All items not yet considered would move to the Special Meeting on Tuesday, January 28.

C9. Purchase Orders for Public Safety Uniforms

(1) Authorized 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) Authorized 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 remained acceptable to the City.

C10. Side Letters

Approved 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. Side Letter

Approved 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. Side Letter

Approved the 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.

13. Chandler Asset Management

Item was not heard and was continued to the next meeting.

C14. Approve Travel

- (1) Authorized and approved travel for Vice Mayor Nuñez, Councilmember Montano, and Interim City Manager McHarris to attend the League of California Cities *New Mayors & Council Members Academy* in Sacramento, CA on January 22–24, 2020, for a total combined estimated amount of \$5,800.
- (2) Authorized and approved travel for Interim City Manager McHarris to attend the League of California Cities *City Managers Conference* in Napa, CA on February 5–7, 2020, for a total estimated amount up to \$1,500.

PUBLIC HEARING

15. Resolution and Ordinance
for residential development
1005 N. Park Victoria Dr.

Planning Director Ned Thomas reminded City Council that this project came before the City Council previously on November 19, 2019.

Associate Planner Adrienne Smith described the Robson Homes residential development project and Council's direction for an adjustment to single family homes to be constructed at 1005 N. Park Victoria Drive, including four "duet" homes, alongside 34 single family homes and 10 accessory dwelling units. She explained required environmental and related documents necessary for the project's approval.

Mayor Tran opened the public hearing.

Mark Robson of Robson Homes thanked the City staff for working with him on Council direction on the project.

Voltaire Montemayor, resident, was in favor.

Frank Evans, resident, commented on prior public opposition to this project and said the zoning change was not appropriate for the neighborhood.

Councilmember Montano left the dais at 9:08 PM.

(1) Motion: to close the public hearing, following three speakers

Motion/Second: Vice Mayor Nuñez/Councilmember Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Montano)

Mayor Tran stated this would be the first housing development he favored, since he was first elected. He was pleased with the below market-rate homes in the project.

Councilmember Montano returned to the dais at 9:16 PM.

Mayor Tran asked questions of Mr. Robson who responded along with his architect.

Vice Mayor Nuñez requested explanation on the number of duet homes, the affordable units in the project. Mr. Robson explained the layout for the two "duets" to be built, and the remainder was a "fraction" of the inclusionary ordinance requirement that would be paid in fee.

Councilmember Phan favored the project.

Councilmember Montano asked about Fire Department requirements for emergency vehicle access.

Councilmember Dominguez thanked Mr. Robson for engagement with the community and asked about new home pricing, and stated she wanted to support more all-affordable building.

Mayor Tran said the only way to get 100% affordable housing at this or other sites would be high density in tall buildings, which he would not support.

Councilmember Montano and Phan expressed support for high quality of Robson houses. Councilmember Phan believed that Robson Homes actually would build them, and not sell to another builder, as often occurs.

Councilmember Dominguez stated she would not support the project due to the low number of affordable housing units.

(2) Motion: to adopt Resolution No. 8939 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program to comply with California Environmental Quality Act; approving the revised project including a General Plan Amendment, Planned Unit Development, Site Development Permit and Vesting Tentative Map to allow development of a residential subdivision (by Robson Homes) with 34 market rate single-family homes, four below market-rate paired homes and 10 accessory dwelling units on a 4.88-acre site at 1005 N. Park Victoria Drive; and, allow an exception to the Affordable Housing Ordinance to allow payment of fees in lieu of providing a full 15% of units as below-market-rate units

One modification to Condition of Approval No. 3 was included in the motion, read aloud by City Attorney Chris Diaz: to modify Condition No. 3 Effective Date as follows: “Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date Ordinance No. 38.838 becomes effective.”

Mayor Tran requested to include his amendment for a traffic calming emphasis in terms of signs showing kids holding hands, kids at play, speed limit at 15 mph, paint on the ground blended into the project, subject to the approval of the City Engineer.

Motion/Second: Councilmember Montano/Councilmember Phan

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

City Attorney Diaz read aloud the title of Ordinance No. 38.838, “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.”

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.838 to rezone the subject site (1005 N. Park Victoria Drive) from the Single-Family Residential (R1-6) Zoning District to the Single-Family Residential (R1-3) Zoning District

Motion/Second: Councilmember Montano/Councilmember Phan

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

COMMUNITY SERVICES

16. Ordinance No. 304 – skate park regulations Item was not heard.

LEADERSHIP

17. Pension Actuarial Report Item was not heard.

18. Update on SB50 This item was heard following public hearing item no. 15.

City Attorney Chris Diaz provided an oral update on the revived Senate Bill 50, related to housing and transit oriented development. It would require fourplexes by right and some loss of local zoning control remained in the bill, with the addition of “local flexibility plan.”

Mr. Diaz stated that City Council could take a position, and direct staff on a letter to the legislature, and then he responded to various questions from Councilmembers.

Mayor Tran invited speakers from the audience.

Vince Rocha, senior director of housing policy for the Silicon Valley Leadership Group said a letter of support was warranted.

Councilmember Montano inquired about nearby cities, and what teeth was in the bill to make them produce their fair share of housing. Mr. Rocha responded on use of land for housing.

Huascar Castro, Silicon Valley at Home policy associate, was in support of SB50.

Nico Nagel, from Fair Housing Advocacy Coalition, asked for support of SB50.

Aaron Eckhouse, from California Symmetry, was a sponsor of SB50 and mentioned various groups that have expressed support for the bill.

Councilmembers commented on the bill, indicating their overall support. Vice Mayor Nuñez said the bill would be considered on January 23 in Sacramento, so he encouraged Council members to visit the Senate for the committee hearing on this bill.

Motion: (1) to receive an update on California Senate Bill 50 from the City Attorney, and (2) to direct staff to draft a letter in support from Milpitas City Council to the state Senate to be sent on Wednesday, January 22, 2020

Motion/Second: Councilmember Phan/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSTAIN: 1 (Tran)

19. Follow up on Council requests from January 7

Item was not heard and was continued to the next meeting.

COMMISSION REPORT

20. PRCRC Work Plan

Item was not heard and was continued to the next meeting.

NEXT AGENDA

21. Preview next agenda

Received preview list of anticipated agenda items for February 4, 2020 City Council meeting.

ADJOURNMENT

City Council reconvened into Closed Session at 12:00 PM. Mayor Tran adjourned the Council meeting at 1:00 AM when Council exited Closed Session on Wednesday, January 22, 2020.

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

C3. Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map

Adrienne Smith, Associate Planner, 408-586-3287

Recommendation:

Move to waive the second reading and adopt Ordinance No. 38.838 amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation, Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive the Second Reading and Adopt Ordinance No. 38.838 Amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map
Category:	Consent Calendar-Community Development
Meeting Date:	2/4/2020
Staff Contact:	Adrienne Smith, Associate Planner, 408-586-3287
Recommendation:	Move to waive the second reading and adopt Ordinance No. 38.838 amending Milpitas Municipal Code Title X (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map

Background:

This Ordinance was introduced at the January 21, 2020 City Council meeting. The Ordinance is now ready for its second reading and adoption.

Fiscal Impact:

There is no fiscal impact to the proposed Ordinance adoption.

California Environmental Quality Act:

Adoption of the proposed Ordinance is an action analyzed within the scope of the previously adopted Initial Study/Mitigated Negative Declaration adopted by the City Council on January 21, 2020. The Initial Study/Mitigated Negative Declaration prepared in conformance with 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 determined that the project, including adoption of the Ordinance, would not have a significant impact on the environment.

Recommendation:

Move to waive the second reading and adopt Ordinance No. 38.838 amending Milpitas Municipal Code Title XI (Zoning, Planning, and Annexation), Chapter 10 (Zoning) to Allow a Zoning Designation Change of Certain Parcels Within the Zoning Map

Attachments:

1. Ordinance No. 38.838

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 January 21, 2020, upon motion by Councilmember Montano 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.

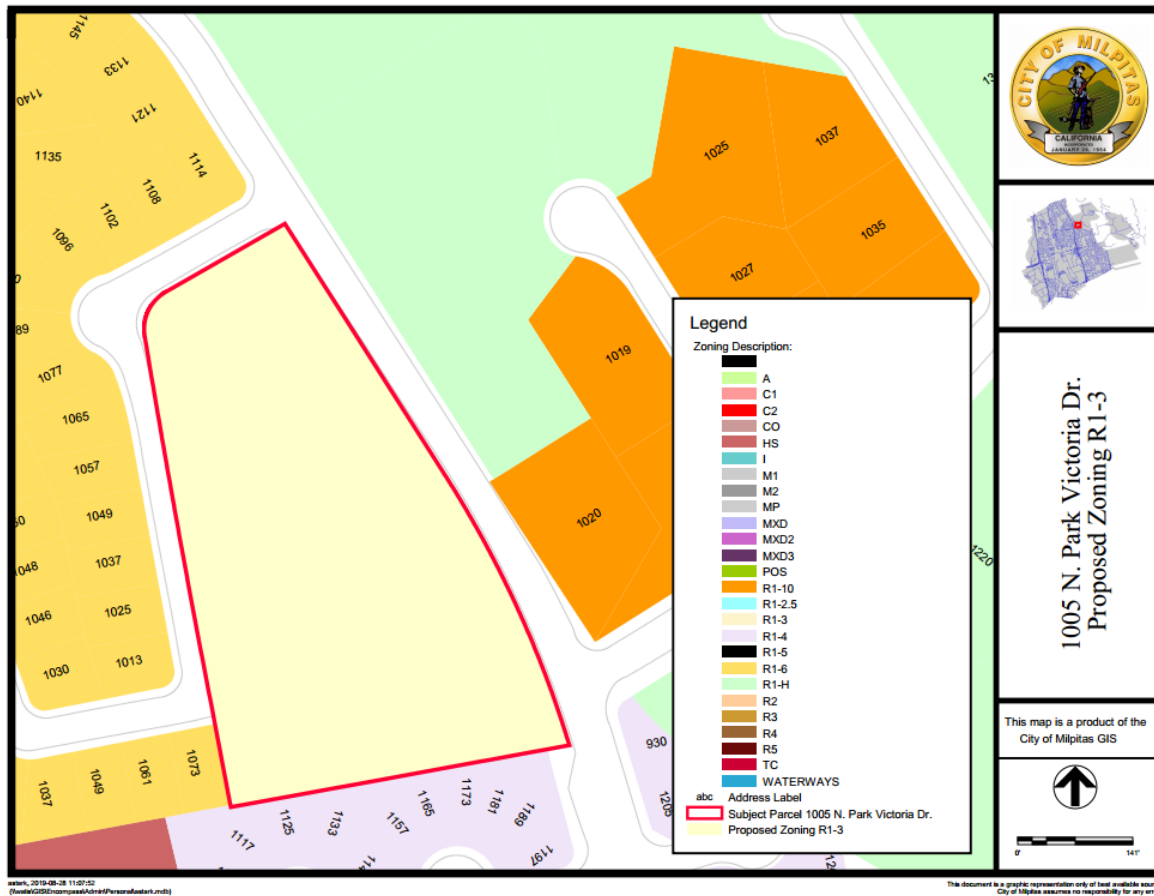
SECTION 4. SEVERABILITY

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



- C4. 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 order(s) in an aggregate amount not to exceed \$265,000 for the Project.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	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)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/4/2020
Staff Contact:	Steve Erickson, City Engineer, 408-586-3301
<u>Recommendations:</u>	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.

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**.

Bidder	Location	Base Bid
Engineers Estimate		\$ 900,000
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 high 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:

Available Project Budget *	\$ 7,204,446
Summary of Estimated Tenant Improvement Cost	
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 substantial

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

Addendum

Milpitas Park, Well, and Pedestrian Bridge

Prepared by



In Consultation with



DAVID J. POWERS
& ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

January 2020

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ACRONYMS AND ABBREVIATIONS

ADT	Average daily traffic
BART	Bay Area Rapid Transit
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practices
CalEEMod	California Emissions Estimator Model
CCR	California Code of Regulations
CDFW	California Department of Fish & Wildlife
CEQA	California Environmental Quality Act
CIP	Capital Improvement Project
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Database
DNL	Daily average basis
DPM	Diesel particulate matter
FEMA	Federal Emergency Management Agency
HHRA _s	Human health risk assessments
HI	Hazard Index
MEIs	Maximally exposed individuals
MLD	Most Likely Descendent
MRP	Municipal Regional Permit
MSL	Mean Sea Level
MUSD	Milpitas Unified School District
NAHC	Native American Heritage Commission
NAVD	North American Vertical Datum of 1988
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
SCCDEH	Santa Clara County Department of Environmental Health
SLF	Sacred Lands File
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminant
TASP	Transit Area Specific Plan
TDM	Travel demand management
USFWS	US Fish & Wildlife Service
VTa	Santa Clara Valley Transportation Authority

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 BACKGROUND INFORMATION

1.1.1 Transit Area Specific Plan

On June 3, 2008, the City Council approved the Transit Area Specific Plan (TASP). The approved TASP allows redevelopment of an approximately 437-acre area in the southern portion of the City that currently includes a number of industrial uses near the Great Mall shopping center. The area would be developed with 7,109 dwelling units, 993,843 square feet of office space, 340 hotel rooms and 287,075 square feet of retail space centered around the proposed Milpitas Bay Area Rapid Transit (BART) station and the Santa Clara Valley Transportation Authority (VTA) Light Rail system. The TASP includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established subdistricts with specific goals and policies to accommodate those unique characteristics.

The impacts from planned development under the TASP are evaluated in the Milpitas Transit Area Specific Plan (TASP) Final Environmental Impact Report (EIR), May 2008, amended 2011. The East Penitencia Channel pedestrian bridge and production water well were not in the 2008-13 Capital Improvement Project (CIP) or 2011 Plan amendment but both projects are included in the 2018-23 CIP.

1.2 PURPOSE

This Addendum to the TASP EIR has been prepared by the City of Milpitas, as the lead agency, in conformance with the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq) and the regulations and policies of the City of Milpitas. This Addendum evaluates the project- and site-specific environmental impacts that may result from the implementation of the proposed project and determines whether the proposed project would result in any new significant impacts or substantially increase the severity of impacts previously identified in the certified TASP EIR.

The purpose of this Addendum is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

This Addendum and all documents referenced in it are available for public review in the Department of Planning at Milpitas City Hall, 455 E Calaveras Blvd, during normal business hours.

CEQA Guidelines Section 15162 states that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due

to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. 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 previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the lead agency or a responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the project site (based on the proposed project, site-specific environmental review, and environmental review completed for the TASP EIR), the City has concluded that the proposed project would not result in any new impacts not previously disclosed in the EIR, would not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the TASP EIR, and would not otherwise require a subsequent or supplemental EIR under CEQA Guidelines Section 15162. For these reasons, a supplemental or subsequent EIR to the TASP EIR is not required and this Addendum thereto adequately discloses the environmental impacts of the proposed project.

The TASP EIR is available on the City's website: <http://www.ci.milpitas.ca.gov/planning-documents/transit-area-specific-plan/>

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

McCandless Park Project No. 5102,
Well Upgrade, McCandless Well Site Project No. 7076, and
Lower Penitencia Creek Pedestrian Bridge Project No. 2005

2.2 LEAD AGENCY CONTACT

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mfossati@ci.milpitas.ca.gov

2.3 PROJECT APPLICANT

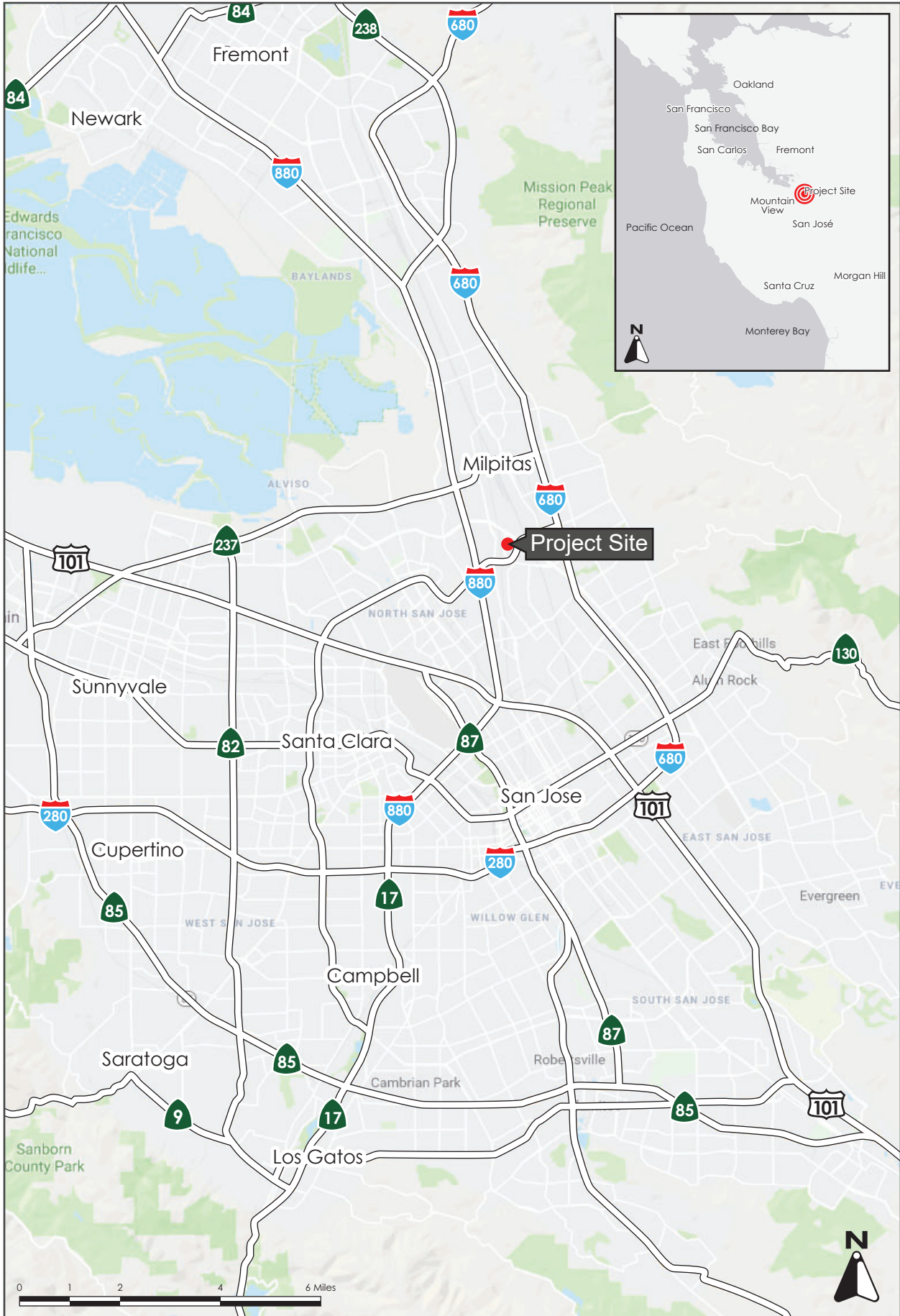
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Milpitas, CA 95035
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mschram@ci.milpitas.ca.gov

2.4 PROJECT LOCATION

The project site is located along the east side of McCandless Drive, between Montague Expressway and Great Mall Parkway, in the southern part of the City of Milpitas. The site is bordered to the north by East Penitencia Channel¹, to the east by residential development currently under construction, and to the south by the recently constructed Mabel Mattos Elementary School. In the project area, East Penitencia Channel flows east to west within a manmade earthen channel. The project site is currently undeveloped.

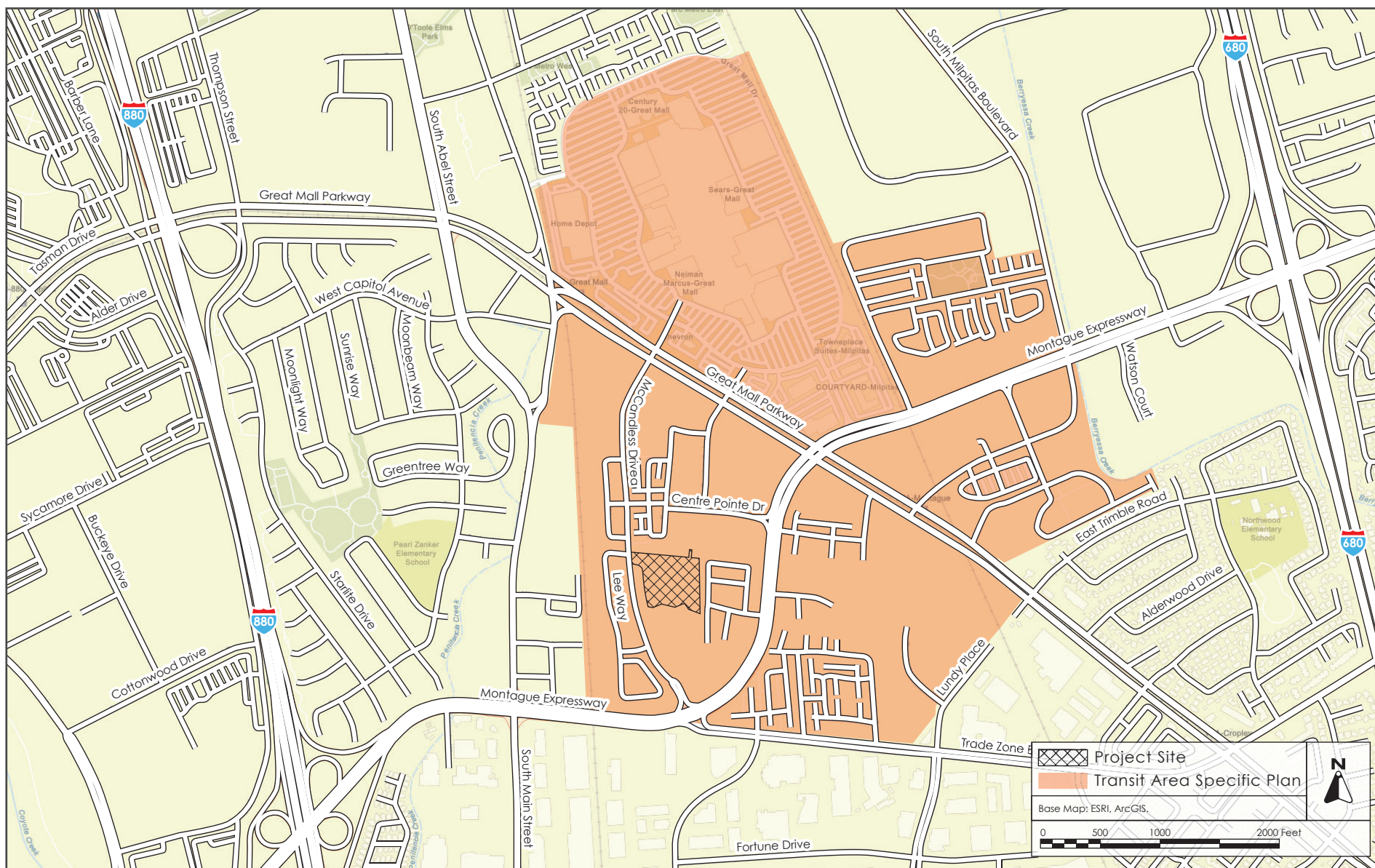
The proposed pedestrian bridge would be located approximately 500 feet east of McCandless Drive. At the pedestrian bridge location, the streambed is eight to 10 feet below grade and has steep banks. The creek channel is approximately 35 feet wide measured at the top of bank, and the banks of the creek channel are vegetated. Fencing and landscaping separate the creek, which is owned by Santa Clara Valley Water District (Valley Water), from the park parcel. Regional, vicinity and aerial maps of the TASP area are shown on Figure 2.4-1, Figure 2.4-2 and Figure 2.4-3, respectively.

¹ East Penitencia Channel is one of the major tributaries joining the Lower Penitencia Creek and is a part of the Lower Penitencia Creek Watershed.



REGIONAL MAP

FIGURE 2.4-1



SPECIFIC PLAN VICINITY MAP

FIGURE 2.4-2

2.5 ASSESSOR'S PARCEL NUMBERS

086-41-044 Park and Well
086-33-097 Pedestrian Bridge

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site has a current General Plan designation of *Parks Open Space (POS)* and is currently zoned *Parks Open Space (POS)* with a Zoning Overlay of *Transit Oriented Development Overlay (TOD)*. The project is consistent with the General Plan designation; therefore, a General Plan amendment would not be required.

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project proponent is requesting the following approvals/permits for the development:

Agency	Review & Approval/Agreement/Permit
California Department of Fish and Wildlife	Section 1602 Notification of Lake or Streambed Alteration Agreement Amendment to reapply for constructing the pedestrian bridge later than stated in original permit – during design phase.
California Department of General Services, Division of State Architect	Review & Approval of accessibility requirements for the park's joint-use lit sports field and all-inclusive play area within school property.
City of San Jose Environmental Services Department	Review & Approval of permanent municipal well sewer discharge to City sewer system terminating at the San Jose-Santa Clara Regional Wastewater Facility, operated by the City of San Jose's Environmental Services Department
Milpitas Unified School District	Review & Approval of park's joint-use lit sports field and all-inclusive play area within school property.
San Francisco Bay Regional Water Quality Control Board	- Construction General Permit, Notice of Intent and Stormwater Pollution Prevention Plan for the park for construction disturbance of one acre or more – prior to construction. - Provision C.3 Requirements for the park for stormwater discharges of projects 10,000 square feet or more in size – during design
State of California, State Water Resources Control Board, Division of Drinking Water	Domestic Water Supply Permit Amendment to add proposed large municipal well as a new groundwater source – in progress; process through project completion.
State of California, State Water Resources Control Board, Division of Drinking Water	Review & Approval for use of recycled water for landscape irrigation for the park – during design through project completion.
State of California, State Water Resources Control Board, Division of Water Quality	Statewide Drinking Water Systems Discharge Permit identification number 4DW0484 assigned to City on April 25, 2016, which is applicable to the municipal well – self-monitoring during construction and reporting by City Public Works Department at project completion.
Santa Clara Valley Water District	Encroachment Permit for pedestrian bridge work at creek channel– during design phase.

Agency	Review & Approval/Agreement/Permit
	• Joint-Use Agreement Amendment No. 2 to add proposed pedestrian bridge to existing agreement – during design phase. • Review & Approval of proposed improvements for the park, municipal well and pedestrian bridge within existing 50-foot easement within City owned parcel – coordination in progress. • Three-way access agreement with City and Valley Water for access within existing easement for the park, municipal well and pedestrian bridge – coordination in progress. • Well Construction Permit for the municipal well - during construction phase.

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The City proposes three separate City-initiated projects on a 4.77-acre project site within the TASP. The three projects include: 1) construction of a City park, 2) installation of a production water well, and 3) installation of a pedestrian bridge across the East Penitencia Channel (refer to Figure 2.4-3). All three projects are identified in the approved 2018-2023 Capital Improvement Program. The park is defined in the adopted TASP Policy 3.49, which would provide for a joint-use park between the City and the Milpitas Unified School District (MUSD). The production water well, consistent with TASP Policy 6.13, would provide water to meet the increase in demand from planned growth in the TASP area. The pedestrian bridge, consistent with TASP Policy 3.26, would provide a safe connection from a residential development currently under construction and the multi-use trail north of the creek channel to the new park and elementary school south of the creek channel.

The Mabel Mattos Elementary School project constructed the joint-use parking and basketball courts.

3.2 PUBLIC PARK

The park project (Project No. 5102), consistent with TASP Policy 3.49, provides for a new four-acre City park directly north of the newly constructed Mabel Mattos elementary school along McCandless Drive. The park would include a joint-use lit sports field and all-inclusive play areas for the City and the elementary school. All-inclusive play areas would be for all abilities and all ages. Key features of the play areas include inclusive interactive play equipment, fully accessible play structures and slide mounds, all-inclusive swings, musical garden/performing arts areas, barn-themed party area and whimsical shade structures. There would be permanent shade structures with picnic tables and charcoal barbeques within the park picnic area, a walking trail that loops around the park, a fenced community garden with storage shed, an eight-stall restroom building with equipment storage and drinking fountain, a fenced dog play area with separate areas for large and small dogs, parcourse fitness stations, landscaping and site safety lighting. The park site plan is shown on Figure 3.2-1.

An existing PG&E easement traverses the northern park site boundary. Underground utilities for water, recycled water, sewer, storm drain, electrical power and communication would be installed to serve the park. Landscaping would include butterfly food or habitat plants, native and ornamental plants, and shade trees and would be irrigated with recycled water. Landscaping within the existing PG&E easement would adhere to PG&E requirements. Refer to Figure 3.2-2 for the park grading plan.

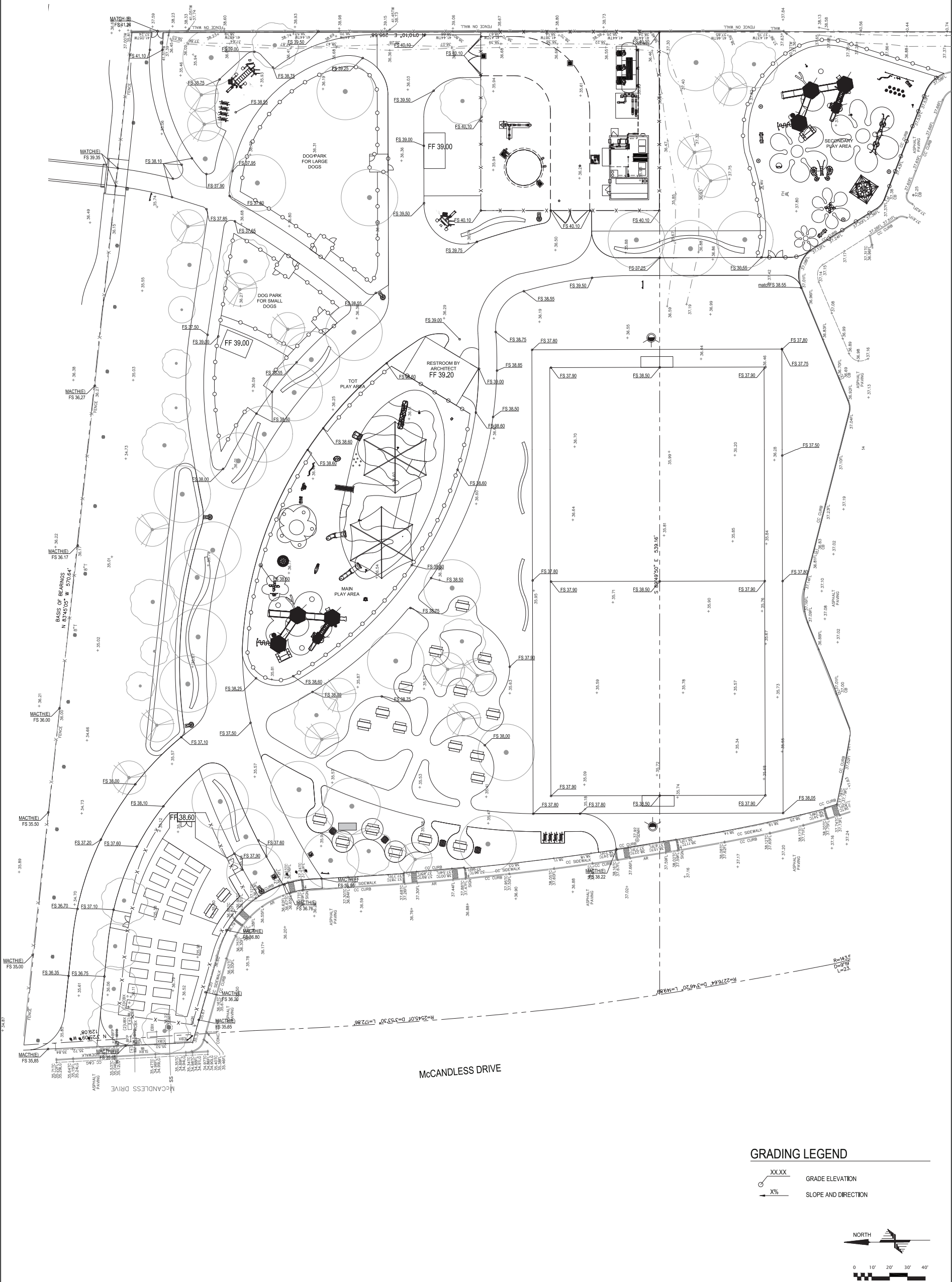
Eight-foot chain link fencing and four-foot ornamental fencing would be installed as required for safety. The restroom building would be elevated to 39 feet above mean sea level (MSL) and out of the flood zone.

A paved access road from McCandless Drive through the park would be provided for the production water well and emergency and maintenance vehicles. Pathways would provide pedestrian access to the park from the elementary school and adjacent residential development. The park would be available from dawn to dusk, 365 days. It is expected that site safety lighting would be in place from dusk to dawn. The lit sports field would be available for use from dawn until 10:00 pm.



PUBLIC PARK SITE PLAN

FIGURE 3.2-1



Source: Hohbach-Lewin, Inc., Jan. 17, 2019.

PUBLIC PARK GRADING PLAN

FIGURE 3.2-2

3.3 PRODUCTION WATER WELL

The well project (Project No. 7076), consistent with TASP Policy 6.13, includes the construction of a production water well located within a fenced and secured 100-foot by 100-foot area at the southeast corner of the project site, adjacent to the park, see Figure 3.3-1. The production water well would be located at least 50 feet from the property lines in order to ensure it meets the State-required 50-foot control zone. The well property would be elevated to 39 feet above the MSL to be above the flood zone.

The well water oxidation and filtration system (above ground component) would include electrical instrumentation, chemical storage and feed systems, a filter vessel treatment system and a backwash tank. The wet chemical room and dry electrical/instrumentation room would be housed in a new one-story building (less than 1,000 square feet) with a full height wall separating the two areas. The proposed filter vessel includes three internal filter cells with two filter media layers in each filter cell. The three filter cells would be backwashed to provide relatively equivalent clean filter media conditions. The above ground backwash tank would capture the backwash from all three filter cells and would be sized accordingly. The accumulated backwash water would be discharged to a nearby sewer at a low flow rate to minimize impact on the existing main sewer system.

The building would store the following three chemicals in the contaminant area:

- Sodium hypochlorite liquid (12 percent) would be stored in a 150-gallon day tank and up to one full (330 gallon) tote, for a total of 480 gallons. The liquid would be fed at a rate of 30 gallons per day.
- Ferric chloride liquid (40 percent) would be stored in a 30-gallon day tank and up to two 55-gallon drums, for a total of 140 gallons. The chemical would be fed at a rate of five (5) gallons per day, if needed.
- Ammonium sulfate liquid (38 percent), would be stored in a 30-gallon day tank and up to two 55-gallon drums, for a total of 140 gallons. The chemical would be fed at a rate of seven (7) gallons per day.

The below-ground components include the submersible well pump and motor, concrete well head and well. The pump would be installed approximately 250 feet below ground surface. The motor would be sized to allow the pump to deliver approximately 1,000 gallons per minute. The well head would be a concrete structure with dimensions of approximately seven feet by seven feet by two feet tall to allow room for the sounding tubes and vent. The well is expected to be approximately 600 feet deep.

An antenna would be constructed on the site for radio communication between this site and another City pump station to the north. Underground utilities for water, sewer, storm drain, telecommunication and electrical power would also be installed to serve the well site. Backup power would be provided through an off-site generator transported onto the site on an emergency basis.

The well site would be fenced and paved and curbed so that all runoff would be directed to a storm drain. No landscaping would be provided within the fenced area. Site security and task lighting would be installed. A paved access road would be provided for regular maintenance use or material deliveries from McCandless Drive through the park, with a drive-through entrance and exit through the well site.



3.4 PEDESTRIAN BRIDGE

The pedestrian bridge, consistent with TASP Policy 3.26, adds to and enhances the pedestrian network contemplated by the TASP. The pedestrian bridge project (Project No. 2005) would be a pre-fabricated pedestrian bridge spanning East Penitencia Channel midway between the Montague Expressway and McCandless Drive, approximately 500 feet east from McCandless Drive, see Figure 3.4-1. The south pedestrian bridge approach lands at the northeast corner of the park parcel. An accessible path from the bridge would be provided to the park and to the adjacent residential development to the east.

No work would occur within the creek channel. The pedestrian bridge would have elevated bridge abutments, retaining walls along the north side of the creek channel, fill slope along the south side of the creek channel, and raised trails on both sides of the creek channel. No structures or fill would be placed within the creek channel. All grading, abutments and support structures would be located outside the top of banks. The retaining walls and raised trails would be required in order for the existing trail to conform to the bridge deck, which would be three to five feet above existing grade. The elevated bridge abutments would extend three to five feet above the existing ground surface so that the bottom of the span adequately clears the 100-year flood elevation.

Site lighting would be installed on the park side, close to the bridge approach, and fencing and railing would be installed where necessary.

3.5 CONSTRUCTION PHASING

Construction of the park, well, and pedestrian bridge projects would be phased to allow the below-ground work to be completed before the above-ground work and site amenities are constructed. As shown in Table 3.5-1, the preliminary construction schedule is as follows:

Construction of the entire project is predicted to begin in approximately December 2019 and last 20 months. Construction of the production water well is estimated to start December 2019 and end in August 2021. The production well would be completed in two separate phases, one for belowground construction and one for aboveground construction. The park and bridge construction would both begin around June 2020. The bridge is predicted to finish during the year 2020, while the park construction would end early 2021. The three projects would overlap from the years 2020 to 2021.

Table 3.5-1: Preliminary Construction Schedule								
		2020				2021		
		Jan.- Mar.	Apr.- Jun.	Jul.- Sep.	Oct.- Dec.	Jan.- Mar.	Apr.- Jun.	Jul.- Sep.
Park								
Well	Belowground - Drilling							
	Aboveground - Equipping							
Pedestrian Bridge								

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

Utilizing the updated December 2018 CEQA checklist, this section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry	4.13	Noise and Vibration
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation/Traffic
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented.

The Environmental Checklist includes the following categories:

1) Conclusion in Prior EIR and Related Documents

This column indicates the EIR's significance determination found relative to the environmental issue listed under each topic.

2) Does the Proposed Project Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(1), this column indicates whether the project will result in new significant environmental impacts not previously identified or mitigated by the EIR, or whether the project will result in a substantial increase in the severity of a previously identified significant impact.

3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(2), this column indicates whether there have been substantial changes with respect to circumstances under which the project is undertaken that will require major revisions to the EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(3)(A-D), this column indicates whether 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 previous EIR was certified as complete, shows any of the following:

- A) The project will have one or more significant effects not discussed in the previous EIR;
- B) Significant effects previously examined will be substantially more severe than show in the previous EIR;
- C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
- D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

If the additional analysis completed as part of this environmental review finds that the conclusions of the Final EIR remain the same and no new significant impacts are identified, identified impacts are not found to be substantially more severe, additional mitigation is not necessary, and the conditions set forth in CEQA Guidelines Section 15162 are not otherwise met, then no subsequent or supplemental EIR is required.

- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions.

The TASP policy numbering in the 2008 TASP was changed in the amended 2011 version. This Addendum uses the policy numbering used in the TASP amended 2011 version.

4.1 AESTHETICS

4.1.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	Less Than Significant Impact	No.	No.	No.	None
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Less Than Significant Impact	No.	No.	No.	None
3. In non-urbanized areas, substantially degrade the existing visual character or quality of public views ² of the site and its surroundings? 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. ³	No.	No.	No.	None
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	Less than Significant Impact	No.	No.	No.	None. ⁴

City of Milpitas Transit Area Specific Plan EIR – Aesthetics Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with TASP development standards, would not result in significant aesthetic impacts.

² Public views are those that are experienced from publicly accessible vantage points.

³ This checklist question has been modified since the TASP EIR was certified in 2008, but the EIR did find a less than significant impact as the TASP would not substantially degrade the existing visual character or quality of the site and its surroundings.

⁴ The TASP EIR did not require any mitigation measures for this impact, but it did provide that compliance with Specific Plan Development Standards would reduce potentially significant long-term light and glare impacts to less than significant levels; the proposed Project here would also be required to comply with these standards.

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. [Same Impact as Approved Project (Less than Significant Impact)]

The project site is not located on a hill, along a ridgeline, or within a designated scenic vista. The project site and surrounding area are flat. Due to the flat topography and existing development in the project area, views of the project site are generally limited to the immediate vicinity. Impacts on scenic vistas would be similar to those identified to occur in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. [Same Impact as Approved Project (Less Than Significant Impact)]

The project site is not visible from a designated scenic highway, nor does it include removal or substantial damage to rock outcroppings or historic buildings. Approximately five non-heritage sized trees along the north side of the site would be removed for the pedestrian bridge south landing. All tree removal and replacement would be completed in compliance with the City's Tree and Planting Ordinance. All trees planned to be removed would obtain a tree removal permit prior to removal and would be replaced in accordance with the City Ordinance. Impacts to scenic resources would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact AES-3: The project is located within an urbanized area. The project would not conflict with applicable zoning and other regulations governing scenic quality. (No Impact)

The surrounding area consists of urban development, including educational, commercial, and residential uses. As discussed below, the project would comply with all applicable zoning and other regulations related to scenic resources. Therefore, the project would not result in new impacts to scenic resources.

Impact AES-4: The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. [Same Impact as Approved Project (Less Than Significant Impact)]

There is no existing source of lighting at the project site. Ambient nighttime lighting in the site vicinity is created by vehicular traffic and street lights on the surrounding streets and security lighting on the surrounding development. The closest existing light source is from the adjacent parking lot along McCandless Drive that currently serves the school and is planned to serve the proposed project.

4.1.1.1 *Public Park*

The proposed park would include security lighting and a lit athletic field with two light standards. The tall light standards are proposed in order to focus the light directly down on the field, instead of across the field at an angle (as would be necessary with shorter poles). Each light fixture would have a reflector, light hood, and visor to direct light onto the playing surface and minimize the amount of light escaping into the sky or off the field (called spill light). For these reasons, the proposed security lighting and athletic field lights would not substantially affect nighttime views in the surrounding neighborhoods.

Park security lighting would be in place from dusk to dawn and would be directed downward toward pedestrian pathways. The proposed light standards for the athletic field would have a maximum height of 70 feet and would be turned off each night by 10:00 PM.

4.1.1.2 *Production Water Well*

Construction

Construction of the underground well would require 24-hour operations at the initiation of pilot hole drilling through construction of the well. 24-hour operations may also be necessary for other specific portions of well development and testing. Construction during nighttime hours may require lighting at the construction site for approximately 70 days. All lighting would be direction downward and focused on the construction area. In addition, the well construction area would be shielded by a temporary sound barrier, at least 24 feet high. The barrier would be generally configured along the west, north, and east boundaries of the work area, or as approved by the City, to minimize lighting and noise at nearby residential land uses.⁵ Considering the short duration of the night construction and the noise barrier mitigation measures, **MM NOI-1.1**, the project would not adversely affect day or nighttime views in the area.

Operation

The well site would include a small concrete building with security and task lighting. All security lighting would be directed downward focused on the building. The lighting would not substantially affect nighttime views in the project area.

4.1.1.3 *Pedestrian Bridge*

The proposed pedestrian bridge would not be lit. Security lighting would be installed on the park near the bridge approach. Bridge materials would be composed of wood, steel, and concrete. These materials would not generate glare effects. The project would not result in any new lighting or glare impacts and, therefore, would not alter the conclusions of the previously approved project.

All new lighting for the project would comply with TASP Development Standards noted below. Lighting and glare impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

⁵ Refer to Section 3.13 Noise and Vibration for additional details on the construction sound barrier.

General Plan Policies that Reduce Impacts

None.

TASP Development Standards that Reduce Impacts

- | | |
|-----------------------|--|
| Development Standard: | Lighting shall be designed and placed to direct lighting to appropriate surfaces and minimize glare onto adjacent areas. All external signs and lighting should be lit from the top and shine downward except where up-lighting is required for safety or security purposes. The lighting should be shielded to prevent direct glare and/or light trespass and directed to the focus area. |
| Development Standard: | The light source used in outdoor lighting should provide a white light for better color representation and to create a pedestrian-friendly environment. |
| Development Standard: | Low pressure sodium lamps are prohibited. |
| Development Standard: | To reinforce the pedestrian character of the area, light standards along sidewalks should be approximately 12 to 16 feet in height. |
| Development Standard: | The use of uplighting to accent interesting architectural features or landscaping is encouraged. |

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact.	No.	No.	No.	None.
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact.	No.	No.	No.	None.
3. 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.	No.	No.	No.	None.
4. Result in a loss of forest land or conversion of forest land to non-forest use?	No Impact.	No.	No.	No.	None.

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	No Impact.	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan EIR–Agricultural and Forestry Resources Conclusion

The TASP is located in central Milpitas and developed with urban uses. There are no agricultural or forestry uses within or adjacent to the TASP. For these reasons, the TASP EIR did not specifically address the agricultural and forestry related impacts from implementation of the TASP.

Impact AG-1: **The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. [Same Impact as Approved Project (No Impact)]**

The project site is not designated as farmland or used for agricultural purposes.⁶ For these reasons, the proposed project would not result in significant impacts to agricultural resources.

Impact AG-2: **The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. [Same Impact as Approved Project (No Impact)]**

The project site is not zoned for agricultural purposes and is not under a Williamson Act contract. For these reasons, the proposed project would not conflict with zoning for agricultural uses or a Williamson Act contract.⁷

⁶ California Department of Conservation. *Santa Clara Important Farmland Map 2016*. September 2018. Accessed May 21, 2019. <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>

⁷ California Department of Conservation. *Williamson Act*. Accessed May 21, 2019. <https://www.conservation.ca.gov/dlrp/lca>

Impact AG-3: The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. [Same Impact as Approved Project (No Impact)]

The project site and surrounding area are not zoned forest land or timberland.⁸ Therefore, the proposed project would not conflict with zoning for forest land, timberland, or timberland zoned for Timberland Production.

Impact AG-4: The project would not result in a loss of forest land or conversion of forest land to non-forest use. [Same Impact as Approved Project (No Impact)]

The project site and surrounding area do not contain forest land.⁹ Therefore, the proposed project would not result in the loss of forest land.

Impact AG-5: The project would not 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. [Same Impact as Approved Project (No Impact)]

As stated in **Impact AG-1** and **Impact AG-4**, the project site and surrounding area are not designated farmland or used for agricultural or forestry purposes. Therefore, the project would not result in changes that could result in new significant impacts.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

This resource topic was not discussed in the TASP EIR due to the lack of agricultural and forestry resources within the TASP. Therefore, there are no relevant policies in the TASP.

⁸ *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

⁹ Cal Fire. *FRAP*. Accessed May 21, 2019. <http://frap.fire.ca.gov/>.

4.3 AIR QUALITY

The following discussion is based, in part, on a Construction Health Risk Assessment prepared by *Illingworth & Rodkin, Inc.* in March 2019. A copy of the analysis is attached as Appendix A to this Addendum.

4.3.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Conflict with or obstruct implementation of the applicable air quality plan?	Significant and Unavoidable	No.	No.	No.	GP Policies 3.d-G-2, 3.d-I-15, 3.d-I-18. TASP Policies 3.21, 3.23, 3.26, 3.28, 3.30
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard?	Significant and Unavoidable	No.	No.	No.	GP Policies 3.d-G-2, 3.d-I-15, 3.d-I-18. TASP Policies 3.21, 3.23, 3.26, 3.28, 3.30
3. Expose sensitive receptors to substantial pollutant concentrations?	Less than Significant	No.	No.	No.	TASP Policies 5.16, 5.23
4. Create substantial emissions (such as odors) adversely affecting a substantial number of people?	Less than Significant	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan EIR– Air Quality Conclusion

The TASP EIR concluded that implementation of the TASP would result in significant and unavoidable air quality impacts. Air quality impacts would be reduced at the project level with implementation of General Plan policies, Bay Area Air Quality Management District (BAAQMD) Best Management Practices, and project-specific mitigation measures.

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. [Less Impact Than Approved Project (Less Than Significant)]

The TASP EIR identified a significant and unavoidable impact with respect to implementation of the Bay Area Ozone Strategy, since residential development under the TASP would exceed the population projections used to develop the Ozone Strategy. However, the TASP would be introducing land use designations that would place future residents in proximity to transit, which would reduce potential air quality and greenhouse gas emissions associated with traditional single-use vehicle. The proposed project would not result development that generates new population growth and, therefore, would not result in any new significant impacts.

The proposed project is the construction of a park, production water well, and pedestrian bridge. Construction activities for the park, well and bridge would generate criteria pollutant emissions. These emissions would be temporary and would not conflict with or obstruct long-term air quality improvement plans or policies and would not interfere with the goals and policies in the Bay Area Air Quality Management District's (BAAQMD) 2017 Clean Air Plan for ozone compliance.

The proposed park is planned to serve the uses within the TASP area and would generate vehicle trips. Users from the existing surrounding neighborhood, however, would walk or bike to the park. The vehicle trips generated by the proposed park were accounted for in the TASP EIR trip generation assumptions. The proposed project's consistency with the Bay Area 2017 Clean Air Plan is summarized in Table 4.3-1, below.

Table 4.3-1: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Transportation Control Measures</i>		
Trip Reduction Programs	Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	The project includes the construction of a pedestrian bridge to facilitate walking and bicycling as modes of transportation within the project vicinity. The proposed park would include bicycle racks to encourage park users to bike to the site. The project, therefore, is consistent with this measure.
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The proposed neighborhood park would include internal pathways for park users, enhancing the pedestrian network within the project area. The project would construct a pedestrian bridge to facilitate safe walking and bicycling within the project area. The project, therefore, is consistent with this measure.
Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The proposed project would develop an infill site in a transit-oriented neighborhood of Milpitas.

Table 4.3-1: Bay Area 2017 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Building Control Measures</i>		
Green Building	Identify barriers to effective local implementation of the CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The proposed production water well would include a small concrete building with security and task lighting. The project would comply with CalGreen standards, where applicable.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	The limited number of parking spaces along McCandless Drive for future park users provides shade trees. New landscaping and trees would be planted throughout the park. These features would reduce the project’s heat island effect. The project, therefore, is consistent with this measure.
<i>Waste Management Control Measures</i>		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project would recycle construction materials to the extent feasible. The project, therefore, is consistent with this measure.
<i>Water Control Measures</i>		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CalGreen and reduce outdoor water use by planting drought tolerant non-invasive landscaping. On-site landscaping would be integrated with recycled water. The project, therefore, would be consistent with this measure.

The project would not conflict with the applicable plans and policies previously described in the TASP EIR and those identified in Table 4.3-1. The proposed project would not conflict with or obstruct implementation of the 2014 Clean Air Plan.

Impact AIR-2: The project would not 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 Impact Than Approved Project (Less Than Significant)]

The Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The Bay Area has attained both

state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5} and apply to both construction period and operational period impacts.

Construction Period Emissions

Project construction would take approximately 20 months to complete. Construction of the production water well is estimated to start December 2019 and end in August 2021. The production well would be completed in two separate phases, one for belowground construction and one for aboveground construction. The park and bridge construction would both begin around June 2020. The bridge is predicted to finish during the year 2020, while the park construction would end early 2021. Construction of all three project components would overlap between 2020 and 2021. The California Emissions Estimator Model (CalEEMod) was used to predict emissions from construction and operation of the proposed project.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. CalEEMod provides annual emission estimates for total PM₁₀ exhaust emissions for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all three stages of construction as 0.1070 tons (214 pounds). Fugitive PM_{2.5} dust emissions were calculated by CalEEMod as 0.0958 tons (192 pounds) for the overall construction period. For both the total PM₁₀ exhaust emissions and fugitive PM_{2.5} emissions, project construction emissions would be less than the BAAQMD thresholds of 82 pounds/day for PM₁₀ exhaust and 54 pounds/day for PM_{2.5} exhaust. Criteria pollutant impacts during construction would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Operation Period Emissions

The BAAQMD operational-related criteria air pollutant screening threshold for the proposed project is, “City Park.” The proposed park would be approximately four acres, which is below the BAAQMD screening threshold of 2,613 acres for a city park. The proposed production water well and pedestrian bridge do not have applicable operational screening threshold categories. Operation and maintenance of the proposed production water well would generate a limited amount of vehicle trips to and from the site, resulting in relatively minor criteria pollutant emissions. The bridge would require minimal maintenance (e.g., cleaning and painting); hence, minimal operational air quality impacts would occur. For these reasons, operation and maintenance of the proposed project would result in a less than significant criteria pollutant emission impact. Operation criteria pollutant impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. [Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]

Construction Toxic Air Contaminants (TAC)

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known toxic air contaminant (TAC). A community risk assessment was completed to evaluate potential health effects to nearby sensitive receptors from project construction TAC emissions. Diesel particulate matter (DPM) dispersion modeling was used to predict DPM concentrations at the nearby sensitive receptors, including the maximally exposed individuals (MEIs)¹⁰ at the adjacent residences and school.

Residential Exposure

Table 4.3-2, below, shows the maximum cancer risks, PM_{2.5} concentrations, and health hazard indexes for project construction activities affecting the residential MEI. Absent mitigation, the cancer risk at the residential MEI exceed the BAAQMD threshold of significance. The cancer risks, PM_{2.5} concentration, and Hazard Index from construction at the other residences would be less than the MEI risk.

Table 4.3-2: Construction Risk Impacts at the Offsite MEI				
Source		Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction	Unmitigated	50.8 (infant)	0.84	0.05
	Mitigated	6.6 (infant)	0.17	0.01
BAAQMD Single-Source Threshold		>10.0	>0.3	>0.1
<i>Significant?</i>				
	Unmitigated	Yes	Yes	No
	Mitigated	No	No	No

Mabel Mattos Elementary School Exposure

Mabel Mattos Elementary School is located directly south of the project site, with the closest school building located approximately 200 feet from the project boundary. Modeling was conducted to predict the cancer risks, non-cancerous health hazards, and maximum PM_{2.5} that could impact sensitive receptors (i.e. school-aged children) attending Mable Mattos Elementary School. Results of this assessment indicate that the maximum cancer risks without any mitigation or construction emission controls would be 4.2 per million for child exposure, which is less than the BAAQMD threshold of significance of 10 per million and, therefore, less than significant. The maximum-

¹⁰ The maximally exposed individual (MEI) is the individual that is exposed to the highest concentration of a pollutant.

modeled annual PM_{2.5} concentration, which is based on combined exhaust and fugitive dust emissions, would be 0.26 µg/m³, and the maximum computed Hazard Index (HI), based on the DPM concentration, would be 0.02. These risk values do not exceed the BAAQMD single-source significance threshold for annual cancer risk, PM_{2.5} concentration, or HI.

Cumulative Impact on Construction MEI

Table 4.3-3 displays the project and cumulative community risk impacts at the construction MEI. Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. In the project area, BAAQMD identifies one stationary source with the potential to affect the project site. Traffic on nearby streets all have average daily traffic that is less than 10,000 vehicles per day and, therefore, are not considered sources of TACs.

Table 4.13-3: Impacts from Combined Sources at Construction MEI			
Source	Cancer Risk (per million)	Annual PM_{2.5} (µg/m³)	Hazard Index
Project Construction			
Unmitigated	50.8 (infant)	0.84	0.05
Mitigated	6.6 (infant)	0.17	0.01
Courtesy Auto Service (no distance adjustment)	-	-	<0.01
Combined Sources			
Unmitigated	50.8 (infant)	0.84	0.06
Mitigated	6.6 (infant)	0.17	0.02
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Significant?	No	No	No

With the mitigation measures listed below, the project would reduce maximum increased lifetime residential cancer risk from construction to 6.6 in one million or less for infant exposure, 0.17 µg/m³ for the maximum annual PM_{2.5} concentration, and the Hazard Index would be less than 0.01. This would reduce impacts to a less than significant level.

MM AIR-1.1: Per the Construction Health Risk Assessment (refer to Appendix A) completed for the project and consistent with Policy 5.16, the project shall implement the following mitigation measures to reduce the air quality impacts associated with grading and new construction to a less-than-significant level:

- During any construction period ground disturbance, the applicant shall ensure that the project contractors implement measures to control dust and exhaust. The contractor shall implement the following Best Management Practices that are required of all projects:
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (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.
- Post a publicly visible sign 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 Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-1.2: The project contractor shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 80-percent reduction in DPM exhaust emissions or greater. The plan shall be submitted to the City's Engineering Department for review and approval, prior to the start of construction. One feasible plan to achieve this reduction would include the following:

- All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters¹¹ or equivalent. Additionally, equipment that meets U.S. EPA Tier 4 standards for particulate matter or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

Consistent with TASP Policy 5.16, with implementation of the above-listed mitigation measures AIR-1.1 and AIR-1.2, the project would not result in new or greater impacts related to exposure of sensitive receptors to substantial pollutant concentrations than impacts identified in the TASP EIR.

Impact AIR-4: The project would not result in substantial emissions (such as odors) adversely affecting a substantial number of people. [Same Impact as Approved Project (Less Than Significant)]

¹¹ California Air Resources Board. *Verification Procedure – Currently Verified*.
<http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>. Accessed on April 3, 2019.

Project implementation would not result in the generation of permanent or long-term objectionable odors. While there may be perceptible odors associated with construction, odors would be temporary, not unique to this project and would not affect a substantial number of people. Once construction activities are complete, there would be no potential for odor impacts at surrounding sensitive receptors. Potential odors during project construction would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

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| Policy 3.d-G-2: | Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity. |
| Policy 3.d-I-15: | Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc. |
| Policy 3.d-I-18: | Provide and accommodate recreational and transportation use of the trail system. |

TASP Policies and Development Standards that Reduce Impacts

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|--------------|---|
| Policy 3.21: | Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. |
| Policy 3.23: | Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area. |
| Policy 3.26: | Construct pedestrian/bicycle bridges over Montague Expressway to allow safe crossings of this regional roadway with heavy traffic volumes: (1) near Piper Drive, to connect the Light Rail station, BART station, and development sites on the south side with the Great Mall and the neighborhoods north of Montague Expressway; and (2) near the Penitencia Creek East channel to connect schools and neighborhoods north and south of Montague Expressway. |
| Policy 3.28: | Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes. |
| Policy 3.30: | Maintain pedestrian and biking facilities. |
| Policy 5.16: | <p>During review of specific development proposals made to the City, sponsors of individual development projects under the TASP shall implement the BAAQMD's approach to dust abatement.</p> <p>This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four</p> |

acres in area, and “optional” control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999).

Policy 5.23:

Require project sponsors to inform future and/or existing sensitive receptors (such as hospitals, schools, residential uses, and nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on Biotic Constraints Analysis prepared by *HT Harvey & Associates* in January 2019. A copy of the report is attached as Appendix B to this Addendum.

4.4.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	Less than Significant	No.	No.	No.	GP Policies 4.b-I-4, 4.b-I-5 TASP Policy 5.30
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	Less than Significant	No.	No.	No.	GP Policies 4.b-I-4, 4.b-I-5 TASP Policy 5.30

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
3. 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?	Less Than Significant	No.	No.	No.	GP Policies 4.b-I-4, 4.b-I-5 TASP Policy 5.30
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	No Impact	No.	No.	No.	None
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less Than Significant	No.	No.	No.	TASP Policy 5.28
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact	No.	No.	No..	None

City of Milpitas Transit Area Specific Plan EIR – Biological Resources Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City of Milpitas Tree Ordinance and General Plan policies, would not result in significant impacts to biological resources.

Impact BIO-1: The project would not 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 CDFW or USFWS. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]

A reconnaissance survey was completed to 1) assess the existing biotic habitat and plant and animal communities in the project vicinity, 2) assess the site for its potential to support special-status species and their habitats, and 3) identify potential jurisdictional habitats. In addition, a protocol-level survey for suitable habitat for Congdon's tarplant was completed because the species can persist in disturbed grasslands and has been documented by the California Natural Diversity Database (CNDDB) in the project vicinity. The survey was completed during the blooming period for Congdon's tarplant. No individuals of this species were observed; therefore, this species is determined to be absent from the project area. For an aerial of the biological study area, refer to Figure 4.4-1.

Plant Species

Most of the 4.77-acre site is dominated by the developed/landscaped habitat type. The sparse vegetation within the project site includes small patches of non-native species including stinkwort, wild oat, and a row of six-(6) to eight-(8) foot tall ornamental shrubs consisting of oleander and African sumac. Additional land cover/habitat types in the area include ruderal grassland levee slope and perennial stream/freshwater marsh.

Wildlife Species

Due to a lack of suitable habitat types and the location of the project site within a developed landscape, most of the identified special-status species with potential to occur within the project vicinity¹² were eliminated from further study. Three special-status wildlife species were identified to have potential to occur on-site including the burrowing owl, western pond turtle, and San Francisco common yellowthroat.

Burrowing Owl

The burrowing owl is a small, terrestrial owl that resides in flat or gently sloping open grassland or sparse shrubland ecosystems. Burrowing owls are found in close association with California ground squirrels, which provide nesting and refuge burrows. Ground squirrels also maintain areas of short vegetation height, which provide foraging habitat and allow for visual detection of avian predators by

¹² A list of special-status animal species thought to have some potential for occurrence in the project area vicinity (a 5-mile radius centered on the project footprint) was compiled from CNDDB records (CNDDB 2018) and eBird data (Cornell Laboratory of Ornithology 2018), among other sources.



BIOLOGICAL STUDY AREA

FIGURE 4.4-1

burrowing owls. The CNDDB reports historical occurrences of burrowing owls from multiple locations in the vicinity of the project site, suggesting that owls may have nested in this region prior to the extensive existing urban and commercial development.

The reconnaissance survey did not identify any burrowing owls or signs of burrowing owls. Although several ground squirrel burrows were detected within the ruderal grassland portions of the project area, it is extremely unlikely for burrowing owls to inhabit the site. There is potential for owls to utilize the site during migration and winter since, during those times, burrowing owls are found more broadly and in a broader array of habitats. Owls that would occur as migrants or wintering birds are not habitat limited and would be able to find other, more suitable habitat than the habitat of the site. Implementation of TASP Policy 5.26 would avoid impacts to burrowing owls and the project would not result in new or greater biological resource impacts than identified in the TASP EIR.

Western Pond Turtle

The western pond turtle is a California species of special concern and is protected under the California Fish and Game Code. Suitable habitat for the western pond turtle consists of ponds or instream pools with available basking sites, such as logs, and nearby upland areas with clay or silty soils for nesting, and shallow aquatic habitat with emergent vegetation and invertebrate prey for juveniles. Although no western pond turtles were observed during the reconnaissance survey, individuals of the species could still occur in urban streams and ponds in the Santa Clara Valley and it is possible, although unlikely, that an individual western pond turtle could occur within the project vicinity. The loss of an individual western pond turtle could potentially reduce the viability of the local population.

MM BIO-1.1: In conformance with General Plan Policies 4.b-I-4 and 4.b-I-5, the following project specific mitigation measure shall be implemented to avoid impacts to western pond turtles:

- A preconstruction survey for western pond turtles shall be completed by a qualified biologist prior to initiation of any construction activities. The survey shall be completed within 48 hours prior to the start of construction activities. The entire project area, including any burrows, rocks, or woodpiles that may be impacted by construction activity, shall be inspected for the presence of western pond turtle. If western pond turtles are detected or observed, then CDFW shall be consulted to determine an appropriate construction avoidance buffer or other measure to ensure the protection of the species.

With implementation of the measure above, consistent with General Plan Policies 4.b-I-4 and 4.b-I-5, the project would avoid potential impacts to western pond turtles and the project would not result in new or greater biological resource impacts than identified in the TASP EIR.

San Francisco Common Yellowthroat

The San Francisco common yellowthroat is a California species of special concern and is protected under the California Fish and Game Code. No individuals of the San Francisco common yellowthroat species were observed during the site reconnaissance. The scattered patches of emergent marsh vegetation on-site are too small and too fragmented, and relatively isolated from other patches of larger, contiguous patches of salt marsh habitat where this species is known to occur in the South

Bay. However, dispersing individuals of this species could potentially occur on the sides of the levees along East Penitencia Channel. Impacts on individuals of this species and their habitat would not be considered a significant impact since the species is not listed under the Federal Endangered Species Act or California Endangered Species Act, and no approvals from the USFWS or CDFW related to this species would be necessary. Due to the degraded quality of on-site habitat, the loss of habitat is not considered significant. As discussed below, consistent with implementation of TASP Policy 5.26, nesting bird preconstruction surveys would be completed to avoid impacts to nesting San Francisco common yellowthroat.

Nesting Birds

Nesting habitat for non-listed special-status raptor species and common nesting bird species occur on and near the project site. Many bird species utilize large ornamental trees for cover, nesting, or stop over locations during migration, especially with the availability of water from the drainages nearby. All native bird species that nest within the project area are protected under the Migratory Bird Treaty Act and California Fish and Game Code. Construction disturbance can cause nest abandonment resulting in indirect loss to avian species.

MM BIO-2.1: In conformance with TASP Policy 5.26, the following project-specific measures would be implemented to avoid impacts to nesting birds during construction and ensure compliance with the MBTA and California Fish and Game Code:

- Construction activities shall be avoided during the nesting season (i.e., February 1 through August 31).
- Potential nesting substrate (e.g., bushes, trees, snags, grass, and suitable artificial surfaces) that would be impacted by development shall be removed during the non-breeding season (i.e., they should be removed between September 1 and January 31), to help preclude nesting in the study area.
- If it is not feasible to schedule construction activities during the non-breeding season, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests will be disturbed during construction activities. This survey shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist shall inspect all trees, shrubs, and other potential nesting habitats in and immediately adjacent to the study area for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a buffer zone to be established around the nest, typically 300 feet for raptors and 100 feet for other birds, to ensure that no nests of species protected by the MBTA or the California Fish and Game Code will be disturbed during construction activities.

With implementation of the measure above, consistent with TASP Policy 5.26, the project would avoid potential impacts to nesting birds and would not result in new or greater biological resource impacts than identified in the TASP EIR.

Impact BIO-2: The project would not 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 CDFW or USFWS. [Same Impact as Approved Project (Less Than Significant Impact)]

East Penitencia Channel is classified as “waters of the United States” and the bank and channel are under jurisdiction of the U. S. Army Corps of Engineers. Due to the highly developed nature of the project site, the bank and channel of East Penitencia Channel lacks high-quality riparian habitat and supports minimal native vegetation. The proposed bridge would fully span the creek channel. No construction would occur within the creek top of bank; the bridge abutments and protective retaining wall would be located at least three feet outside the top of bank. For these reasons, the proposed bridge would avoid temporary and permanent direct impacts to creek vegetation. The proposed park and production water well would not impact jurisdictional habitats.

Indirect impacts to existing vegetation include shading of the channel and impeding the growth of vegetation due to the shading. Since the vegetation present is predominantly ruderal and the creek channel itself is highly disturbed and of generally low value to fish and wildlife, these indirect impacts are expected to be less than significant. Impacts to sensitive natural communities would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact BIO-3: The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. [Same Impact as Approved Project (Less Than Significant)]

As described in Impact BIO-2, East Penitencia Channel is classified as “waters of the United States” and the bank and channel are under jurisdiction of the U. S. Army Corps of Engineers. All bridge construction activities would occur from outside of the bank and channel and the proposed bridge would fully span across the creek channel, avoiding impacts to wetland features within the banks or channel.

Since the project would be replacing more than 10,000 square feet of impervious surface area on the project site, the project would comply with the City of Milpitas Stormwater C.3 requirements and the Municipal Regional Permit (MRP) (see *Section 4.10 Hydrology and Water Quality*). Consistent with the Stormwater C.3 requirements and the MRP, the project would reduce potential impacts to water quality to a less than significant level, further reducing potential effects to East Penitencia Channel and its associated wetlands.

For these reasons, as stated above, construction activities would not impact federally protected wetlands. Impacts to wetlands would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact BIO-4: The project would not 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. [Same Impact as Approved Project (No Impact)]

As previously discussed, the project site is highly developed and of limited value to fish and wildlife because the East Penitencia Channel is not tidally influenced and is too shallow to support habitat for any of the special-status fish species known to occur in the area. Additionally, the proposed bridge crossing of East Penitencia Channel would fully span the creek channel, thus avoiding construction within the creek channel bed and bank. To the extent that the waterway and adjacent upland is used for fish and wildlife movement, the proposed project would not interfere substantially with these corridors. For these reasons, no impacts related to interference with wildlife movement corridors or waterways suitable for migratory fish are expected to occur from project construction. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. [Same Impact as Approved Project (Less Than Significant)]

The Tree and Planting Ordinance of the City of Milpitas protects significant trees, as defined by the Ordinance, including heritage trees, throughout the City. Under the City's Zoning Ordinance, heritage trees are defined as any tree with a diameter of 30 inches or more measured two (2) feet above ground level. There are no heritage trees within the project site. Approximately five non-heritage trees along the north side of the site would be removed for the pedestrian bridge south landing. All tree removal and replacement would be completed in compliance with the Tree and Planting Ordinance and TASP Policy 5.27. Tree impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. [Same Impact as Approved Project (Less Than Significant)]

The project site is not located within an adopted Habitat Conservation Plan or a Natural Community Conservation Plan. Therefore, the project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

Policy 4.b-I-4: Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.

Policy 4.b-I-5: Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

TASP Policies and Development Standards that Reduce Impacts

- Policy 5.26:** For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through August 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (September 1st through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.
- Policy 5.27:** To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFW (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.
- Policy 5.28:** Development under the TASP shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health, or fire hazard purposes), retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.
- Policy 5.29:** Per Figure 5-23 G and Tables 5-1 and 5-2, a minimum 25-foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.
- Policy 5.30:** Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFW, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization, and/or compensatory measures sufficient to procure a Streambed Alteration Agreement with the CDFW.

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Literature Search, prepared by *Holman & Associates* in January 2019. A copy of the report is on file with the City.

4.5.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	Less than Significant	No.	No.	No.	None
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	Less than Significant	No.	No.	No.	TASP Policies 5.34
3. Disturb any human remains, including those interred outside of dedicated cemeteries?	Less than Significant	No.	No.	No.	TASP Policy 5.34

City of Milpitas Transit Area Specific Plan EIR – Cultural Resources Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City of Milpitas General Plan and the TASP policies, would not result in significant cultural resource impacts.

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. [Same Impact as Approved Project (Less Than Significant Impact)]

There are no historic resources identified on the project site. Therefore, the proposed project would not affect historic resources. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. [Same Impact as Approved Project (Less Than Significant Impact With Mitigation Incorporated)]

An archaeological literature search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) database was completed for the project site and surrounding area, and a field survey of the project site was completed by a qualified archaeologist. No resources were identified on the site during the field survey. Based on the results of the literature search and the site's proximity to East Penitencia Channel, the project site has a moderate to high sensitivity for buried archaeological resources. Project construction would require approximately 9,250 cubic yards of soil to be excavated and exported off-site. Grading and other excavation activities on the site could damage potentially unrecorded subsurface resources.

MM CUL-1.1: In conformance with TASP Policy 5.34, the following project specific measures would be implemented to avoid impact to unknown subsurface cultural resources:

- Prior to any ground-disturbing activities, a qualified archaeologist shall complete presence/absence mechanical testing at the project site to determine whether cultural resources or buried land surfaces are present. A local Native American monitor shall be present during presence/absence mechanical testing. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required.
- If cultural deposits or features that appear potentially eligible to the California Register of Historical Resources are identified during any stage of exploration, cultural research design and work plan shall be prepared. The plan will be designed to facilitate cultural excavation and evaluate any cultural resources discovered to the California Register to assess if any are significant cultural resources.

With implementation of the measures above, consistent with TASP Policy 5.34, the project would reduce potential impacts to unknown buried archaeological resources to a less than significant level. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact CUL-3: The project would not disturb any human remains, including those interred outside of dedicated cemeteries. [Same Impact as Approved Project (Less Than Significant Impact)]

Project construction would require approximately 9,250 cubic yards of soil to be excavated and exported off-site. Per TASP Policy 5.34, if human remains are encountered, the City's contractor shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. If the remains are determined to be Native American, the coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

Consistent with TASP Policy 5.34, the project would reduce the potential to disturb any human remains, including those interred outside of dedicated cemeteries to a less than significant level. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (California Public Resources Code § 21083.2 and § 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. If the remains are determined to be Native American, the coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

4.6 ENERGY

4.6.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	Less than Significant	No.	No.	No.	No.
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	N/A

City of Milpitas Transit Area Specific Plan EIR – Energy Conclusion

The TASP EIR generally addressed the energy related impacts from implementation of the TASP in Section 3.12 Greenhouse Gas Emissions, concluding implementation of the TASP would not result in a significant energy impact.

Impact EN-1: The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. [Same Impact as Approved Project (Less Than Significant Impact)]

The community-owned Silicon Valley Clean Energy (SVCE) is the electricity provider for the City of Milpitas.¹³ SVCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. Customers are automatically enrolled in the GreenStart plan, which generates its electricity from 100 percent carbon free sources; with 50 percent from solar and wind sources, and 50 percent from hydroelectric. Customers have the option to enroll in the

¹³ SVCE. “Frequently Asked Questions”. Accessed October 9, 2019. <https://www.svcleanenergy.org/faqs>.

GreenPrime plan, which generates its electricity from 100 percent renewable sources, such as wind and solar.

Construction

Construction of the park, well and bridge would require energy for the manufacture and transportation of building materials, preparation of the project sites, and the construction of the project. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintenance and fuel. Further, construction with close access to roadways, construction supplies, and workers is already more efficient than construction occurring in outlying areas. For these reasons, the construction process is already efficient and opportunities for increasing energy efficiency during construction are limited.

Consistent with TASP Policies 5.4, 5.6, 5.8, and 5.16, the project would be required to implement BAAQMD Best Management Practices, included as conditions of approval in Section 4.3 Air Quality, restricting equipment idling times and requiring the applicant to post signs on the project site reminding workers to shut off idle equipment, thus reducing the potential for energy waste. Consistent with TASP Policy 6.23, projects would also comply with the City's requirements to recycle and/or salvage for reuse a construction and demolition waste, minimizing energy impacts from the creation of excessive waste. For these reasons, construction activities would not use fuel or energy in a wasteful manner.

Operation

As disclosed in the TASP EIR, new development under the proposed TASP would result in the commitment of existing and planned sources of energy, which would be necessary for the construction and daily use of new facilities.

Operation of the pedestrian bridge would not use energy. The proposed park athletic field and security lighting would use energy. The athletic field lighting would be turned off at 10 PM during non-daylight hours. The park is estimated to use 11.5 MWh per year. The production water well would require energy for its operation and for security lighting on the structure and is estimated to use approximately 510 MWh per year.¹⁴ This minor energy use would not be considered wasteful or inefficient given the required compliance with energy and lighting efficiency standards in Title 24 and CalGreen.

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)

As described in Impact EN-1, construction and operation of the proposed project would not result in significant energy-related impacts. The TASP includes policies to encourage energy efficiency and green building techniques for project-level implementation. The TASP EIR concluded that implementation of the TASP would not result in significant energy-related impacts. Given the nature of the proposed use, project implementation would not result in significant energy impacts and would not obstruct implementation of any state or local renewable energy or energy efficiency plans.

¹⁴ Connell, Jim. Principal Engineer, West Yost Associates. Personal Communication, May 15, 2019.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

- Policy 5.4: New commercial or institutional buildings, or tenant improvements to commercial, industrial or institutional buildings shall follow the provisions of the City's future Green Building Ordinance. In the absence of any ordinance, all new projects should be encouraged to incorporate green building measures.
- Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.
- Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:
- Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover.

4.7 GEOLOGY AND SOILS

4.7.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Directly or indirectly cause potential adverse effects, including the risk of loss, injury, or death involving: - Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)? - Strong seismic ground shaking? - Seismic-related ground failure, including liquefaction? - Landslides?	Less than Significant	No.	No.	No.	GP Policy 5.d-I-2
2. Result in substantial soil erosion or the loss of topsoil?	Less than Significant	No.	No.	No.	GP Policies 4.d-I-1 and 5.a-I-3

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact	No.	No.	No.	GP Policy 5.d-I-2
4. Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	Less than Significant	No.	No.	No.	GP Policy 5.a-I-3
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal system where sewers are not available for the disposal of wastewater?	No Impact	No.	No.	No.	None.
6. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	Less than Significant	No.	No.	No.	TASP Policy 5.32

City of Milpitas Transit Area Specific Plan EIR– Geology & Soils Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City of Milpitas General Plan and the TASP policies, would not result in significant geology and soils impacts.

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. [Same Impact as Approved Project (Less than Significant Impact)]

While there are no faults running through the project site, the project would be subject to shaking during an earthquake in the area. As disclosed in the TASP EIR, the project would be required to comply with building codes and construction standards of the California Building Code, the soil investigation requirements of the City of Milpitas Municipal Code and Seismic Hazards Mapping Act, and the City of Milpitas General Plan policies related to seismically-induced ground shaking and liquefaction would reduce the impacts of ground shaking on future structures.

Conformance with the requirements above, consistent with the General Plan, would reduce impacts related to seismic activity and landslides to a less than significant level. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact GEO-2: The project would not result in substantial erosion or the loss of topsoil. [Same Impact as Approved Project (Less than Significant Impact)]

As disclosed in the TASP EIR, construction activities (e.g. grading and excavation) could temporarily increase sedimentation and erosion by exposing on-site soils to wind and runoff. The City of Milpitas Municipal Code requires building permit applications with a project-specific preliminary soils report. The report must address site soil conditions, including expansive soils, settlement, and erosion, and provide recommendations to offset potential soils problems.

Additionally, the project would be required to comply with General Plan Policies 4.d-I-1 and 5.a-I-3, listed below, to implement the construction activity erosion control Best Management Practices listed below. As also discussed in *Section 4.10 Hydrology and Water Quality*, **MM HYD-1.1**, the project would comply with the NPDES Construction General Permit requirements and prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize pollutants discharge of during construction, as required of all construction projects.

The proposed project, in conformance the building permit process and with implementation of the measures listed in **MM HYD-1.1**, consistent with General Plan Policy 4.d.I-1 and Policy 5.a.I-3, would not result in substantial erosion or the loss of topsoil. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact GEO-3: **The project would not 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. [Same Impact as Approved Project (Less than Significant Impact)]**

The project site is located within a liquefaction hazard zone.¹⁵ As described under Impact GEO-1, the project would be required to comply with the building codes and construction standards in the California Building Code, the soil investigation requirements of the City of Milpitas Municipal Code and Seismic Hazards Mapping Act, and the City of Milpitas General Plan policies related to seismically-induced ground shaking and liquefaction. Conformance with these requirements would reduce impacts related to seismically-induced ground shaking and liquefaction to a less than significant level. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact GEO-4: **The project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial direct or indirect risks to life or property. [Same Impact as Approved Project (Less than Significant Impact)]**

As discussed in Impact GEO-3, the project would be required to comply with the building codes and construction standards in the California Building Code, the soil investigation requirements of the City of Milpitas Municipal Code and Seismic Hazards Mapping Act, and the City of Milpitas General Plan policies which would reduce impacts related to potential expansive soils on-site. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact GEO-5: **The project would not 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. [Same Impact as Approved Project (Less than Significant Impact)]**

The project would connect to the existing sewer lines in McCandless Drive; therefore, the proposed project would not require the use of septic tanks or alternative wastewater disposal systems. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact GEO-6: **The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. [Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]**

¹⁵ State of California. *Seismic Hazard Zones Milpitas Quadrangle*. October 19, 2004.

There are no known paleontological resources and no unique geologic features on the project site. Further, the site was previously disturbed during the remediation work and utility work completed for the project site and the adjacent school site. No resources were identified during the remediation or utility installation; therefore, it is unlikely that paleontological resources would be encountered during construction activities.

MM GEO-1.1: Consistent with TASP Policy 5.35, the following measure shall be implemented to avoid impacts to paleontological resources:

- A qualified paleontologist will attend a preconstruction meeting to ensure construction workers are able to identify potential paleontological resources. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photodocument or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.

The proposed project, with implementation of **MM GEO-1.1** per TASP Policy 5.35, would not result in significant impacts to paleontological resources. The project would not result in new or greater paleontological resource impacts than those disclosed in the TASP EIR.

General Plan Policies that Reduce Impacts

Policy 4.d-I-1:	Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.
Policy 5.a.I-3:	Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual.
Policy 5.d-I-2:	Design critical public facilities to remain operational during emergencies.

TASP Policies and Development Standards that Reduce Impacts

Policy 5.35:	All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photodocument or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.
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4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant	No.	No.	No.	None.
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	Less than Significant	No.	No.	No.	Policies 3.21, 3.23, 3.28, 5.6, 5.8

City of Milpitas Transit Area Specific Plan EIR– Greenhouse Gas Emissions Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the TASP policies, would not result in significant greenhouse gas emissions impacts.

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. [Same Impact as Approved Project (Less than Significant Impact)]

Construction

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. Neither the City of Milpitas nor BAAQMD have an adopted threshold of significance for construction related GHG emissions. BAAQMD encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. Consistent with TASP Policies 5.4, 5.6, 5.8, and 5.16, the project would be required to implement BAAQMD Best Management Practices, included as conditions of approval in Section 4.3 Air Quality, restricting equipment idling times and requiring the applicant to post signs on the project site reminding workers to shut off idle equipment, thus reducing the potential for energy waste. Consistent with TASP Policy 6.23, projects would also comply with the City's requirements to recycle and/or salvage for reuse construction and demolition waste, minimizing energy impacts from the creation of excessive waste. Because project

construction would be temporary and would not result in a permanent increase in emissions that would interfere with long-term GHG reduction goals, the temporary increase in emissions would be less than significant and the proposed project would not result in new or greater greenhouse gas emission impacts than identified in the TASP EIR.

Operation Emissions

The City of Milpitas has an adopted Climate Action Plan. In order to conform to the Climate Action Plan, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies. Consistent with the project site's existing General Plan land use designation (*Parks and Open Space*) and zoning district (*Parks and Open Space with a Transit Oriented Development Overlay*) the project proposes to construct a park, production water well, and pedestrian bridge on the site. The proposed project is consistent with the project site's existing General Plan land use designation and, therefore, is consistent with the land use assumptions of the Milpitas GHG Reduction Strategy.

The project site is currently undeveloped; therefore, the proposed project would intensify the uses on the project site, increasing vehicle trips and energy usage compared to existing conditions. With SVCE providing 100 percent carbon free electricity, the project generated GHG emissions would be limited to vehicle traffic to and from the site. The park was evaluated in the TASP EIR and is intended to serve the local neighborhood that would walk or bike to the park and is not anticipated to generate significant new vehicle trips, beyond what was anticipated in the TASP EIR.

The proposed project is consistent with the development assumptions in the TASP. As such, the post-2020 GHG emissions from the project have been accounted for and already disclosed less than significant impact and accepted by the City Council in adopting the TASP. Therefore, completion of the proposed project would not result in a new or greater GHG emission impacts than identified in the TASP EIR.

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. [Same Impact as Approved Project (Less than Significant Impact)]

The project would generate a relatively small amount of GHG emissions. The City of Milpitas Climate Action Plan identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The measures center around five strategies: energy, water, transportation and land use, solid waste, and off-road equipment. CEQA clearance for all development proposals are required to address project consistency with the goals and policies in the Climate Action Plan designed to reduce GHG emissions.

The proposed project would comply with the City's Climate Action Plan and applicable TASP Policies: 3.21, 3.23, 3.28, 3.31, 5.6, and 5.8. as outlined in the TASP EIR and listed below. For these reasons, the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs and would not result in new or greater GHG emission impacts than identified in the TASP EIR.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

- Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.
- Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycle routes to schools into the Transit Area.
- Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP].
- Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.
- Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.
- Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:
- Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;
 - Automatic lighting systems in public buildings and offices; and
 - Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant	No.	No.	No.	None.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	No.	No.	No.	None.
3. 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	No.	No.	No.	None.
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	No Impact.	No.	No.	No.	Policy 5.20

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact	No.	No.	No.	None.
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact	No.	No.	No.	None.
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	This criterion was not evaluated in the TASP EIR (2008).	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan EIR – Hazards & Hazardous Materials Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the TASP policies, would not result in significant hazards and hazardous materials impacts.

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. [Same Impact as Approved Project (Less Than Significant Impact)]

During construction, hazardous materials typically associated with construction activities, such as fuel, oil, and lubricants would be used at the project site. The production water well would store chemicals to maintain water quality for well operations. Proposed chemicals to be stored on-site include up to 480 gallons of sodium hypochlorite liquid (12 percent), up to 140 gallons of ferric

chloride liquid (40 percent), and up to 140 gallons of ammonium sulfate liquid (38 percent). All chemicals would be stored in accordance with current state and federal laws and regulations. The proposed project would be subject to hazardous materials programs and ordinances administered by the Milpitas Fire Department and the Santa Clara County Department of Environmental Health (SCCDEH), including the Milpitas Hazardous Materials Storage and Toxic Gas Ordinances and the Santa Clara County Household Hazardous Waste Program. Mandatory project compliance with federal, state, and local regulations and TASP Policy 5.20 would reduce potential impacts associated with future hazardous material use, transport, and disposal to a level of less than significant. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-2: The project would not 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. [Same Impact as Approved Project (Less Than Significant Impact)]

During project construction, the Milpitas Fire Department and the SCCDEH require implementation of best management practices to prevent release of hazardous materials (e.g. fuels, oils, hydraulic fluids, adhesives, etc.). Although the project is not anticipated to result in accidental spills or create hazardous conditions, the best management practices would minimize the potential for accidental spills during construction and would provide measures to contain accidental spills should one occur.

The project site does not contain historic or current leaking underground storage tank sites, historic or current DTSC State Response, Federal Superfund, or Certified with Operation and Maintenance sites, and does not contain other historic or current solid waste disposal, cease and desist or cleanup and abatement order, or corrective action sites.¹⁶

The proposed project, in compliance with federal, state, and local regulations, would not result in hazardous material use, transport, and disposal impacts. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. [Same Impact as Approved Project (Less Than Significant Impact)]

The nearest schools to the project site are Mabel Mattos Elementary School, located directly south of the project site at 1750 McCandless Drive, and Pearl Zanker Elementary School, located at 1585 Fallen Leaf Drive, approximately 0.3 miles west of the project site.

¹⁶ Milpitas Unified School District. *McCandless Drive Elementary School Project Draft Environmental Impact Report*. November 2015. Pages 9-15.

The production water well would store chemicals to maintain water quality for well operations. Proposed chemicals to be stored on-site include up to 480 gallons of sodium hypochlorite liquid (12 percent), up to 140 gallons of ferric chloride liquid (40 percent), and up to 140 gallons of ammonium sulfate liquid (38 percent). All chemicals would be stored in accordance with current state and federal laws and regulations. The proposed project would be subject to hazardous materials programs and ordinances administered by the Milpitas Fire Department and the Santa Clara County Department of Environmental Health (SCCDEH), including the Milpitas Hazardous Materials Storage and Toxic Gas Ordinances and the Santa Clara County Household Hazardous Waste Program. Mandatory project compliance with federal, state, and local regulations would reduce potential impacts to nearby schools to a less than significant level. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-4: The project would not 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, create a significant hazard to the public or the environment. [Same Impact as Approved Project (Less Than Significant Impact)]

The project site is not listed on any federal, state, or local compiled lists searched by the database review, including lists compiled under Government Code Section 65962.5.¹⁷ Due the previous on-site remediation, it is unlikely that the project could result in a significant hazard to the public or the environment; however, in the event that hazardous materials are encountered, implementation of TASP Policy 5.20 would reduce potential impacts to a less than significant level. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-5: The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. [Same Impact as Approved Project (Less Than Significant Impact)]

The project site is located approximately three miles southwest of the San José International Airport and is not located within its Airport Planning Area. Construction activities would be confined to the project site and would not involve the use of any equipment that would affect aircraft activity at the San José International Airport. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. [Same Impact as Approved Project (Less Than Significant Impact)]

¹⁷ CalEPA. "Cortese List Data Resources". Accessed April 5, 2019. <https://calepa.ca.gov/sitecleanup/corteselist>.

The proposed park, production water well, and bridge projects do not have characteristics that would impair the implementation of or physically interfere with the City's Multi-Hazard Emergency Plan. The TASP EIR involved coordination with the Milpitas Fire Department's Office of Emergency Services to ensure compatibility with adopted City emergency response and evacuation plans. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. These impacts would be similar to those identified in the TASP EIR. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.
[Same Impact as Approved Project (No Impact)]

The project site is located within an urbanized area of Milpitas. The site is not located within or near an area subject to wildland fires. For these reasons, project implementation would not expose people or structures to significant wildfire. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

TASP Policies and Development Standards that Reduce Impacts

Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination. For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings. For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

4.10 HYDROLOGY AND WATER QUALITY

The following discussion is based, in part, on hydraulic analyses prepared for the proposed park and pedestrian bridge by *Schaaf & Wheeler* in April 24, 2019 and December 15, 2017, respectively. Copies of the reports are attached as Appendix C to this Addendum.

4.10.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less than Significant	No.	No.	No.	GP Policy 4.d-I-1 TASP Policies 5.36, 5.37 and 6.5
2. 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	No.	No.	No.	None

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: - result in substantial erosion or siltation on or off-site; - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site; - 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 - impede or redirect flood flows?	Less than Significant	No.	No.	No.	General Plan Policy 4.d-I-1

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	TASP Policies 6.1 and 6.2
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	General Plan Policy 4.d-I-1

City of Milpitas Transit Area Specific Plan EIR – Hydrology and Water Quality Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City’s General Plan and the TASP policies, would not result in significant hydrology and water quality impacts.

Impact HYD-1: **The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. [Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]**

Construction

During construction of all project components, ground-disturbing activities at the project site would have the potential to release sediment into East Penitencia Channel and Lower Penitencia Creek. Other contaminants, such as fuels for construction equipment, could also be introduced to surface water during construction.

The project would be required to comply with TASP Policies 5.33, 5.34 and 6.5 and General Plan Policy 4.d-I-1 to ensure that construction water quality impacts are minimized during project construction.

MM HYD-1.1: The project is required to implement NPDES Construction General Permit Best Management Practices, listed below to ensure compliance with General Plan Policy 4.d-I-1.

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers). In addition, a tire wash system may be required.
- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site would be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- A Storm Water Permit will be administered by the State Water Resources Control Board (SWRCB). Prior to construction grading for the proposed project, the construction project manager will file a “Notice of Intent” (NOI) to comply with the Construction General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes measures to be implemented by the project to minimize and control construction and post-construction runoff.
- The construction project manager will submit a copy of the draft SWPPP to the City of Milpitas for review and approval prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the Construction General Permit will be filed with the Regional Water Quality Control Board and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

Operation

The project site is currently undeveloped and covered with pervious surfaces. The proposed project would increase the impervious area through the construction of pathways, driveways, hardscape play surfaces and structures. The proposed project would comply with the General Plan Policy 4.d-I-1 and Provision C.3 of the RWQCB Municipal Regional Stormwater Permit (MRP). Stormwater runoff

from the proposed development would drain into treatment areas, including bioretention areas, prior to entering the storm drain system. Treatment facilities would have sufficient capacity to treat the runoff before entering the storm drainage system consistent with the National Pollutant Discharge Elimination System (NPDES) requirements. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the MRP would be included in the final project design, to the satisfaction of the Director of Engineering/City Engineer.

With implementation of mitigation measure **MM HYD-1.1** above, consistent with General Plan Policy 4.d-I-1, the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. [Same Impact as Approved Project (Less than Significant Impact)]

The project site is located in an urban area and is not within a designated groundwater recharge zone for the groundwater basin. The park would utilize recycled water for all facilities with the exception of drinking fountains. The proposed park would use a maximum of 3.11 million gallons of recycled water per year.¹⁸

The project site overlies the Santa Clara Plain Subbasin (California Department of Water Resources [DWR] Subbasin 2-9.02). Valley Water manages groundwater pumping within the Santa Clara Plain Subbasin pursuant to its powers as a California Special District and as a Groundwater Sustainability Agency under the Sustainable Groundwater Management Act of 2014 (SGMA).^{19, 20} Valley Water adopted its 2016 Groundwater Management Plan and submitted it to the DWR on December 21, 2016 as an alternative Groundwater Sustainability Plan (GSP) under SGMA²¹. DWR approved the alternative GSP on July 17, 2019. The 2016 Groundwater Management Plan (i.e., approved alternative GSP) documents the sustainability goal for the Santa Clara Plain Subbasin and provides the framework for managing the Santa Clara Plain Subbasin to avoid undesirable results for the six SGMA sustainability indicators:

- Chronic Lowering of Groundwater Levels
- Reduction of Groundwater Storage
- Seawater Intrusion
- Degraded Water Quality
- Land Subsidence

¹⁸ Schram, Maren. Personal Communication. May 3, 2019.

¹⁹ Valley Water was created by an act of the California Legislature and operates as a California Special District, with jurisdiction throughout Santa Clara County. Section 26 of the Santa Clara Valley Water District Act authorizes the Valley Water to charge customers for groundwater.

²⁰ California Water Code, Division 6, Part 2.74 (Section 10720, *et. seq.*)

²¹ Appendix B of the Valley Water 2016 Groundwater Management Plan documents the functional equivalency of the plan as a GSP.

- Depletions of Interconnected Surface Water

Undesirable results occur when minimum thresholds are exceeded for any of the sustainability indicators, as documented in the 2016 Groundwater Management Plan.

Per Valley Water's 2016 Groundwater Management Plan, total groundwater pumping for the Santa Clara Plain Subbasin should be less than approximately 200,000 acre-feet per year (afy) to maintain operational storage and avoid undesirable results to the basin.²² The long-term average groundwater pumping in the Santa Clara Plain Subbasin ranges from 71,000 afy to 110,000 afy with an average of 92,000 afy. The water budget for the Santa Clara Plain Subbasin is currently in balance and the long-term average yields are sustainable. Valley Water manages the Santa Clara Plain Subbasin to maintain sustainable conditions now and in the future.²³

The 2016 Groundwater Management Plan projects the 2030 groundwater demand in the Santa Clara Plain Subbasin to be 97,000 acre-feet. This projected 2030 groundwater demand includes the City of Milpitas's projected 2030 demands, including the demands of the TASP area. The projected 2030 groundwater demand in the Santa Clara Plain Subbasin is within the range of historical pumping and less than half of the Valley Water's 200,000 acre-feet per year guideline to maintain operational storage and avoid undesirable results.^{24,25}

As evaluated in the TASP EIR, the planned growth envisioned under the TASP would increase water demand in the City by approximately 1.1 million gallons per day (mgd). Based on the analysis in the TASP EIR, the increased demand would be adequately offset by supplies available from Valley Water, which include groundwater.^{26,27}

Although owned and operated by the City, the proposed well would pump groundwater provided by Valley Water and projected to be used by the City in Valley Water's planning documents. The proposed production water well would be operated to produce approximately 0.72 mgd to meet the demand of planned growth within the TASP. Therefore, demand of the proposed production water well (i.e., 0.72 mgd, or approximately 807 afy) would not exceed the water demand evaluated in the TASP EIR (i.e., 1.1 mgd or approximately 1,232 afy). It should also be noted the total estimated future City water demand in 2030 identified in the TASP EIR (i.e., 17.10 mgd, or approximately 19,154 afy), would continue to be below Valley Water's estimated 2030 water demand (i.e., 19.28 mgd, or approximately 21,596 afy) for the City.²⁸

²² Valley Water Groundwater Management Plan, Section 4.4.1.1, Groundwater Pumping. December 21, 2016. Note that Valley Water "...does not manage to a particular value for sustainable yield, but instead manages groundwater to maintain sustainable conditions through annual operations and long-term water supply planning. Annual operations planning considers available water supplies and projected demands in determining the source and volume of water to be delivered for managed recharge, drinking water treatment, or other use."

²³ Ibid, Section 4.4.1.1.

²⁴ Ibid, Table 4-7.

²⁵ Santa Clara Valley Water District, 2015 Urban Water Management Plan, Table 4-1. May 2016.

²⁶ Draft Environmental Impact Report, Milpitas Transit Area Specific Plan, State Clearinghouse No. 2006032091, October 2007.

²⁷ Milpitas Transit Area Specific Plan, Chapter 6, Utilities and Public Facilities. June 2008, Amended 2011.

²⁸ Valley Water, 2005 Urban Water Management Plan, Table 6-1. December 20, 2005.

Valley Water Ordinance 90-1 requires permitting for drilling a water well that intersects the groundwater aquifers of Santa Clara County. The permit is obtained from the Valley Water's Wells and Water Production Unit. Well designs and construction must meet Valley Water's permit requirements. Therefore, construction and operation of the proposed well would be subject to Valley Water oversight and permitting requirements and pumping fees to ensure the well does not impede sustainable groundwater management of the basin. For these reasons and those stated above, the proposed project would not impede sustainable groundwater management of the basin and would not result in new or greater groundwater impacts than identified in the TASP EIR.

Impact HYD-3: The project would not 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 result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows. [Same Impact as Approved Project (Less than Significant Impact)]

A hydraulic analysis was prepared, *Schaaf & Wheeler* in December 2017 (refer to Appendix C) to assess potential impacts to water surface elevations in East Penitencia Channel from construction of the proposed bridge. Results of the evaluation determined that bridge construction would not significantly impact water surface elevations with the channel or in the surrounding overbank areas.

As stated under Impact HYD-1, the bridge would fully span the waterway and would avoid impacts within the bank or channel. While ground-disturbing activities during project construction would have the potential to release sediment into the channel, adherence to the General Plan Policy 4.d-I-1 would reduce the potential for erosion or siltation to occur on- or off-site to a less than significant level. Under existing conditions, runoff sheet flows untreated into the creek channel. As discussed above under Impact HYD-1, the proposed project would be required to comply with both the NPDES Construction General Permit and the MRP. In compliance with the MRP, on-site stormwater treatment areas would be installed in the proposed park. The on-site stormwater treatment areas would reduce the rate and volume of stormwater runoff generated by the proposed project, which would improve the drainage pattern of the site compared to existing conditions. Consistent with General Plan Policy 4.d-I-1, the proposed project would not result in stormwater runoff impacts. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. (Less Than Significant Impact)

The project site and surrounding areas are within a Federal Emergency Management Agency (FEMA) defined Special Flood Hazard Area (Zone AO), and are subject to an average flood depth of

one-foot above grade²⁹. A site-specific floodplain analysis (Appendix C) indicated base flood elevations in the vicinity of the proposed project site range from 39.1 feet NAVD³⁰ on the east side of the project site to 36.6 ft NAVD on the west side of the project site.³¹

The proposed project increases the base flood elevation by a maximum of 0.5 feet adjacent to the bridge approach, and the impacts do not extend to other parcels on the left bank of the East Penitencia Channel. Therefore, the project would not cause an impact of greater than one foot. The flow path on the project site has been designed to be able to convey the peak 100-year design flow across the site of 965 cubic feet per second; therefore, the impact to the upstream residential development (Houret) and the Mabel Mattos Elementary school, and downstream residential (Harmony) development are less than one-foot and are considered insignificant. Consistent with TASP Policies 6.1 and 6.2, the project proposes to elevate all structures one foot above the floodplain to avoid impacts to proposed structures.

The project site has low susceptibility to tsunamis, seiches, and mudflow events. According to the Association of Bay Area Government's interactive tsunami mapping, areas near the bay are not considered susceptible to tsunami inundation. There are no inland water bodies in the project vicinity that are susceptible to seiches, thereby precluding the possibility of a seiche inundating the project site. The surrounding vicinity does not contain any steep slopes that would produce a mudflow.

Consistent with TASP Policies 6.1 and 6.2 and for the reasons stated above, the project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Less than Significant Impact)

As stated under Impact HYD-2, the project site is located in an urban area and is not within a designated groundwater recharge zone for the groundwater basin.

²⁹ Federal Emergency Management Agency. *Flood Insurance Rate Map Santa Clara County, California. Map No. 06085C0067J*. February 19, 2014. Accessed April 15, 2019.

³⁰ North American Vertical Datum of 1988.

³¹ Schaaf & Wheeler. *City Park 100-year Floodplain Analysis*. April 2, 2019.

As discussed above, the project would be required to comply with General Plan Policy 4.d-I-1 and would implement Best Management Practices to ensure that construction water quality impacts are minimized during project construction. The project would comply with the NPDES Construction General Permit and the MRP, and the SCVWD well permitting process to ensure compliance with all applicable water quality regulations. As discussed above, the project would not conflict with the implementation of a water quality control plan or sustainable groundwater management plan. For these reasons, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

Policy 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City’s Zoning Ordinance.

TASP Policies and Development Standards that Reduce Impacts

- Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.
- Policy 5.37: Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.
- Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.
- Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices in new developments within the Transit Area.
- Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City’s construction standards for such areas, as currently laid out in Section XI-15 ‘Floodplain Management Regulations’ of the Milpitas Municipal Code.

4.11 LAND USE AND PLANNING

4.11.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
a) Physically divide an established community?	No Impact	No.	No.	No.	None
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?	Less than Significant	No.	No.	No.	None

City of Milpitas Transit Area Specific Plan EIR – Land Use and Planning Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the TASP policies, would not result in significant land use impacts.

Impact LU-1: The project would not physically divide an established community. [Same Impact as Approved Project (No Impact)]

Impacts to an established community can occur if the project physically divides a community. Examples of projects that have the potential to physically divide an established community typically include linear projects such as freeways, railways, and aqueducts. The project site is located in central Milpitas in an area developed with residential, commercial, and educational uses. The layout and design of the proposed project does not include any features that would physically divide the surrounding community. The proposed pedestrian bridge across East Penitencia Channel would enhance bicycle and pedestrian connectivity within the project area and the proposed park would serve the project area. The proposed project would not physically divide an established community. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact LU-2: The project would not 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. [Same Impact as Approved Project (Less Than Significant Impact)]

The project site has a current General Plan designation of *Parks Open Space (POS)* and is currently zoned *Parks Open Space (POS)* with a *Transit Oriented Development Overlay (TOD)* Zoning Overlay. The proposed project is consistent with the site's General Plan designation and zoning and the uses envisioned for the project site in the TASP. For these reasons, the proposed project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.12 MINERAL RESOURCES

4.12.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	No Impact.	No.	No.	No.	None
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact.	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan EIR – Mineral Resources Conclusion

The TASP is located in central Milpitas and developed with urban uses. There are no mineral resources uses within or in the vicinity of the TASP. For these reasons, the TASP EIR did not specifically address the mineral resources impacts from implementation of the TASP.

Impact MIN-1: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. [Same Impact as Approved Project (No Impact)]

The project site is located in central Milpitas in an area developed with residential and commercial uses. There are no known mineral resources within the project area; therefore, project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. The proposed project would not result in new or greater mineral resource impacts than identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact MIN-2: The project would not result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. [Same Impact as Approved Project (No Impact)]

The project site is located in central Milpitas in an area developed with residential and commercial uses. The project area is not delineated in the General Plan, Specific Plan, or other land use plan as a mineral resource recovery site. For these reasons, the project would not result in the loss of availability of a mineral resource recovery site. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.13 NOISE AND VIBRATION

The following discussion is based, in part, on a construction Noise & Vibration Assessment prepared by *Illingworth & Rodkin, Inc.* in March 2019. A copy of the analysis is attached as Appendix D to this Addendum.

4.13.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project result in:					
1. 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?	Less than Significant	No.	No.	No.	TASP Policies 5.10 and 5.15, City of Milpitas Noise Abatement Ordinance, City Regulation Policy 6-I-13
2. Generation of excessive groundborne vibration or groundborne noise levels?	Less than Significant	No.	No.	No.	Milpitas Noise Abatement Ordinance
3. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	No Impact.	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan – Noise and Vibration Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City's Noise Abatement Ordinance, General Plan and TASP policies, would not result in significant noise and vibration impacts.

Impact NOI-1: **The project would not 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. [Same Impact as Approved Project (Less than Significant Impact With Mitigation Incorporated)]**

Existing Noise Environment

A noise monitoring survey was completed to quantify and characterize ambient noise levels at the site and in the project vicinity. Noise monitoring was conducted from February 21 to 25, 2019,

during spring break at Mabel Mattos Elementary School, and from March 7 to 8, 2019, during a 24-hour period when school was in session. The monitoring survey included two long-term noise measurements (LT-1 and LT-2) and three short-term measurements (ST-1, ST-2, and ST-3). Refer to Appendix D for the noise measurement locations.

Hourly average noise levels ranged from 45 to 69 dBA L_{eq} during the day and from 39 to 64 dBA L_{eq} at night at the two long-term noise measurement locations. The day-night average noise levels at the long-term noise measure locations ranged from 53 to 64 dBA DNL during the February noise monitoring survey. Short term noise measurements ranged from 52 to 56 dBA L_{eq} .

Construction Noise

The project would comply with the applicable City restrictions for construction activities, as outlined in the General Plan and TASP Policies below. Such restrictions include limiting construction to between the hours of 7:00 AM and 7:00 PM on weekday and weekends, and no construction on holidays. Neither the City of Milpitas nor the State of California specify quantitative thresholds for the impact of temporary increases in noise due to construction. The threshold for speech interference indoors is 45 dBA. Assuming a 15-dB exterior-to-interior reduction for standard residential construction with windows open and a 25-dB exterior-to-interior reduction for standard commercial construction, assuming windows closed, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses. A significant temporary construction noise impact would occur if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Project construction would be phased to allow the underground work to be completed before the above ground and site amenities are constructed. Construction activities within each phase would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Typical construction noise levels at a distance of 50 feet are shown in Table 4.13-1. Most demolition and construction noise fall in the range of 80 to 90 dBA at 50 feet from the source. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional five to 10 dBA noise reduction at distant receptors.

Table 4.13-1: Construction Equipment 50-foot Noise Emission Limits

Equipment Category	L_{max} Level (dBA)^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes:¹ Measured at 50 feet from the construction equipment.² Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.³ Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.**Source:**

Mitigation of Nighttime Construction Noise, Vibrations and Other Nuisances, National Cooperative Highway Research Program, 1999.

Park Construction

Construction of the park is anticipated to take 281 days over the course of 15 months to complete, beginning in approximately June 2020. Construction of the park would include demolition, site preparation, grading and excavation, trenching, building construction, paving, and landscaping.

Table 4.13-2 shows the anticipated noise levels during construction of the proposed park.³² At 50 feet from the noise source, maximum instantaneous noise levels generated by park project construction equipment are calculated to range from 78 to 85 dBA L_{max} and hourly average noise levels are calculated to range from 75 to 85 dBA L_{eq} .

Table 4.13-2: Noise Levels for Park Construction Stages		
Construction Phase	At Distance of 50 ft.	
	L_{eq}, dBA	L_{max}, dBA
Demolition (15 days)	81	82
Site Preparation (15 days)	83	85
Grading/Excavation (60 days)	85	85
Trenching (60 days)	78	81
Building-Exterior (90 days)	75	81
Building-Interior (15 days)	75	78
Paving (30 days)	82	82

Park construction would be located approximately 25 feet from the nearest residences under construction to the east, 110 feet from residences to the north, 180 feet from residences to the west, and about 210 feet from Mabel Mattos Elementary School classroom buildings to the south. Construction would comply with the City of Milpitas' Municipal Code specified hours of construction. However, noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than five dBA L_{eq} at all surrounding residential uses and at the adjacent school buildings for a period exceeding one year.

As identified in the Noise and Vibration Assessment (refer to Appendix D), with implementation of the mitigation measures listed below consistent with TASP Policy 5.15, construction of the proposed park would not significantly impact nearby sensitive receptors.

Production Water Well Construction

Construction of the production water well is estimated to start December 2019 and end in August 2021. The production well would be completed in two separate phases, one for belowground construction and one for aboveground construction. Construction of the well is anticipated to take 251 days to complete. Stages of construction would include well drilling (below ground), well

³² The noise levels were calculated using the Federal Highway Administration software, Roadway Construction Noise Model (RCNM).

equipping (above ground), grading and excavation, trenching, building construction, construction of the backwash tank, filter installation, and concrete paving. Only finish grading would be required, as initial site grading would have occurred as part of the park project. Site preparation includes installation of a security fence, construction trailer, and temporary utilities.

The projected noise levels from construction activities associated with the production water well construction is displayed in Table 4.13-3, below.

Table 4.13-3: Construction Noise Levels for Well Construction Stages		
Construction Phase	At Distance of 50 ft.	
	L_{eq}, dBA	L_{max}, dBA
Well Drilling – Below Ground (70 days) ¹	80	81
Well Equipping & Site Preparation (10 days)	74	77
Grading/Excavation (20 days)	79	82
Trenching (10 days)	74	77
Building-Exterior (40 days)	79	81
Building-Interior (40 days)	78	81
Backwash Tank (40 days)	75	81
Filter Installation (1 day)	73	81
Concrete Paving (20 days)	75	78
¹ It possible that the below ground drilling phase could require 24-hours of continuous operation in order to maintain drilling equipment.		

Project construction would be located as close as approximately 65 feet from the residences under construction to the east. At this distance, noise levels would be approximately two dBA lower than those displayed in Table 4.13-3 and would range from approximately 71 to 78 dBA L_{eq}. Therefore, noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than five dBA L_{eq} at adjacent residential uses to the east over a period exceeding one year

As identified in the Noise and Vibration Assessment (refer to Appendix D), with implementation of the mitigation measures listed below consistent with TASP Policy 5.15, construction of the proposed production water well would not significantly impact nearby sensitive receptors.

Pedestrian Bridge Construction

Construction of the bridge is anticipated to take 83 days over the course of 9 months to complete, beginning in approximately June 2020. Stages of construction would include demolition, site preparation, grading and excavation, trenching, bridge and retaining wall construction, and paving. Table 4.13-4 shows the anticipated noise levels during construction of the proposed bridge. At 50 feet from the noise source, maximum instantaneous noise levels generated by project construction

equipment are calculated to range from 80 to 87 dBA L_{max} and hourly average noise levels are calculated to range from 80 to 87 dBA L_{eq} .

Table 4.13-4: Noise Levels for Bridge Construction Stages		
Construction Phase	At Distance of 50 ft.	
	L_{eq}, dBA	L_{max}, dBA
Demolition (2 days)	82	82
Site Preparation (2 days)	85	85
Grading/Excavation (5 days)	87	87
Trenching (2 days)	82	82
Bridge and Retaining Wall Construction (70 days)	83	84
Paving (2 days)	80	80

Bridge construction would be located as close as approximately 25 feet from residences to the north. At this distance, noise levels would be about six dBA higher than those summarized in Table 4.13-4, resulting in hourly average construction noise levels in the range of 86 to 93 dBA L_{eq} . Construction would comply with the City of Milpitas' Municipal Code specified hours of construction. However, noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than five dBA L_{eq} at adjacent residential uses to the north and residences under construction to the east. Although bridge construction would be completed over a period of less than one year, the combined exposure of these residences to bridge and park construction would exceed one year.

MM NOI-1.1: As identified in the Noise and Vibration Assessment (refer to Appendix D) and consistent with TASP Policy 5.15, the project would implement the following measures to reduce construction noise on existing sensitive receptors.

- Unless the contractor requests in writing, and receives in advance, written approval from the City's Director of Public Works for a modified construction schedule, the City requires that construction activities be limited to 12-hour shifts between 7:00 AM and 7:00 PM, Monday through Friday and construction shall not take place on weekends or City holidays. Per the City's Noise Ordinance, work shall not be conducted on the following City holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- 24-hour operations shall be required from, at latest, the initiation of pilot hole drilling through construction of the well, and shall require the contractor to request in writing, and receive in writing, approval from the City's Director of Public Works for 24-hour operations prior to the initiation of 24-hour operations. 24-hour operations may also be advantageous for other specific portions of well development and testing, and if this is the desire of the contractor, will also require the contractor to request in writing and to receive a response in writing from the City's Director of Public Works for 24-hour operations, prior to initiation of 24-hour operations. The contractor shall arrange with the City for any 24-hour, weekend, or holiday operations intended and/or required for the successful completion of the project. The

Contractor shall notify the City at least 72 hours prior to any proposed work outside the normal working times defined above, including any proposed work on weekends or holidays. The City will take contractor's request under consideration and make a decision within 48 hours.

- The Contractor shall complete the temporary sound barrier design³³ and associated calculations and apply for a Building Permit from the City's Building Department as first order of work from receiving notice to proceed.
- The work shall be carried out as quietly as possible to prevent possible annoyance to adjacent residents. Unnecessary noise shall be avoided at all times.
- Sound attenuation measures will be required due to the proximity of the work area to dwellings. Sound attenuation measures shall include providing construction equipment and performing construction activities in a manner that minimizes noise generation and conforms to General Conditions Article 28, Hours of Work, and the instructions of the City/Engineer.
- Night-time drilling operations when authorized, shall be conducted in a manner to reduce noise peaks and avoid rapid changes in noise levels³⁴. All drilling personnel shall be advised to avoid noise generation wherever possible. In particular, the changing of drill pipe and the throttling of the drill rig shall be done in such a manner that appreciably lessens the noise produced by these activities as compared to the daytime. All deliveries of pipe and other materials and supplies, and all removal of debris, drilling cuttings, drilling fluids, equipment, materials, and supplies from the well site shall take place during day-time hours, unless approved in writing by the City.
- Construction of a temporary sound barrier shall include all work necessary to design, furnish, install, maintain and remove a temporary sound barrier, and conduct a full-scale sound test.
- The temporary sound barrier shall be self-supporting and at least 24 feet high. The sound barrier shall be generally configured along the west, north, and east boundaries of the work area, or as approved by the City, to minimize noise at residential land uses. The temporary sound barrier shall be engineered to reduce noise levels to the maximum extent possible.
- For construction of the well, a full-scale drilling noise test simulating drilling activities will consist of noise level emissions measurements taken at the work area boundary, at the nearest sensitive receptor, and at 75 feet and 150 feet from the drilling location. Construction noise levels measured by the Contractor at the nearest sensitive receptor shall not exceed 60 dBA from the hours of 7:00 AM to 7:00 PM and 55 dBA from the hours of 7:00 PM to 7:00 AM without prior written approval of the City.
- Drilling operations shall not proceed until noise emissions conform to these Specifications. Should noise levels exceed the above levels, appropriate noise attenuation measures shall be implemented prior to resuming work, to reduce the offensive noise levels at the sensitive receptors.

³³ Illingworth & Rodkin, Inc. Milpitas Park, Bridge and Water Supply Well Noise and Vibration Assessment. March 2019.

³⁴ Ibid

- Construction scheduling shall be undertaken with consideration for school activities and hours. Schedule high noise generating construction activities that are located nearest school facilities during periods when school is not in session, such as summer, school breaks, weekends, and after school dismissal. Coordination of construction activity times with school officials may be necessary.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent noise sensitive land uses of the construction schedule in writing.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

With implementation of the mitigation measures above, consistent with TASP Policy 5.15, construction would not generate a substantial temporary or permanent increase in ambient noise levels in the project vicinity that exceeds the standards established in the local general plan or noise ordinance, or other applicable standards. Therefore, the proposed project would not result in new or greater noise impacts than identified in the TASP EIR.

Operational Noise

The proposed park includes a joint-use lit athletic field and all-inclusive play areas for use by residents and the adjacent Mabel Mattos Elementary School, a picnic area, a walking trail, a community garden, a fenced dog play area, fitness stations, and a restroom building. Joint-use parking and basketball courts were previously constructed as part of the Mabel Mattos Elementary School project. The park would be available from dawn to dusk, 365 days per year. It is expected that site safety lighting would be in place from dusk to dawn. The lit athletic field would be available for use until 10:00 PM. The primary noise sources associated with park operations include activities at the provided park amenities and facilities, parking, and increased traffic on the surrounding roadways. The well would be located underground, and the pumping equipment would be housed in a concrete building. The noise assessment determined there would be no noise impacts due to

operation of the well. There are no operational noise sources associated with the pedestrian bridge and production water well components.

Park Noise

The main noise-generating uses at the proposed park would be the outdoor play areas and lit athletic field. The addition of the picnic area, walking trail, community garden, dog play area, and fitness stations are not anticipated to generate substantial noise at residents. The noise associated with the use of outdoor play areas is typically characterized by children yelling and playing. Noise levels at a play area with four to six children and four to six adults range from 60 to 61 dBA L_{eq} at 20 feet from the edge of the playground.³⁵ The nearest residences are located approximately 170 feet north and 230 feet west of the nearest play area(s). Play area noise could reach 50 dBA L_{eq} at residences to the north during periods with heavy usage and would be anticipated to range from 46 to 47 dBA L_{eq} during typical usage. Noise levels would be about three dBA lower at residences to the west. Noise levels would be significantly lower on a daily average basis (DNL).

The proposed lit athletic field would be available for use until 10:00 PM. It is anticipated that the field would be used by the school and community for field hockey, baseball, softball, soccer, lacrosse, etc. Based on attended measurements conducted during high school sporting events, softball and baseball games can generate noise levels of up to about 57 dBA L_{eq} at 100 feet from the infield (assumes 100 to 200 spectators in attendance). Maximum noise levels of about 65 dBA L_{max} at 100 feet typically result from balls being hit and shouting from players and spectators. Hourly average noise levels during field hockey, soccer, and lacrosse events would be anticipated to be about 60 dBA L_{eq} at 100 feet from the center of the field. Noise levels generated during practices and during middle and elementary school aged activities would be lower. The nearest noise sensitive land uses to the sports field include residences under construction about 270 feet east of the center of the field and existing residences located about 370 feet to the west. Baseball and softball games with high attendance would be anticipated to generate noise levels as high as 48 dBA L_{eq} at the residences under construction to the east and 46 dBA L_{eq} at residences to the west. Hourly average noise levels during field hockey, soccer, and lacrosse events would be anticipated to be about 51 dBA L_{eq} at the residences under construction to the east and 49 dBA L_{eq} at residences to the west. Activities would not extend into the nighttime period from 10:00 PM to 7:00 AM and would therefore be significantly lower on a daily average basis.

Based on the Noise and Vibration Assessment and as summarized above, noise levels generated by park activities would typically be below the existing ambient noise levels in the protect area and below the 65 dBA DNL threshold.

³⁵ Illingworth & Rodkin, Inc. *Milpitas Park, Pedestrian Bridge, and Water Supply Well Noise and Vibration Assessment*. March 12, 2019.

Project Generated Traffic Noise

McCandless Drive has an average daily traffic (ADT) volume of 2,880 vehicles per day.³⁶ Typically, the peak hour traffic volume in suburban areas is equivalent to about 10 percent of the ADT, or in this case, 288 vehicles per hour. There are approximately 40 existing parking spaces available for use by Mabel Mattos Elementary School and the proposed park. Traffic noise levels were calculated to increase by less than one dBA DNL along the roadway network in the project vicinity as a result of the proposed project, which is below the City's three dBA DNL threshold for a permanent noise increase and not considered substantial.

Future Exterior Noise Environment

The future exterior noise environment at the project site would result primarily from distant and local traffic and occasional aircraft. Noise sensitive outdoor use areas at the proposed park would include the sports field, play areas, picnic area, walking trail, community garden, fenced dog play area, and fitness stations. These outdoor use areas would be located as close as 130 feet from the center of McCandless Drive. There are no noise sensitive areas associated with the pedestrian bridge and production water well and no noise sensitive indoor uses proposed by the project.

Based on the noise monitoring survey and assuming a one dBA DNL noise increase under future conditions, the park would be exposed to future noise levels as high as 58 dBA DNL. Noise levels would be consistent with the City's 70 dBA DNL threshold for schools, playgrounds, and neighborhood parks. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. [Same Impact as Approved Project (Less than Significant Impact)]

Construction Vibration

Project construction may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Table 4.13-5 presents typical vibration levels from construction equipment at 25, 110, 180, and 210 feet to represent distances from surrounding structures to construction located near the site boundary. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Vibration levels are highest close to the source and decrease with distance.

Table 4.13-5: Vibration Levels for Construction Equipment at Various Distances					
Equipment		PPV at 25 ft. (in/sec)	PPV at 110 ft. (in/sec)	PPV at 180 ft. (in/sec)	PPV at 210 ft. (in/sec)
Clam shovel drop		0.202	0.040	0.023	0.019
Hydromill	0.008	0.002	0.001	0.001	0.002

³⁶ City of Milpitas. *City of Milpitas Traffic Volumes Map*. Available at http://app.ci.milpitas.ca.gov/_pdfs/trans_traffic_volume_map.pdf, Accessed on March 12, 2019.

(slurry wall)	0.017	0.003	0.002	0.002	0.004
Vibratory Roller		0.210	0.041	0.024	0.020
Hoe Ram		0.089	0.017	0.010	0.009
Large bulldozer		0.089	0.017	0.010	0.009
Caisson drilling		0.089	0.017	0.010	0.009
Loaded trucks		0.076	0.015	0.009	0.007
Jackhammer		0.035	0.007	0.004	0.003
Small bulldozer		0.003	0.001	0.000	0.000

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, October 2018 as modified by Illingworth & Rodkin, Inc., March 2019.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of construction activities. However, as indicated in Table 4.13-5, none of these construction activities would be anticipated to exceed 0.3 in/sec PPV at the nearest structures. Vibration levels may be perceptible to building occupants but would not be anticipated to cause cosmetic or structural damage to the nearest buildings and would not be considered excessive. Vibration levels would decrease as construction moves away from the project site boundaries. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Operational Vibration

Operation of the proposed park, production water well, and pedestrian bridge would not generate vibration. The project is, therefore, consistent with the findings of the TASP EIR. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact NOI-3: The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. [Same Impact as Approved Project (No Impact)]

The project is not located within the vicinity of a private airstrip and is not located within the San José International airport land use plan. The project, therefore, would not expose people residing or working within those areas to excessive noise levels. For these reasons, as stated above, the project would not expose people residing or working in the project area to excessive noise levels. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

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.

TASP Policies and Development Standards that Reduce Impacts

Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.

Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.

4.14 POPULATION AND HOUSING

4.14.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. 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.	No.	No.	No.	None.
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Less Than Significant Impact.	No.	No.	No.	None.

City of Milpitas Transit Area Specific Plan EIR – Population & Housing Conclusion

The TASP EIR concluded implementation of the TASP, would result in less than significant population and housing impacts.

Impact POP-1: **The project would not 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). [Same Impact as Approved Project (Less Than Significant Impact)]**

The proposed project would not involve the construction of new housing, nor would it generate any long-term employment opportunities that would cause substantial population growth. The construction workers needed for the project would be relatively few and these jobs would likely be filled by the local work force. No new long-term employment opportunities or substantial population growth would result from construction activities.

The proposed project would construct a production water well. The purpose of the well is to generate water to meet the demand of planned growth in the TASP. As evaluated in the TASP EIR and discussed in Section 4.10 Hydrology and Water Quality, the planned growth envisioned under the TASP would increase water demand in the City by approximately 1.1 million gallons per day (mgd). The proposed production water well would be operated to produce approximately 0.72 mgd. Well production (i.e., 0.72 mgd) would not exceed the TASP water demand (i.e., 1.1 mgd). Therefore, the proposed production water well would not induce substantial unplanned population growth, either

directly or indirectly. No impacts beyond what was previously disclosed in the TASP EIR have been identified.,

Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. [Same Impact as Approved Project (Less Than Significant Impact)]

The project site is currently undeveloped. Project implementation would, therefore, not displace substantial numbers of existing people or housing. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.15 PUBLIC SERVICES

4.15.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
1. Fire Protection?	Less than Significant	No.	No.	No.	None
2. Police Protection?	Less than Significant	No.	No.	No.	None
3. Schools?	Significant Unavoidable	No.	No.	No.	None
4. Parks?	No Impact	No.	No.	No.	None
5. Other public facilities?	No Impact	No.	No.	No.	None

City of Milpitas Transit Area Specific Plan EIR – Public Services Conclusion

The TASP EIR concluded implementation of the TASP, despite conformance with the City’s General Plan and the TASP policies, would result in significant and unavoidable public services impacts. Specifically, the TASP EIR identified a significant impact from increased demand on school facilities. Impacts to fire and police protection services, parks, and other public facilities were determined to be less than significant.

Impact PS-1: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. [Same Impact as Approved Project (Less Than Significant)]**

The impacts upon fire protection services from planned development under the TASP, which included construction of a park, were evaluated in the TASP EIR. The proposed project would not increase demand upon fire protection services above that evaluated in the TASP EIR. The proposed project would be reviewed by the City of Milpitas Fire Department to ensure the project is designed and built per applicable Fire Code standards and includes features to reduce potential fire hazards (e.g., sprinklers). These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact PS-2: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. [Same Impact as Approved Project (Less Than Significant)]**

The impacts upon police protection services from planned development under the TASP, which included construction of a park, are evaluated in the TASP EIR. The proposed project would not increase demand upon police protection services above that evaluated in the TASP EIR. The proposed project would be constructed in conformance with current codes, and the project design would be reviewed by the City of Milpitas Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact PS-3: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. [Less Impact than Approved Project (Less Than Significant Impact)]**

The proposed construction of a park, production water well, and pedestrian bridge would not induce population growth and, therefore, would not adversely affect schools serving the project area including the adjacent Mabel Mattos Elementary School. Therefore, the proposed project would not result in new or greater impacts to schools than those identified in the TASP EIR.

Impact PS-4: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. [Same Impact as Approved Project (Less Than Significant)]**

The proposed project would construct a park, production water well, and pedestrian bridge. The project would not induce population growth that would increase demand on parks. The proposed project includes the development of a neighborhood park. The proposed park would increase the City's parkland per capita service ratio and reduce existing demand on parks in the project area. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact PS-5: **The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. [Same Impact as Approved Project (Less Than Significant)]**

The proposed construction of a park, production water well, and pedestrian bridge would not induce population growth and, therefore, would not adversely affect other public facilities serving the project area such as libraries or community centers. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.16 RECREATION

4.16.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	No Impact.	No.	No.	No.	TASP Policies 3.36, 3.46, and 3.51
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact.	No.	No.	No.	TASP Policies 3.36, 3.46, and 3.51

4.16.2 City of Milpitas Transit Area Specific Plan EIR – Recreation Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the City of Milpitas General Plan and the TASP policies, would not result in significant recreation impacts.

Impact REC-1: The project would not increase in 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. [Same Impact as Approved Project (Less than Significant Impact)]

The proposed project would construct a park, production water well, and pedestrian bridge. The project would not induce population growth that would increase demand on parks. The project includes construction of a neighborhood park. The proposed park would increase the City's parkland per capita service ratio, reducing existing demand on parks in the project area. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact REC-2: The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. [Same Impact as Approved Project (Less than Significant Impact)]

The proposed project includes the development of a park, a water supply well and a pedestrian bridge. The project would not induce population growth that would require construction or expansion of recreational facilities. The project's physical effects on the environment, including construction and operation of the park and trail, are addressed in this Addendum. As discussed in the respective sections of this Addendum, impacts during construction and operation of the proposed project would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

Design Standard: Provide parks and trails in locations and acreage amounts as shown in Transit Area Plan. In addition, 20 percent of landscape buffers count towards park requirements, if they include trails or wide sidewalks connected to the Citywide Trail System.

TASP Policies and Development Standards that Reduce Impacts

- Policy 3.26: Construct pedestrian/bicycle bridges over Montague Expressway to allow safe crossings of this regional roadway with heavy traffic volumes: (1) near Piper Drive, to connect the Light Rail station, BART station, and development sites on the south side with the Great Mall and the neighborhoods north of Montague Expressway; and (2) near the Penitencia Creek East channel to connect schools and neighborhoods north and south of Montague Expressway.
- Policy 3.39: Develop between 32 and 47 acres of public park space in the Transit Area, with a goal of around 36 acres.
- Policy 3.49: The park site in the McCandless/Centre Point subdistrict shall include a school and/or community center along with play fields and areas for passive recreation. The park site in the McCandless/Centre Point subdistrict shall include a school and/or community center along with play fields and areas for passive recreation. Work with the Milpitas Unified School District to increase the size of the park and school site from seven (7) acres (as shown Small urban neighborhood parks. Create parks to serve as staging areas for access to the citywide trail system. Provide play fields in larger parks in the McCandless/Centre Point and Trade Zone/ Montague subareas. Milpitas Transit Area Specific Plan 3-36 in Figures 3-1 and 3-6) to ten (10) acres. The additional three acres and the facilities to be included on those three acres are to be funded by SB 50 fees, school district grants, possible level two fees, as well as Midtown Specific Plan development fees. Negotiate a Memorandum of Understanding and subsequently a Joint Use Agreement between the City of Milpitas and the Milpitas Unified School District to allow for joint use of recreational facilities within the park and school site.

A school should be built on the park site in the McCandless/Centrepoint Area, with recreation facilities that can be jointly used by the City and the School District. The play fields could serve the school on weekdays and be open to the community as a park on evenings and weekends. The school building could also function as a community center on evenings and weekends. If a public school is built in the planning area, shared indoor and outdoor recreation areas- available to the City's Recreation Services Department for events and/or general public use outside of school hours—will be counted toward the planning area's open space requirement.

Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways.

4.17 TRANSPORTATION/TRAFFIC

4.17.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	Not evaluated in TASP EIR (2008)	N/A	N/A	N/A	N/A
2. For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Not evaluated in TASP EIR (2008)	N/A	N/A	N/A	N/A
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment);	Not evaluated in TASP EIR (2008)	N/A	N/A	N/A	N/A
4. Result in inadequate emergency access?	No Impact	No.	No.	No.	None

City of Milpitas Transit Area Specific Plan EIR – Transportation Conclusion

The TASP EIR concluded implementation of the TASP, despite conformance with TASP policies, would result in significant and unavoidable transportation impacts. Specifically, the TASP EIR identified significant intersection operation impacts in the project vicinity and freeway segment operation impacts.

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. (Less than Significant Impact)

The vehicle trips generated by the proposed park were accounted for in the TASP EIR traffic analysis trip generation assumptions. The park and pedestrian bridge would facilitate pedestrian and bicycle

movement within the TASP area by enhancing the network of pedestrian and bicycle facilities. For these reasons, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact TRN-2: The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Less than Significant Impact)

The proposed park would serve existing and planned development in the TASP area, reducing vehicle miles travelled by future park users in the project vicinity that currently travel to parks outside the project area. The project is located within a Transit Priority Area³⁷ and is served by two VTA bus routes, Route 77 and 321. Bus stops for both routes are located within one-half mile of the proposed park.

Parks, trails, bridges and utilities at the current scale were generally included in the TASP and the TASP EIR, but the proposed bridge and its proposed location was not specifically identified. As discussed above, under Impact TRN-1, the proposed park and pedestrian bridge would facilitate pedestrian and bicycle movement within the TASP area by enhancing the network of pedestrian and bicycle facilities. For these reasons, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified. This analysis is provided for informational purposes only. Pursuant to CEQA Guidelines Section 15064.3, subdivision (c), the provisions of Section 15064.3 do not apply until July 1, 2020; the City has not elected to be bound by this section before that date.

Impact TRN-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). [Same Impact as the Approved Project (Less than Significant Impact)]

The proposed neighborhood park and pedestrian bridge is designed to serve and be compatible with the surrounding neighborhood. The park would install internal pathways to facilitate circulation within the park, and the proposed bridge would include safety features (e.g. railing) for bridge users. The existing parking lot along McCandless Drive would serve the park; the project does not propose new full access driveways onto McCandless Drive. For these reasons, the proposed project would not increase hazards due to a geometric design feature or incompatible uses. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact TRN-4: The project would not result in inadequate emergency access. [Same Impact as Approved Project (No Impact)]

³⁷ Plan Bay Area 2040. Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining. <https://www.planbayarea.org/pda-tpa-map>. Accessed April 5, 2019.

As shown on the site plan (refer to Figure 3.2-1), two driveways, one onto McCandless Drive and another from the existing parking lot along McCandless Drive would provide emergency vehicle access to the project site. The proposed pedestrian bridge would also improve access to the site. Given the nature of the proposed park, production water well, and pedestrian bridge (i.e., relatively open and accessible) and the proposed emergency vehicle access, the project would not result in inadequate emergency access. Therefore, no impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
Would the project result in:					
1. 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)?	This checklist question did not exist at the time the EIR was certified (2008)	No.	No.	No.	No.
2. 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	This checklist question did not exist at the time the EIR was certified (2008)	No.	No.	No.	TASP Policy 5.34

City of Milpitas Transit Area Specific Plan EIR – Tribal Cultural Resources Conclusion

The CEQA Guidelines did not specifically address impacts to tribal cultural resources at the time the TASP EIR was certified and, therefore, impacts to tribal cultural resources were not evaluated in the TASP EIR.

Impact TCR-1: **The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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). (Less than Significant Impact)**

Impact TCR-2: **The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is 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. (Less than Significant Impact)**

On December 10, 2018, Native American consultation was initiated by *Holman & Associates, Archaeological Consultants* to assist the City. The Native American Heritage Commission (NAHC) was contacted to request a review of the Sacred Lands File (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project area. No resources were identified by the NAHC SLF search. The NAHC provided a list of six local Native Americans to be contacted for additional consultation. Each of the six individuals were emailed a letter describing the project with a map of the area and inquiring whether they had concerns. Follow up phone calls and emails were made/sent to those that did not respond. A total of three individuals responded. One indicated the project was outside their tribal territory and, therefore, they had no comments. The other two expressed concerns and recommended a Native American monitor be present during subsurface activities. At the time of preparation of this Addendum, no additional comments were received. At no time during the initial consultation process was a cultural resource identified within or adjacent to the project area.

As discussed in Section 4.5 Cultural Resources and in conformance with TASP Policy 5.34, a presence/absence survey for archaeological resources would be completed to reduce potential adverse effects on unknown archaeological resources and Native American burials to less than significant. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (California Public Resources Code § 21083.2 and § 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. If the remains are determined to be Native American, the coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
1. 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	No.	No.	No.	TASP Policies 6.13, 6.16, 6.17, 6.19, 6.20, 6.21, 6.22, and 6.23
2. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less than Significant	No.	No.	No.	TASP Policies 6.13, 6.18, 6.19, and 6.21
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant	No.	No.	No.	TASP Policies 6.8 and 6.10

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
Would the project:					
4. 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	No.	No.	No.	TASP Policies 6.23 and 6.24
5. Negatively impact the provisions of solid waste services or impair the attainment of solid waste reduction goals.	Less than Significant	No.	No.	No.	TASP Policies 6.23 and 6.24
6. Be noncompliant with federal, state, and local management and reduction statutes and regulation related to solid waste?	Less than Significant	No.	No.	No.	TASP Policies 6.23 and 6.24

City of Milpitas Transit Area Specific Plan EIR – Utilities and Service Systems Conclusion

The TASP EIR concluded implementation of the TASP, in conformance with the TASP policies, would result in less than significant utilities and service system impacts.

Impact UTL-1: **The project would not 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 proposed project would connect to existing water, wastewater, stormwater drain, electric power, and telecommunications serving the site and surrounding area. The existing utilities have capacity to serve the project. The project would not install or upgrade off-site utilities. New and existing connections to water, wastewater, stormwater drain, electric power and natural gas utilities are shown on Figure 4.19-1.

The proposed project includes construction of a production water well. The production water well is a response to meet the increased demand from planned growth in the TASP area. As discussed in the respective sections of this Addendum, construction and operation of the production water well would

not result in new or greater impacts than identified in the TASP EIR. For these reasons and those stated above, the proposed project would result in a less than significant impact related to construction of new or relocation of existing utilities and would not result in new or greater utilities impacts than identified in the TASP EIR.

Impact UTL-2: The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. [Same Impact as Approved Project (Less than Significant Impact)]

The Water Supply Assessment prepared for the TASP EIR found that in normal rainfall years, sufficient water supplies would be available for future development under the EIR. During extended droughts, the City can run emergency wells for additional supply and can increase the use of recycled water to offset potable water demand.

4.19.1.1 *Public Park*

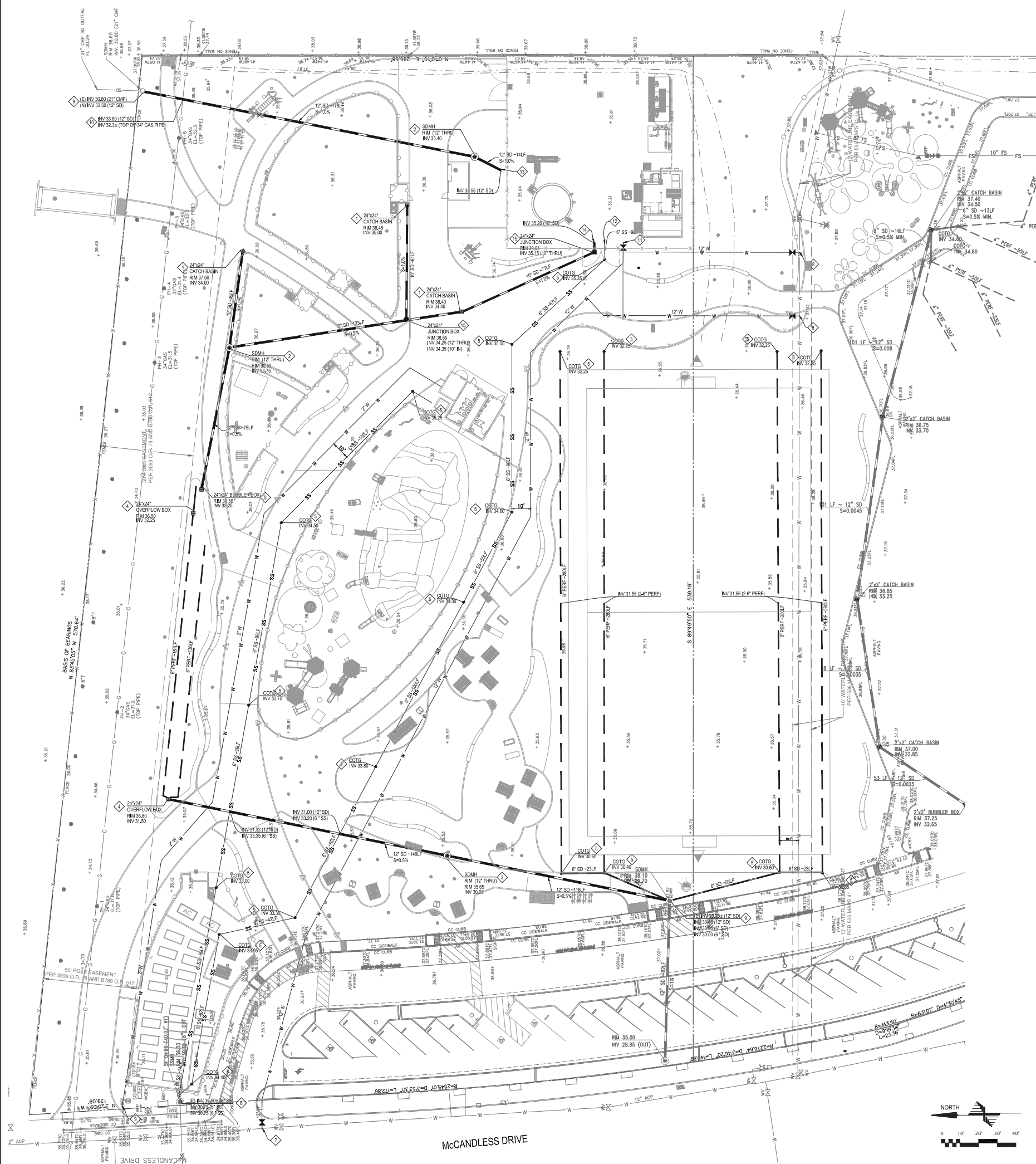
In compliance with TASP Policies 6.13, 6.18, 6.19, and 6.20, the park would utilize recycled water with the exception of drinking fountains. The park would be supplied through existing water connections through the site that were installed as part of the adjacent McCandless School Project. The park would use less than the maximum allowable water allowance of 3.11 million gallons per year of water. Based on the park's minimal water demand and consistent with TASP recycled water policies, the park project would be adequately served by projected water supplies from current sources. As such, the impact of the increase in demands is deemed less than significant with the additional water supply allocations. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

4.19.1.2 *Production Water Well*

The purpose of the production water well is to generate water to meet the water demands due to planned growth in the TASP area. A new 12-inch waterline would be installed from the well to McCandless Drive. The production water well is estimated to produce approximately 262 million gallons per year. Well water would be used to backwash/rinse the treatment system. Once water is treated, it goes to the distribution system. The increase in water demand is deemed less than significant. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

4.19.1.3 *Pedestrian Bridge*

The proposed bridge does not include any uses, features, or facilities that would generate additional demands and require new or expanded utilities or service systems. Therefore, the proposed bridge would not result in impacts related to new or expanded water usage and would not result in new or greater utility impacts than identified in the TASP EIR.



Source: Hohbach-Lewin, Inc., May 6, 2019.

Impact UTL-3: **The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. [Same Impact as Approved Project (Less than Significant Impact)]**

The production water well could generate up to 5.5 million gallons of wastewater per year. The park restrooms would also generate a small amount of wastewater. The wastewater generated by the proposed project would not require additional wastewater utilities beyond what previously were disclosed in the TASP EIR. The project, with implementation of TASP Policies 6.8 and 6.10, would result in a less than significant wastewater treatment impact. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact UTL-4: **The project would not 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. [Same Impact as Approved Project (Less than Significant Impact)]**

Using a solid waste generation rate of 0.09 tons/acre/year, the proposed project would generate approximately 0.36 tons per year of solid waste³⁸. Primarily from operation of the park and production water well. The project solid waste generation was considered in the TASP EIR. The project would not alter the conclusions analyzed in the TASP EIR and, with compliance with TASP Policies 6.23 and 6.24, would result in a less than significant impact on solid waste goals. This is consistent with the conclusions in the TASP EIR. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

Impact UTL-5: **The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. [Same Impact as Approved Project (Less than Significant Impact)]**

Impact UTL-6: **The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. [Same Impact as Approved Project (Less than Significant Impact)]**

Through compliance with TASP Policy 6.23, the project would not negatively impact the provision of solid waste services or impair attainment of the City's solid waste reduction goals. Consistent with the TASP, the project would comply with all management and reduction statutes and regulations related to solid waste. No solid waste impacts beyond those disclosed in the TASP EIR have been identified. These impacts would be similar to those identified in the TASP EIR. No impacts beyond what was previously disclosed in the TASP EIR have been identified.

³⁸ California Air Pollution Control Officers Association. *California Emissions Estimator Model, Appendix D, Default Data Tables*. October 2017.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

- Policy 6.8: Construct the improvements to the wastewater collection system within the Transit Area that were identified in the 2007 Sewer Master Plan Update.
- Policy 6.10: The City of Milpitas will acquire up to 1.0 mgd of wastewater treatment capacity at the WPCP if necessary. The final amount to be acquired, if any, and the timing of the acquisition will be based on studies of actual usage and the pace of development in the city. The City shall monitor the increase in actual sewage flows and the amount of new development approved on an annual basis to determine when additional capacity is required.
- Policy 6.13: Provide water supply for the Transit Area from the Santa Clara Valley Water District per the Water Supply Assessment.
- Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.
- Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.
- Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.
- Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas. The City shall also require, where reasonable and feasible, that commercial uses, schools and non-residential mixed-use developments be provided with dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible. Only non-residential buildings are allowed to use recycled water for indoor water use. The use of recycled water will reduce the amount of effluent otherwise requiring disposal.
- Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.

- Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development in the Transit Area.
- Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.
- Policy 6.24: Before the expiration of its current waste disposal contract, the City shall negotiate new agreements to handle the long-term disposal of its solid waste past the closure of the Newby Island Sanitary Landfill.

4.20 WILDFIRE

4.20.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
Would the project:					
1. Impair an adopted emergency response plan or emergency evacuation plan?	This criterion was not evaluated in the TASP EIR (2008).	N/A	N/A	N/A	N/A
2. 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?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	N/A
3. 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?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	N/A
4. 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?	This checklist question did not exist at the time the EIR was certified (2008)	N/A	N/A	N/A	N/A

City of Milpitas Transit Area Specific Plan EIR – Wildfire Conclusion

The TASP is located in central Milpitas and developed with urban uses. There are no wildland areas within or adjacent to the TASP. For these reasons, the TASP EIR did not address wildfire impacts.

Impact WF-1: **The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. (No Impact)**

Impact WF-2: **The project would not, 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. (No Impact)**

Impact WF-3: **The project would not 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. (No Impact)**

Impact WF-4: **The project would not 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. (No Impact)**

The proposed project is located within the urbanized area of central Milpitas. The project is not located in or near state responsibility areas, lands classified as very high fire hazard severity zones, or other areas subject to wildland fires. Therefore, the project would not expose people or structures to significant wildfire risk and would not result in wildland fire impacts.

General Plan Policies that Reduce Impacts

None.

TASP Policies and Development Standards that Reduce Impacts

None.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 Impact Discussion

	Conclusion in EIR	Does the Proposed Project Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation or Minimization Measures Implemented
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	No	No	No	TASP Policies: 5.25, 5.26, 5.27, 5.29, 5.31
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)?	Significant and Unavoidable	No	No	No	TASP Policies 3.21, 3.23, 3.26, 3.28, 3.30, 3.31, 4.20
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Significant and Unavoidable	No	No	No	TASP Policies 3.21, 3.23, 3.26, 3.28, 3.30, 3.31, 4.20

Impact MFS-1: **The project does not 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. [Same Impact as Approved Project (Less Than Significant Impact)]**

As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified best management practices and conditions of approval and compliance with applicable General Plan polices and TASP policies and development standards.

The project would implement measures to avoid western pond turtles and burrowing owl in the project vicinity during project construction activities, consistent with the findings of the TASP EIR.

The project would implement standard measures, consistent with the TASP EIR, to reduce potential impacts to buried archaeological resources to a less than significant level.

For the remaining resource sections, the project would not result in new or more significant impacts than identified in the TASP EIR.

Impact MFS-2: The project does not have impacts that are individually limited, but cumulatively considerable. [Same Impact as Approved Project (Less Than Significant Impact)]

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

The proposed development would result in temporary air quality, water quality, biology, and noise impacts during construction. With the implementation of the identified best management practices and conditions of approval and consistency with TASP policies, construction impacts would be reduced to a less than significant level. As the identified impacts are temporary and would be less than significant, project contribution to cumulative air quality, water quality, biology, and noise in the project area would not be cumulatively considerable.

With the implementation of the identified best management practices and conditions of approval and consistency with TASP policies, the project would have a less than significant aesthetics, geology and soils, hydrology and water quality, population and housing, public services, recreation, and utilities impacts, and project contribution to cumulative impacts on these resources would not be cumulatively considerable. The project would not impact agricultural and forest resources or mineral resources. Therefore, the project would not contribute to a significant cumulative impact on these resources. For these reasons and those stated above, the proposed project would not result in new or greater cumulative impacts than identified in the TASP EIR.

**Impact MFS-3: The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
[Same Impact as Approved Project (Less Than Significant Impact)]**

The environmental effects of the proposed project, both direct and indirect, are evaluated in the individual sections of this Addendum. With the implementation of identified best management practices and conditions of approval and compliance with applicable General Plan policies and TASP policies and development standards, the proposed project would not result in new or greater environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

SECTION 5.0 REFERENCES

The analysis in this Addendum is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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APPENDIX A

AIR QUALITY ANALYSIS

McCANDLESS PARK, WELL UPGRADE, AND PENITENCIA CREEK PEDESTRIAN BRIDGE CONSTRUCTION HEALTH RISK ASSESSMENT

Milpitas, California

March 19, 2019

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Introduction

The purpose of this report is to address the potential construction health risk impacts associated with the construction of the McCandless Park, McCandless Well Upgrade, and the Penitencia Creek Pedestrian Bridge in Milpitas, California. The analysis was conducted following guidance provided by the Bay Area Air Quality Management District (BAAQMD).¹ The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new source of toxic air contaminants (TACs).

Project Description

The proposed project consists of three separate projects: the McCandless Park Project, the McCandless Well Site Upgrade, and the Penitencia Creek Pedestrian Bridge Project. The park, production well, and pedestrian bridge are all separate City projects. The four-acre park will include joint-use lighted sports field and all-inclusive play areas for the City and Mabel Mattos Elementary School. The pedestrian bridge project will span East Penitencia Creek midway between the Montague Expressway and McCandless Drive. The well project will construct a production water well and associated building at the southeast corner of the parcel. The construction of the projects will be done in phases to allow the underground work to be completed before the above ground and site amenities are constructed.

Setting

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

Toxic Air Contaminants

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

¹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, May 2017.

Regulatory Agencies

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved a new regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles.² The regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

The BAAQMD is the regional agency tasked with managing air quality in the region. At the State level, the CARB (a part of the California Environmental Protection Agency [EPA]) oversees regional air district activities and regulates air quality at the State level. The BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects.³ The detailed community risk modeling methodology used in this assessment is contained in *Attachment 1*.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are residences of single-family townhomes to the west of the project site. There are additional residences at farther distances from the project site. Mable Mattos Elementary School is also located directly south of the project site and the children attending the school are considered sensitive receptors.

Significance Thresholds

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the District's 2011 *CEQA Air Quality Guidelines*. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the *CEQA Air Quality Guidelines* in 2017 to include the latest significance thresholds that were used in this analysis are summarized in Table 1.

² Available online: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>. Accessed: November 21, 2014.

³ Bay Area Air Quality Management District. 2017. *BAAQMD CEQA Air Quality Guidelines*. May.

Table 1. Community Risk Significance Thresholds

Health Risks and Hazards	Single Sources Within 1,000-foot Zone of Influence	Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)
Excess Cancer Risk	>10.0 per one million	>100 per one million
Hazard Index	>1.0	>10.0
Incremental annual PM _{2.5}	>0.3 µg/m ³	>0.8 µg/m ³
Note: PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.		

Construction Health Risk Impacts and Mitigation Measures

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The project would not introduce new residents that are sensitive receptors. Temporary project construction activity would also generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. A construction health risk assessment was prepared to address project construction impacts on the surrounding off-site sensitive receptors. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual PM_{2.5} concentrations, and computing the Hazard Index (HI) for non-cancer health risks. The methodology for computing community risks impacts is contained in *Attachment 1*.

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and PM_{2.5}.⁴ This assessment included dispersion modeling to predict the offsite and onsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

CalEEMod Modeling

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction of the site assuming full build-out of the project. The project land

⁴ DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included as *Attachment 2*.

CalEEMod provided annual emissions for construction and estimates emissions for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based information provided by the project applicant. The proposed project land uses are as follows:

- McCandless Well Upgrade McCandless Site
 - 792 square feet (sf) entered as “General Light Industry” to account for the proposed chemical feed and electrical control building,
 - 500 cubic yards (cy) of soil exported during grading,
 - Five cement truck round-trips during building construction, and
 - Specific start and end dates for each construction phase were provided and entered into the CalEEMod model.
- Penitenica Pedestrian Bridge
 - 0.5 acres entered as “Other Non-Asphalt Surfaces” to account for the pedestrian bridge construction,
 - 600-cy of soil imported during the site preparation,
 - 600-cy of soil imported during the grading,
 - 15 cement truck round trips during the bridge construction, and
 - The constructions start date was provided as June 2020 and the number of workdays per phases were also provided. Calendar start and end states for each phase were not given. Instead the CalEEMod construction schedule was based on the number of total work days given for each phase.
- McCandless Park
 - 4-acres entered as “City Park”,
 - 9,250-cy soil imported during the site preparation,
 - 9,250-cy of soil imported during the grading,
 - 200-cy of asphalt hauled during paving, and
 - The constructions start date was provided as June 2020 and the number of workdays per phases were also provided. Calendar start and end states for each phase were not given. Instead the CalEEMod construction schedule was based on the number of total work days given for each phase.

Construction of the whole project was predicted to begin December 2019 and last 20 months. The construction of the McCandless Well Upgrade would start December 2019 and end in August 2021. The McCandless Park and Penitenica Pedestrian Bridge construction would both begin around June 2020. However, the Penitenica Pedestrian Bridge is predicted to finish during the year 2020, while the McCandless Park construction would end early 2021. There would be overlap between the three projects from the years 2020 to 2021. There were an estimated 251 workdays.

The CalEEMod model also provided total annual PM₁₀ exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages as 0.1070 tons (214 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive PM_{2.5} dust emissions were calculated by CalEEMod as 0.0958 tons (192 pounds) for the overall construction period.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict concentrations of DPM and PM_{2.5} at sensitive receptors (residences) in the vicinity of the project construction area. The AERMOD dispersion model is a BAAQMD-recommended model for use in modeling analysis of these types of emission activities for CEQA projects.⁵ For each of the construction sites modeled, the modeling utilized six area sources to represent the on-site construction emissions, three for exhaust emissions and three for fugitive dust emissions. To represent the construction equipment exhaust emissions, an emission release height of 6 meters (19.7 feet) was used for the area sources. The elevated source height reflects the height of the equipment exhaust pipes plus an additional distance for the height of the exhaust plume above the exhaust pipes to account for plume rise of the exhaust gases. For modeling fugitive PM_{2.5} emissions, a near-ground level release height of 2 meters (6.6 feet) was used for the area sources. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources. Construction emissions were modeled as occurring daily between 7 a.m. to 7 p.m., which are the construction hours the project applicant provided.

The modeling used a 5-year meteorological data set (2006-2010) from the San José Airport prepared for use with the AERMOD model by the BAAQMD. Annual DPM and PM_{2.5} concentrations from construction activities at the project site during the 2019-2021 period were calculated using the model. DPM and PM_{2.5} concentrations were calculated at nearby sensitive receptor locations. Receptor heights of 1.5 meters (4.9 feet) was used to represent the breathing height of residences in nearby single-family townhomes.

The maximum-modeled annual DPM and PM_{2.5} concentrations, which includes both the DPM and fugitive PM_{2.5} concentrations, were identified at nearby sensitive receptors (as shown in Figure 1) to find the maximally exposed individuals (MEIs). The maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters described in *Attachment 1*. Non-cancer health hazards and maximum PM_{2.5} concentrations were also calculated and identified. *Attachment 3* to this report includes the emission calculations used for the construction area source modeling and the cancer risk calculations.

⁵ Bay Area Air Quality Management District (BAAQMD), 2012, *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0*. May.

Figure 1. Project Construction Site and Locations of Off-Site Sensitive Receptors and TAC Impacts



Results of this assessment indicated that the residential construction MEI was located at a townhome southeast of the project as seen in Figure 1. Table 2 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities affecting the residential MEI. As seen in Table 2, the construction risk impacts do exceed the BAAQMD single-source thresholds for cancer risk and $PM_{2.5}$ concentrations but does not exceed the single-source threshold for HI. *Mitigation Measures AQ-1 and AQ-2 would reduce these impacts to a level of less-than-significant.*

Note that the townhome where the residential construction MEI was identified is part of the Ellison Park residential development, and as of this analysis the townhomes are still under construction. However, it was assumed that construction of these residences would be complete and operational before the start of the McCandless project. The maximum residential cancer risks, $PM_{2.5}$ concentration, and Hazard Index from construction at the other existing residences (i.e. the fully-developed and operational residences) would be less than the risk identified at the construction MEI and would not exceed their respective BAAQMD single-source thresholds.

Table 2. Construction Risk Impacts at the Offsite MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Project Construction			
Unmitigated	50.8 (infant)	0.84	0.05
Mitigated	6.6 (infant)	0.17	0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>0.1
Significant?			
Unmitigated	Yes	Yes	No
Mitigated	No	No	No

Mabel Mattos Elementary School – Sensitive Receptors

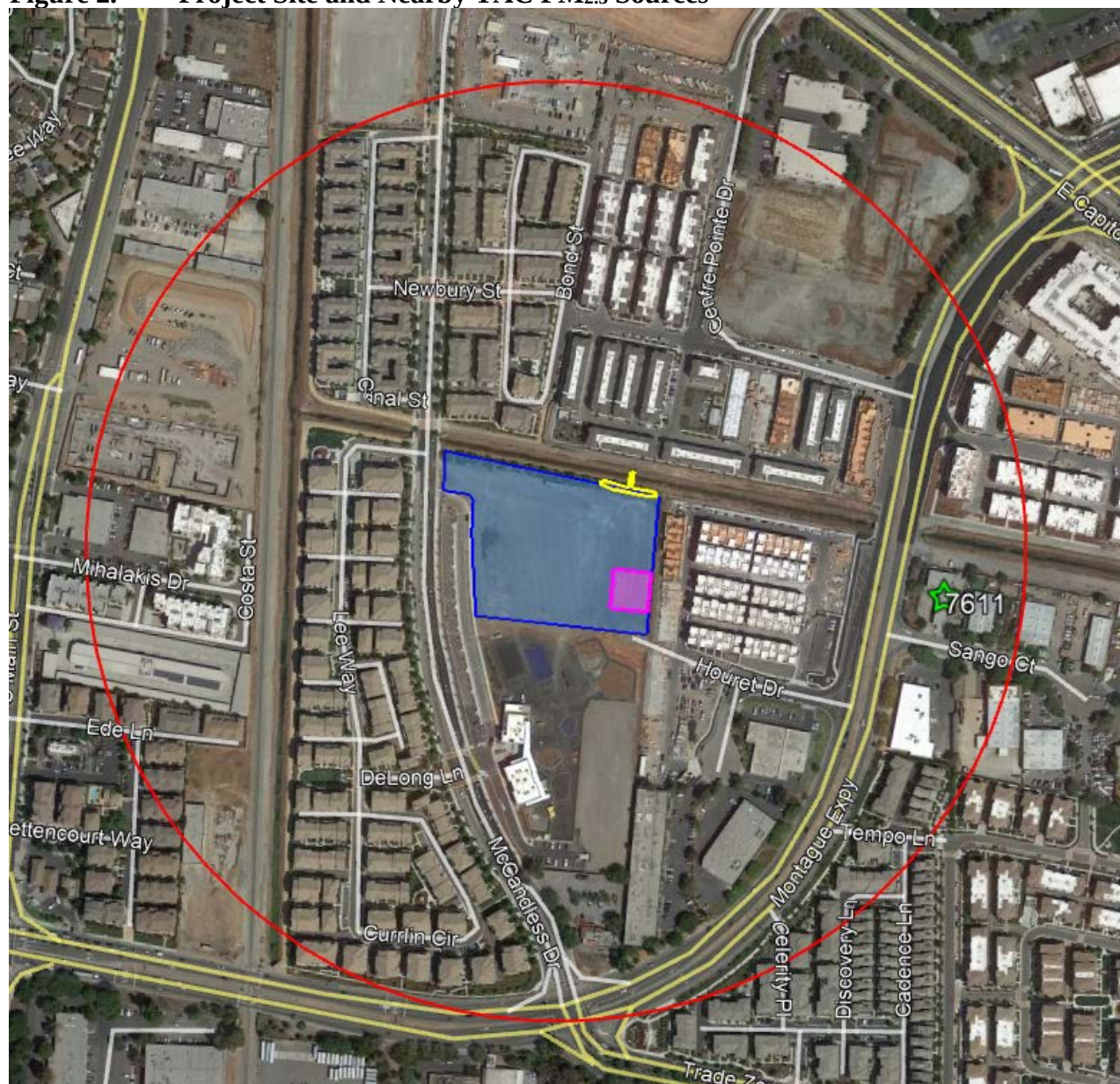
Additionally, modeling was conducted to predict the cancer risks, non-cancerous health hazards, and maximum PM_{2.5} associated that could impact sensitive receptors (i.e. school-aged children) attending Mable Mattos Elementary School. The school is directly south of the project site with the closest school building located approximately 200-feet south. Currently, the school serves students in kindergarten through second grade. Receptor heights of 1 meter was used to represent the breathing height of the school children.

Results of this assessment at the elementary school indicated that the maximum cancer risks (without any mitigation or construction emission controls) would be 4.2 per million for child exposure. The maximum-modeled annual PM_{2.5} concentration, which is based on combined exhausted and fugitive dust emissions, would be 0.26 µg/m³ and the maximum computed HI, based on the DPM concentration, would be 0.02. These risk values do not exceed the BAAQMD single-source significance threshold for annual cancer risk, PM_{2.5} concentration, or HI.

Cumulative Impact on Construction MEI

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of project sites. These sources include highways, busy surface streets, and stationary sources identified by BAAQMD. A review of BAAQMD's stationary source Google Earth map tool identified one source with the potential to affect the project site. Traffic on nearby streets all have average daily traffic that is less than 10,000 vehicles per day and are not considered sources of TACs. Figure 2 shows the sources affecting the project site. Details of the modeling and community risk calculations are included in *Attachment 4*.

Figure 2. Project Site and Nearby TAC PM_{2.5} Sources



Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*. This mapping tool uses Google Earth and identified the location of one possible stationary source and its estimated risk and hazard impacts. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. They provided updated risk levels, emissions and adjustments to account for new OEHHA guidance⁶. The stationary source was identified as an auto repair shop (Plant #7611) with the stationary source being a spray booth. There were no

⁶ Correspondence with Areana Flores, BAAQMD, 18 March 2019.

cancer risk or PM_{2.5} concentration risk impacts associated with this stationary source. The HI value is less than <0.01 and would have a minimal impact on the cumulative total. No distance adjustment was included within the analysis.

Cumulative Health Risk Impact at Construction MEI

Table 3 reports both the project and cumulative community risk impacts at the sensitive receptor most affected by construction (i.e. the construction MEI). Without mitigation, the project would have a *significant* impact with respect to community risk caused by project construction activities, since the maximum cancer risk and PM_{2.5} concentration do exceed their single-source thresholds. However, as seen in Table 3, *Mitigation Measures AQ-1 and AQ-2 would reduce these impacts to less-than-significant*. The combined annual cancer risk, PM_{2.5} concentration, and Hazard risk values, which includes unmitigated and mitigated, would not exceed the cumulative threshold. Therefore, the project would also have a *less-than-significant* impact regarding the cumulative risk within the area.

Table 3. Impacts from Combined Sources at Construction MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Project Construction			
Unmitigated	50.8 (infant)	0.84	0.05
Mitigated	6.6 (infant)	0.17	0.01
Courtesy Auto Service (no distance adjustment)	-	-	<0.01
Combined Sources			
Unmitigated	50.8 (infant)	0.84	0.06
Mitigated	6.6 (infant)	0.17	0.02
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>

Mitigation Measure AQ-1: Include measures to control dust and exhaust during construction.

During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. Additional measures are identified to reduce construction equipment exhaust emissions. The contractor shall implement the following best management practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).

5. 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.
6. 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.
7. 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.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Effectiveness of Mitigation Measure AQ-1

The measures above are consistent with BAAQMD-recommended basic control measures for reducing fugitive particulate matter that are contained in the BAAQMD CEQA Air Quality Guidelines.

Mitigation Measure AQ-2: Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:

The project shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 80-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

1. All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines that include CARB-certified Level 3 Diesel Particulate Filters⁷ or equivalent. Additionally, Equipment that meets U.S. EPA Tier 4 standards for particulate matter or use of equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

Effectiveness of Mitigation Measure AQ-2

With mitigation, the computed maximum increased lifetime residential cancer risk from construction, assuming infant exposure, would be 6.6 in one million or less, the maximum annual PM_{2.5} concentration would be 0.17 µg/m³, and the Hazard Index would be <0.01. As a result, impacts would be reduced to *less-than-significant* with respect to community risk caused by construction activities.

⁷ See <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

Supporting Documentation

Attachment 1 is the methodology used to compute community risk impacts, including the methods to compute lifetime cancer risk from exposure to project emissions.

Attachment 2 includes the CalEEMod output for project construction and operational criteria air pollutant and GHG emissions. The operational output for existing uses is also included in this attachment. Also included are any modeling assumptions.

Attachment 3 is the construction health risk assessment. AERMOD dispersion modeling files for this assessment, which are quite voluminous, are available upon request and would be provided in digital format

Attachment 4 includes the screening community risk calculations from sources affecting the project and construction MEI.

Attachment 1: Health Risk Calculation Methodology

A health risk assessment (HRA) for exposure to Toxic Air Contaminates (TACs) requires the application of a risk characterization model to the results from the air dispersion model to estimate potential health risk at each sensitive receptor location. The State of California Office of Environmental Health Hazard Assessment (OEHHA) and California Air Resources Board (CARB) develop recommended methods for conducting health risk assessments. The most recent OEHHA risk assessment guidelines were published in February of 2015.⁸ These guidelines incorporate substantial changes designed to provide for enhanced protection of children, as required by State law, compared to previous published risk assessment guidelines. CARB has provided additional guidance on implementing OEHHA's recommended methods.⁹ This HRA used the 2015 OEHHA risk assessment guidelines and CARB guidance. The BAAQMD has adopted recommended procedures for applying the newest OEHHA guidelines as part of Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants.¹⁰ Exposure parameters from the OEHHA guidelines and the recent BAAQMD HRA Guidelines were used in this evaluation.

Cancer Risk

Potential increased cancer risk from inhalation of TACs are calculated based on the TAC concentration over the period of exposure, inhalation dose, the TAC cancer potency factor, and an age sensitivity factor to reflect the greater sensitivity of infants and children to cancer causing TACs. The inhalation dose depends on a person's breathing rate, exposure time and frequency and duration of exposure. These parameters vary depending on the age, or age range, of the persons being exposed and whether the exposure is considered to occur at a residential location or other sensitive receptor location.

The current OEHHA guidance recommends that cancer risk be calculated by age groups to account for different breathing rates and sensitivity to TACs. Specifically, they recommend evaluating risks for the third trimester of pregnancy to age zero, ages zero to less than two (infant exposure), ages two to less than 16 (child exposure), and ages 16 to 70 (adult exposure). Age sensitivity factors (ASFs) associated with the different types of exposure are an ASF of 10 for the third trimester and infant exposures, an ASF of 3 for a child exposure, and an ASF of 1 for an adult exposure. Also associated with each exposure type are different breathing rates, expressed as liters per kilogram of body weight per day (L/kg-day). As recommended by the BAAQMD for residential exposures, 95th percentile breathing rates are used for the third trimester and infant exposures, and 80th percentile breathing rates for child and adult exposures. For children at schools and daycare facilities, BAAQMD recommends using the 95th percentile breathing rates. Additionally, CARB and the BAAQMD recommend the use of a residential exposure duration of

⁸ OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

⁹ CARB, 2015. *Risk Management Guidance for Stationary Sources of Air Toxics*. July 23.

¹⁰ BAAQMD, 2016. *BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines*. December 2016.

30 years for sources with long-term emissions (e.g., roadways). For workers, assumed to be adults, a 25-year exposure period is recommended by the BAAQMD.

Under previous OEHHA and BAAQMD HRA guidance, residential receptors are assumed to be at their home 24 hours a day, or 100 percent of the time. In the 2015 Risk Assessment Guidance, OEHHA includes adjustments to exposure duration to account for the fraction of time at home (FAH), which can be less than 100 percent of the time, based on updated population and activity statistics. The FAH factors are age-specific and are: 0.85 for third trimester of pregnancy to less than 2 years old, 0.72 for ages 2 to less than 16 years, and 0.73 for ages 16 to 70 years. Use of the FAH factors is allowed by the BAAQMD if there are no schools in the project vicinity that would have a cancer risk of one in a million or greater assuming 100 percent exposure (FAH = 1.0).

Functionally, cancer risk is calculated using the following parameters and formulas:

$$\text{Cancer Risk (per million)} = CPF \times \text{Inhalation Dose} \times ASF \times ED/AT \times FAH \times 10^6$$

Where:

CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

$$\text{Inhalation Dose} = C_{\text{air}} \times DBR \times A \times (EF/365) \times 10^{-6}$$

Where:

C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

The health risk parameters used in this evaluation are summarized as follows:

Parameter	Exposure Type →	Infant		Child		Adult
	Age Range →	3 rd Trimester	0<2	2 < 9	2 < 16	16 - 30
DPM Cancer Potency Factor (mg/kg-day) ⁻¹		1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
Daily Breathing Rate (L/kg-day) 80 th Percentile Rate		273	758	631	572	261
Daily Breathing Rate (L/kg-day) 95 th Percentile Rate		361	1,090	861	745	335
Inhalation Absorption Factor		1	1	1	1	1
Averaging Time (years)		70	70	70	70	70
Exposure Duration (years)		0.25	2	14	14	14
Exposure Frequency (days/year)		350	350	350	350	350
Age Sensitivity Factor		10	10	3	3	1
Fraction of Time at Home		0.85-1.0	0.85-1.0	0.72-1.0	0.72-1.0	0.73

Non-Cancer Hazards

Potential non-cancer health hazards from TAC exposure are expressed in terms of a hazard index (HI), which is the ratio of the TAC concentration to a reference exposure level (REL). OEHHA has defined acceptable concentration levels for contaminants that pose non-cancer health hazards. TAC concentrations below the REL are not expected to cause adverse health impacts, even for sensitive individuals. The total HI is calculated as the sum of the HIs for each TAC evaluated and the total HI is compared to the BAAQMD significance thresholds to determine whether a significant non-cancer health impact from a project would occur.

Typically, for residential projects located near roadways with substantial TAC emissions, the primary TAC of concern with non-cancer health effects is diesel particulate matter (DPM). For DPM, the chronic inhalation REL is 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).

Annual PM_{2.5} Concentrations

While not a TAC, fine particulate matter (PM_{2.5}) has been identified by the BAAQMD as a pollutant with potential non-cancer health effects that should be included when evaluating potential community health impacts under the California Environmental Quality Act (CEQA). The thresholds of significance for PM_{2.5} (project level and cumulative) are in terms of an increase in the annual average concentration. When considering PM_{2.5} impacts, the contribution from all sources of PM_{2.5} emissions should be included. For projects with potential impacts from nearby local roadways, the PM_{2.5} impacts should include those from vehicle exhaust emissions, PM_{2.5} generated from vehicle tire and brake wear, and fugitive emissions from re-suspended dust on the roads.

Attachment 2: CalEEMod Modeling Output

18-226 Milpitas Pedestrian Bridge (Park) AQ - Santa Clara County, Annual

18-226 Milpitas Pedestrian Bridge (Park) AQ
Santa Clara County, Annual**1.0 Project Characteristics**

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	4.00	Acre	4.00	174,240.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	58
Climate Zone	4			Operational Year	2022
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

18-226 Milpitas Pedestrian Bridge (Park) AQ - Santa Clara County, Annual

Project Characteristics - PG&E 2020 290 rate

Land Use - McCandless park land use

Construction Phase - Used total work days provided for each phase

Off-road Equipment - Applicant Construction Schedule

Off-road Equipment - Applicant Construction Schedule

Off-road Equipment - Applicant Construction Schedule

Off-road Equipment - Applicant Construction Schedule

Off-road Equipment - Applicant Construction Schedule

Off-road Equipment - Applicant Construction Schedule

Trips and VMT - 200 cy of asphalt hauled, TAC Trip length of 1 mile

Demolition - No demolition

Grading - 9,250-cy of soil imported

Construction Off-road Equipment Mitigation - BMPs, tier 3

[illegible]

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tblConstEquipMitigation	DPF	No Change	Level 3
tblConstEquipMitigation	DPF	No Change	Level 3
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tblConstructionPhase	NumDays	18.00	30.00
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tblGrading	MaterialImported	0.00	9,250.00
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tblOffRoadEquipment	UsageHours	6.00	4.00
tblOffRoadEquipment	UsageHours	6.00	4.00
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[illegible]

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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	0.0925	1.0851	0.6625	1.3700e-003	0.1506	0.0434	0.1941	0.0700	0.0401	0.1102	0.0000	122.2004	122.2004	0.0329	0.0000	123.0240
2021	0.0152	0.1641	0.1537	2.8000e-004	1.2400e-003	7.0800e-003	8.3300e-003	3.4000e-004	6.5800e-003	6.9200e-003	0.0000	24.5389	24.5389	6.2400e-003	0.0000	24.6949
Maximum	0.0925	1.0851	0.6625	1.3700e-003	0.1506	0.0434	0.1941	0.0700	0.0401	0.1102	0.0000	122.2004	122.2004	0.0329	0.0000	123.0240

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	0.0348	0.7151	0.7654	1.3700e-003	0.0699	4.2200e-003	0.0742	0.0166	4.2100e-003	0.0208	0.0000	122.2003	122.2003	0.0329	0.0000	123.0239
2021	7.4400e-003	0.1406	0.1799	2.8000e-004	1.2400e-003	9.7000e-004	2.2100e-003	3.4000e-004	9.6000e-004	1.3000e-003	0.0000	24.5389	24.5389	6.2400e-003	0.0000	24.6949
Maximum	0.0348	0.7151	0.7654	1.3700e-003	0.0699	4.2200e-003	0.0742	0.0166	4.2100e-003	0.0208	0.0000	122.2003	122.2003	0.0329	0.0000	123.0239

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	ROG	NOx	CO	SO2	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	60.75	31.51	-15.82	0.00	53.14	89.72	62.27	75.94	88.93	81.13	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	6-1-2020	8-31-2020	0.6959	0.4243
2	9-1-2020	11-30-2020	0.4102	0.2739
3	12-1-2020	2-28-2021	0.1938	0.1547
4	3-1-2021	5-31-2021	0.0493	0.0415
		Highest	0.6959	0.4243

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005
Energy	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
Mobile	6.3200e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0000	22.1714	22.1714	7.6000e-004	0.0000	22.1904
Waste						0.0000	0.0000		0.0000	0.0000	0.0690	0.0000	0.0690	4.0800e-003	0.0000	0.1710
Water						0.0000	0.0000		0.0000	0.0000	0.0000	2.1942	2.1942	2.2000e-004	5.0000e-005	2.2132
Total	7.9600e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0690	24.3657	24.4347	5.0600e-003	5.0000e-005	24.5747

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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	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005
Energy	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
Mobile	6.3200e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0000	22.1714	22.1714	7.6000e-004	0.0000	22.1904
Waste						0.0000	0.0000		0.0000	0.0000	0.0690	0.0000	0.0690	4.0800e-003	0.0000	0.1710
Water						0.0000	0.0000		0.0000	0.0000	0.0000	2.1942	2.1942	2.2000e-004	5.0000e-005	2.2132
Total	7.9600e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0690	24.3657	24.4347	5.0600e-003	5.0000e-005	24.5747

	ROG	NOx	CO	SO2	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

3.0 Construction Detail**Construction Phase**

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Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	6/1/2020	6/19/2020	5	15	
2	Site Preparation	Site Preparation	6/20/2020	7/10/2020	5	15	
3	Grading	Grading	7/11/2020	10/2/2020	5	60	
4	Trenching	Trenching	7/11/2020	10/2/2020	5	60	
5	Building Construction	Building Construction	10/3/2020	2/5/2021	5	90	
6	Paving	Paving	2/6/2021	3/19/2021	5	30	

Acres of Grading (Site Preparation Phase): 4.97

Acres of Grading (Grading Phase): 45

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

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Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	0.00	81	0.73
Demolition	Excavators	1	5.30	158	0.38
Demolition	Rubber Tired Dozers	2	2.70	247	0.40
Demolition	Tractors/Loaders/Backhoes	1	2.70	97	0.37
Site Preparation	Graders	1	5.30	187	0.41
Site Preparation	Rubber Tired Dozers	1	5.30	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	5.30	97	0.37
Grading	Excavators	1	4.00	158	0.38
Grading	Graders	1	4.00	187	0.41
Grading	Rubber Tired Dozers	1	4.00	247	0.40
Grading	Scrapers	1	4.00	367	0.48
Grading	Tractors/Loaders/Backhoes	1	4.00	97	0.37
Trenching	Excavators	1	8.00	158	0.38
Trenching	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Building Construction	Cranes	1	2.70	231	0.29
Building Construction	Forklifts	1	2.70	89	0.20
Building Construction	Generator Sets	1	2.70	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	0.00	97	0.37
Building Construction	Welders	0	0.00	46	0.45
Paving	Cement and Mortar Mixers	0	0.00	9	0.56
Paving	Pavers	2	4.00	130	0.42
Paving	Paving Equipment	2	4.00	132	0.36
Paving	Rollers	2	4.00	80	0.38
Paving	Tractors/Loaders/Backhoes	0	0.00	97	0.37

Trips and VMT

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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	4	10.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	915.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Grading	5	13.00	0.00	915.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Trenching	2	5.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Building Construction	3	73.00	29.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	48.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Use DPF for Construction Equipment

Use Soil Stabilizer

Replace Ground Cover

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

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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					
Off-Road	7.2100e-003	0.0747	0.0429	8.0000e-005		3.7300e-003	3.7300e-003		3.4300e-003	3.4300e-003	0.0000	6.7447	6.7447	2.1800e-003	0.0000	6.7992
Total	7.2100e-003	0.0747	0.0429	8.0000e-005		3.7300e-003	3.7300e-003		3.4300e-003	3.4300e-003	0.0000	6.7447	6.7447	2.1800e-003	0.0000	6.7992

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	8.0000e-005	4.0000e-005	4.9000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.0610	0.0610	0.0000	0.0000	0.0611
Total	8.0000e-005	4.0000e-005	4.9000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.0610	0.0610	0.0000	0.0000	0.0611

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3.2 Demolition - 2020**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	1.8800e-003	0.0371	0.0483	8.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	6.7446	6.7446	2.1800e-003	0.0000	6.7992
Total	1.8800e-003	0.0371	0.0483	8.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	6.7446	6.7446	2.1800e-003	0.0000	6.7992

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	8.0000e-005	4.0000e-005	4.9000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.0610	0.0610	0.0000	0.0000	0.0611
Total	8.0000e-005	4.0000e-005	4.9000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.0610	0.0610	0.0000	0.0000	0.0611

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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					0.0326	0.0000	0.0326	0.0167	0.0000	0.0167	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	8.7700e-003	0.0982	0.0409	9.0000e-005		4.4200e-003	4.4200e-003		4.0700e-003	4.0700e-003	0.0000	7.9822	7.9822	2.5800e-003	0.0000	8.0467
Total	8.7700e-003	0.0982	0.0409	9.0000e-005	0.0326	4.4200e-003	0.0370	0.0167	4.0700e-003	0.0208	0.0000	7.9822	7.9822	2.5800e-003	0.0000	8.0467

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	9.9000e-004	0.0472	7.7000e-003	6.0000e-005	4.0000e-004	4.0000e-005	4.4000e-004	1.1000e-004	4.0000e-005	1.5000e-004	0.0000	5.9420	5.9420	6.3000e-004	0.0000	5.9578
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	7.0000e-005	3.0000e-005	3.9000e-004	0.0000	4.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0488	0.0488	0.0000	0.0000	0.0488
Total	1.0600e-003	0.0472	8.0900e-003	6.0000e-005	4.4000e-004	4.0000e-005	4.9000e-004	1.2000e-004	4.0000e-005	1.6000e-004	0.0000	5.9908	5.9908	6.3000e-004	0.0000	6.0067

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3.3 Site Preparation - 2020**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					0.0147	0.0000	0.0147	3.7600e-003	0.0000	3.7600e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.2200e-003	0.0443	0.0516	9.0000e-005		2.9000e-004	2.9000e-004		2.9000e-004	2.9000e-004	0.0000	7.9821	7.9821	2.5800e-003	0.0000	8.0467
Total	2.2200e-003	0.0443	0.0516	9.0000e-005	0.0147	2.9000e-004	0.0149	3.7600e-003	2.9000e-004	4.0500e-003	0.0000	7.9821	7.9821	2.5800e-003	0.0000	8.0467

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	9.9000e-004	0.0472	7.7000e-003	6.0000e-005	4.0000e-004	4.0000e-005	4.4000e-004	1.1000e-004	4.0000e-005	1.5000e-004	0.0000	5.9420	5.9420	6.3000e-004	0.0000	5.9578
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	7.0000e-005	3.0000e-005	3.9000e-004	0.0000	4.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0488	0.0488	0.0000	0.0000	0.0488
Total	1.0600e-003	0.0472	8.0900e-003	6.0000e-005	4.4000e-004	4.0000e-005	4.9000e-004	1.2000e-004	4.0000e-005	1.6000e-004	0.0000	5.9908	5.9908	6.3000e-004	0.0000	6.0067

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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					0.1142	0.0000	0.1142	0.0522	0.0000	0.0522	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0450	0.5089	0.2843	5.8000e-004		0.0220	0.0220		0.0202	0.0202	0.0000	50.8654	50.8654	0.0165	0.0000	51.2766
Total	0.0450	0.5089	0.2843	5.8000e-004	0.1142	0.0220	0.1362	0.0522	0.0202	0.0725	0.0000	50.8654	50.8654	0.0165	0.0000	51.2766

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	9.9000e-004	0.0472	7.7000e-003	6.0000e-005	4.0000e-004	4.0000e-005	4.4000e-004	1.1000e-004	4.0000e-005	1.5000e-004	0.0000	5.9420	5.9420	6.3000e-004	0.0000	5.9578
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	4.3000e-004	2.0000e-004	2.5600e-003	0.0000	2.9000e-004	0.0000	2.9000e-004	8.0000e-005	0.0000	8.0000e-005	0.0000	0.3172	0.3172	1.0000e-005	0.0000	0.3175
Total	1.4200e-003	0.0474	0.0103	6.0000e-005	6.9000e-004	4.0000e-005	7.3000e-004	1.9000e-004	4.0000e-005	2.3000e-004	0.0000	6.2592	6.2592	6.4000e-004	0.0000	6.2753

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3.4 Grading - 2020**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					0.0514	0.0000	0.0514	0.0118	0.0000	0.0118	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0142	0.2787	0.3358	5.8000e-004		1.7700e-003	1.7700e-003		1.7700e-003	1.7700e-003	0.0000	50.8653	50.8653	0.0165	0.0000	51.2766
Total	0.0142	0.2787	0.3358	5.8000e-004	0.0514	1.7700e-003	0.0532	0.0118	1.7700e-003	0.0135	0.0000	50.8653	50.8653	0.0165	0.0000	51.2766

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	9.9000e-004	0.0472	7.7000e-003	6.0000e-005	4.0000e-004	4.0000e-005	4.4000e-004	1.1000e-004	4.0000e-005	1.5000e-004	0.0000	5.9420	5.9420	6.3000e-004	0.0000	5.9578
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	4.3000e-004	2.0000e-004	2.5600e-003	0.0000	2.9000e-004	0.0000	2.9000e-004	8.0000e-005	0.0000	8.0000e-005	0.0000	0.3172	0.3172	1.0000e-005	0.0000	0.3175
Total	1.4200e-003	0.0474	0.0103	6.0000e-005	6.9000e-004	4.0000e-005	7.3000e-004	1.9000e-004	4.0000e-005	2.3000e-004	0.0000	6.2592	6.2592	6.4000e-004	0.0000	6.2753

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3.5 Trenching - 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	0.0136	0.1355	0.1664	2.5000e-004		7.5000e-003	7.5000e-003		6.9000e-003	6.9000e-003	0.0000	21.7966	21.7966	7.0500e-003	0.0000	21.9728
Total	0.0136	0.1355	0.1664	2.5000e-004		7.5000e-003	7.5000e-003		6.9000e-003	6.9000e-003	0.0000	21.7966	21.7966	7.0500e-003	0.0000	21.9728

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	1.7000e-004	8.0000e-005	9.8000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1220	0.1220	1.0000e-005	0.0000	0.1221
Total	1.7000e-004	8.0000e-005	9.8000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1220	0.1220	1.0000e-005	0.0000	0.1221

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3.5 Trenching - 2020**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	6.0900e-003	0.1257	0.1878	2.5000e-004		1.0800e-003	1.0800e-003		1.0800e-003	1.0800e-003	0.0000	21.7966	21.7966	7.0500e-003	0.0000	21.9728
Total	6.0900e-003	0.1257	0.1878	2.5000e-004		1.0800e-003	1.0800e-003		1.0800e-003	1.0800e-003	0.0000	21.7966	21.7966	7.0500e-003	0.0000	21.9728

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	1.7000e-004	8.0000e-005	9.8000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1220	0.1220	1.0000e-005	0.0000	0.1221
Total	1.7000e-004	8.0000e-005	9.8000e-004	0.0000	1.1000e-004	0.0000	1.1000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.1220	0.1220	1.0000e-005	0.0000	0.1221

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3.6 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	0.0108	0.1098	0.0756	1.5000e-004		5.5600e-003	5.5600e-003		5.2900e-003	5.2900e-003	0.0000	13.0294	13.0294	2.5800e-003	0.0000	13.0940
Total	0.0108	0.1098	0.0756	1.5000e-004		5.5600e-003	5.5600e-003		5.2900e-003	5.2900e-003	0.0000	13.0294	13.0294	2.5800e-003	0.0000	13.0940

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	1.7500e-003	0.0621	0.0172	8.0000e-005	8.6000e-004	1.0000e-004	9.6000e-004	2.5000e-004	1.0000e-004	3.5000e-004	0.0000	7.4498	7.4498	7.3000e-004	0.0000	7.4680
Worker	2.5900e-003	1.1800e-003	0.0153	2.0000e-005	1.7400e-003	2.0000e-005	1.7600e-003	4.6000e-004	2.0000e-005	4.9000e-004	0.0000	1.8996	1.8996	8.0000e-005	0.0000	1.9017
Total	4.3400e-003	0.0632	0.0326	1.0000e-004	2.6000e-003	1.2000e-004	2.7200e-003	7.1000e-004	1.2000e-004	8.4000e-004	0.0000	9.3494	9.3494	8.1000e-004	0.0000	9.3696

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3.6 Building Construction - 2020**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	3.3600e-003	0.0713	0.0895	1.5000e-004		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	13.0294	13.0294	2.5800e-003	0.0000	13.0940
Total	3.3600e-003	0.0713	0.0895	1.5000e-004		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	13.0294	13.0294	2.5800e-003	0.0000	13.0940

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	1.7500e-003	0.0621	0.0172	8.0000e-005	8.6000e-004	1.0000e-004	9.6000e-004	2.5000e-004	1.0000e-004	3.5000e-004	0.0000	7.4498	7.4498	7.3000e-004	0.0000	7.4680
Worker	2.5900e-003	1.1800e-003	0.0153	2.0000e-005	1.7400e-003	2.0000e-005	1.7600e-003	4.6000e-004	2.0000e-005	4.9000e-004	0.0000	1.8996	1.8996	8.0000e-005	0.0000	1.9017
Total	4.3400e-003	0.0632	0.0326	1.0000e-004	2.6000e-003	1.2000e-004	2.7200e-003	7.1000e-004	1.2000e-004	8.4000e-004	0.0000	9.3494	9.3494	8.1000e-004	0.0000	9.3696

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3.6 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	3.9500e-003	0.0403	0.0300	6.0000e-005		1.9700e-003	1.9700e-003		1.8700e-003	1.8700e-003	0.0000	5.2930	5.2930	1.0400e-003	0.0000	5.3189
Total	3.9500e-003	0.0403	0.0300	6.0000e-005		1.9700e-003	1.9700e-003		1.8700e-003	1.8700e-003	0.0000	5.2930	5.2930	1.0400e-003	0.0000	5.3189

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	6.4000e-004	0.0240	6.4600e-003	3.0000e-005	3.5000e-004	2.0000e-005	3.7000e-004	1.0000e-004	2.0000e-005	1.2000e-004	0.0000	2.9976	2.9976	2.8000e-004	0.0000	3.0046
Worker	9.6000e-004	4.2000e-004	5.6100e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.1000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.7455	0.7455	3.0000e-005	0.0000	0.7463
Total	1.6000e-003	0.0244	0.0121	4.0000e-005	1.0600e-003	3.0000e-005	1.0800e-003	2.9000e-004	3.0000e-005	3.2000e-004	0.0000	3.7431	3.7431	3.1000e-004	0.0000	3.7508

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3.6 Building Construction - 2021**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	1.3600e-003	0.0290	0.0364	6.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	5.2930	5.2930	1.0400e-003	0.0000	5.3189
Total	1.3600e-003	0.0290	0.0364	6.0000e-005		2.5000e-004	2.5000e-004		2.5000e-004	2.5000e-004	0.0000	5.2930	5.2930	1.0400e-003	0.0000	5.3189

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	6.4000e-004	0.0240	6.4600e-003	3.0000e-005	3.5000e-004	2.0000e-005	3.7000e-004	1.0000e-004	2.0000e-005	1.2000e-004	0.0000	2.9976	2.9976	2.8000e-004	0.0000	3.0046
Worker	9.6000e-004	4.2000e-004	5.6100e-003	1.0000e-005	7.1000e-004	1.0000e-005	7.1000e-004	1.9000e-004	1.0000e-005	2.0000e-004	0.0000	0.7455	0.7455	3.0000e-005	0.0000	0.7463
Total	1.6000e-003	0.0244	0.0121	4.0000e-005	1.0600e-003	3.0000e-005	1.0800e-003	2.9000e-004	3.0000e-005	3.2000e-004	0.0000	3.7431	3.7431	3.1000e-004	0.0000	3.7508

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3.7 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	9.4200e-003	0.0969	0.1099	1.7000e-004		5.0800e-003	5.0800e-003		4.6800e-003	4.6800e-003	0.0000	15.0176	15.0176	4.8600e-003	0.0000	15.1390
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	9.4200e-003	0.0969	0.1099	1.7000e-004		5.0800e-003	5.0800e-003		4.6800e-003	4.6800e-003	0.0000	15.0176	15.0176	4.8600e-003	0.0000	15.1390

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	5.0000e-005	2.3800e-003	3.9000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3084	0.3084	3.0000e-005	0.0000	0.3092
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	2.3000e-004	1.0000e-004	1.3300e-003	0.0000	1.7000e-004	0.0000	1.7000e-004	4.0000e-005	0.0000	5.0000e-005	0.0000	0.1768	0.1768	1.0000e-005	0.0000	0.1769
Total	2.8000e-004	2.4800e-003	1.7200e-003	0.0000	1.9000e-004	0.0000	1.9000e-004	5.0000e-005	0.0000	6.0000e-005	0.0000	0.4852	0.4852	4.0000e-005	0.0000	0.4862

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3.7 Paving - 2021**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	4.2100e-003	0.0847	0.1297	1.7000e-004		6.9000e-004	6.9000e-004		6.9000e-004	6.9000e-004	0.0000	15.0176	15.0176	4.8600e-003	0.0000	15.1390
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	4.2100e-003	0.0847	0.1297	1.7000e-004		6.9000e-004	6.9000e-004		6.9000e-004	6.9000e-004	0.0000	15.0176	15.0176	4.8600e-003	0.0000	15.1390

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	5.0000e-005	2.3800e-003	3.9000e-004	0.0000	2.0000e-005	0.0000	2.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3084	0.3084	3.0000e-005	0.0000	0.3092
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	2.3000e-004	1.0000e-004	1.3300e-003	0.0000	1.7000e-004	0.0000	1.7000e-004	4.0000e-005	0.0000	5.0000e-005	0.0000	0.1768	0.1768	1.0000e-005	0.0000	0.1769
Total	2.8000e-004	2.4800e-003	1.7200e-003	0.0000	1.9000e-004	0.0000	1.9000e-004	5.0000e-005	0.0000	6.0000e-005	0.0000	0.4852	0.4852	4.0000e-005	0.0000	0.4862

4.0 Operational Detail - Mobile

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4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	6.3200e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0000	22.1714	22.1714	7.6000e-004	0.0000	22.1904
Unmitigated	6.3200e-003	0.0264	0.0712	2.4000e-004	0.0222	2.1000e-004	0.0224	5.9400e-003	1.9000e-004	6.1400e-003	0.0000	22.1714	22.1714	7.6000e-004	0.0000	22.1904

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	7.56	91.00	66.96	59,703	59,703
Total	7.56	91.00	66.96	59,703	59,703

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
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.610498	0.036775	0.183084	0.106123	0.014413	0.005007	0.012610	0.021118	0.002144	0.001548	0.005312	0.000627	0.000740

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5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

[illegible]

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5.2 Energy by Land Use - NaturalGas

Unmitigated

[illegible]

Mitigated

[illegible]

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5.3 Energy by Land Use - Electricity**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

6.0 Area Detail**6.1 Mitigation Measures Area**

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	ROG	NOx	CO	SO2	Fugitive 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	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005
Unmitigated	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005

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	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.6400e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005
Total	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005

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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	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.6400e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005
Total	1.6400e-003	0.0000	4.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	7.0000e-005	7.0000e-005	0.0000	0.0000	8.0000e-005

7.0 Water Detail**7.1 Mitigation Measures Water**

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	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	2.1942	2.2000e-004	5.0000e-005	2.2132
Unmitigated	2.1942	2.2000e-004	5.0000e-005	2.2132

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 4.76593	2.1942	2.2000e-004	5.0000e-005	2.2132
Total		2.1942	2.2000e-004	5.0000e-005	2.2132

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7.2 Water by Land Use**Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 4.76593	2.1942	2.2000e-004	5.0000e-005	2.2132
Total		2.1942	2.2000e-004	5.0000e-005	2.2132

8.0 Waste Detail**8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0690	4.0800e-003	0.0000	0.1710
Unmitigated	0.0690	4.0800e-003	0.0000	0.1710

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8.2 Waste by Land Use**Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.34	0.0690	4.0800e-003	0.0000	0.1710
Total		0.0690	4.0800e-003	0.0000	0.1710

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.34	0.0690	4.0800e-003	0.0000	0.1710
Total		0.0690	4.0800e-003	0.0000	0.1710

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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User Defined Equipment

Equipment Type	Number
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11.0 Vegetation

Penitencia Pedestrian Bridge - Santa Clara County, Annual

Penitencia Pedestrian Bridge

Santa Clara County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Non-Asphalt Surfaces	0.50	Acre	0.50	21,780.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	58
Climate Zone	4			Operational Year	2022
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	290	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

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Project Characteristics - PG&E 2020 290 rate

Land Use - Penitencia Pedestrian Bridge

Construction Phase - Applicant construction Schedule

Off-road Equipment - Applicant Equipment

Off-road Equipment - Applicant Equipment

Off-road Equipment - Applicant Equipment

Off-road Equipment - Applicant Equipment

Off-road Equipment - Applicant Equipment

Off-road Equipment - Applicant Equipment

Trips and VMT - 15 round trip cement truck trips, TAC Trip length 1 mile

Demolition - no demolition

Grading - 600-cy of soil imported

Construction Off-road Equipment Mitigation - BMPS, tier 3

[illegible]

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tblConstEquipMitigation	DPF	No Change	Level 3
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	1.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	10.00
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstEquipMitigation	Tier	No Change	Tier 3
tblConstructionPhase	NumDays	100.00	70.00
tblConstructionPhase	NumDays	10.00	2.00
tblConstructionPhase	NumDays	2.00	5.00
tblConstructionPhase	NumDays	5.00	2.00

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tblConstructionPhase	NumDays	1.00	2.00
tblGrading	MaterialImported	0.00	600.00
tblGrading	MaterialImported	0.00	600.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	UsageHours	6.00	0.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOffRoadEquipment	UsageHours	6.00	0.00
tblOffRoadEquipment	UsageHours	7.00	0.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	1.00	0.00
tblOffRoadEquipment	UsageHours	1.00	8.00
tblOffRoadEquipment	UsageHours	8.00	4.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	0.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

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tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripLength	20.00	1.00
tblTripsAndVMT	HaulingTripNumber	0.00	30.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00

2.0 Emissions Summary

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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	0.0493	0.4919	0.3672	7.1000e-004	0.0343	0.0245	0.0588	0.0171	0.0232	0.0403	0.0000	62.3102	62.3102	0.0140	0.0000	62.6600
Maximum	0.0493	0.4919	0.3672	7.1000e-004	0.0343	0.0245	0.0588	0.0171	0.0232	0.0403	0.0000	62.3102	62.3102	0.0140	0.0000	62.6600

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	0.0166	0.3508	0.4314	7.1000e-004	0.0157	2.9000e-003	0.0186	3.9500e-003	2.9000e-003	6.8500e-003	0.0000	62.3101	62.3101	0.0140	0.0000	62.6599
Maximum	0.0166	0.3508	0.4314	7.1000e-004	0.0157	2.9000e-003	0.0186	3.9500e-003	2.9000e-003	6.8500e-003	0.0000	62.3101	62.3101	0.0140	0.0000	62.6599

	ROG	NOx	CO	SO2	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	66.40	28.68	-17.46	0.00	54.22	88.15	68.34	76.89	87.51	83.00	0.00	0.00	0.00	0.00	0.00	0.00

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Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	6-1-2020	8-31-2020	0.4355	0.2890
2	9-1-2020	9-30-2020	0.0922	0.0684
		Highest	0.4355	0.2890

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Energy	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
Mobile	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
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	1.8600e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

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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	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Energy	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
Mobile	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
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	1.8600e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

	ROG	NOx	CO	SO2	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

3.0 Construction Detail**Construction Phase**

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Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	6/1/2020	6/2/2020	5	2	
2	Site Preparation	Site Preparation	6/3/2020	6/4/2020	5	2	
3	Grading	Grading	6/5/2020	6/11/2020	5	5	
4	Trenching	Trenching	6/15/2020	6/16/2020	5	2	
5	Bridge & Ret. Wall Construction	Building Construction	6/17/2020	9/22/2020	5	70	
6	Paving	Paving	9/23/2020	9/24/2020	5	2	

Acres of Grading (Site Preparation Phase): 2

Acres of Grading (Grading Phase): 5

Acres of Paving: 0.5

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

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Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	0.00	81	0.73
Demolition	Excavators	2	4.00	158	0.38
Demolition	Rubber Tired Dozers	0	0.00	247	0.40
Demolition	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Site Preparation	Graders	2	8.00	187	0.41
Site Preparation	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Grading	Concrete/Industrial Saws	0	0.00	81	0.73
Grading	Graders	2	8.00	187	0.41
Grading	Plate Compactors	2	8.00	8	0.43
Grading	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Trenching	Excavators	2	8.00	158	0.38
Trenching	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Bridge & Ret. Wall Construction	Air Compressors	2	4.00	78	0.48
Bridge & Ret. Wall Construction	Bore/Drill Rigs	1	1.70	221	0.50
Bridge & Ret. Wall Construction	Cranes	1	4.00	231	0.29
Bridge & Ret. Wall Construction	Forklifts	0	0.00	89	0.20
Bridge & Ret. Wall Construction	Generator Sets	1	4.00	84	0.74
Bridge & Ret. Wall Construction	Tractors/Loaders/Backhoes	2	4.00	97	0.37
Paving	Cement and Mortar Mixers	0	0.00	9	0.56
Paving	Pavers	0	0.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Paving	Tractors/Loaders/Backhoes	0	0.00	97	0.37

Trips and VMT

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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	4	10.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	4	10.00	0.00	59.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	59.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Trenching	4	10.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Bridge & Ret. Wall Construction	7	9.00	4.00	30.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Paving	4	10.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Use DPF for Construction Equipment

Use Soil Stabilizer

Replace Ground Cover

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

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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					
Off-Road	6.6000e-004	6.6200e-003	7.8300e-003	1.0000e-005		3.8000e-004	3.8000e-004		3.5000e-004	3.5000e-004	0.0000	0.9994	0.9994	3.2000e-004	0.0000	1.0075
Total	6.6000e-004	6.6200e-003	7.8300e-003	1.0000e-005		3.8000e-004	3.8000e-004		3.5000e-004	3.5000e-004	0.0000	0.9994	0.9994	3.2000e-004	0.0000	1.0075

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

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3.2 Demolition - 2020**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	2.8000e-004	5.9300e-003	8.6000e-003	1.0000e-005		5.0000e-005	5.0000e-005		5.0000e-005	5.0000e-005	0.0000	0.9994	0.9994	3.2000e-004	0.0000	1.0075
Total	2.8000e-004	5.9300e-003	8.6000e-003	1.0000e-005		5.0000e-005	5.0000e-005		5.0000e-005	5.0000e-005	0.0000	0.9994	0.9994	3.2000e-004	0.0000	1.0075

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

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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					1.0600e-003	0.0000	1.0600e-003	1.1000e-004	0.0000	1.1000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.3700e-003	0.0169	8.1900e-003	2.0000e-005		6.7000e-004	6.7000e-004		6.2000e-004	6.2000e-004	0.0000	1.7118	1.7118	5.5000e-004	0.0000	1.7257
Total	1.3700e-003	0.0169	8.1900e-003	2.0000e-005	1.0600e-003	6.7000e-004	1.7300e-003	1.1000e-004	6.2000e-004	7.3000e-004	0.0000	1.7118	1.7118	5.5000e-004	0.0000	1.7257

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	6.0000e-005	3.0400e-003	5.0000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3832	0.3832	4.0000e-005	0.0000	0.3842
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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	7.0000e-005	3.0500e-003	5.7000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3913	0.3913	4.0000e-005	0.0000	0.3923

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3.3 Site Preparation - 2020**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					4.8000e-004	0.0000	4.8000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	4.8000e-004	9.7400e-003	0.0117	2.0000e-005		7.0000e-005	7.0000e-005		7.0000e-005	7.0000e-005	0.0000	1.7118	1.7118	5.5000e-004	0.0000	1.7257
Total	4.8000e-004	9.7400e-003	0.0117	2.0000e-005	4.8000e-004	7.0000e-005	5.5000e-004	3.0000e-005	7.0000e-005	1.0000e-004	0.0000	1.7118	1.7118	5.5000e-004	0.0000	1.7257

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	6.0000e-005	3.0400e-003	5.0000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3832	0.3832	4.0000e-005	0.0000	0.3842
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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	7.0000e-005	3.0500e-003	5.7000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3913	0.3913	4.0000e-005	0.0000	0.3923

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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					0.0328	0.0000	0.0328	0.0168	0.0000	0.0168	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.0200e-003	0.1001	0.0422	9.0000e-005		4.5000e-003	4.5000e-003		4.1400e-003	4.1400e-003	0.0000	8.1887	8.1887	2.6100e-003	0.0000	8.2541
Total	9.0200e-003	0.1001	0.0422	9.0000e-005	0.0328	4.5000e-003	0.0373	0.0168	4.1400e-003	0.0210	0.0000	8.1887	8.1887	2.6100e-003	0.0000	8.2541

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	6.0000e-005	3.0400e-003	5.0000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3832	0.3832	4.0000e-005	0.0000	0.3842
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	6.0000e-005	3.0000e-005	3.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0407	0.0407	0.0000	0.0000	0.0407
Total	1.2000e-004	3.0700e-003	8.3000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.4238	0.4238	4.0000e-005	0.0000	0.4249

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3.4 Grading - 2020**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					0.0147	0.0000	0.0147	3.7900e-003	0.0000	3.7900e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.2400e-003	0.0446	0.0519	9.0000e-005		3.0000e-004	3.0000e-004		3.0000e-004	3.0000e-004	0.0000	8.1887	8.1887	2.6100e-003	0.0000	8.2541
Total	2.2400e-003	0.0446	0.0519	9.0000e-005	0.0147	3.0000e-004	0.0150	3.7900e-003	3.0000e-004	4.0900e-003	0.0000	8.1887	8.1887	2.6100e-003	0.0000	8.2541

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	6.0000e-005	3.0400e-003	5.0000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.3832	0.3832	4.0000e-005	0.0000	0.3842
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	6.0000e-005	3.0000e-005	3.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0407	0.0407	0.0000	0.0000	0.0407
Total	1.2000e-004	3.0700e-003	8.3000e-004	0.0000	7.0000e-005	0.0000	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.4238	0.4238	4.0000e-005	0.0000	0.4249

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3.5 Trenching - 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	9.1000e-004	9.0400e-003	0.0111	2.0000e-005		5.0000e-004	5.0000e-004		4.6000e-004	4.6000e-004	0.0000	1.4531	1.4531	4.7000e-004	0.0000	1.4649
Total	9.1000e-004	9.0400e-003	0.0111	2.0000e-005		5.0000e-004	5.0000e-004		4.6000e-004	4.6000e-004	0.0000	1.4531	1.4531	4.7000e-004	0.0000	1.4649

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

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3.5 Trenching - 2020**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	4.1000e-004	8.3800e-003	0.0125	2.0000e-005		7.0000e-005	7.0000e-005		7.0000e-005	7.0000e-005	0.0000	1.4531	1.4531	4.7000e-004	0.0000	1.4649
Total	4.1000e-004	8.3800e-003	0.0125	2.0000e-005		7.0000e-005	7.0000e-005		7.0000e-005	7.0000e-005	0.0000	1.4531	1.4531	4.7000e-004	0.0000	1.4649

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

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3.6 Bridge & Ret. Wall 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	0.0356	0.3337	0.2826	5.3000e-004		0.0179	0.0179		0.0172	0.0172	0.0000	46.3660	46.3660	9.4200e-003	0.0000	46.6016
Total	0.0356	0.3337	0.2826	5.3000e-004		0.0179	0.0179		0.0172	0.0172	0.0000	46.3660	46.3660	9.4200e-003	0.0000	46.6016

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	3.0000e-005	1.5500e-003	2.5000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.1948	0.1948	2.0000e-005	0.0000	0.1953
Vendor	2.6000e-004	9.3600e-003	2.6000e-003	1.0000e-005	1.3000e-004	2.0000e-005	1.4000e-004	4.0000e-005	1.0000e-005	5.0000e-005	0.0000	1.1239	1.1239	1.1000e-004	0.0000	1.1266
Worker	3.5000e-004	1.6000e-004	2.0700e-003	0.0000	2.3000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	7.0000e-005	0.0000	0.2562	0.2562	1.0000e-005	0.0000	0.2564
Total	6.4000e-004	0.0111	4.9200e-003	1.0000e-005	3.7000e-004	2.0000e-005	3.9000e-004	1.0000e-004	1.0000e-005	1.2000e-004	0.0000	1.5749	1.5749	1.4000e-004	0.0000	1.5784

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3.6 Bridge & Ret. Wall Construction - 2020**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	0.0120	0.2582	0.3299	5.3000e-004		2.3200e-003	2.3200e-003		2.3200e-003	2.3200e-003	0.0000	46.3659	46.3659	9.4200e-003	0.0000	46.6015
Total	0.0120	0.2582	0.3299	5.3000e-004		2.3200e-003	2.3200e-003		2.3200e-003	2.3200e-003	0.0000	46.3659	46.3659	9.4200e-003	0.0000	46.6015

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	3.0000e-005	1.5500e-003	2.5000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.1948	0.1948	2.0000e-005	0.0000	0.1953
Vendor	2.6000e-004	9.3600e-003	2.6000e-003	1.0000e-005	1.3000e-004	2.0000e-005	1.4000e-004	4.0000e-005	1.0000e-005	5.0000e-005	0.0000	1.1239	1.1239	1.1000e-004	0.0000	1.1266
Worker	3.5000e-004	1.6000e-004	2.0700e-003	0.0000	2.3000e-004	0.0000	2.4000e-004	6.0000e-005	0.0000	7.0000e-005	0.0000	0.2562	0.2562	1.0000e-005	0.0000	0.2564
Total	6.4000e-004	0.0111	4.9200e-003	1.0000e-005	3.7000e-004	2.0000e-005	3.9000e-004	1.0000e-004	1.0000e-005	1.2000e-004	0.0000	1.5749	1.5749	1.4000e-004	0.0000	1.5784

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3.7 Paving - 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	8.3000e-004	8.4400e-003	8.8600e-003	1.0000e-005		4.8000e-004	4.8000e-004		4.4000e-004	4.4000e-004	0.0000	1.1768	1.1768	3.8000e-004	0.0000	1.1863
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	8.3000e-004	8.4400e-003	8.8600e-003	1.0000e-005		4.8000e-004	4.8000e-004		4.4000e-004	4.4000e-004	0.0000	1.1768	1.1768	3.8000e-004	0.0000	1.1863

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

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3.7 Paving - 2020**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	3.3000e-004	6.8300e-003	0.0102	1.0000e-005		6.0000e-005	6.0000e-005		6.0000e-005	6.0000e-005	0.0000	1.1768	1.1768	3.8000e-004	0.0000	1.1863
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	3.3000e-004	6.8300e-003	0.0102	1.0000e-005		6.0000e-005	6.0000e-005		6.0000e-005	6.0000e-005	0.0000	1.1768	1.1768	3.8000e-004	0.0000	1.1863

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	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003
Total	1.0000e-005	1.0000e-005	7.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	8.1300e-003	8.1300e-003	0.0000	0.0000	8.1400e-003

4.0 Operational Detail - Mobile

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4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	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
Unmitigated	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

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Non-Asphalt Surfaces	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

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
Other Non-Asphalt Surfaces	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Non-Asphalt Surfaces	0.610498	0.036775	0.183084	0.106123	0.014413	0.005007	0.012610	0.021118	0.002144	0.001548	0.005312	0.000627	0.000740

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5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

[illegible]

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5.2 Energy by Land Use - NaturalGas

Unmitigated

[illegible]

Mitigated

[illegible]

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5.3 Energy by Land Use - Electricity**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Non-Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Non-Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

6.0 Area Detail**6.1 Mitigation Measures Area**

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	ROG	NOx	CO	SO2	Fugitive 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	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Unmitigated	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

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	4.5000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.4100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Total	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

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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	4.5000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.4100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005
Total	1.8600e-003	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	1.0000e-005

7.0 Water Detail**7.1 Mitigation Measures Water**

Penitencia Pedestrian Bridge - Santa Clara County, Annual

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Other Non-Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Penitencia Pedestrian Bridge - Santa Clara County, Annual

7.2 Water by Land Use**Mitigated**

	Indoor/Outdoor Use	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
Land Use	Mgal	MT/yr			
Other Non-Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

8.0 Waste Detail**8.1 Mitigation Measures Waste****Category/Year**

	Total CO ₂	CH ₄	N ₂ O	CO ₂ e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

Penitencia Pedestrian Bridge - Santa Clara County, Annual

8.2 Waste by Land Use**Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Non-Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Non-Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
----------------	--------	-----------	-----------	-------------	-------------	-----------

Penitencia Pedestrian Bridge - Santa Clara County, Annual

10.0 Stationary Equipment

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

Well Upgrade McCandless Site - Santa Clara County, Annual

Well Upgrade McCandless Site
Santa Clara County, Annual**1.0 Project Characteristics**

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
General Light Industry	0.79	1000sqft	0.02	790.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	58
Climate Zone	4			Operational Year	2022
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Well Upgrade McCandless Site - Santa Clara County, Annual

Project Characteristics - PG&E 2020 290

Land Use - 792 chemical feed and eletrical/control building for well upgrade at McCandless Site

Construction Phase - Project Applicant Construction Schedule for Well Upgrade

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Off-road Equipment - Project Applicant Construction Equipment

Trips and VMT - estimated hauling trips for well drilling (500-cy)

Grading -

Construction Off-road Equipment Mitigation - BMPS, tier 3

[illegible]

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[illegible]

Well Upgrade McCandless Site - Santa Clara County, Annual

tblConstructionPhase	NumDays	5.00	40.00
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tblConstructionPhase	NumDays	100.00	40.00
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tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
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tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
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Well Upgrade McCandless Site - Santa Clara County, Annual

[illegible]

Well Upgrade McCandless Site - Santa Clara County, Annual

tblTripsAndVMT	VendorTripLength	7.30	1.00
tblTripsAndVMT	VendorTripLength	7.30	1.00
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tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00
tblTripsAndVMT	WorkerTripLength	10.80	1.00

2.0 Emissions Summary

Well Upgrade McCandless Site - Santa Clara County, Annual

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					
2019	9.4900e-003	0.0911	0.0781	1.8000e-004	1.2000e-004	4.5900e-003	4.7100e-003	3.0000e-005	4.4900e-003	4.5300e-003	0.0000	15.4358	15.4358	2.6500e-003	0.0000	15.5020
2020	0.0250	0.2447	0.2148	4.5000e-004	0.0154	0.0122	0.0276	8.3600e-003	0.0118	0.0201	0.0000	39.4454	39.4454	7.5900e-003	0.0000	39.6351
2021	0.0387	0.3267	0.3100	5.6000e-004	5.0000e-005	0.0152	0.0153	1.0000e-005	0.0146	0.0146	0.0000	47.9003	47.9003	9.6200e-003	0.0000	48.1408
Maximum	0.0387	0.3267	0.3100	5.6000e-004	0.0154	0.0152	0.0276	8.3600e-003	0.0146	0.0201	0.0000	47.9003	47.9003	9.6200e-003	0.0000	48.1408

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					
2019	3.9900e-003	0.0834	0.1038	1.8000e-004	1.2000e-004	7.1000e-004	8.3000e-004	3.0000e-005	7.1000e-004	7.4000e-004	0.0000	15.4358	15.4358	2.6500e-003	0.0000	15.5020
2020	0.0104	0.2179	0.2733	4.5000e-004	7.0700e-003	1.8800e-003	8.9500e-003	1.9400e-003	1.8800e-003	3.8200e-003	0.0000	39.4453	39.4453	7.5900e-003	0.0000	39.6350
2021	0.0176	0.2805	0.3490	5.6000e-004	5.0000e-005	2.6000e-003	2.6400e-003	1.0000e-005	2.6000e-003	2.6100e-003	0.0000	47.9002	47.9002	9.6200e-003	0.0000	48.1407
Maximum	0.0176	0.2805	0.3490	5.6000e-004	7.0700e-003	2.6000e-003	8.9500e-003	1.9400e-003	2.6000e-003	3.8200e-003	0.0000	47.9002	47.9002	9.6200e-003	0.0000	48.1407

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	ROG	NOx	CO	SO2	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	56.21	12.19	-20.44	0.00	53.35	83.80	73.88	76.43	83.16	81.72	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	12-1-2019	2-29-2020	0.2831	0.2578
2	3-1-2020	5-31-2020	0.0182	0.0170
4	9-1-2020	11-30-2020	0.0108	0.0084
5	12-1-2020	2-28-2021	0.0739	0.0445
6	3-1-2021	5-31-2021	0.1738	0.1390
7	6-1-2021	8-31-2021	0.1698	0.1418
		Highest	0.2831	0.2578

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	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005
Energy	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.9705	1.9705	1.1000e-004	4.0000e-005	1.9845
Mobile	1.0500e-003	4.6700e-003	0.0134	5.0000e-005	4.5100e-003	4.0000e-005	4.5600e-003	1.2100e-003	4.0000e-005	1.2500e-003	0.0000	4.4174	4.4174	1.4000e-004	0.0000	4.4209
Waste						0.0000	0.0000		0.0000	0.0000	0.1989	0.0000	0.1989	0.0118	0.0000	0.4928
Water						0.0000	0.0000		0.0000	0.0000	0.0580	0.1300	0.1880	5.9700e-003	1.4000e-004	0.3798
Total	4.6600e-003	5.6900e-003	0.0143	6.0000e-005	4.5100e-003	1.2000e-004	4.6400e-003	1.2100e-003	1.2000e-004	1.3300e-003	0.2569	6.5179	6.7748	0.0180	1.8000e-004	7.2781

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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	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005
Energy	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.9705	1.9705	1.1000e-004	4.0000e-005	1.9845
Mobile	1.0500e-003	4.6700e-003	0.0134	5.0000e-005	4.5100e-003	4.0000e-005	4.5600e-003	1.2100e-003	4.0000e-005	1.2500e-003	0.0000	4.4174	4.4174	1.4000e-004	0.0000	4.4209
Waste						0.0000	0.0000		0.0000	0.0000	0.1989	0.0000	0.1989	0.0118	0.0000	0.4928
Water						0.0000	0.0000		0.0000	0.0000	0.0580	0.1300	0.1880	5.9700e-003	1.4000e-004	0.3798
Total	4.6600e-003	5.6900e-003	0.0143	6.0000e-005	4.5100e-003	1.2000e-004	4.6400e-003	1.2100e-003	1.2000e-004	1.3300e-003	0.2569	6.5179	6.7748	0.0180	1.8000e-004	7.2781

	ROG	NOx	CO	SO2	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

3.0 Construction Detail**Construction Phase**

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Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Well Drilling - Below Ground	Trenching	12/1/2019	3/6/2020	5	70	
2	Well Equipping - Above Ground	Site Preparation	11/15/2020	11/27/2020	5	10	
3	Grading / Excavation	Grading	12/1/2020	12/28/2020	5	20	
4	Trenching	Trenching	2/1/2021	2/12/2021	5	10	
5	Building Construction	Building Construction	2/16/2021	4/12/2021	5	40	
6	Backwash Tank	Building Construction	5/1/2021	6/25/2021	5	40	
7	Architectural Coating	Architectural Coating	5/1/2021	6/25/2021	5	40	
8	Filter Installion	Building Construction	6/1/2021	6/1/2021	5	1	
9	Concrete Paving	Paving	7/15/2021	8/11/2021	5	20	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 1,185; Non-Residential Outdoor: 395; Striped Parking Area: 0
(Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Well Drilling - Below Ground	Bore/Drill Rigs	1	5.00	221	0.50
Well Drilling - Below Ground	Concrete/Industrial Saws	0	0.00	81	0.73
Well Drilling - Below Ground	Generator Sets	1	10.00	84	0.74
Well Drilling - Below Ground	Pumps	1	1.00	84	0.74
Well Drilling - Below Ground	Rubber Tired Dozers	0	0.00	247	0.40
Well Drilling - Below Ground	Tractors/Loaders/Backhoes	1	2.00	97	0.37
Well Equipping - Above Ground	Graders	0	0.00	187	0.41

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Well Equipping - Above Ground	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading / Excavation	Concrete/Industrial Saws	0	0.00	81	0.73
Grading / Excavation	Rubber Tired Dozers	1	2.00	247	0.40
Grading / Excavation	Tractors/Loaders/Backhoes	2	4.00	97	0.37
Trenching	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Building Construction	Aerial Lifts	1	3.00	63	0.31
Building Construction	Cement and Mortar Mixers	1	5.00	9	0.56
Building Construction	Cranes	1	1.00	231	0.29
Building Construction	Forklifts	1	1.00	89	0.20
Building Construction	Generator Sets	1	1.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	2.00	97	0.37
Architectural Coating	Aerial Lifts	1	8.00	63	0.31
Architectural Coating	Air Compressors	0	0.00	78	0.48
Architectural Coating	Generator Sets	1	8.00	84	0.74
Architectural Coating	Skid Steer Loaders	1	8.00	65	0.37
Backwash Tank	Cranes	1	8.00	231	0.29
Backwash Tank	Forklifts	0	0.00	89	0.20
Backwash Tank	Tractors/Loaders/Backhoes	0	0.00	97	0.37
Backwash Tank	Welders	1	8.00	46	0.45
Filter Installion	Cranes	1	8.00	231	0.29
Filter Installion	Forklifts	0	0.00	89	0.20
Filter Installion	Tractors/Loaders/Backhoes	0	0.00	97	0.37
Concrete Paving	Cement and Mortar Mixers	0	0.00	9	0.56
Concrete Paving	Generator Sets	1	8.00	84	0.74
Concrete Paving	Pavers	0	0.00	130	0.42
Concrete Paving	Rollers	0	0.00	80	0.38
Concrete Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37

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Trips and VMT

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
Well Drilling - Below Ground	4	10.00	0.00	120.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Well Equipping - Above Ground	1	3.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Grading / Excavation	3	8.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Trenching	1	3.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Building Construction	6	0.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	3	0.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Backwash Tank	2	0.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Filter Installion	1	0.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT
Concrete Paving	2	5.00	0.00	0.00	1.00	1.00	1.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Use DPF for Construction Equipment

Use Soil Stabilizer

Replace Ground Cover

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

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3.2 Well Drilling - Below Ground - 2019**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	9.3100e-003	0.0890	0.0769	1.7000e-004		4.5800e-003	4.5800e-003		4.4900e-003	4.4900e-003	0.0000	15.0992	15.0992	2.6200e-003	0.0000	15.1647
Total	9.3100e-003	0.0890	0.0769	1.7000e-004		4.5800e-003	4.5800e-003		4.4900e-003	4.4900e-003	0.0000	15.0992	15.0992	2.6200e-003	0.0000	15.1647

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	5.0000e-005	2.0200e-003	3.4000e-004	0.0000	4.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.2443	0.2443	3.0000e-005	0.0000	0.2450
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	1.3000e-004	6.0000e-005	8.1000e-004	0.0000	8.0000e-005	0.0000	8.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0923	0.0923	0.0000	0.0000	0.0924
Total	1.8000e-004	2.0800e-003	1.1500e-003	0.0000	1.2000e-004	0.0000	1.3000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.3366	0.3366	3.0000e-005	0.0000	0.3374

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3.2 Well Drilling - Below Ground - 2019**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	3.8100e-003	0.0813	0.1026	1.7000e-004		7.0000e-004	7.0000e-004		7.0000e-004	7.0000e-004	0.0000	15.0992	15.0992	2.6200e-003	0.0000	15.1646
Total	3.8100e-003	0.0813	0.1026	1.7000e-004		7.0000e-004	7.0000e-004		7.0000e-004	7.0000e-004	0.0000	15.0992	15.0992	2.6200e-003	0.0000	15.1646

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	5.0000e-005	2.0200e-003	3.4000e-004	0.0000	4.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.2443	0.2443	3.0000e-005	0.0000	0.2450
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	1.3000e-004	6.0000e-005	8.1000e-004	0.0000	8.0000e-005	0.0000	8.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0923	0.0923	0.0000	0.0000	0.0924
Total	1.8000e-004	2.0800e-003	1.1500e-003	0.0000	1.2000e-004	0.0000	1.3000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.3366	0.3366	3.0000e-005	0.0000	0.3374

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3.2 Well Drilling - Below Ground - 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	0.0187	0.1804	0.1673	3.8000e-004		8.8300e-003	8.8300e-003		8.6400e-003	8.6400e-003	0.0000	32.6694	32.6694	5.5900e-003	0.0000	32.8092
Total	0.0187	0.1804	0.1673	3.8000e-004		8.8300e-003	8.8300e-003		8.6400e-003	8.6400e-003	0.0000	32.6694	32.6694	5.5900e-003	0.0000	32.8092

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	9.0000e-005	4.2400e-003	6.9000e-004	1.0000e-005	5.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.5344	0.5344	6.0000e-005	0.0000	0.5358
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	2.7000e-004	1.2000e-004	1.5700e-003	0.0000	1.8000e-004	0.0000	1.8000e-004	5.0000e-005	0.0000	5.0000e-005	0.0000	0.1952	0.1952	1.0000e-005	0.0000	0.1954
Total	3.6000e-004	4.3600e-003	2.2600e-003	1.0000e-005	2.3000e-004	0.0000	2.3000e-004	6.0000e-005	0.0000	7.0000e-005	0.0000	0.7295	0.7295	7.0000e-005	0.0000	0.7312

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3.2 Well Drilling - Below Ground - 2020**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	8.3100e-003	0.1774	0.2239	3.8000e-004		1.5400e-003	1.5400e-003		1.5400e-003	1.5400e-003	0.0000	32.6694	32.6694	5.5900e-003	0.0000	32.8091
Total	8.3100e-003	0.1774	0.2239	3.8000e-004		1.5400e-003	1.5400e-003		1.5400e-003	1.5400e-003	0.0000	32.6694	32.6694	5.5900e-003	0.0000	32.8091

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	9.0000e-005	4.2400e-003	6.9000e-004	1.0000e-005	5.0000e-005	0.0000	5.0000e-005	1.0000e-005	0.0000	2.0000e-005	0.0000	0.5344	0.5344	6.0000e-005	0.0000	0.5358
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	2.7000e-004	1.2000e-004	1.5700e-003	0.0000	1.8000e-004	0.0000	1.8000e-004	5.0000e-005	0.0000	5.0000e-005	0.0000	0.1952	0.1952	1.0000e-005	0.0000	0.1954
Total	3.6000e-004	4.3600e-003	2.2600e-003	1.0000e-005	2.3000e-004	0.0000	2.3000e-004	6.0000e-005	0.0000	7.0000e-005	0.0000	0.7295	0.7295	7.0000e-005	0.0000	0.7312

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3.3 Well Equipping - Above Ground - 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					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.0500e-003	0.0105	0.0114	2.0000e-005		6.7000e-004	6.7000e-004		6.1000e-004	6.1000e-004	0.0000	1.3643	1.3643	4.4000e-004	0.0000	1.3753
Total	1.0500e-003	0.0105	0.0114	2.0000e-005	0.0000	6.7000e-004	6.7000e-004	0.0000	6.1000e-004	6.1000e-004	0.0000	1.3643	1.3643	4.4000e-004	0.0000	1.3753

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	2.0000e-005	1.0000e-005	1.0000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0122	0.0122	0.0000	0.0000	0.0122
Total	2.0000e-005	1.0000e-005	1.0000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0122	0.0122	0.0000	0.0000	0.0122

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3.3 Well Equipping - Above Ground - 2020**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					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	3.8000e-004	8.6700e-003	0.0117	2.0000e-005		9.0000e-005	9.0000e-005		9.0000e-005	9.0000e-005	0.0000	1.3643	1.3643	4.4000e-004	0.0000	1.3753
Total	3.8000e-004	8.6700e-003	0.0117	2.0000e-005	0.0000	9.0000e-005	9.0000e-005	0.0000	9.0000e-005	9.0000e-005	0.0000	1.3643	1.3643	4.4000e-004	0.0000	1.3753

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	2.0000e-005	1.0000e-005	1.0000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0122	0.0122	0.0000	0.0000	0.0122
Total	2.0000e-005	1.0000e-005	1.0000e-004	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0122	0.0122	0.0000	0.0000	0.0122

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3.4 Grading / Excavation - 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					0.0151	0.0000	0.0151	8.2800e-003	0.0000	8.2800e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	4.7900e-003	0.0494	0.0331	5.0000e-005		2.7200e-003	2.7200e-003		2.5000e-003	2.5000e-003	0.0000	4.6049	4.6049	1.4900e-003	0.0000	4.6421
Total	4.7900e-003	0.0494	0.0331	5.0000e-005	0.0151	2.7200e-003	0.0178	8.2800e-003	2.5000e-003	0.0108	0.0000	4.6049	4.6049	1.4900e-003	0.0000	4.6421

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	9.0000e-005	4.0000e-005	5.2000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0651	0.0651	0.0000	0.0000	0.0651
Total	9.0000e-005	4.0000e-005	5.2000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0651	0.0651	0.0000	0.0000	0.0651

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3.4 Grading / Excavation - 2020**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					6.7700e-003	0.0000	6.7700e-003	1.8600e-003	0.0000	1.8600e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.2800e-003	0.0275	0.0348	5.0000e-005		2.4000e-004	2.4000e-004		2.4000e-004	2.4000e-004	0.0000	4.6049	4.6049	1.4900e-003	0.0000	4.6421
Total	1.2800e-003	0.0275	0.0348	5.0000e-005	6.7700e-003	2.4000e-004	7.0100e-003	1.8600e-003	2.4000e-004	2.1000e-003	0.0000	4.6049	4.6049	1.4900e-003	0.0000	4.6421

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	9.0000e-005	4.0000e-005	5.2000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0651	0.0651	0.0000	0.0000	0.0651
Total	9.0000e-005	4.0000e-005	5.2000e-004	0.0000	6.0000e-005	0.0000	6.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.0651	0.0651	0.0000	0.0000	0.0651

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3.5 Trenching - 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	9.4000e-004	9.4800e-003	0.0113	2.0000e-005		5.6000e-004	5.6000e-004		5.1000e-004	5.1000e-004	0.0000	1.3649	1.3649	4.4000e-004	0.0000	1.3759
Total	9.4000e-004	9.4800e-003	0.0113	2.0000e-005		5.6000e-004	5.6000e-004		5.1000e-004	5.1000e-004	0.0000	1.3649	1.3649	4.4000e-004	0.0000	1.3759

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	2.0000e-005	1.0000e-005	9.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0118	0.0118	0.0000	0.0000	0.0118
Total	2.0000e-005	1.0000e-005	9.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0118	0.0118	0.0000	0.0000	0.0118

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3.5 Trenching - 2021**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	3.8000e-004	8.6700e-003	0.0117	2.0000e-005		9.0000e-005	9.0000e-005		9.0000e-005	9.0000e-005	0.0000	1.3649	1.3649	4.4000e-004	0.0000	1.3759
Total	3.8000e-004	8.6700e-003	0.0117	2.0000e-005		9.0000e-005	9.0000e-005		9.0000e-005	9.0000e-005	0.0000	1.3649	1.3649	4.4000e-004	0.0000	1.3759

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	2.0000e-005	1.0000e-005	9.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0118	0.0118	0.0000	0.0000	0.0118
Total	2.0000e-005	1.0000e-005	9.0000e-005	0.0000	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0118	0.0118	0.0000	0.0000	0.0118

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3.6 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	4.2000e-003	0.0416	0.0405	7.0000e-005		1.9400e-003	1.9400e-003		1.8400e-003	1.8400e-003	0.0000	6.0601	6.0601	1.4500e-003	0.0000	6.0963
Total	4.2000e-003	0.0416	0.0405	7.0000e-005		1.9400e-003	1.9400e-003		1.8400e-003	1.8400e-003	0.0000	6.0601	6.0601	1.4500e-003	0.0000	6.0963

Unmitigated Construction Off-Site

[illegible]

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3.6 Building Construction - 2021

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	1.4700e-003	0.0323	0.0420	7.0000e-005		3.1000e-004	3.1000e-004		3.1000e-004	3.1000e-004	0.0000	6.0601	6.0601	1.4500e-003	0.0000	6.0963
Total	1.4700e-003	0.0323	0.0420	7.0000e-005		3.1000e-004	3.1000e-004		3.1000e-004	3.1000e-004	0.0000	6.0601	6.0601	1.4500e-003	0.0000	6.0963

Mitigated Construction Off-Site

[illegible]

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3.7 Backwash Tank - 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	0.0143	0.1272	0.0740	1.7000e-004		5.4200e-003	5.4200e-003		5.1000e-003	5.1000e-003	0.0000	13.9020	13.9020	3.7700e-003	0.0000	13.9962
Total	0.0143	0.1272	0.0740	1.7000e-004		5.4200e-003	5.4200e-003		5.1000e-003	5.1000e-003	0.0000	13.9020	13.9020	3.7700e-003	0.0000	13.9962

Unmitigated Construction Off-Site

[illegible]

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3.7 Backwash Tank - 2021

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	4.9500e-003	0.0886	0.0914	1.7000e-004		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004	0.0000	13.9020	13.9020	3.7700e-003	0.0000	13.9962
Total	4.9500e-003	0.0886	0.0914	1.7000e-004		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004	0.0000	13.9020	13.9020	3.7700e-003	0.0000	13.9962

Mitigated Construction Off-Site

[illegible]

Well Upgrade McCandless Site - Santa Clara County, Annual

3.8 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	4.1200e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.4100e-003	0.0954	0.1234	2.1000e-004		4.4000e-003	4.4000e-003		4.3200e-003	4.3200e-003	0.0000	17.8870	17.8870	2.7100e-003	0.0000	17.9547
Total	0.0135	0.0954	0.1234	2.1000e-004		4.4000e-003	4.4000e-003		4.3200e-003	4.3200e-003	0.0000	17.8870	17.8870	2.7100e-003	0.0000	17.9547

Unmitigated Construction Off-Site

[illegible]

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3.8 Architectural Coating - 2021

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	4.1200e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	4.4800e-003	0.1022	0.1380	2.1000e-004		1.0700e-003	1.0700e-003		1.0700e-003	1.0700e-003	0.0000	17.8870	17.8870	2.7100e-003	0.0000	17.9546
Total	8.6000e-003	0.1022	0.1380	2.1000e-004		1.0700e-003	1.0700e-003		1.0700e-003	1.0700e-003	0.0000	17.8870	17.8870	2.7100e-003	0.0000	17.9546

Mitigated Construction Off-Site

[illegible]

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3.9 Filter Installion - 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	2.1000e-004	2.4200e-003	9.9000e-004	0.0000		1.0000e-004	1.0000e-004		9.0000e-005	9.0000e-005	0.0000	0.2534	0.2534	8.0000e-005	0.0000	0.2555
Total	2.1000e-004	2.4200e-003	9.9000e-004	0.0000		1.0000e-004	1.0000e-004		9.0000e-005	9.0000e-005	0.0000	0.2534	0.2534	8.0000e-005	0.0000	0.2555

Unmitigated Construction Off-Site

[illegible]

Well Upgrade McCandless Site - Santa Clara County, Annual

3.9 Filter Installion - 2021

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	7.0000e-005	1.3700e-003	1.5400e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	0.2534	0.2534	8.0000e-005	0.0000	0.2555
Total	7.0000e-005	1.3700e-003	1.5400e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005	0.0000	0.2534	0.2534	8.0000e-005	0.0000	0.2555

Mitigated Construction Off-Site

[illegible]

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3.10 Concrete 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	5.4500e-003	0.0506	0.0595	1.0000e-004		2.8000e-003	2.8000e-003		2.7100e-003	2.7100e-003	0.0000	8.3818	8.3818	1.1700e-003	0.0000	8.4111
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	5.4500e-003	0.0506	0.0595	1.0000e-004		2.8000e-003	2.8000e-003		2.7100e-003	2.7100e-003	0.0000	8.3818	8.3818	1.1700e-003	0.0000	8.4111

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	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393
Total	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393

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3.10 Concrete Paving - 2021**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	2.0800e-003	0.0474	0.0640	1.0000e-004		5.0000e-004	5.0000e-004		5.0000e-004	5.0000e-004	0.0000	8.3818	8.3818	1.1700e-003	0.0000	8.4111
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	2.0800e-003	0.0474	0.0640	1.0000e-004		5.0000e-004	5.0000e-004		5.0000e-004	5.0000e-004	0.0000	8.3818	8.3818	1.1700e-003	0.0000	8.4111

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	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393
Total	5.0000e-005	2.0000e-005	3.0000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0393	0.0393	0.0000	0.0000	0.0393

4.0 Operational Detail - Mobile

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4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.0500e-003	4.6700e-003	0.0134	5.0000e-005	4.5100e-003	4.0000e-005	4.5600e-003	1.2100e-003	4.0000e-005	1.2500e-003	0.0000	4.4174	4.4174	1.4000e-004	0.0000	4.4209
Unmitigated	1.0500e-003	4.6700e-003	0.0134	5.0000e-005	4.5100e-003	4.0000e-005	4.5600e-003	1.2100e-003	4.0000e-005	1.2500e-003	0.0000	4.4174	4.4174	1.4000e-004	0.0000	4.4209

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
General Light Industry	5.51	1.04	0.54	12,142	12,142
Total	5.51	1.04	0.54	12,142	12,142

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
General Light Industry	9.50	7.30	7.30	59.00	28.00	13.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
General Light Industry	0.610498	0.036775	0.183084	0.106123	0.014413	0.005007	0.012610	0.021118	0.002144	0.001548	0.005312	0.000627	0.000740

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5.0 Energy Detail

Historical Energy Use: N

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	0.8584	0.8584	9.0000e-005	2.0000e-005	0.8658
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.8584	0.8584	9.0000e-005	2.0000e-005	0.8658
NaturalGas Mitigated	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187
NaturalGas Unmitigated	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187

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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					
General Light Industry	20840.2	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187
Total		1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187

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					
General Light Industry	20840.2	1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187
Total		1.1000e-004	1.0200e-003	8.6000e-004	1.0000e-005		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	1.1121	1.1121	2.0000e-005	2.0000e-005	1.1187

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5.3 Energy by Land Use - Electricity**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
General Light Industry	6525.4	0.8584	9.0000e-005	2.0000e-005	0.8658
Total		0.8584	9.0000e-005	2.0000e-005	0.8658

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
General Light Industry	6525.4	0.8584	9.0000e-005	2.0000e-005	0.8658
Total		0.8584	9.0000e-005	2.0000e-005	0.8658

6.0 Area Detail**6.1 Mitigation Measures Area**

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	ROG	NOx	CO	SO2	Fugitive 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	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005
Unmitigated	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005

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	4.1000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	3.0900e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005
Total	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005

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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	4.1000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	3.0900e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005
Total	3.5000e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	1.0000e-005	1.0000e-005	0.0000	0.0000	2.0000e-005

7.0 Water Detail**7.1 Mitigation Measures Water**

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	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.1880	5.9700e-003	1.4000e-004	0.3798
Unmitigated	0.1880	5.9700e-003	1.4000e-004	0.3798

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
General Light Industry	0.182688 / 0	0.1880	5.9700e-003	1.4000e-004	0.3798
Total		0.1880	5.9700e-003	1.4000e-004	0.3798

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7.2 Water by Land Use**Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
General Light Industry	0.182688 / 0	0.1880	5.9700e-003	1.4000e-004	0.3798
Total		0.1880	5.9700e-003	1.4000e-004	0.3798

8.0 Waste Detail**8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.1989	0.0118	0.0000	0.4928
Unmitigated	0.1989	0.0118	0.0000	0.4928

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8.2 Waste by Land Use**Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
General Light Industry	0.98	0.1989	0.0118	0.0000	0.4928
Total		0.1989	0.0118	0.0000	0.4928

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
General Light Industry	0.98	0.1989	0.0118	0.0000	0.4928
Total		0.1989	0.0118	0.0000	0.4928

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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Well Upgrade McCandless Site - Santa Clara County, Annual

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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User Defined Equipment

Equipment Type	Number
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11.0 Vegetation

Attachment 3: Construction Health Risk Calculations

Milpitas Park, Well, and Pedestrian Bridge Project

DPM Emissions and Modeling Emission Rates - Unmitigated

Emissions Model Year	Activity	DPM (ton/year)	Area Source	DPM Emissions			Modeled Area (m ²)	DPM Emission Rate (g/s/m ²)
				(lb/yr)	(lb/hr)	(g/s)		
2019	CON_WELL	0.0046	DPM	9.2	0.00210	2.64E-04	885	2.98E-07
2020	CON_WELL	0.0122	DPM	24.4	0.00557	7.02E-04	885	7.93E-07
2020	CON_PARK	0.0434	DPM	86.8	0.01982	2.50E-03	16,556	1.51E-07
2020	CON_BRIDGE	0.0245	DPM	49.0	0.01119	1.41E-03	218	6.47E-06
2021	CON_WELL	0.0152	DPM	30.4	0.00694	8.75E-04	885	9.88E-07
2021	CON_PARK	0.0071	DPM	14.2	0.00323	4.07E-04	16,556	2.46E-08
Total		0.1070		213.9	0.0488	0.0062		

Operation Hours

hr/day = 12 (7am - 7pm)
 days/yr = 365
 hours/year = 4380

PM2.5 Fugitive Dust Emissions for Modeling - Unmitigated

Construction Year	Activity	Area Source	PM2.5 Emissions				Modeled Area (m ²)	PM2.5 Emission Rate g/s/m ²
			(ton/year)	(lb/yr)	(lb/hr)	(g/s)		
2019	CON_WELL	FUG	0.00003	0.1	0.00001	1.73E-06	885	1.95E-09
2020	CON_WELL	FUG	0.0084	16.7	0.00382	4.81E-04	885	5.43E-07
2020	CON_PARK	FUG	0.0700	140.0	0.03196	4.03E-03	16,556	2.43E-07
2020	CON_BRIDGE	FUG	0.0171	34.2	0.00781	9.84E-04	218	4.52E-06
2021	CON_WELL	FUG	0.00001	0.0	0.00000	5.75E-07	885	6.50E-10
2021	CON_PARK	FUG	0.0003	0.7	0.00016	1.96E-05	16,556	1.18E-09
Total			0.0958	191.7	0.0438	0.0055		

Operation Hours

hr/day = 12 (7am - 7pm)
 days/yr = 365
 hours/year = 4380

DPM Construction Emissions and Modeling Emission Rates - With Mitigation

Emissions Model		DPM	Area	DPM Emissions			Modeled Area	DPM Emission Rate
Year	Activity	(ton/year)	Source	(lb/yr)	(lb/hr)	(g/s)	(m ²)	(g/s/m ²)
2019	CON_WELL	0.0007	DPM	1.4	0.00032	4.08E-05	885	4.61E-08
2020	CON_WELL	0.0019	DPM	3.8	0.00086	1.08E-04	885	1.22E-07
2020	CON_PARK	0.0042	DPM	8.4	0.00193	2.43E-04	16,556	1.47E-08
2020	CON_BRIDGE	0.0029	DPM	5.8	0.00132	1.67E-04	218	7.66E-07
2021	CON_WELL	0.0026	DPM	5.2	0.00119	1.50E-04	885	1.69E-07
2021	CON_PARK	0.0010	DPM	1.9	0.00044	5.58E-05	16,556	3.37E-09
Total		0.0133		26.6	0.0061	0.0008		

Operation Hours

hr/day = 12 (7am - 4pm)

days/yr = 365

hours/year = 4380

PM2.5 Fugitive Dust Construction Emissions for Modeling - With Mitigation

Construction		Area	PM2.5 Emissions				Modeled Area	PM2.5 Emission Rate
Year	Activity	Source	(ton/year)	(lb/yr)	(lb/hr)	(g/s)	(m ²)	g/s/m ²
2019	CON_WELL	FUG	0.00003	0.1	0.00001	1.73E-06	885	1.95E-09
2020	CON_WELL	FUG	0.0019	3.9	0.00089	1.12E-04	885	1.26E-07
2020	CON_PARK	FUG	0.0166	33.2	0.00758	9.55E-04	16,556	5.77E-08
2020	CON_BRIDGE	FUG	0.0040	7.9	0.00180	2.27E-04	218	1.04E-06
2021	CON_WELL	FUG	0.00001	0.0	0.00000	5.75E-07	885	6.50E-10
2021	CON_PARK	FUG	0.0003	0.7	0.00016	1.96E-05	16,556	1.18E-09
Total			0.0229	45.7	0.0104	0.0013		

Operation Hours

hr/day = 12 (7am - 4pm)

days/yr = 365

hours/year = 4380

**Milpitas Park, Well, and Pedestrian Bridge Project
Construction Health Impacts Summary**

Maximum Impacts at Construction MEI Location - Unmitigated

Emissions Year						
	Maximum Concentrations		Cancer Risk (per million)		Hazard Index	Maximum Annual PM2.5 Concentration
	Exhaust PM10/DPM	Fugitive PM2.5				
	(µg/m³)	(µg/m³)	Child	Adult	(-)	(µg/m³)
2019	0.0337	0.0007	5.98	0.10	0.007	0.03
2020	0.2507	0.5970	41.17	0.72	0.050	0.84
2021	0.1292	0.0019	3.69	0.37	0.026	0.13
Total	-	-	50.8	1.2	-	-
Maximum	0.2507	0.5970	-	-	0.050	0.84

Maximum Impacts at Construction MEI Location - With Mitigation

Emissions Year	Maximum Concentrations		Cancer Risk (per million)		Hazard Index	Maximum Annual PM2.5 Concentration
	Exhaust PM10/DPM	Fugitive PM2.5				
	(µg/m³)	(µg/m³)	Child	Adult	(-)	(µg/m³)
	2019	0.0052	0.0007	0.93	0.01	0.001
2020	0.0306	0.1402	5.02	0.09	0.006	0.17
2021	0.0215	0.0019	0.61	0.06	0.004	0.02
Total	-	-	6.6	0.2	-	-
Maximum	0.0306	0.1402	-	-	0.006	0.17

Maximum Impacts at Daycare

Construction Year	Unmitigated Emissions				
	Maximum Concentrations		Child Cancer Risk (per million)	Hazard Index (-)	Maximum Annual PM2.5 Concentration ($\mu\text{g}/\text{m}^3$)
	Exhaust PM2.5/DPM ($\mu\text{g}/\text{m}^3$)	Fugitive PM2.5 ($\mu\text{g}/\text{m}^3$)			
2019	0.0020	0.0000	0.1	0.00	0.00
2020	0.0867	0.1723	3.4	0.02	0.26
2021	0.0190	0.0008	0.7	0.00	0.02
Total	-	-	4.2	-	-
Maximum	0.0867	0.1723	-	0.017	0.26

Milpitas Park, Well, and Pedestrian - Unmitigated Emissions
Maximum DPM Cancer Risk Calculations From Construction
Impacts at Off-Site Receptors-1.5 meter receptor height

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child				Adult
	3rd Trimester	0 - 2	2 - 9	2 - 16	16 - 30
ASF =	10	10	3	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	631	572	261
A =	1	1	1	1	1
EF =	350	350	350	350	350
AT =	70	70	70	70	70
FAH =	1.00	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Construction Cancer Risk by Year - Maximum Impact Receipt Evaluation												
Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information			Infant/Child Cancer Risk (per million)	Adult - Exposure Information			Adult Cancer Risk (per million)	Fugitive PM2.5	Total PM2.5
			DPM Conc (ug/m3)		Age Sensitivity Factor		Modeled		Age Sensitivity Factor			
			Year	Annual			DPM Conc (ug/m3)					
0	0.25	-0.25 - 0*	2019	0.0337	10	0.46	2019	0.0337	-	-		
1	1	0 - 1	2019	0.0337	10	5.53	2019	0.0337	1	0.10	0.0007	0.0344
2	1	1 - 2	2020	0.2507	10	41.17	2020	0.2507	1	0.72	0.5970	0.8405
3	1	2 - 3	2021	0.1292	3	3.69	2021	0.1292	1	0.37	0.0019	0.1311
4	1	3 - 4		0.0000	3	0.00		0.0000	1	0.00		
5	1	4 - 5		0.0000	3	0.00		0.0000	1	0.00		
6	1	5 - 6		0.0000	3	0.00		0.0000	1	0.00		
7	1	6 - 7		0.0000	3	0.00		0.0000	1	0.00		
8	1	7 - 8		0.0000	3	0.00		0.0000	1	0.00		
9	1	8 - 9		0.0000	3	0.00		0.0000	1	0.00		
10	1	9 - 10		0.0000	3	0.00		0.0000	1	0.00		
11	1	10 - 11		0.0000	3	0.00		0.0000	1	0.00		
12	1	11 - 12		0.0000	3	0.00		0.0000	1	0.00		
13	1	12 - 13		0.0000	3	0.00		0.0000	1	0.00		
14	1	13 - 14		0.0000	3	0.00		0.0000	1	0.00		
15	1	14 - 15		0.0000	3	0.00		0.0000	1	0.00		
16	1	15 - 16		0.0000	3	0.00		0.0000	1	0.00		
17	1	16-17		0.0000	1	0.00		0.0000	1	0.00		
18	1	17-18		0.0000	1	0.00		0.0000	1	0.00		
19	1	18-19		0.0000	1	0.00		0.0000	1	0.00		
20	1	19-20		0.0000	1	0.00		0.0000	1	0.00		
21	1	20-21		0.0000	1	0.00		0.0000	1	0.00		
22	1	21-22		0.0000	1	0.00		0.0000	1	0.00		
23	1	22-23		0.0000	1	0.00		0.0000	1	0.00		
24	1	23-24		0.0000	1	0.00		0.0000	1	0.00		
25	1	24-25		0.0000	1	0.00		0.0000	1	0.00		
26	1	25-26		0.0000	1	0.00		0.0000	1	0.00		
27	1	26-27		0.0000	1	0.00		0.0000	1	0.00		
28	1	27-28		0.0000	1	0.00		0.0000	1	0.00		
29	1	28-29		0.0000	1	0.00		0.0000	1	0.00		
30	1	29-30		0.0000	1	0.00		0.0000	1	0.00		
Total Increased Cancer Risk						50.8				1.19		

* Third trimester of pregnancy

Milpitas Park, Well, and Pedestrian - Mitigated Emissions
Maximum DPM Cancer Risk Calculations From Construction
Impacts at Off-Site Receptors-1.5 meter

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child				Adult
	3rd Trimester	0 - 2	2 - 9	2 - 16	16 - 30
ASF =	10	10	3	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	631	572	261
A =	1	1	1	1	1
EF =	350	350	350	350	350
AT =	70	70	70	70	70
FAH =	1.00	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information			Infant/Child	Adult - Exposure Information			Adult	Fugitive PM2.5	Total PM2.5
			DPM Conc (ug/m3)	Sensitivity	Cancer Risk (per million)	Modeled	Age Sensitivity Factor	Cancer Risk (per million)				
						DPM Conc (ug/m3)			Sensitivity Factor			
										Year		
0	0.25	-0.25 - 0*	2019	0.0052	10	0.07	2019	0.0052	-	-		
1	1	0 - 1	2019	0.0052	10	0.86	2019	0.0052	1	0.01	0.0007	0.0059
2	1	1 - 2	2020	0.0306	10	5.02	2020	0.0306	1	0.09	0.1402	0.1695
3	1	2 - 3		0.0215	3	0.61	2021	0.0215	1	0.06	0.0019	0.0234
4	1	3 - 4		0.0000	3	0.00		0.0000	1	0.00		
5	1	4 - 5		0.0000	3	0.00		0.0000	1	0.00		
6	1	5 - 6		0.0000	3	0.00		0.0000	1	0.00		
7	1	6 - 7		0.0000	3	0.00		0.0000	1	0.00		
8	1	7 - 8		0.0000	3	0.00		0.0000	1	0.00		
9	1	8 - 9		0.0000	3	0.00		0.0000	1	0.00		
10	1	9 - 10		0.0000	3	0.00		0.0000	1	0.00		
11	1	10 - 11		0.0000	3	0.00		0.0000	1	0.00		
12	1	11 - 12		0.0000	3	0.00		0.0000	1	0.00		
13	1	12 - 13		0.0000	3	0.00		0.0000	1	0.00		
14	1	13 - 14		0.0000	3	0.00		0.0000	1	0.00		
15	1	14 - 15		0.0000	3	0.00		0.0000	1	0.00		
16	1	15 - 16		0.0000	3	0.00		0.0000	1	0.00		
17	1	16-17		0.0000	1	0.00		0.0000	1	0.00		
18	1	17-18		0.0000	1	0.00		0.0000	1	0.00		
19	1	18-19		0.0000	1	0.00		0.0000	1	0.00		
20	1	19-20		0.0000	1	0.00		0.0000	1	0.00		
21	1	20-21		0.0000	1	0.00		0.0000	1	0.00		
22	1	21-22		0.0000	1	0.00		0.0000	1	0.00		
23	1	22-23		0.0000	1	0.00		0.0000	1	0.00		
24	1	23-24		0.0000	1	0.00		0.0000	1	0.00		
25	1	24-25		0.0000	1	0.00		0.0000	1	0.00		
26	1	25-26		0.0000	1	0.00		0.0000	1	0.00		
27	1	26-27		0.0000	1	0.00		0.0000	1	0.00		
28	1	27-28		0.0000	1	0.00		0.0000	1	0.00		
29	1	28-29		0.0000	1	0.00		0.0000	1	0.00		
30	1	29-30		0.0000	1	0.00		0.0000	1	0.00		
Total Increased Cancer Risk						6.6				0.16		

* Third trimester of pregnancy

Mabel Mattos Elementary School, Milpitas, CA - Construction Impacts - Without Mitigation
Maximum DPM Cancer Risk Calculations From Construction
Daycare - 1.0 meters - Child Exposure

$$\text{Cancer Risk (per million)} = \text{CPF} \times \text{Inhalation Dose} \times \text{ASF} \times \text{ED/AT} \times \text{FAH} \times 1.0\text{E}6$$

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

$$\text{Inhalation Dose} = C_{\text{air}} \times \text{DBR} \times A \times (\text{EF}/365) \times 10^{-6}$$

Where: C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child				Adult
	3rd Trimester	0 - 2	2 - 9	2 - 16	16 - 30
ASF =	10	10	3	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	861	572	261
A =	1	1	1	1	1
EF =	350	350	350	350	350
AT =	70	70	70	70	70
FAH =	1.00	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and for school children

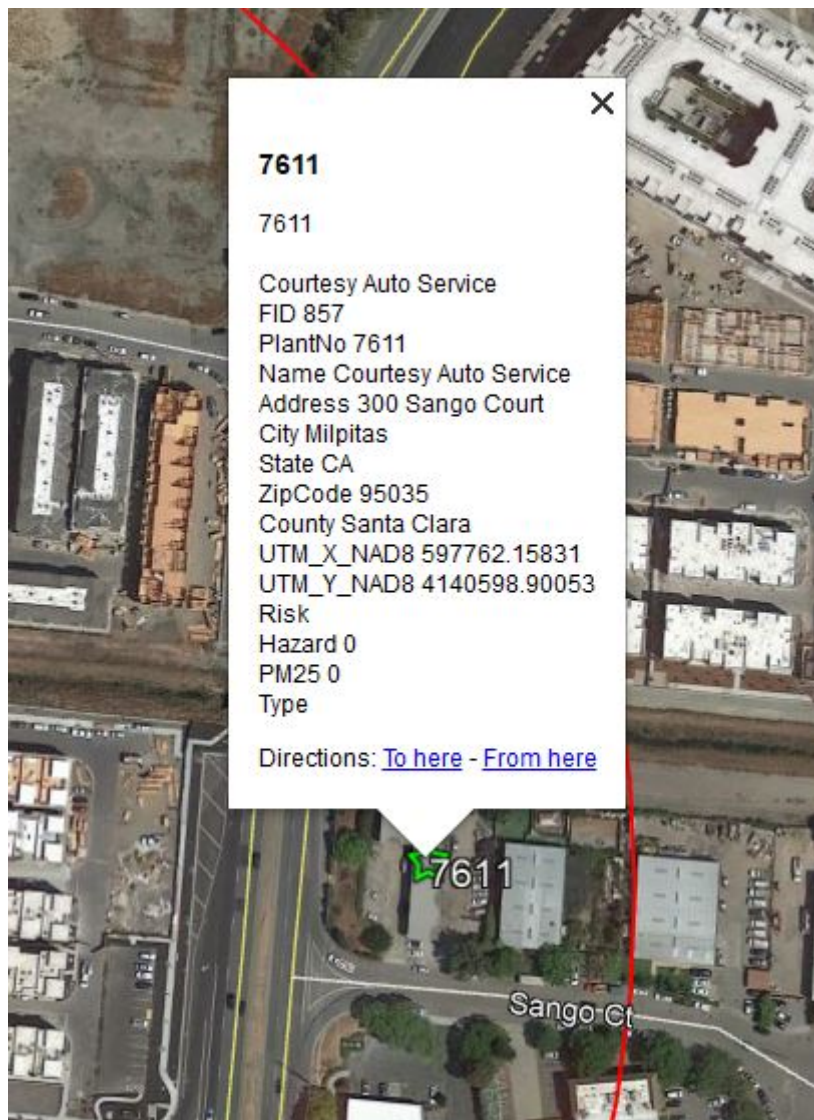
Construction Cancer Risk by Year - Maximum Impact Receptor Location

Exposure Year	Exposure Duration (years)	Child - Exposure Information			Child Cancer Risk (per million)
		DPM Conc (ug/m3)		Age* Sensitivity Factor	
		Year	Annual		
1	1	2019	0.0020	3	0.08
2	1	2020	0.0867	3	3.38
3	1	2021	0.0190	3	0.74

Maximum	
Fugitive PM2.5	Total PM2.5
0.00001	0.0020
0.1723	0.2590
0.0008	0.0198

* Students assumed to be from 2 to 9 years of age

Attachment 4: Screening Community Risk Calculations



BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 DETAIL POLLUTANTS - ABATED
 MOST RECENT P/O APPROVED (2014)

Printed: MAR 18, 2019

Courtesy Auto Service (P# 7611)

S#	SOURCE NAME	SOURCE CODE	POLLUTANT	CODE	LBS/DAY
MATERIAL	THROUGHPUT	DATE			
1	Spray Booth				
		SG52A048			
			Butyl acetate	48	1.32E-01
			Methyl ethyl ketone (MEK)	169	7.35E-02
			Organic liquid evap - othe	201	1.82E-01
		SG62C522			
			Organic liquid evap - othe	201	5.69E-02
			Butyl cellosolve	522	3.06E-03
			Propylene glycol monomethy	579	1.22E-03
		SG700318			
			Hydrocarbon - mixtures, ot	318	1.64E-01



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Risk & Hazard Stationary Source Inquiry Form

This form is required when users request stationary source data from BAAQMD

This form is to be used with the BAAQMD's Google Earth stationary source screening tables.

[Click here for guidance on conducting risk & hazard screening, including roadways & freeways, refer to the District's Risk & Hazard Analysis flow chart.](#)

[Click here for District's Recommended Methods for Screening and Modeling Local Risks and Hazards document.](#)

Table A: Requester Contact Information

Date of Request	3/11/2019
Contact Name	Mimi McNamara
Affiliation	Illingworth & Rodkin, Inc.
Phone	707-794-040 X111
Email	mmcnamara@illingworthrodkin.com
Project Name	Milpitas Bridge Project
Address	1768 McCandless Drive
City	CA 95035
County	Santa Clara
Type (residential, commercial, mixed use, industrial, etc.)	Park
Project Size (# of units or building square feet)	4 acres
Comments: Is this stationary source still active?	

For Air District assistance, the following steps must be completed:

1. Complete all the contact and project information requested in **Table A**. Incomplete forms will not be processed. Please include a project site map.
2. Download and install the free program Google Earth, <http://www.google.com/earth/download/ge/>, and then download the county specific Google Earth stationary source application files from the District's website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. The small points on the map represent stationary sources permitted by the District (Map A on right). These permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc. Click on a point to view the source's information Table, including the name, location, and preliminary estimated cancer risk, hazard index, and PM_{2.5} concentration.
3. Find the project site in Google Earth by inputting the site's address in the Google Earth search box.
4. Identify stationary sources within at least a 1000ft radius of project site. Verify that the location of the source on the map matches with the source's address in the Information Table, by using the Google Earth address search box to confirm the source's address location. Please report any mapping errors to the District.
5. List the stationary source information in **Table B** section only.
6. Note that a small percentage of the stationary sources have Health Risk Screening Assessment (HRSA) data INSTEAD of screening level data. These sources will be noted by an asterisk next to the Plant Name (Map B on right). If HRSA values are presented, these values have already been modeled and cannot be adjusted further.
7. Email this completed form to District staff. District staff will provide the most recent risk, hazard, and PM_{2.5} data that are available for the source(s). If this information or data are not available, source emissions data will be provided. Staff will respond to inquiries within three weeks.

Note that a public records request received for the same stationary source information will cancel the processing of your SSIF request.

Submit forms, maps, and questions to Areana Flores at 415-749-4616, or aflores@baaqmd.gov

Table B: Google Earth data

Distance from Receptor (feet) or MEI ¹	Facility Name	Address	Plant No.	Cancer Risk ²	Hazard Risk ²	PM _{2.5} ²	Source No. ³	Type of Source ⁴	Fuel Code ⁵	Status/Comments
TBD	Courtesy Auto Service	300 Sango Court	7611		0.0000		1	Spray Booth		Emissions file attached

Footnotes:

1. Maximally exposed individual
2. These Cancer Risk, Hazard Index, and PM_{2.5} columns represent the values in the Google Earth Plant Information Table.
3. Each plant may have multiple permits and sources.
4. Permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc.
5. Fuel codes: 98 = diesel, 189 = Natural Gas.
6. If a Health Risk Screening Assessment (HRSA) was completed for the source, the application number will be listed here.
7. The date that the HRSA was completed.
8. Engineer who completed the HRSA. For District purposes only.
9. All HRSA completed before 1/5/2010 need to be multiplied by an age sensitivity factor of 1.7.
10. The HRSA "Chronic Health" number represents the Hazard Index.
11. Further information about common sources:
 - a. Sources that only include diesel internal combustion engines can be adjusted using the BAAQMD's Diesel Multiplier worksheet.
 - b. The risk from natural gas boilers used for space heating when <25 MM BTU/hr would have an estimated cancer risk of one in a million or less, and a chronic hazard
 - c. BAAQMD Reg 11 Rule 16 required that all co-residential (sharing a wall, floor, ceiling or is in the same building as a residential unit) dry cleaners cease use of perc on July 1, 2010. Therefore, there is no cancer risk, hazard or PM_{2.5} concentrations from co-residential dry cleaning businesses in the BAAQMD.
 - d. Non co-residential dry cleaners must phase out use of perc by Jan. 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but
 - e. Gas stations can be adjusted using BAAQMD's Gas Station Distance Multiplier worksheet.
 - f. Unless otherwise noted, exempt sources are considered insignificant. See BAAQMD Reg 2 Rule 1 for a list of exempt sources.
 - g. This spray booth is considered to be insignificant.

Date last updated:
03/13/2018

APPENDIX B

BIOTIC CONSTRAINTS ANALYSIS



Milpitas Transit Area Specific Plan Projects Biotic Constraints Report

HTH #4251-01

Prepared for:

David J. Powers & Associates, Inc.

1871 The Alameda, Suite 200

San Jose, CA 95126

Attn: Julie Wright

Prepared by:

H. T. Harvey & Associates

January 15, 2019

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Section 1. Introduction

1.1 Project Description

The City of Milpitas (Milpitas) proposes three separate projects under the Milpitas Transit Area Specific Plan: a park, a water supply well, and a bridge over Penitencia East Channel. These three separate projects are all located on a single vacant parcel located along the east side of McCandless Drive near the Great Mall shopping center between Montague Expressway and Great Mall Parkway in the southern part of the City of Milpitas, Santa Clara County, California (Figure 1). The purpose of this biotic constraints report is to discuss biological resources that could potentially be impacted significantly under the California Environmental Quality Act (CEQA) and/or for which regulatory agency approvals or mitigation measures may be required as a result of implementing these three projects. Due to their proximity and the fact that they will be constructed concurrently, the three projects will be analyzed together and are henceforth referred to as the “Project”.

The McCandless park, production water well and pedestrian bridge are all separate City projects. All three projects are in the approved 2018-2023 Capital Improvement Program. The park is defined in the adopted Transit Area Specific Plan (TASP) Policy 3.49, which provides for a jointly used park between the City and the Milpitas Unified School District. The production water well is a response to meet the increase in water demands due to growth in the TASP area and neighboring Midtown area. The pedestrian bridge provides access from a residential development currently under construction and the multi-use trail north of the creek to the new park and elementary school south of the creek. The three Project components are described in more detail below.

1.1.1 Park Project (Project No. 5102)

The park project (Project No. 5102) provides for a new public park directly north of the newly constructed Mabel Mattos elementary school along McCandless Drive. The four-acre park will include joint-use lighted sports field and all-inclusive play areas for the city and the elementary school. All-inclusive play areas will be for all abilities and all ages. Key features of the play areas include inclusive interactive play equipment, fully accessible play structures and slide mounds, all-inclusive swings, musical garden/performing arts areas, barn-themed party area and whimsical shade structures. There will be permanent shade structures with picnic tables and charcoal barbecues within the park picnic area, a walking trail that loops around the park, a fenced community garden with storage shed, an eight-stall restroom building with equipment storage and drinking fountain, a fenced dog play area with separate areas for large and small dogs, parcourse fitness stations, landscaping and site safety lighting. The Mabel Mattos Elementary School project constructed the joint-use parking and basketball courts. Landscaping will include “butterfly food” or habitat plants, native plants, ornamental plants and shade trees and will be irrigated with recycled water. Landscaping within the existing PG&E easement will adhere to PG&E requirements. Eight-foot black chain link fence and four-foot ornamental fence will be installed where needed. The restroom building will be elevated above the flood area.

A paved access road from McCandless Drive through the park will be provided for the production water well and emergency and maintenance vehicles. Access to the elementary and adjacent residential developments will be provided. Underground utilities for water, recycled water, sewer, storm drain, electrical power and communication will be installed to serve the park. The park will be available from dawn to dusk, 365 days. It is expected that site safety lighting will be in place from dusk to dawn. The lighted sports field may be available for use until 10:00 pm.

1.1.2 Water Supply Well Project (Project No. 7076)

The well project (Project No. 7076) will construct a production water well located within a fenced and secured 100-foot by 100-foot area (well site) at the southeast corner of the parcel. The production water well will be at least 50 feet from the two property lines so that the City can demonstrate its protection of the State-required 50-foot control zone. Because there will be no building or enclosure around the well head for sound attenuation, a submersible pump and motor will be installed. The well head will be a concrete structure with dimensions of approximately three feet by three feet by two feet tall to allow room for the sounding tubes and vent. The pump will be set approximately 250 feet below ground surface. The motor will be sized to allow the pump to deliver approximately 1,000 gallons per minute. The well is expected to be approximately 600 feet deep.

The well site will include a one-story building for electrical, instrumentation and chemical feed, an above ground filter vessel treatment system, and an above ground backwash tank. The building will have a wall separating the wet chemicals and dry electrical/instrumentation. Materials for the chemical storage and feed systems will be selected based on chemical compatibility and corrosion resistance. Measures to prevent or mitigate for chemical spills will be in place. The final blended well water quality will not be known until the well is completed. However, the oxidation and filtration system will be designed to remove contaminants found from the results of the test well sampling. The proposed filter vessel includes three internal filter cells with two filter media layers in each filter cell. The three filter cells will be backwashed to provide relatively equivalent clean filter media conditions. The above ground backwash tank will capture the backwash from all the three filter cells and will be sized accordingly. The accumulated backwash water will discharge to a nearby sewer at a low flow rate to minimize impact on the existing main sewer system.

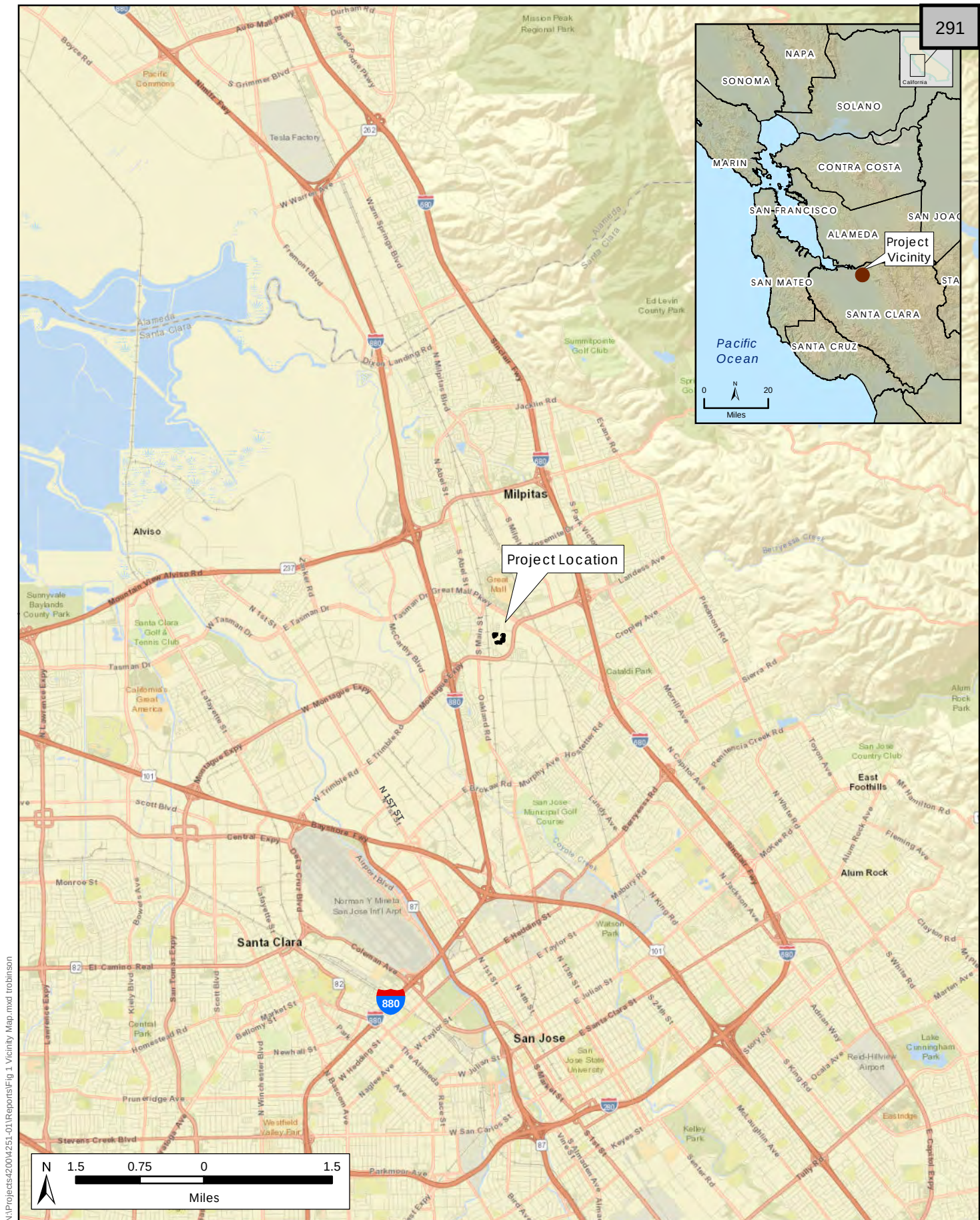
The well site will be elevated above the flood area. The entire fenced area will be paved with either concrete or asphalt paving and curbed in order for all runoff to be directed to a storm drain. No landscaping will be provided within the fenced area. Site security and task lighting will be provided. Backup power will be through an off-site generator transported onto the site on an emergency basis. Underground utilities for water, sewer, storm drain, and electrical power will be installed to serve the well site. It is expected that an antenna will be constructed for radio communication between this site and another City pump station to the north. A paved access road will be provided from McCandless Drive through the park, with a one-way entrance and exit through the well site, for periodic maintenance use as well as for regular maintenance use or material deliveries.

1.1.3 Pedestrian Bridge Project (Project No. 2005)

The pedestrian bridge project (Project No. 2005) will span the Penitencia East Channel midway between the Montague Expressway and McCandless Drive. The south bridge approach lands at the northeast corner of the parcel. The project includes a pre-fabricated bridge span, elevated bridge abutments, retaining walls along the north side of the creek, fill slope along the south side of the creek and raised trails on both sides of the channel. The retaining walls and raised trails will be required in order for the existing trail to conform to the bridge deck which will be three to five feet above existing grade. The elevated bridge abutments will extend three to five feet above the existing ground surface so that the bottom of the span clears the top of bank on both sides of the channel. It is expected that no structures or fill will be placed within the channel (i.e. below the top of bank). All grading, abutments and support structures will be located outside the top of banks of the channel. Accessible path will be provided to the park and to the adjacent residential development to the east. Site lighting will be installed on the park side, close to the bridge approach and fencing and railing will be installed where necessary.

1.2 Project Study Area

The Project footprint and study area are shown on Figure 2. The Project footprint encompasses the maximum area of direct permanent and temporary impacts related to the Project and includes the proposed park area, the footprint of the proposed pedestrian bridge, and the water supply well. The study area is expanded around this area to evaluate resources that are outside work limits but may be indirectly impacted by the Project. The total size of the study area is 5.87 acres (ac) and the total area of the Project footprint is 4.77 ac.



N:\Projects\4200\4251-01\Reports\Fig 1 Vicinity Map.mxd Robinson



H. T. HARVEY & ASSOCIATES
Ecological Consultants

Figure 1. Vicinity Map
Milpitas Transit SP Biological Constraints Report (4251-01)
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N:\Projects\42004\251-01\Reports\Fig 2 Project Study Area Map.mxd

Figure 2. Project Study Area Map
Milpitas Transit SP Biological Constraints Report (4251-01)
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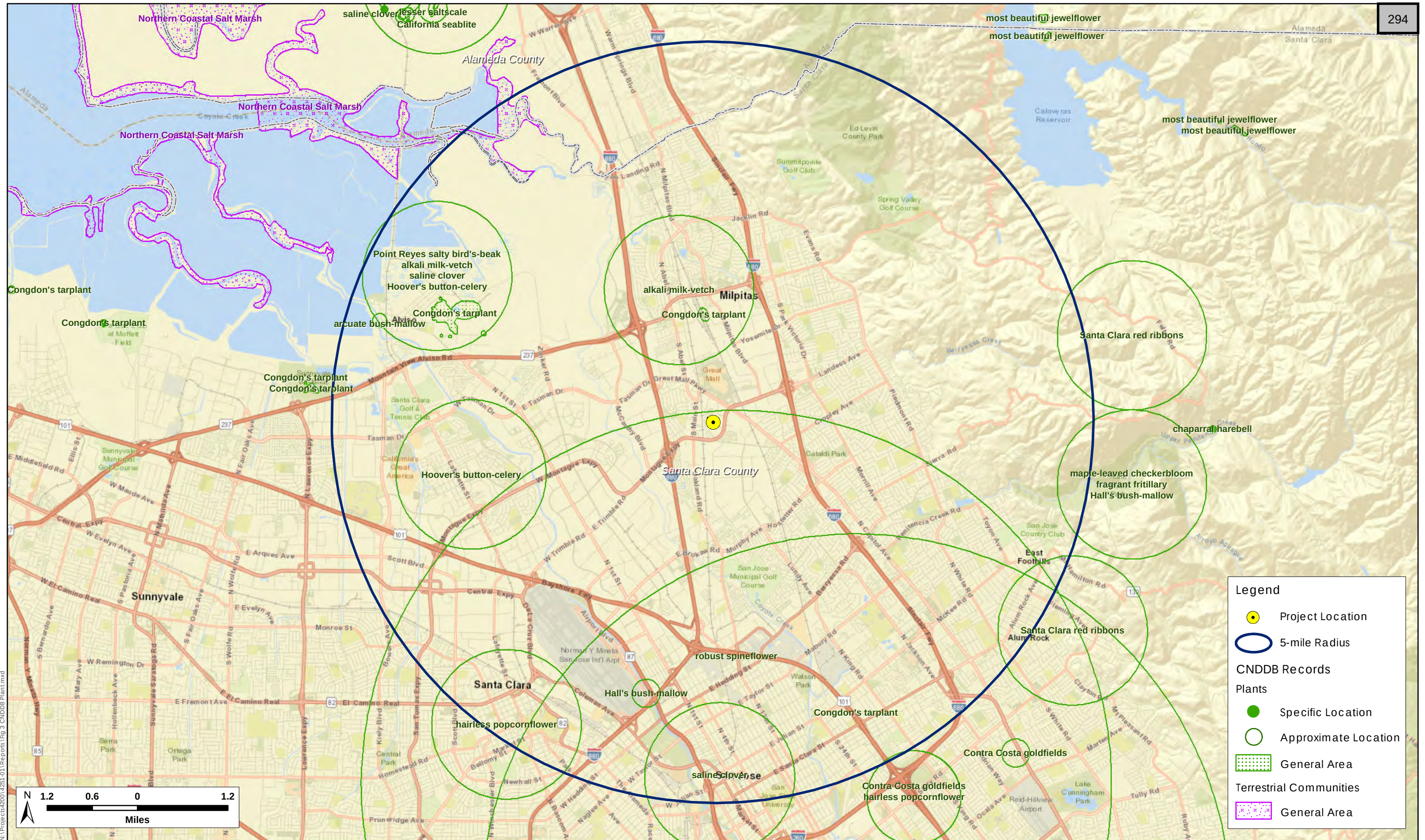
Section 2. Methods

Prior to conducting a site visit, H. T. Harvey and Associates ecologists reviewed background information on the sensitive biological resources potentially present in the Project study area. The information reviewed included records from the California Natural Diversity Database (CNDDDB 2018) and the CNPS's Online Rare Plant Inventory (2018), focused on the *Milpitas, California* U.S. Geological Survey (USGS) 7.5-minute quadrangle (where the study area occurs) and the surrounding eight quadrangles: *Newark, Niles, La Costa Valley, Mountain View, Calaveras Reservoir, Cupertino, San Jose West, and San Jose East*. Our searches focused on the distribution and habitats of vascular plants designated as California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, or 3 that occur in any of the USGS quadrangles listed above. We also considered the CNPS plant list for Santa Clara County, as the CNPS does not maintain quadrangle-level records for CRPR 4 species.

We also reviewed CNDDDB records for special-status animals and natural communities of concern in the vicinity. For the purposes of this report, the project vicinity is defined as the area within a 5-mile (mi) radius of the study area. A map of CNDDDB plant and animal records in the study area's vicinity is shown as Figure 3 and 4. This generalized map shows areas where special-status species are known to occur or have occurred historically. Additionally, the Natural Resources Conservation Service (NRCS) Web Soil Survey was used to identify soils that underlay the study area (NRCS 2018), and the USFWS's National Wetland Inventory (NWI) Wetlands Mapper was consulted to review pre-existing mapping of aquatic features, including wetlands, streams, and sloughs, that may be present in the study area (NWI 2018). Historical aerial imagery of the study area obtained from Google Earth Pro (Google, Inc. 2018) and Nationwide Environmental Title Research (NETR 2018) was also evaluated. Other information reviewed included various technical publications available through the USFWS, CDFW, and other sources.

H. T. Harvey & Associates wildlife ecologist Craig Fosdick, M.S., and plant and wetland ecologist Matthew Moser, surveyed the study area on November 19 and 20, 2018. The purpose of this reconnaissance survey was to (1) assess existing biotic habitats and plant and animal communities in the project vicinity, (2) assess the site for its potential to support special-status species and their habitats, and (3) identify potential jurisdictional habitats (such as waters of the U.S./state), although a formal wetland delineation was not conducted. The November 19 survey by Mr. Moser included a protocol-level survey of suitable habitat for Congdon's tarplant tarplant (*Centromadia parryi* ssp. *congdonii*), a CRPR 4 species which can persist in disturbed grasslands and has been documented by the CNDDDB in the project vicinity.

H. T. Harvey & Associates mapped biotic habitats within the study area using a combination of field observations (recorded via the Apple iPad GIS Kit Pro application) and aerial imagery signatures. Habitat types were distinguished using natural community descriptions discussed in Holland (1986) and Sawyer et al. (2009). Plant species within each habitat were identified using Baldwin et al. (2012). A Trimble submeter Global Positioning System (GPS) was used to delineate the ordinary high water mark (OHWM) and top of bank of Penitencia East Channel. Habitat acreages were calculated using geographic information systems (GIS) and aerial imagery interpretation.



N:\Projects\2001\4251-01\Reports\Fig 3 CNDDDB Plant.mxd

Section 3. Results

3.1 General Site Conditions

The approximately 6-acre (ac) study area encompasses a previously developed vacant lot that as recently as summer of 2013 was occupied by a large building surrounded by paved parking and landscaping (Google, Inc. 2018 and NETR 2018). The study area is bounded to the north by the Penitencia East Channel, McCandless Drive (a four lane boulevard) to the west, and the recently constructed Mabel Mattos Elementary School to the south. The study area is located primarily within parcels APN 086-41-044 and APN 086-41-043. Fencing separates the creek, which is owned by Santa Clara Valley Water District (SCVWD), from the remainder of the parcels to the south.

The study area is relatively flat with elevations ranging from approximately 35 to 40 feet (ft) (WGS84) (Google, Inc. 2018). Soils are dominated by the Urbanland-Hangerone complex, 0 to 2 percent slopes, drained, and the Urbanland-Newpark complex, 0 to 2 percent slopes (NRCS 2018). Neither of these soils are considered hydric by the NRCS (2018), which would indicate a soil being developed under conditions of long-term saturation, resulting in anaerobic conditions like those found in wetlands.

The Penitencia East Channel is mapped in the NWI (2018) as a temporary flooded, excavated (man-made), intermittent stream. This stormwater conveyance feature is a trapezoidal channel maintained by the SCVWD for flood protection, water resource management, and stream stewardship. The channel is a part of the Lower Penitencia Watershed, and flows into the lower Penitencia Creek approximately 380 feet east of McCandless Drive.

Land cover types in the study area are shown on Figure 5. Land cover in the study area is dominated by the developed/landscaped habitat type (5.51 ac). This land cover type largely consists of the previously developed gravel lot which covers the majority of the study area. While this area is almost entirely un-vegetated, there are small patches of non-native species such as stinkwort (*Dittrichia graveolens*) and wild oat (*Avena* sp.). Along the northern edge of this land cover type, bordering the Penitencia East Channel, is a row of six to eight foot tall ornamental shrubs consisting of oleander (*Nerium oleander*) and African sumac (*Searsia lancea*). This land cover type also includes the gravel access road along the northern border of the Penitencia East Channel, which is presently developed and utilized as a public access trail inbetween the channel and the newly constructed residential development to the north.

The study area also contains the following additional land cover/habitat types: ruderal grassland levee slope (0.21 ac) and perennial stream/freshwater marsh (0.15 ac). The ruderal grassland levee slope habitat type is dominated by bristly ox-tongue (*Helminthotheca echioides*), wild oat, and wild radish (*Raphanus sativus*), amongst other non-native vegetation. The limit of this habitat type was defined both by the vegetation composition, and

occurs between the OHWMs and the tops of banks of the Penitencia East Channel. The perennial stream/freshwater marsh habitat type was limited to the Penitencia East Channel within its ordinary high mark (OHW) mark. The channel flows from east to west, and was running with approximately six inches of water during the November survey. The freshwater marsh component of this land cover type is dominated by cattail (*Typha* sp.) and tall flatsedge (*Cyperus eragrostis*), and occupies approximately 20% of the channel, with the other 80% composed of open water.

The developed/landscaped habitat on the proposed project footprint is of relatively low value to wildlife due to the general lack of vegetation, and the predominance of non-native species where vegetation is present. American pipits (*Anthus rubescens*), lesser goldfinches (*Spinus psaltria*), and American crows (*Corvus brachyrhynchos*) were all observed using the gravel lot during the reconnaissance survey. The row of non-native ornamental shrubs bordering the Penitencia East Channel on the project site provides nesting and foraging opportunities for some urban-adapted species. White-crowned sparrows (*Zonotrichia leucophrys*), house sparrows (*Passer domesticus*), house finches (*Haemorhous mexicanus*), Anna's hummingbirds (*Calypte anna*), bushtits (*Psaltiriparus minimus*), yellow-rumped warblers (*Setophaga audubonii*), and black phoebes (*Sayornis nigricans*) were all observed foraging in the ornamental shrubs during the reconnaissance survey. Anna's hummingbirds, bushtits, and house finches may all nest in these ornamental shrubs. Few species of reptiles and amphibians occur in the developed/landscaped habitat on the project site due to its disturbed nature and low habitat heterogeneity. Nevertheless, reptiles such as the western fence lizard (*Sceloporus occidentalis*) may occur in this habitat. Common urban-adapted mammal species that may occur on the project site include the native raccoon (*Procyon lotor*) as well as the non-native house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*Rattus rattus*).

Common, urban-adapted bird species found elsewhere in the study area likely also occur in the ruderal grassland levee slope, although this habitat has limited value for wildlife, due to its linear nature and its isolation from large, contiguous tracts of grassland. At least two feral domestic cats (*Felis catus*) were observed in this habitat, one hiding in the entrance to a California ground squirrel (*Otospermophilus beecheyi*) burrow—their presence further reducing the value of the habitat for wildlife. No ground squirrels were observed. White-crowned sparrows, house sparrows, house finches were all observed foraging in the ruderal grassland. Rock pigeons (*Columba livia*), a non-native species, likely also forage in this habitat.

The perennial stream/freshwater marsh habitat found in the Penitencia East Channel provides foraging habitat for some urban-adapted species associated with aquatic habitats, such as mallards (*Anas platyrhynchos*), great egrets (*Ardea alba*), snowy egrets (*Egretta thula*), black phoebes, as well as some migrants perhaps not typically associated with urban areas, such as Wilson's snipe (*Gallinago delicata*), one of which was flushed from the channel during the reconnaissance survey.

No old nests of raptors were observed on the site, or in the study area, during the reconnaissance survey. Further, an examination of the trees on the site failed to find any large cavities that might provide suitable habitat for a large roosting or maternity colony of bats.

In general, the three habitats identified in the study area provide habitat for certain common, urban-adapted wildlife species typically associated with urban development. The study area, which does not contain sensitive habitat, and which is embedded within a developed landscape characterized by extensive commercial and residential development, is isolated from extant regional wildlife populations and does not provide habitat for species that require high-quality, contiguous habitat.



N:\Projects\4200\4251-01\Reports\Fig 4 Biotic Habitats Map.mxd

Figure 5. Biotic Habitats Map
Miltipitas Transit SP Biological Constraints Report (4251-01)
January 2019

3.2 Potential Biological Constraints

The following section describe the potential biological constraints to development of the proposed projects. For each potential constraint, we describe the sensitive resource's potential to occur in the study area, potential CEQA and regulatory considerations associated with the constraint, and measures typically required to mitigate significant impacts to a less-than-significant level.

3.2.1 Potential Waters of the U.S./State and Riparian Habitats

Potential for Occurrence. The study area contains a single waterway, the Penitencia East Channel, that meets the physical criteria of waters of the U.S./state (i.e., jurisdictional waters). Figure 5 shows the boundaries of this features, which was mapped in the field with a submeter GPS unit based on field observations. It is our opinion that this channel would be claimed as waters of the U.S. by the USACE and as waters of the State by the RWQCB, and we expect this channel to be subject to the jurisdiction of the CDFW under Section 1600 of the California Fish and Game Code.

The jurisdiction of the RWQCB and CDFW along a channel may be broader than the USACE's jurisdiction and may extend from the low-flow channel upslope/landward to the top of bank or to the outer edge of the riparian canopy, whichever is greater. In the case of the Penitencia East Channel within the study area, all patches of hydrophytic vegetation are situated below the top of bank. Therefore the jurisdiction of the RWQCB and CDFW would be at top of bank of the channel, and USACE jurisdiction would only extend to the OHWMs of the channel.

No riparian habitats (outside of the top of bank of the Penitencia East Channel) or other sensitive natural communities are present on the project site, and thus none will be directly impacted by the project.

CEQA and Regulatory Considerations. Impacts on a jurisdictional feature, such as the Penitencia East Channel, and any in-channel wetlands, would likely be considered significant under CEQA unless mitigated. CEQA mitigation measures would typically include measures to avoid and minimize impacts on the jurisdictional habitats, both during project construction and in the long term (e.g., avoidance of substantial changes in the hydrology of a channel), as well as compensatory mitigation if development results in the temporary or permanent loss of jurisdictional habitat. Such measures could include restoration and monitoring of temporary impacts, and creation or restoration of aquatic or riparian habitat to compensate for permanent loss.

In addition, these features are expected to be regulated by the USACE under Section 404 of the CWA, by the RWQCB under Section 401 of the CWA and under the Porter-Cologne Water Quality Control Act, and (for streams) by the CDFW under Section 1600 of the California Fish and Game Code. As a result, any impacts (permanent or temporary) on these features would necessitate permits from those agencies, and those permits would likely have conditions that include compensatory mitigation.

The component of the project with any potential to significantly impact jurisdictional habitats would be the pedestrian bridge crossing the channel to connect the proposed McCandless Park with the existing residential area to the north. As currently designed, footings for the pedestrian bridge would be outside of the top of the bank of the creek and therefore outside of the limits of the USACE, RWQCB and/or CDFW jurisdiction. No work is anticipated within the channel.

Reductions in ambient light levels in wetland habitat can lead to a decrease in the amount of aquatic vegetation present, which results in a reduction in primary production, as well as the amount of cover and herbaceous food available in the wetland habitat. The proposed pedestrian bridge would result in a new source of shading in the form of a 10 foot wide span across the Penitencia East Channel. Thus, the project has the potential to affect vegetation directly under the span or within its shadow due to changes in ambient lighting (i.e., shading). However, the wetland vegetation underneath the proposed pedestrian bridge is dominated by cattails and flatsedge, fast-growing, weedy, wetland plant species, that would not be expected to substantially decrease in density from the increased shading, especially given the raised bridge soffit elevation above top of bank. Therefore, this impact would not be considered significant.

Projects causing land disturbances that are equal to one acre or greater must comply with State requirements to control the discharge of stormwater pollutants under the NPDES/Construction General Permit. Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. In complying with State requirements to control the discharge of stormwater pollutants under the NPDES/Construction General Permit, the Project will be required to develop and maintain a Storm Water Pollution Prevention Plan (SWPPP), which would include the use of BMPs to protect water quality until the site is stabilized. Standard permit conditions under the NPDES/Construction General Permit require that the applicant utilize various measures including: on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors. Additionally, in many Bay Area counties, including Santa Clara County, projects must also comply with the *California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit* (MRP) (Water Board Order No. R2-2009-0074). This MRP requires that all projects implement BMPs and incorporate Low Impact Development practices into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, among other factors. Compliance with both of these permits will prevent significant negative water quality impacts and improve stormwater runoff compared to existing conditions at the Project site, and further avoid impacts on the Penitencia East Channel.

Typical Mitigation Requirements. If construction of the pedestrian bridge is implemented as designed, wherein the bridge footings are located outside the top of bank of the Penitencia East Channel, and all temporary construction-related ground disturbance for the pedestrian bridge is limited to the area outside of the top of bank, then impacts on waters of the U.S./state and riparian habitats would be avoided and mitigation

would not be required. Measures to assure avoidance of impacts to the Penitencia East Channel would include, installation of construction fencing along the top of bank, BMPs described above as part of the Project SWPPP, and post-construction restoration of the temporarily impacted areas around the bridge footings near the channel with native species.

3.2.2 Special-Status Status Plants

Potential for Occurrence. A list of 52 special-status plant species thought to have some potential for occurrence in the study area vicinity was compiled using CNPS lists (CNPS 2018) and CNDDB records (CNDDB 2018). Analysis of the documented habitat requirements and occurrence records associated with all of the species considered allowed us to reject 51 of the 52 species as not having a reasonable potential to occur in or immediately adjacent to the study area for at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range on the study area; and/or (4) the species is presumed extirpated. As the study area is largely composed of as previously developed lot, as well as areas with little habitat value (i.e., ruderal habitat and developed or landscaped land cover), the study area does not have the capacity to support most special-status plants.

Suitable habitat, edaphic requirements, and elevation range were determined to be present in the study area for one plant species, Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), which can persist in disturbed grasslands and has been documented by the CNDDB in the project vicinity (Figure 2). Congdon's tarplant is a CNPS Rank 1B.2 species. While there is suitable habitat for Congdon's tarplant within the study area (the ruderal grassland on the banks of the Penitencia East Channel) no suitable habitat occurs within the project footprint. A survey for Congdon's tarplant was conducted by H. T. Harvey & Associates plant ecologist Matthew Moser on November 19, 2018. This survey was conducted at the end of the bloom period for Congdon's tarplant when the species would have been apparent and identifiable if present. No individuals of this species were observed. Therefore, this species is determined to be absent from the study area.

Potential CEQA and Regulatory Considerations. Survey's for Congdon's tarplant were conducted at a time of year when the plants would have been identifiable and apparent if present. Therefore, in our opinion, this species is considered absent from the study area. Impacts on special-status plant species from the project would not be considered significant under CEQA.

Typical Mitigation Requirements. Mitigation for special-status plants would not be considered necessary.

3.2.3 Special-status wildlife

Potential for Occurrence. A list of special-status animal species thought to have some potential for occurrence in the study area vicinity (a 5-mi radius centered on the project footprint) was compiled from CNDDB records (CNDDB 2018) and eBird data (Cornell Laboratory of Ornithology 2018), among other sources. Figure 3

depicts CNDDB records of special-status animal species in the general project vicinity. This generalized map shows areas where special-status species are known to occur or have occurred historically.

Analysis of the documented habitat requirements and occurrence records associated with all of the species considered allowed us to reject essentially all of the species as having no reasonable potential to occur in or immediately adjacent to either the project footprint or the study area for at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the location of the project site within a developed landscape characterized by extensive commercial and residential development, and isolated from extant regional wildlife populations by two major freeways; (4) the lack of connectivity to tidal waters of the South Bay, and/or (5) the species is presumed extirpated.

Special-status fish species present in the South Bay and some of its tributaries include two federally threatened species, the green sturgeon (*Acipenser medirostris*) and the Central California Coast steelhead (*Oncorhynchus mykiss*), along with the longfin smelt (*Spirinchus thaleichthys*), listed as threatened under the California Endangered Species Act (CESA), and the Central Valley fall-run Chinook salmon (*Oncorhynchus tshawytscha*), a California Species of Special Concern (CSSC). However, none of these special-status fish species are expected to occur in the project study area because the Penitencia East Channel, although connected to the Lower Penitencia Creek (which connects to the San Francisco Bay), is not tidally influenced and is too shallow to support habitat for any of these species. Moreover, there is no spawning habitat for any of these species upstream of the project study area. Likewise, the absence of large, contiguous patches of salt marsh and the isolation of the study area from South Bay marshes precludes the presence of four special-status species known to occur in salt marsh habitat—the federally and state endangered salt marsh harvest mouse (*Reithrodontomys raviventris*); the federally and state endangered California Ridgway's rail (*Rallus obsoletus obsoletus*); the state threatened California black rail (*Laterallus jamaicensis coturniculus*); and the salt marsh wandering shrew (*Sorex vagrans halicoetes*), a CSSC. Likewise, two special status species, the California red-legged frog (*Rana draytonii*), which is federally threatened and also a CSSC, and the California tiger salamander (*Ambystoma californiense*), which is both federally and state threatened, do not occur in the study area or on the valley floor. Populations of the California tiger salamander located on the valley floor have been extirpated due to habitat loss, and the species is now considered absent from the majority of the valley floor, including the study area and the surrounding vicinity (H. T. Harvey & Associates 1999a, 2011b; SCVWD 2011). Populations of the red-legged frog located on the valley floor have been extirpated due to habitat loss and the introduction of non-native predators such as non-native fishes and bullfrogs. Like the tiger salamander, the red-legged frog is now considered absent from the majority of the valley floor, including the project study area and the surrounding vicinity (H. T. Harvey & Associates 1997; SCVWD 2011).

Three special-status species, the burrowing owl (*Athene cunicularia*), western pond turtle (*Actinemys marmorata*), and San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), have some potential to occur in the study area or in the project footprint. These species, their habitat requirements, and associated mitigation requirements, if any, are discussed in further detail below.

Potential CEQA and Regulatory Considerations The Federal Endangered Species Act (FESA) protects federally listed wildlife species from harm or “take”, which is broadly defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species. An activity can be defined as “take” even if it is unintentional or accidental.

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have jurisdiction over federally listed, threatened, and endangered species under FESA. The USFWS also maintains lists of proposed and candidate species. Species on these lists are not legally protected under FESA, but may become listed in the near future and are often included in their review of a project. No suitable habitat for any federally listed plant or animal species occurs in the study area. Thus, no federally listed plant or animal species are expected to occur in the study area.

The California Endangered Species Act (CESA; California Fish and Game Code, Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code 2070). The CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code. The CDFW, however, has interpreted “take” to include the “killing of a member of a species which is the proximate result of habitat modification.” No suitable habitat for any state listed animal species occurs in the study area. Thus, no state listed animal species are expected to occur in the study area.

The federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. Section 703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests, and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction. Per a December 22, 2017 memorandum issued by the U.S. Department of the Interior, the MBTA’s prohibition on taking migratory birds and their active nests applies only to direct, purposeful actions, and does not include take incidental to other activities. All native bird species that occur in the study area are protected under the MBTA. The December 22 memorandum notwithstanding, California Fish and Game Code protects active bird nests, defined as those containing eggs or young.

The California Environmental Quality Act (CEQA) is a state law that requires state and local agencies to document and consider the environmental implications of their actions and to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA requires the full disclosure of the environmental effects of agency actions, such as approval of a general plan update or the projects covered by that plan, on resources

such as air quality, water quality, cultural resources, and biological resources. The State Resources Agency promulgated guidelines for implementing CEQA are known as the State CEQA Guidelines.

Section 15380(b) of the State CEQA Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in FESA and CESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on a species that has not yet been listed by either the USFWS or CDFW or species that are locally or regionally rare.

The CDFW has produced three lists (amphibians and reptiles, birds, and mammals) of “species of special concern” that serve as “watch lists”. Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review as potential rare species, but do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Section 15380(b).

Burrowing owl, western pond turtle, and San Francisco common yellowthroat, which have some potential to occur in the study area or in the project footprint are discussed in further detail below.

3.2.3.1 Burrowing Owl

The burrowing owl is a California species of special concern and is protected under the California Fish and Game Code.

Potential to Occur. The burrowing owl is a small, terrestrial owl that resides in flat or gently sloping open grassland or sparse shrubland ecosystems. Preferred habitats are annual and perennial grasslands, typically with sparse, or nonexistent, tree or shrub canopies. Burrowing owls are found in close association with California ground squirrels, which provide nesting and refuge burrows. Ground squirrels also maintain areas of short vegetation height, which provide foraging habitat and allow for visual detection of avian predators by burrowing owls. The CNDDB reports historical occurrences of burrowing owls from multiple locations in the vicinity of the study area, suggesting that owls may have nested in this region prior to the extensive urban and commercial development in the region (CNDDB 2018; Figure 3). The nearest owls are located approximately 0.65 mi to the northwest of the study area, and 0.81 mi north of the study area (Figure 3). No burrowing owls or sign of burrowing owls were observed during our November 20, 2018 site visit; however, several ground squirrel burrows were detected within the ruderal grassland levee portions of the study area. No ground squirrel burrows were detected within the project footprint. The linear, narrow ruderal grasslands embedded within the landscape of extensive commercial and residential development do not provide high-quality burrowing owl nesting habitat. It is extremely unlikely that owls would nest in the ruderal grassland along the Penitencia East Channel.

Potential CEQA and Regulatory Considerations. As discussed above, owls are not expected to nest in the study area, and unless in the extremely unlikely event that they are found to be actively using the site, any impacts to owl habitat would be considered less than significant, as the site is poor-quality habitat, and therefore not important to regional breeding owl populations. During migration and winter, owls occur more widely, and in a broader array of habitats, so there is a slightly greater likelihood of occurrence of either non-breeding migrants or wintering owls. However, owls that occur as migrants or wintering birds do not seem to be habitat-limited in the South Bay. Owls winter regularly in foothill grasslands on either side of the Santa Clara Valley, yet much of that habitat is unoccupied during winter and fall, so impacts to habitat for migrant or wintering owls would also be less than significant. Finally, because the burrowing owl is not listed under either FESA or CESA, no approvals from the USFWS or CDFW related to this species would be necessary.

However, although we do not expect owls to occur in the study area, we cannot rule out their occurrence. Therefore, to avoid impacts to owls, we recommend that protocol-level preconstruction surveys (CDFW 2012) be conducted to ensure that an owl is not using the site. If an owl is detected, we recommend the implementation of passive relocation during the non-breeding season, and, if an owl is detected during the breeding season, the establishment of an appropriate buffer.

Typical Mitigation Requirements. If burrowing owls occurred in the study area during construction of the Project, measures such as preconstruction surveys and avoidance of breeding-season (February 1 through August 31) activities within 250 ft of active burrows would likely be required to avoid and minimize impacts on individuals. In addition, mitigation for loss of habitat, particularly loss of burrowing owl nesting habitat, could be required as a CEQA mitigation measure. Such mitigation would consist of the preservation, enhancement, and management of burrowing owl habitat at on-site and/or off-site conservation areas. The amount of mitigation required would be determined by the CEQA lead agency, but typical mitigation for impacts on breeding habitat may include preservation of 6.5 ac of habitat per pair of owls disturbed. Mitigation is not expected to be required, however, as we do not expect owls to be present, and because we do not consider the habitat to be suitable for breeding or wintering owls. Nevertheless, because owls have occasionally been detected at relatively poor-quality sites in the Bay area, and as described above, we recommend preconstruction surveys prior to initiating any work activities.

None of the proposed project components would impact the ruderal levee grassland. Footings for the pedestrian bridge would be located outside of the top of bank in the developed/landscaped land cover. Impacts would only be quantified and/or mitigation measures implemented if an owl or recent owl sign was detected during preconstruction surveys.

3.2.3.2 Western Pond Turtle

The western pond turtle is a California species of special concern and is protected under the California Fish and Game Code.

Potential to Occur. No western pond turtles were observed during our November 20, 2018 site visit, but individuals of this long-lived species still occur in urban streams and ponds in the Santa Clara Valley, and it is possible, although unlikely, that one or two individual western pond turtles could occur in the study area. Suitable habitat for the western pond turtle consists of ponds or instream pools (i.e., slack water environments) with available basking sites, such as logs, and nearby upland areas with clay or silty soils for nesting, and shallow aquatic habitat with emergent vegetation and invertebrate prey for juveniles (Jennings and Hayes 1994). The study area does not contain any ponds or instream pools, and potential basking sites were not detected. Moreover, essentially all of the nearby upland areas have been converted to commercial or residential development, further reducing the likelihood that a turtle would attempt to nest in the study area. Therefore, if an individual pond turtle does occur, it would most likely occur as a dispersing individual.

Potential CEQA and Regulatory Considerations. The loss of individual western pond turtles could potentially reduce the viability of the local population to the extent that it would be extirpated, which would be considered significant under CEQA. However, we consider this species to be unlikely to occur in the study area.

Potential Mitigation Requirements. Mitigation measures for impacts on western pond turtles would likely include preconstruction surveys for this species to ensure the project does not cause the inadvertent loss of individuals. The proposed project would not result in the permanent or temporary loss of aquatic habitat for turtles, should any turtles be present. Therefore, no compensatory mitigation for impacts to western pond turtles or their habitat would be required for this species. Given that we do not expect turtles to occur in the study area, and that aquatic habitat within the project footprint will not be temporarily or permanently impacted, the proposed project will have a less than significant impact on the western pond turtle.

3.2.3.3 San Francisco Common Yellowthroat

The San Francisco common yellowthroat is a California species of special concern and is protected under the California Fish and Game Code.

Potential to Occur. No San Francisco common yellowthroats were observed during our November 20, 2018 site visit, and we do not expect this species to nest here. The scattered patches of emergent marsh vegetation are too small and too fragmented, and relatively isolated from other patches of larger, contiguous patches of salt marsh habitat where this species is known to occur in the South Bay. However, dispersing individuals of this species could potentially occur on the sides of the levees along Penitencia East Channel.

Potential CEQA and Regulatory Considerations. Impacts on individuals of this species and their habitat would not be considered significant, unless more than a single dispersing yellowthroat was detected, it would not be considered a significant impact. Because the San Francisco common yellowthroat is not listed under FESA or CESA, no approvals from the USFWS or CDFW related to this species would be necessary.

Potential Mitigation Requirements. Mitigation for San Francisco common yellowthroat would not be considered necessary.

3.2.4 Nesting birds

Although no special status bird species are expected to nest in the study area or the project footprint, all native bird species that nest within the study area are protected under the Migratory Bird Treaty Act and California Fish and Game Code.

Potential to Occur. The ruderal grassland and the ornamental shrubs along the Penitencia East Channel provide suitable nesting habitat for a variety of common bird species such as black phoebe, lesser goldfinch, song sparrow (*Melospiza melodia*), Anna's hummingbird, bushtit, and house finch, all of which were observed in the study area during the site visit. The vacant lot provides suitable nesting habitat for the killdeer (*Charadrius vociferus*).

Potential CEQA and Regulatory Considerations. Impacts on active nests of small numbers of common nesting bird species would not be considered significant under CEQA, as such an impact would represent a very small proportion of the regional populations of these species, all of which are regionally common. Only a few nests of a select few common urban-adapted species would be impacted.

Typical Mitigation Requirements. Because impacts on small numbers of common nesting bird species would not be considered significant under CEQA, in our opinion, no mitigation measures are warranted under CEQA. Nevertheless, we recommend implementing the following measures to ensure compliance with the MBTA and California Fish and Game Code:

- Construction activities should be avoided during the nesting season (i.e., February 1 through August 31) to the extent feasible.
- Potential nesting substrate (e.g., bushes, trees, snags, grass, and suitable artificial surfaces) that would be impacted by development should be removed during the non-breeding season (i.e., they should be removed between September 1 and January 31), if feasible, to help preclude nesting in the study area.
- If it is not feasible to schedule construction activities during the non-breeding season, then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during construction activities. This survey should be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist should inspect all trees, shrubs, and other potential nesting habitats in and immediately adjacent to the study area for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist should determine the extent of a buffer zone to be established around the nest, typically 300 ft for raptors and 100 ft for other birds, to ensure that no nests of species protected by the MBTA or the California Fish and Game Code will be disturbed during construction activities.

Section 4. Cumulative Impacts

Cumulative impacts arise due to the linking of impacts from past, current, and reasonably foreseeable future projects in the region. The cumulative impact on biological resources resulting from the project in combination with other projects in the project area and larger region would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; compensatory mitigation and proactive conservation measures associated with each project. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur.

The three proposed projects elements described in this report are part of the Milpitas TASP. The potential impacts of the Milpitas TASP were described and evaluated in the 2007 Draft Environmental Impact Report (EIR), which evaluated the potential impacts of the buildout of the Specific Plan. The project components being evaluated in this report will be implemented in the context of the larger buildout of the TASP. Construction of medium to high density residential development is either complete or in progress on three sides of the Project study area. An elementary school was recently constructed directly to the south of the Project study area.

The Project as described would implement several BMPs and mitigation measures to reduce impacts on both common and special-status species, as described above. Thus, provided that the mitigation measures described in this biotic constraints report are successfully incorporated, the Project will not contribute to substantial cumulative effects on biological resources.

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APPENDIX C

HYDRAULIC ANALYSES

DRAFT MEMO

TO: Steve Sowa, IBI GROUP

FROM: Caitlin J. Gilmore, PE
Cassandra L. Fagan, PE

DATE: April 24, 2019

JOB #: IBIG.01.17

SUBJECT: **City Park 100-year Floodplain Analysis**

Introduction

Schaaf & Wheeler has been working with Hohbach-Lewin and the IBI GROUP in the analysis of the 100-year hydraulic conditions at the City Park (Site) development on McCandless Drive in Milpitas, California. The Site is bounded on the north by East Penitencia Creek, the Houret development on the east, MUSD elementary school to the south, and McCandless Drive to the west. Currently, the Site is an empty lot. The proposed project develops the Site into a park with recreational land use that includes six (6) structures. The Site and surrounding area are shown in Figure 1.

Figure 1: Vicinity Map



Model Basis

This impacts analysis memo is based on combined HEC-RAS and FLO2D models for the Berryessa Creek and Upper Penitencia Creek systems completed by Schaaf & Wheeler in 2013. It represents the best available floodplain information but may not be the same as the effective FEMA FIRM in the area, which while dated February 19, 2014, relies on outdated data from the 1970s. The updated hydrology and hydraulics that form the basis for the 2D model have not been approved or adopted by FEMA; however, they have been submitted to the City of Milpitas and reviewed by the Santa Clara Valley Water District (SCVWD).

Detailed Study

Model Description

The two-dimensional overland flow model for both the existing and proposed project scenarios assumes that the BART-VTA project has been constructed. This includes all mitigation measures which are part of the project, including cross culverts beneath the tracks from East Capitol Avenue to Trade Zone Boulevard. Schaaf & Wheeler used the mitigated post-BART project FLO2D model as the basis for analysis of the City Park project. SVBX mitigation is intended to result in a post-project floodplain that is not substantially different from the pre-project floodplain. The model accounts for the worst case scenario of levee failure according to FEMA standards. This model uses the Berryessa Park Left Levee Failure case on the south side of Berryessa Creek as this levee failure case yields the max water surface elevations in the project vicinity. County LiDAR data was used to represent the existing Site condition.

The basis for the FLO2D model is a combination of County LiDAR data and detailed drawings for BART improvements and mitigation measures, all on the NAVD88 vertical datum. A Manning's roughness value of 0.075 was assigned to areas of overland flow in commercial area due to the presence of buildings and other obstructions such as parked cars and street furniture. Where the detailed Site information was used, a Manning's value of 0.025 was used for the flow paths and the structures were blocked out from the model; thereby not allowing flow to pass through them. A square grid cell size of 50 feet was used for the model. This cell size was chosen because it allowed for enough detail to encompass flow paths such as roadways, but was large enough to allow for reasonable computation times.

Existing Conditions

During a 100-year storm event, water approaches the Site from the southeast. As a result of spills from Upper Berryessa Creek upstream of Interstate 680 and Upper Penitencia Creek, water flows northwesterly under the VTA alignment through cross culverts toward the Site. Flow continues overland through parcels located between East Capitol Avenue and Trade Zone Boulevard towards the Site. Flow travels westerly through the Site across Montague Expressway and exits the site over McCandless Drive entering Lower Penitencia Creek. The remainder of the flow is captured by East Penitencia Creek until the channel capacity is reached and spills to the north over Great Mall Parkway.

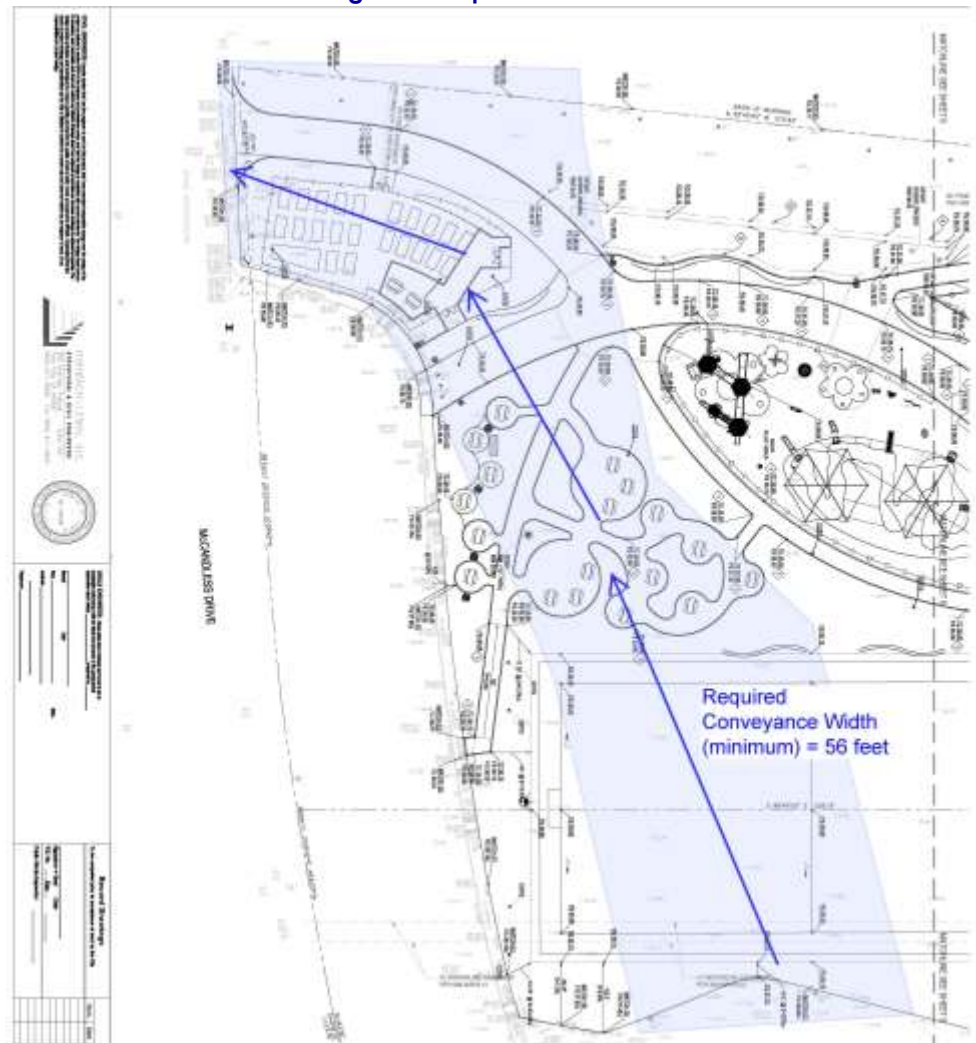
In existing conditions, water moves through the Site and via McCandless Drive to the west and Houret Drive to the east, conveying flows generally west, with a peak flow of approximately 965 cfs across the site. Flow which exits the site travels westerly across McCandless Drive and through the Harmony development towards Penitencia East Creek. Based on the analysis of the existing (pre-project) conditions, the detailed study BFE ranges from 39.1 ft NAVD on the east side of the project site to 36.6 ft NAVD on the west side of the project site as shown in Figure 2. The structure on the proposed project Site shown in Figure 2 has since been demolished.

Proposed Project Condition

Based on the existing conditions modeling, it was determined that during the 100-year design storm a peak flow of approximately 965 cfs approaches the site from the southeast along Houret Court. The water flows across the site westerly from McCandless Drive and Houret Drive, and exits the site travelling along McCandless Drive and through the Harmony development towards Penitencia East Creek. A section of the proposed Site has been designed to remain at existing grade to allow the passage of the 100-year flow peak flow through the site. This flow path will ensure cumulative impacts to the surrounding developments are insignificant (less than one foot of cumulative rise in the BFE).

Due to limitations in the grid cell sizing in the FL0-2D model, this model is not able to accurately depict the overland flow capacity of the flow path. Instead, the required flow path dimensions were calculated using Manning's equation for open channel flow. The flow path was sized assuming a maximum depth of 3-ft, and a flow capacity of 965 cfs which may be seen below in Table 1 along with the manning's roughness coefficient and slope parameters. The flow path calculations are based on the proposed grading plans provided to Schaaf & Wheeler on March 25, 2019 by Hobach-Lewin.

Figure 3: Proposed Flow Path



Flow Path Parameters	
(Minimum) Bottom Width (feet)	56
Depth (feet)	3.0
Slope (ft/ft)	0.0043
Manning's Roughness Coefficient	0.035
Flow Capacity (cfs)	966

Table 1: Flow Path Parameters

Cumulative Impacts

Downstream Projects

The Harmony development project is located downstream of the City Park Site, and reduces the base flood elevation by 0.1 feet. Therefore the Harmony development does not adversely impact the site.

Upstream Projects

The Houret, Milpitas Unified School District (MUSD), and the City Park Pedestrian Bridge projects are located upstream of the Site. These projects can only impact the City Park project by changing the flow routing. The Houret development has impacts of less than 0.1 feet to the WSE at the Site. The cumulative impact from the MUSD project is not known, since the project was exempt from the Milpitas ordinance and a detailed analysis was neither performed nor required. However, the MUSD site generally reduces blockages as it is designed to incorporate large open spaces for play fields.

The City Park Pedestrian Bridge project increases the base flood elevation by a maximum of 0.5 feet adjacent to the bridge approach, and the impacts do not extend to other parcels on the left bank of East Penitencia. Therefore, these projects will not cause a cumulative impact of greater than one foot.

The flow path on the Site has been designed to be able to convey the peak 100-year design flow across the site of 965 cfs, therefore the impact to the upstream Houret and the Milpitas Unified School District (MUSD) developments, and downstream Harmony development are less than 1-foot and may be considered insignificant.

Other Studies

The FEMA and Santa Clara Valley Water District's Berryessa/Penitencia Cooperating Technical Partnership (CTP) remapping and physical map revision (PMR) project intends to remap the floodplain throughout most of Milpitas, including the City Park Site. This map may result in revised flood risk at the Site. It will be based on similar physical parameters as the BART-VTA FLO2D model but may result in a different floodplain due to differences in modeling and hydrology. This remapping effort was submitted to FEMA in March 2018. Effective map revisions are anticipated to occur after review and acceptance by FEMA and the effected communities.

The FLO2D model previously described was utilized for impacts to all adjacent developments and was therefore used in this study for consistency.

FEMA Base Flood Elevations

According to Flood Insurance Rate Map (FIRM) panel 06085C0067J (Figure 5), the entirety of the Site is located in a FEMA special flood hazard area AO (1FT) indicating an average flood depth of 1 FT throughout the flood hazard zone. For an area that is entirely inundated by the Zone AO Special Flood Hazard Area (SFHA), FEMA methodology dictates that the average existing ground elevation be added to the flood depth to establish the FEMA Base Flood Elevation. The lowest adjacent grade to each structure must be at or above the base flood elevation to be removed from the jurisdictional floodplain.

County LiDAR representing the pre-project condition was used to determine the effective base flood elevations at the Site. The City of Milpitas floodplain ordinance section XI-15-5.1(c)(2) requires that finish floor elevations be 1 foot above the base flood elevation and 1 foot above the highest adjacent grade elevation plus the depth of flooding (HAG+2') within an AO(1) Zone. The City requires projects to design to the most conservative base flood elevation derived from the effective FEMA BFE and the water surface obtained from the new detailed FLO2D model. The structure BFE's are presented below in Table 1 and the structure locations on the Site may be seen in Figure 6.

Figure 5: FEMA Effective Floodplain

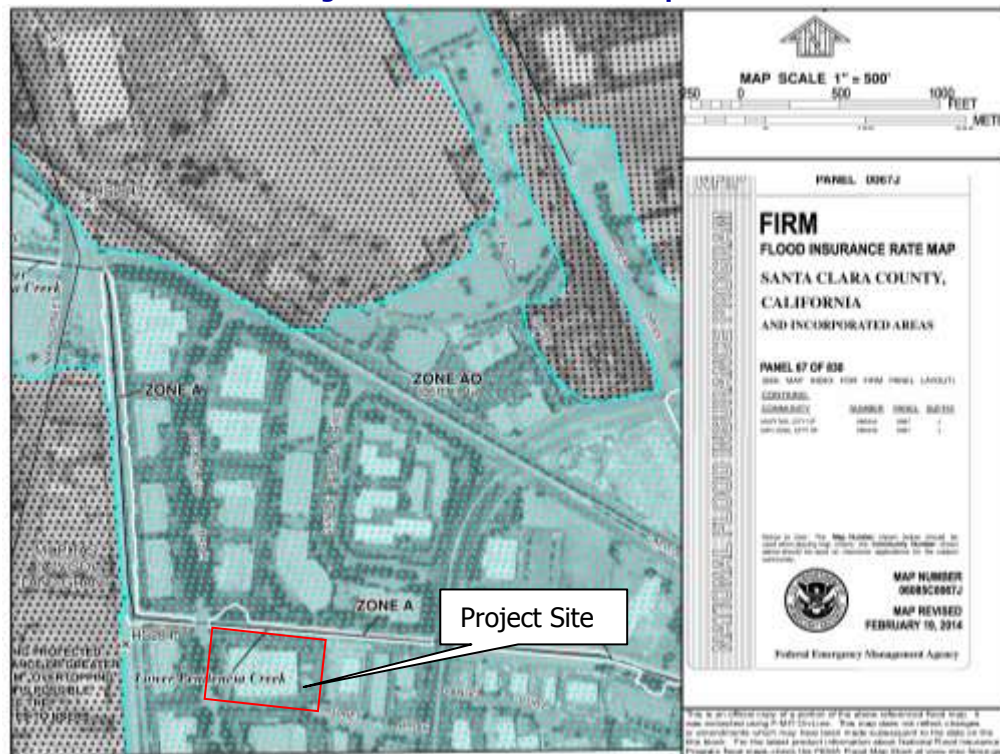
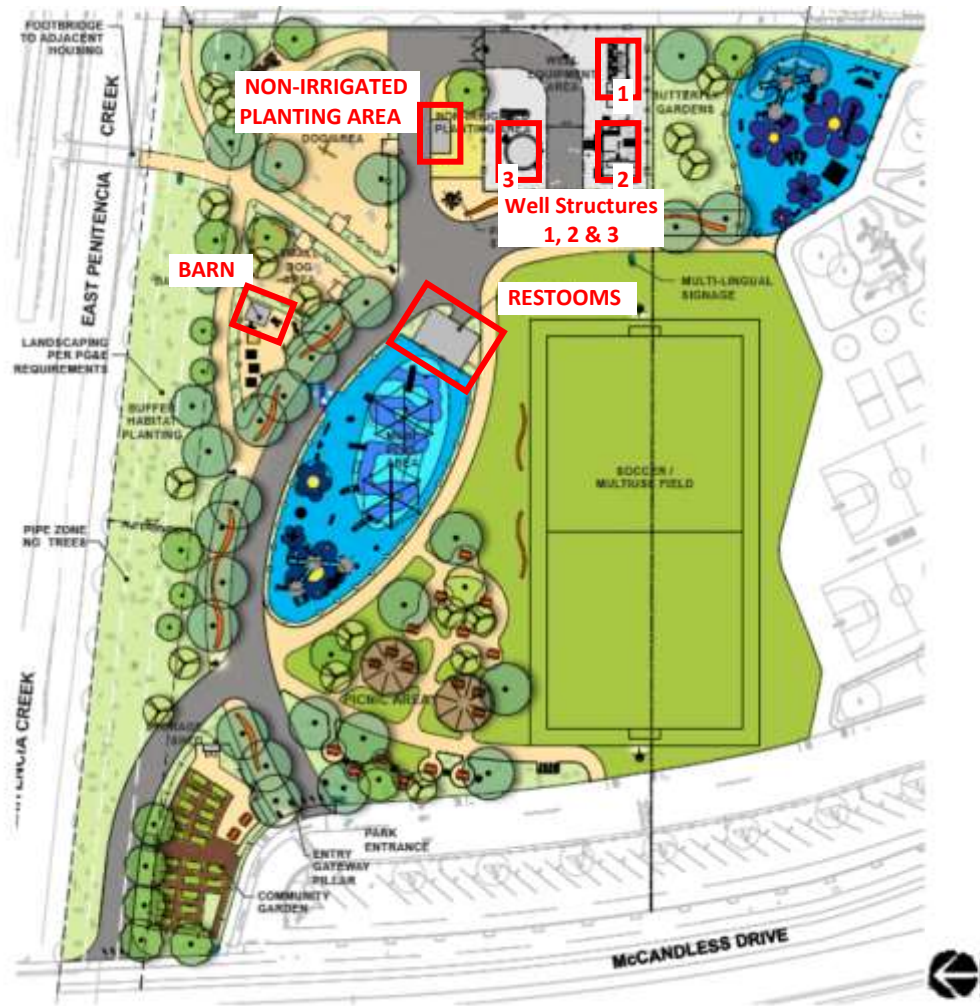


Table 2: City Park Base Flood Elevation, NAVD88

Structure	FEMA BFE AO(1)	Highest Adjacent Grade, HAG	Prop LAG	LAG above BFE?	FFE	FFE 1' above BFE and 2' above HAG?
Restrooms	38.2	37.2	38.5	Yes	39.2	Yes
Barn	37.9	37.0	39.0	Yes	39.0	Yes
Non-Irrigated Planting Area	36.7	36.3	39.0	Yes	39.0	Yes
Well Structure 1	36.7	37.1	39.1	Yes	39.1	Yes
Well Structure 2	38	36.5	39.1	Yes	39.1	Yes
Well Structure 3	36.1	36.5	39	Yes	39	Yes

Figure 6: City Park Structures



Conclusion

The project is located within a special flood hazard area associated with the 100-year floodplain in the FLO-2D BART/VTA model, but there will be no development in the FEMA floodway. Since the City Park development has no adverse effects to the best available information 100-year floodplain and neighboring projects do not adversely impact one another, cumulative impacts will be less than 1 foot and therefore complies with the City of Milpitas floodplain ordinance section XI-15-4.3(a)(4).

The project, being within the special flood hazard area, at the Site must also comply with the following requirements from FEMA and the City of Milpitas to be removed from the floodplain:

- The finish floor elevation is one foot above the highest adjacent grade plus the flood depth thereby complying with the City of Milpitas floodplain ordinance section XI-15-5.1(c)(1) for structures in an AO zone.
- The lowest adjacent grade to the building within the AO(1) flood zone is above the base flood elevation therefore the project is reasonably safe from flooding per the City of Milpitas floodplain ordinance section XI-15-4.3 (a)(3).
- FEMA requires the lowest elevation within an area of land be higher than the base flood elevation to remove the structures from the flood hazard area. A CLOMR-F and LOMR-F will be filed with FEMA during planning and after placement of fill respectively to remove the structures from the floodplain.
- The project will design its utilities to minimize or eliminate the infiltration of floodwaters into the system and discharge from the system to comply with Milpitas Ordinance XI-15-5.2. Onsite waste disposal systems shall be located outside of the FEMA SFHA.

Base Model for Assessment

The proposed bridge is assessed based on the hydraulic analyses performed in 2013 as part of the Silicon Valley BART Extension CLOMR submittal. Both HEC-RAS and FLO-2D PRO were utilized to assess the potential floodplain impacts of the Silicon Valley BART Extension into Milpitas and San Jose. Channel capacities are analyzed with resulting channel overflows being routed overland to determine the 100-year floodplain. Additional levee failure scenarios are also assessed based on the degree of levee integrity and certification throughout the Berryessa and Upper Penitencia floodplains per FEMA's Analysis and Mapping Procedures for Non-Accredited Levees.



Figure 2 – Bridge Location

The Centre Pointe Pedestrian bridge project is located in an area controlled by one of the levee failure cases for determining the worst case water surface elevation. The governing levee failure shown in Figure 3 is the "Berryessa Park Left" failure which occurs on Berryessa Creek upstream of Interstate 680. Berryessa Creek downstream of Piedmont Road, through Berryessa Creek Park, has non-engineered earthen levees on portions of both its north and south banks. The north bank is clearly leveed along Parkhaven Drive. The south bank levee is less clear, and may have more to do with grading of Berryessa Creek Park than with intentional levee construction. Neither of these structures appears to be owned, operated, and maintained for flood protection and are considered to be structurally deficient levees. The levees in this reach were failed separately since assuming that the opposite bank holds produces the greatest volume of flow leaving Berryessa Creek into each overbank.

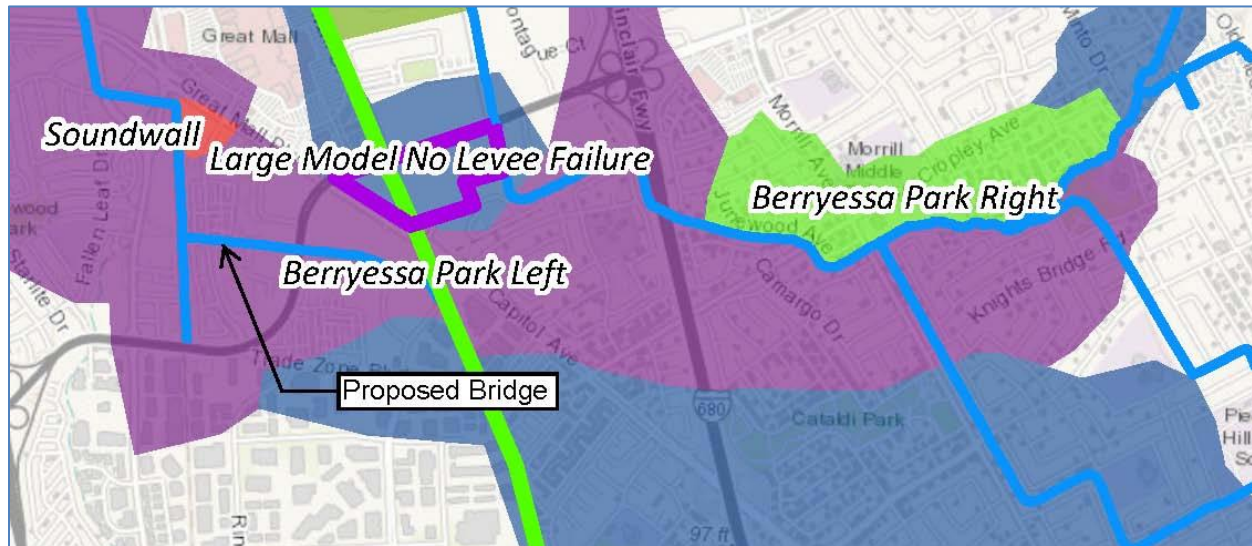


Figure 3 – Key to Levee Failures (SVBX Analysis)

Channel overflows from Berryessa creek are conveyed overland toward North Capitol Avenue and Trade Zone Boulevard. Flows ultimately enter East Penitencia Creek and are conveyed northwesterly. The Berryessa Park Left Levee Failure model provides a conservative base WSE for setting the low chord of the proposed bridge to limit hydraulic impacts to the surrounding area. Table 1 identifies the WSE for the Berryessa Park Left Levee Failure at the proposed bridge location. Elevation values are converted to the NGVD 29 vertical datum to match the selected design vertical datum. Conversion values for the datum shift are taken from the effective FEMA FIS for Santa Clara County (2.85 feet).

Table 1 – Berryessa Park Left Levee Failure WSE at Proposed Bridge

Cross Section Number	WSEL (NGVD 29)
945	34.7 FT

Proposed Bridge

The proposed bridge is to be a manufactured Pratt Style Truss Bridge. Preliminary bridge abutments and approach grading is provided to Schaaf and Wheeler by RJA and Associates. These preliminary dimensions show the low chord of the bridge slightly more than 1 foot above the identified worst case water surface elevation (see Figure 4). Since the low chord of the bridge is above the designated WSE within the channel, it can be noted that the bridge will have no hydraulic impact within the channel banks. The proposed bridge abutments may have potential impacts to WSE's in the overbank areas and are assessed herein.

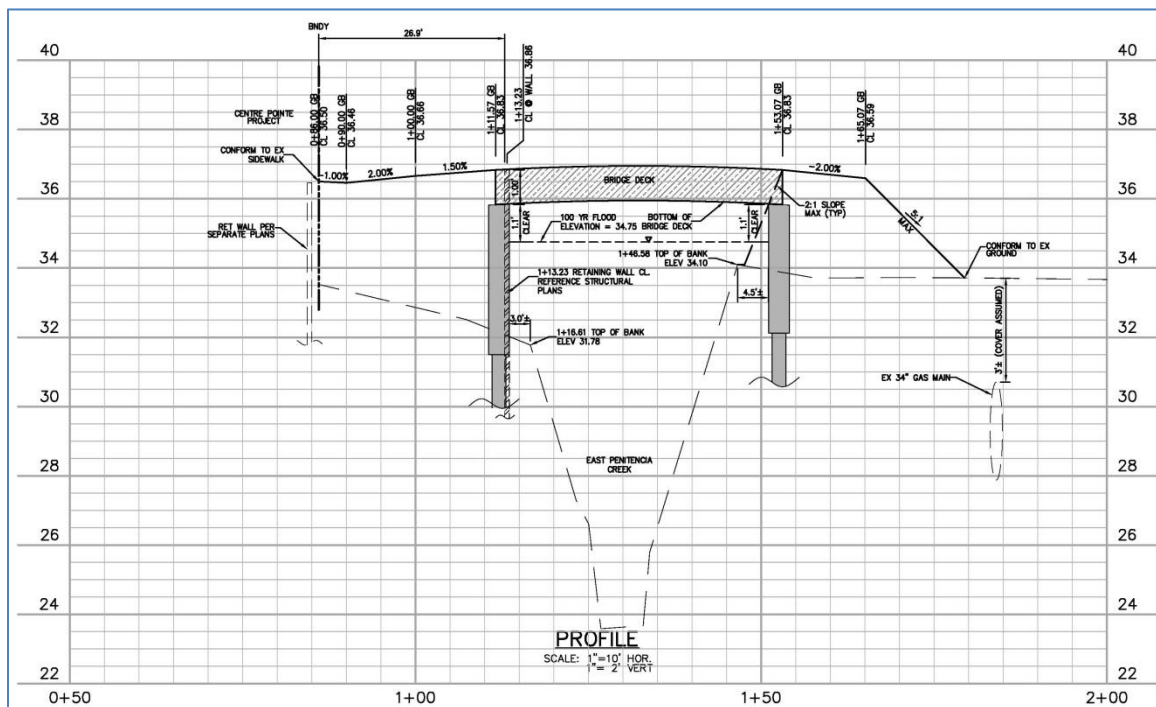


Figure 4 – Preliminary Pedestrian Bridge Dimensions

The proposed bridge abutments and associated grading area are shown in plan view in Figure 5 along with the 2-dimensional grid used for the overland flow analysis in the Silicon Valley BART Berryessa Extension Floodplain Analysis. The 2-D grid uses 50-foot by 50-foot grid cells and incorporates elevation, Manning's "n" roughness and area width reduction factor assumptions for current conditions. The proposed bridge approaches account for an approximate 40% additional blockage to the overland flow area when compared to current conditions. This proposed grading is incorporated into the Berryessa Park Left Levee Failure FLO-2D model in order to estimate potential impacts to the surrounding overbank WSE's. Grid cell elevations were modified to reflect the grading shown in Figure 5. Grid cells are not modified in the channel outflow nodes as shown in Figure 5, since these represent the flow returning to the channel within the FLO-2D model.

The max flow depths for both current and proposed conditions have been assessed to estimate any localized impacts to floodplain water surface elevations. Figure 6 illustrates identified increases to the overbank WSE based on the FLO-2D impacts analysis.

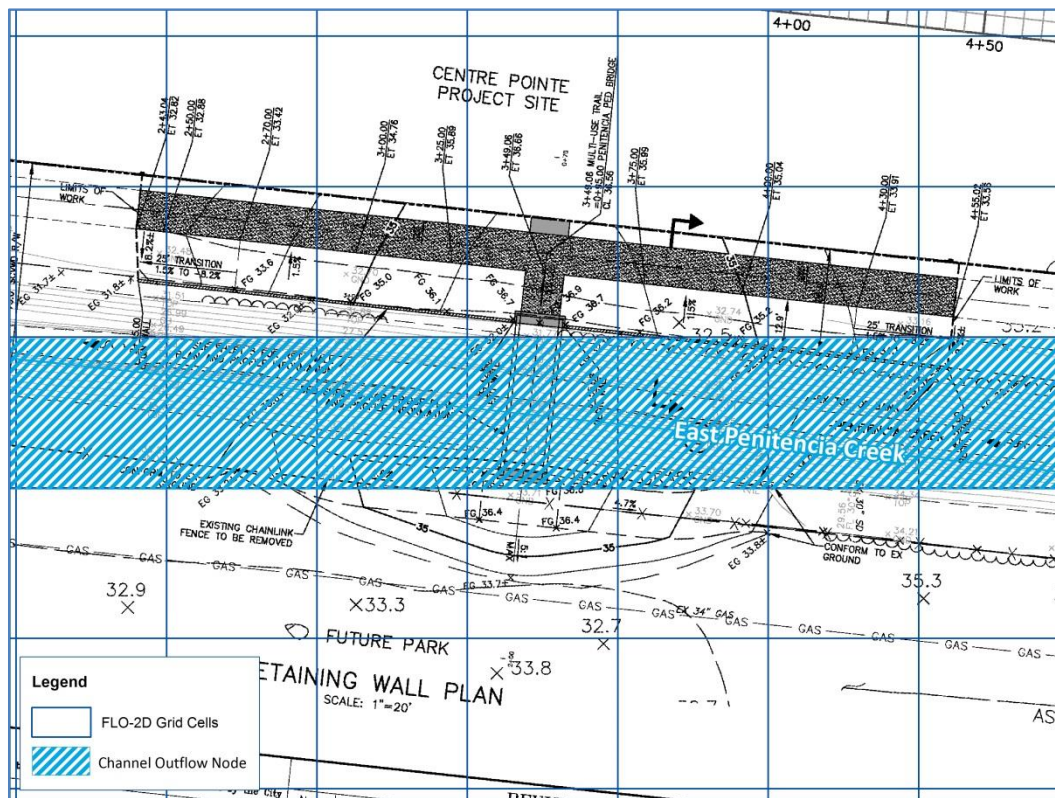


Figure 5 – Bridge Approach Grading in FLO-2D

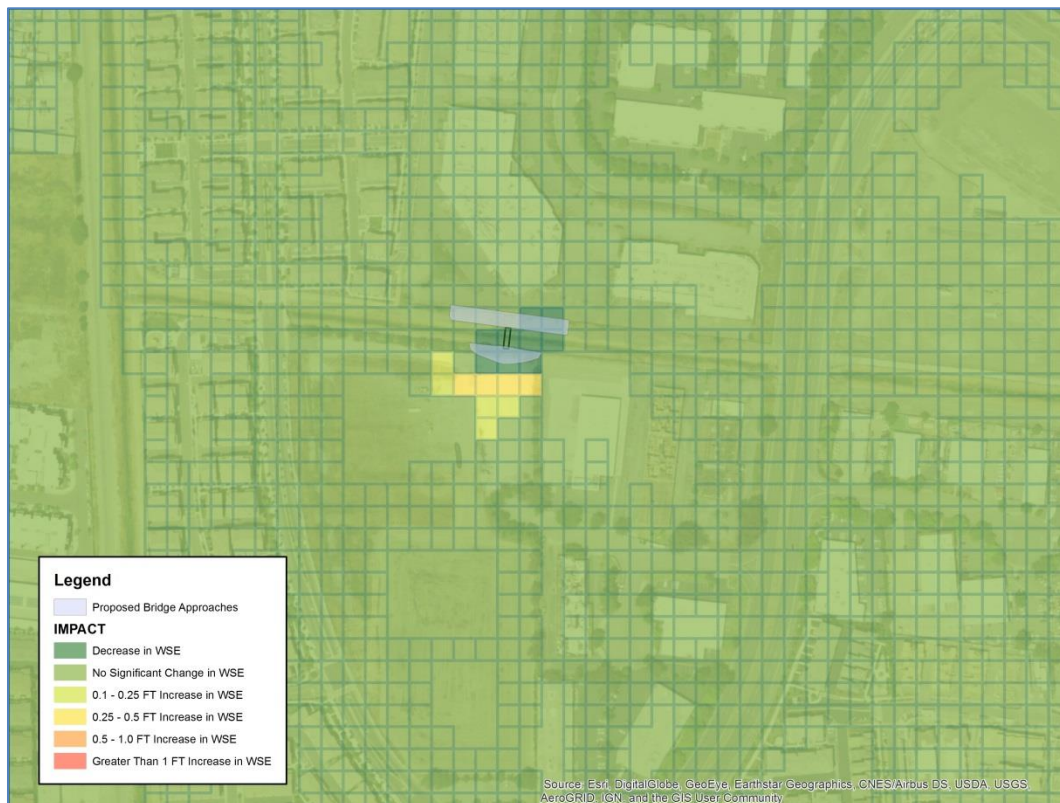


Figure 6 – FLO-2D Impact Analysis

Conclusion

The proposed pedestrian bridge will not significantly impact water surface elevations within East Penitencia Creek or the in the surrounding overbank areas. The low chord elevation of the proposed bridge is shown to be approximately 1 foot above the worst case water surface elevation within the channel. Bridge abutments and proposed grading approaches have been assessed for potential impacts to the overbank floodplain and are estimated to cause a maximum rise of 0.5 feet in water surface elevation locally near the abutments. Increases to WSEs in the surrounding area are on the order of 0.1 to 0.25 feet and are limited to the proposed park site and therefore would not impact existing commercial/residential structures. The grading approach blockages are based on existing structures and grades with the assumed developments of Centre Pointe, 450 Montague, 730-750 East Capitol Avenue, Houret Drive, and Summerhill Homes. Since the Centre Pointe Bridge development has impacts of less than 1 foot, and neighboring projects do not adversely impact one another based on flood studies performed by Schaaf & Wheeler for various developments in the project vicinity, cumulative impacts will be less than 1 foot and therefore comply with the City of Milpitas floodplain ordinance section XI-15-4.3(a)(4). The levee failure case used in this analysis is conservative as it assumes both a 100-year return period storm, coupled with a failure of the Berryessa Creek Left Levee at Berryessa Creek Park. If improvements are made by the Santa Clara Valley Water District along Berryessa Creek to either provide additional conveyance or to certify the Berryessa Park Left Levee, then water surface elevations will be significantly reduced and provide further freeboard to the proposed pedestrian bridge.

APPENDIX D

NOISE AND VIBRATION ANALYSIS

MILPITAS PARK, PEDESTRIAN BRIDGE, AND WATER SUPPLY WELL NOISE AND VIBRATION ASSESSMENT

Milpitas, California

July 11, 2019

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I&R Job No.: 18-226

INTRODUCTION

The project site is located along the east side of McCandless Drive between Montague Expressway and Great Mall Parkway in the southern part of the City of Milpitas, California. This report includes the analysis of three separate projects proposed at the project site; a City park, a pedestrian bridge across the creek, and a water supply well. The four-acre park will include a joint-use lighted sports field and all-inclusive play areas for the City and Mabel Mattos elementary school. The pedestrian bridge project will span East Penitencia Creek midway between Montague Expressway and McCandless Drive. The well project will construct a production water well and associated building at the southeast corner of the parcel.

This report evaluates the project's potential to result in significant environmental noise or vibration impacts with respect to applicable California Environmental Quality Act (CEQA) guidelines. The report is divided into three sections: 1) the Setting Section provides a brief description of the fundamentals of environmental noise and groundborne vibration, summarizes applicable regulatory criteria, and discusses the results of the ambient noise monitoring survey completed to document existing noise conditions; 2) the General Plan Consistency section discusses land use compatibility utilizing noise-related policies in the City's General Plan; and, 3) the Impacts and Mitigation Measures Section describes the significance criteria used to evaluate project impacts, provides a discussion of each project impact, and presents measures, where necessary, to mitigate the impacts to a less-than-significant level.

SETTING

Fundamentals of Environmental Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (*frequency*) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level (dBA)*. This scale gives greater weight to the frequencies of sound to which

the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level (CNEL)* is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level (DNL or L_{dn})* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Effects of Noise

Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noises of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA DNL. Typically, the highest steady traffic noise level during the daytime is about equal to the DNL and nighttime levels are 10 dB lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12 to 17 dB with open windows. With standard construction and closed windows in good condition, the noise attenuation factor is around 20 dB for an older structure and 25 dB for a newer dwelling. Sleep and speech interference is therefore of concern when exterior noise levels are about 57 to 62 dBA DNL with open windows and 65 to 70 dBA DNL if the windows are closed. Levels of 55 to 60 dBA are common along collector streets and secondary arterials, while 65 to 70 dBA is a typical value for a primary/major arterial. Levels of 75 to 80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

TABLE 1 Definition of Acoustical Terms Used in this Report

Term	Definition
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20 micro Pascals.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e. g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, DNL or L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Handbook of Acoustical Measurements and Noise Control, Harris, 1998.

TABLE 2 Typical Noise Levels in the Environment

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110 dBA	Rock band
Jet fly-over at 1,000 feet		
	100 dBA	
Gas lawn mower at 3 feet		
	90 dBA	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80 dBA	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	70 dBA	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60 dBA	
		Large business office
Quiet urban daytime	50 dBA	Dishwasher in next room
Quiet urban nighttime	40 dBA	Theater, large conference room
Quiet suburban nighttime	30 dBA	
		Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20 dBA	
		Broadcast/recording studio
	10 dBA	
	0 dBA	

Source: Technical Noise Supplement (TeNS), California Department of Transportation, September 2013.

Fundamentals of Groundborne Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. Table 3 displays the reactions of people and the effects on buildings that continuous or frequent intermittent vibration levels produce. The guidelines in Table 3 represent syntheses of vibration criteria for human response and potential damage to buildings resulting from construction vibration.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to cause damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher. The damage criteria presented in Table 3 include several categories for ancient, fragile, and historic structures, the types of structures most at risk to damage. Most buildings are included within the categories ranging from “Historic and some old buildings” to “Modern industrial/commercial buildings”. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

The annoyance levels shown in Table 3 should be interpreted with care since vibration may be found to be annoying at lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

TABLE 3 Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Threshold at which there is a risk of damage to fragile buildings with no risk of damage to most buildings
0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings.
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential structures
0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to new residential and modern commercial/industrial structures

Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.

Regulatory Background

The State of California and the City of Milpitas have established regulatory criteria that are applicable in this assessment. The California Environmental Quality Act (CEQA) Guidelines, Appendix G, are used to assess the potential significance of impacts pursuant to local General Plan policies, Municipal Code standards, or the applicable standards of other agencies. A summary of the applicable regulatory criteria is provided below.

State CEQA Guidelines. The CEQA contains guidelines to evaluate the significance of effects of environmental noise attributable to a proposed project. Under CEQA, noise impacts would be considered significant if the project would 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;
- (b) Generation of excessive groundborne vibration or groundborne noise levels;
- (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 two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels.

Checklist items (a) and (b) are applicable to the proposed project. The project is not located within two miles of a public airport or in the vicinity of a private airstrip and would not expose people

residing or working in the project area to excessive aircraft noise levels; therefore, item (c) is not discussed further in this analysis.

City of Milpitas General Plan. The Noise Element in the Milpitas General Plan (Last Amended April 2015) sets forth policies to guide public and private planning to attain and maintain acceptable noise levels and promote a comprehensive and long-range program of achieving acceptable noise levels. The City's noise compatibility standards are derived from guidelines published by the California Office of Planning and Research and are shown in Table 6-1. The following policies are applicable to the proposed project:

- 6-I-1 Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) as review criteria for development projects.
- 6-I-2 Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- 6-I-3 Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.
- 6-I-7 Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.
- 6-I-10 Reduce the noise impact in existing residential areas where feasible. Noise mitigation measures should be implemented with the cost shared by public and private agencies and individuals.
- 6-I-11 Minimize noise impacts on neighbors caused by commercial and industrial projects.
- 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.
- 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.

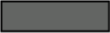
Land Use Category	55	60	65	70	75	80
Residential - Low Density Single Family, Duplex, Mobile Homes						
Residential - Multi. Family						
Transient Lodging - Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Business Commercial and Professional						
Industrial, Manufacturing, Utilities, Agriculture						

INTERPRETATION:

 **Normally Acceptable**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

 **Conditionally Acceptable**
New construction or development should be undertaken only after a detailed analysis of the 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.

 **Normally Unacceptable**
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.

 **Clearly Unacceptable**
New construction or development should generally not be undertaken.

City of Milpitas Municipal Code. Chapter 213 of the City's Zoning Ordinance contains a Noise Abatement Section that limits noise levels at adjacent properties. The following policies are applicable to the proposed project:

Code Section V-213-3 limits operational noise in residential areas to 65 dBA DNL at the property line or to an increase of less than 3 dBA DNL, whichever is more restrictive. Operational noise that "occurs with such intensity, frequency or in such a manner as to disturb the peace and quiet of reasonable person of normal sensitivity residing in that area" at a distance of 50 feet from the property line of the noise source or 100 feet from any nonstationary noise source shall be limited to the hours of 7:00 am and 10:00 pm. Construction operations are limited to between the hours of 7:00 am and 7:00 pm on weekdays and weekends. No construction is permitted on holidays.

Existing Noise Environment

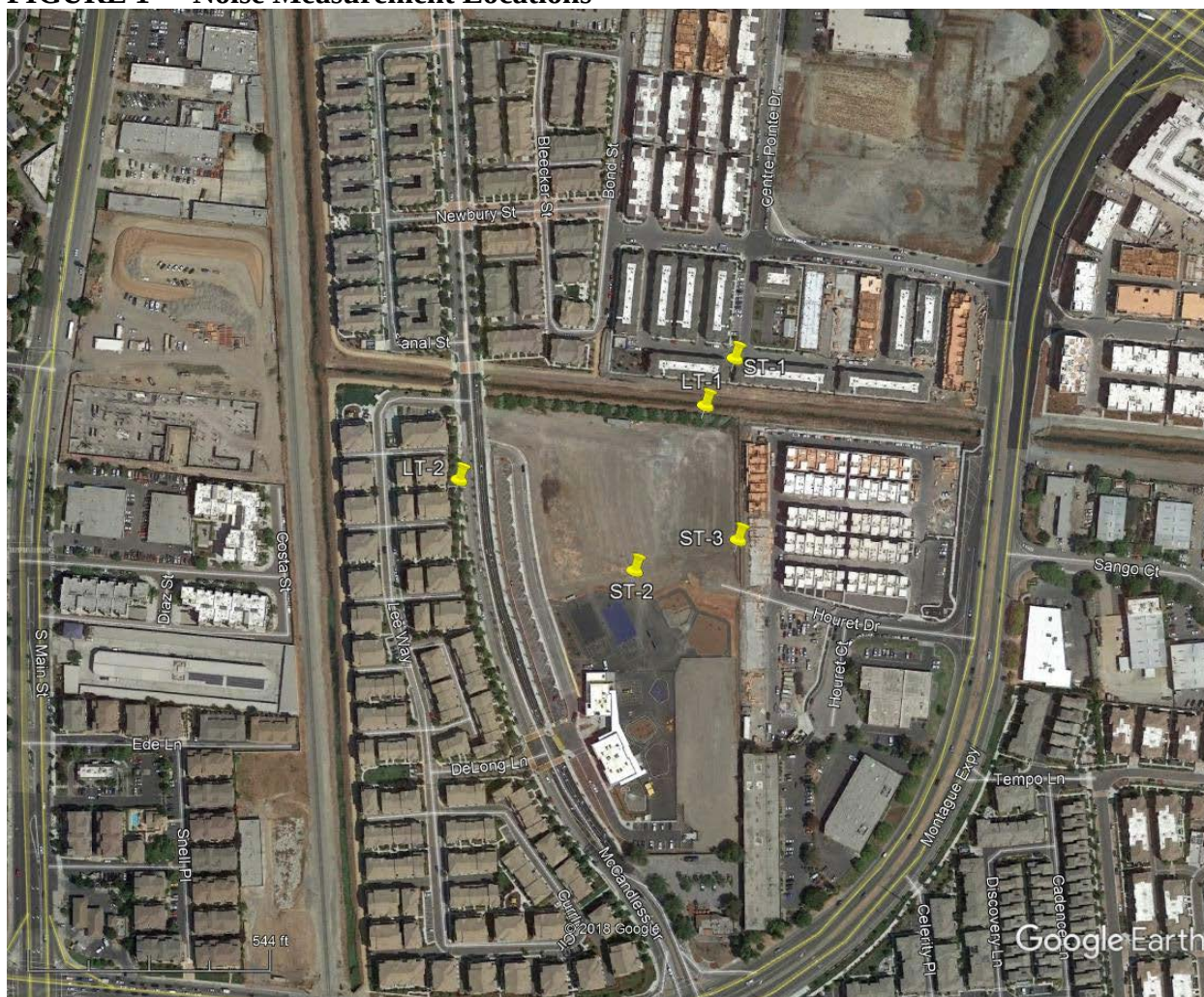
The project site is located along the east side of McCandless Drive between Montague Expressway and Great Mall Parkway in the southern part of the City of Milpitas, California. It is bordered to the north by East Penitencia Creek, to the east by a residential development currently under construction and to the south by the recently completed Mabel Mattos Elementary School. Existing residences are located to the north and west of the site. The predominant noise sources affecting the project site include traffic on McCandless Drive and local construction.

A noise monitoring survey was performed to quantify and characterize ambient noise levels at the site and in the project vicinity. Noise monitoring was conducted from February 21 to 25, 2019, during spring break at Mabel Mattos Elementary School, and from March 7 to 8, 2019, during a 24-hour period when school was in session. The monitoring survey included two long-term noise measurements (LT-1 and LT-2) and three short-term measurements (ST-1, ST-2, and ST-3), as shown in Figure 1. The daily trends in noise levels at LT-1 and LT-2 are shown in Appendix A. Table 4 summarizes the results of the short-term measurements.

Long-term noise measurement LT-1 was made along the northern property line of the site, adjacent to East Penitencia Creek. Noise levels measured at this site were primarily the result of distant traffic, occasional aircraft overflights, and construction noise from the adjacent residences under construction. Hourly average noise levels ranged from 45 to 57 dBA L_{eq} during the day and from 39 to 57 dBA L_{eq} at night. The day-night average noise level at LT-1 ranged from 53 to 56 dBA DNL during the February monitoring survey and was approximately 1 dBA higher (57 dBA DNL) during the 24-hour period when school was in session.

Long-term noise measurement LT-2 was located west of the site, about 30 feet from the center of McCandless Drive. Noise levels measured at this site were primarily the result of traffic on McCandless Drive. Hourly average noise levels ranged from 56 to 69 dBA L_{eq} during the day and from 43 to 64 dBA L_{eq} at night. The day-night average noise level at LT-1 ranged from 62 to 64 dBA DNL during the February monitoring survey and was approximately 2 dBA higher (66 dBA DNL) during the 24-hour period when school was in session.

Short-term noise measurements ST-1, ST-2, and ST-3 were conducted on Thursday, March 7, 2019 when school was in session. School activities did not affect the ambient noise levels at any of these locations during monitoring. ST-1 was made adjacent to residences located north of the project site. The 10-minute average noise level measured at ST-1 was 52 dBA L_{eq} . Short-term noise measurement ST-2 was made at the southern site boundary, adjacent to Mabel Mattos Elementary School, and resulted in a 10-minute average noise level of 56 dBA L_{eq} . Measurement ST-3 located at the eastern site boundary, adjacent to ongoing construction of residences, and resulted in a 10-minute average noise level of 54 dBA L_{eq} .

FIGURE 1 Noise Measurement Locations

Source: Google Earth

TABLE 4 Summary of Short-Term Noise Measurement Data (dBA)

Noise Measurement Location	L ₍₁₎	L ₍₁₀₎	L ₍₅₀₎	L ₍₉₀₎	L _{eq}	Primary Noise Sources
ST-1: Residences north of site (3/7/2019, 11:30 a.m. to 11:40 a.m.)	61	56	50	47	52	Distant traffic, construction, occasional aircraft
ST-2: Southern site boundary (3/7/2019, 11:50 a.m. to 12:00 p.m.)	66	58	54	52	56	Distant traffic, construction, occasional aircraft
ST-1: Eastern site boundary (3/7/2019, 12:10 p.m. to 12:20 p.m.)	59	56	54	52	54	Construction, distant traffic, occasional aircraft

PLAN CONSISTENCY ANALYSIS – NOISE AND LAND USE COMPATIBILITY

The impacts of site constraints such as exposure of the proposed project to excessive levels of noise and vibration are not considered under CEQA. This section addresses Noise and Land Use Compatibility for consistency with the policies set forth in the City's General Plan.

Noise and Land Use Compatibility

The applicable General Plan policies were presented in detail in the Regulatory Background section and are summarized below for the proposed project:

- The City's acceptable exterior noise level objective for schools, playgrounds, and neighborhood parks is 70 dBA DNL (Table 6-1).

The future exterior noise environment at the project site would result primarily from distant and local traffic and occasional aircraft. Noise sensitive outdoor use areas associated with McCandless Park would include a sports field, play areas, a picnic area, a walking trail, a community garden, a fenced dog play area, and fitness stations. These land uses would be located as close as 130 feet from the center of McCandless Drive. There are no noise sensitive areas associated with the pedestrian bridge and production water well components of the Project and no noise sensitive indoor uses proposed with the park.

Based on the noise monitoring survey and assuming a 1 dBA DNL noise increase under future conditions, the park would be exposed to future noise levels as high as 58 dBA DNL. Noise levels would be consistent with the City's 70 dBA DNL threshold for schools, playgrounds, and neighborhood parks.

NOISE IMPACTS AND MITIGATION MEASURES

This section describes the significance criteria used to evaluate project impacts under CEQA, provides a discussion of each project impact, and presents mitigation measures, where necessary, to provide a compatible project in relation to adjacent noise sources and land uses.

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise and vibration resulting from the project:

1. **Temporary or Permanent Noise Increases in Excess of Established Standards.** A significant impact would be identified if project construction or operations would result in a substantial temporary or permanent increase in ambient noise levels at sensitive receivers in excess of the local noise standards contained in the Milpitas General Plan or Municipal Code, as follows:
 - o Operational Noise in Excess of Standards. The City of Milpitas limits operational sound levels to 65 dBA DNL at residential property lines.
 - o Permanent Noise Increase. The City of Milpitas defines an operational noise increase of 3 dBA DNL or greater to be considered significant.
 - o Temporary Noise Increase. A significant temporary noise impact would be identified if construction would occur outside of the hours specified in the Municipal Code. Additionally, a significant temporary noise increase would be identified if construction-related noise would result in hourly average noise levels exceeding 60 dBA L_{eq} at the property lines shared with residential land uses, and the ambient by at least 5 dBA L_{eq} , for a period of more than one year.
2. **Generation of Excessive Groundborne Vibration.** A significant impact would be identified if the construction of the project would generate excessive vibration levels. Groundborne vibration levels exceeding 0.3 in/sec PPV would be considered excessive as such levels would have the potential to result in cosmetic damage to buildings.

Impact 1: Temporary or Permanent Noise Increases in Excess of Established Standards. Project operations and traffic would not generate noise levels that exceed the applicable noise thresholds or result in a substantial temporary or permanent noise level increase at existing noise-sensitive land uses in the project vicinity. However, existing noise-sensitive land uses could be exposed to construction noise levels in excess of the applicable noise thresholds. **This is a potentially significant impact.**

Permanent Noise Increases from On-Site Operational Noise

The City of Milpitas limits operational sound levels to 65 dBA DNL at residential property lines.

The four-acre park will include a joint-use lighted sports field and all-inclusive play areas for the city and the adjacent Mabel Mattos Elementary School, a picnic area, a walking trail, a community garden, a fenced dog play area, fitness stations, and a restroom building. Joint-use parking and basketball courts were previously constructed as part of the Mabel Mattos Elementary School project. The park will be available from dawn to dusk, 365 days per year. It is expected that site safety lighting will be in place from dusk to dawn. The lighted sports field may be available for use until 10:00 pm. The primary noise sources associated with the operations of the park include activities at the provided park amenities and facilities, parking, and increased traffic on the surrounding roadways. There are no operational noise sources associated with the pedestrian bridge and production water well components of the Project.

Park Activities

The addition of the picnic area, walking trail, community garden, dog play area, and fitness stations would not be anticipated to generate substantial noise at residents. Children playing in play areas has been measured previously by Illingworth & Rodkin, Inc. in several studies. The noise associated with the use of outdoor play areas is typically characterized by children yelling and playing. A preschool play area with 20 to 40 children was measured to generate average (L_{eq}) noise levels of 66 to 68 dBA at a distance of 25 feet from the edge of the play area.¹ Noise generated during play at elementary school playgrounds has been found to be similar. Noise levels at a play area with 4 to 6 children and 4 to 6 adults ranged from 60 to 61 dBA L_{eq} at 20 feet from the edge of the playground.² Residences are located as close as about 170 feet north and 230 feet west of the nearest play area(s). Play area noise could reach 50 dBA L_{eq} at residences to the north during periods with heavy usage and would be anticipated to range from 46 to 47 dBA L_{eq} during typical usage. Noise levels would be about 3 dBA lower at residences to the west. Noise levels would be significantly lower on a daily average basis (DNL).

The lighted sports field would be available for use until 10:00 pm. It is anticipated that this field would be used by the school and community for field hockey, baseball, softball, soccer, lacrosse, etc. Based on attended measurements conducted during high school sporting events,³ softball and

1 Lawrence Station Road Preschool Center, Sunnyvale, California, Noise Assessment, Illingworth & Rodkin, Inc., April 2016.

2 Morgan Autism Center Project, Environmental Noise and Vibration Assessment, San José, California, Illingworth & Rodkin, Inc., May 2016.

3 St. Mary's High School Athletic Field Environmental Noise Assessment, Prepared by Illingworth & Rodkin, Inc., February 23, 2007.

baseball games can generate noise levels of up to about 57 dBA L_{eq} at a distance of 100 feet from the infield (assumes 100 to 200 spectators in attendance). Maximum noise levels of about 65 dBA L_{max} at 100 feet typically result from balls being hit and shouting from players and spectators. Noise levels generated by field hockey, track meets, soccer, and lacrosse games are generally limited to whistles and some cheering. Based on noise monitoring of high school soccer games,^{4,5} whistles and cheering would be anticipated to generate maximum noise levels of about 58 to 63 dBA L_{max} at land uses adjoining the field. Hourly average noise levels during field hockey, soccer, and lacrosse events would be anticipated to be about 60 dBA L_{eq} at a distance of about 100 feet from the center of the field. Noise levels generated during practices and during middle and elementary school aged activities would be lower. The nearest noise sensitive land uses to the sports field include residences under construction about 270 feet east of the center of the field and existing residences located about 370 feet to the west. Baseball and softball games with high attendance would be anticipated to generate noise levels as high as 48 dBA L_{eq} at the residences under construction to the east and 46 dBA L_{eq} at residences to the west. Hourly average noise levels during field hockey, soccer, and lacrosse events would be anticipated to be about 51 dBA L_{eq} at the residences under construction to the east and 49 dBA L_{eq} at residences to the west. Activities would not extend into the nighttime period (10:00 pm to 7:00 am) and would therefore be significantly lower on a daily average basis.

Noise levels generated by park activities would typically be below existing ambient noise levels and well below the 65 dBA DNL threshold. This is a **less-than-significant** impact.

Parking

Parking would be provided in the existing parking lot, shared with Mabel Mattos Elementary School on the western portion of the site, about 100 feet and across McCandless Drive from residences to the west. Noise sources associated with the use of the parking lots would include vehicular circulation, louder engines, car alarms, squealing tires, door slams, and human voices. The sound of engines starting, doors slam closing, and people talking in the parking lot would be expected to reach maximum levels of 45 to 55 dBA L_{max} at a distance of 50 feet. Maximum noise levels generated in the parking lot would be below existing maximum noise levels generated by vehicles traveling along McCandless Drive and well below the 65 dBA DNL threshold. This is a **less-than-significant** impact.

Permanent Noise Increases from Project Traffic

The City of Milpitas defines a significant operational noise increase as 3 dBA DNL or greater. A traffic analysis was not provided for this project. Access to the park would be from McCandless Drive. Based on the traffic information available from the City of Milpitas, McCandless Drive has an average daily traffic (ADT) volume of 2,880 vehicles per day.⁶ Typically, the peak hour traffic volume in suburban areas is equivalent to about 10% of the ADT, or in this case, 288 vehicles per hour. There are approximately 40 existing parking spaces available for the shared use of Mabel Mattos Elementary School and McCandless Park. To determine the project-generated traffic noise

4 Silver Creek High School Sports Lighting Project Environmental Noise Assessment, Prepared by Illingworth & Rodkin, Inc., September 9, 2013.

5 Santa Teresa High School Sports Lighting Project Environmental Noise Assessment, Prepared by Illingworth & Rodkin, Inc., September 12, 2013.

6 Available at http://app.ci.milpitas.ca.gov/_pdfs/trans_traffic_volume_map.pdf, March 12, 2019.

increase, peak hour volumes for the Existing scenario are compared to Existing plus Project conditions, assuming a worst-case Project generated peak hour traffic volume of 40 vehicles per hour. Based on this comparison, traffic noise levels are calculated to increase by less than 1 dBA L_{eq} along the roadway network in the project vicinity during peak hour traffic conditions. DNL noise increases would be anticipated to be similar and would not result in noise increases of 3 dBA DNL or more on the surrounding roadway network. This is a **less-than-significant** impact.

Temporary Noise Increases from Project Construction

Construction operations are limited to between the hours of 7:00 am and 7:00 pm on weekday and weekends. No construction is permitted on holidays. Neither the City of Milpitas nor the State of California specify quantitative thresholds for the impact of temporary increases in noise due to construction. The threshold for speech interference indoors is 45 dBA (see Setting Section, Effects of Noise). Assuming a 15 dB exterior-to-interior reduction for standard residential construction with windows open and a 25 dB exterior-to-interior reduction for standard commercial construction, assuming windows closed, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses. Therefore, the project would be considered to generate a significant temporary construction noise impact if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

The construction of the projects will be in phases to allow the underground work to be completed before the above ground and site amenities are constructed. Construction activities within each phase would be carried out in stages. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. Typical construction noise levels at a distance of 50 feet are shown in Tables 5 and 6. Table 5 shows the average noise level ranges, by construction phase and Table 6 shows the maximum noise level ranges for different construction equipment. Most demolition and construction noise fall in the range of 80 to 90 dBA at 50 feet from the source. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dBA noise reduction at distant receptors.

TABLE 5 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site.								
II - Minimum required equipment present at site.								

Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

TABLE 6 Construction Equipment 50-foot Noise Emission Limits

Equipment Category	L _{max} Level (dBA) ^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes:

¹ Measured at 50 feet from the construction equipment, with a “slow” (1 sec.) time constant.² Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.³ Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.

Source: Mitigation of Nighttime Construction Noise, Vibrations and Other Nuisances, National Cooperative Highway Research Program, 1999.

Production Water Well

The production water well would be located within a fenced and secured 100-foot by 100-foot area at the southeast corner of the parcel. The well site will include a one-story building for electrical, instrumentation and chemical feed, an above ground filter vessel treatment system, and an above ground backwash tank. A submersible pump and motor will be installed approximately 250 feet below ground surface, and thus, pump noise would not be audible or detectable. The well is expected to be approximately 600 feet deep. The entire fenced area will be paved. Underground utilities for water, sewer, storm drain, and electrical power will be installed to serve the well site. A paved access road will be provided from McCandless Drive through the park, with a one-way entrance and exit through the well site, for periodic maintenance use as well as for regular maintenance use or material deliveries.

Construction of the well is anticipated to take 251 days over the course of 20 months, between approximately December 2019 and August 2021. Construction would primarily occur during daytime hours; however, 24-hour per day well drilling would be required over an approximate 4 week period. Stages of construction would include well drilling (below ground), well equipping (above ground), grading and excavation, trenching, building construction, construction of the backwash tank, filter installation, and concrete paving. Only finish grading will be required, as initial site grading will have occurred as part of the park project. Site preparation includes installation of a security fence, construction trailer, and temporary utilities.

As shown in Tables 5 and 6, construction activities generate considerable amounts of noise, especially during demolition and earth-moving activities when heavy equipment is used. Table 7 shows the anticipated well project specific construction noise levels calculated using the Federal Highway Administration (FHWA) software - Roadway Construction Noise Model (RCNM). At 50 feet from the noise source, maximum instantaneous noise levels generated by well project construction equipment are calculated to range from 77 to 82 dBA L_{max} and hourly average noise levels are calculated to range from 73 to 80 dBA L_{eq} .

TABLE 7 Calculated Construction Noise Levels for Each Stage of Well Construction

Construction Phase	At Distance of 50 ft.	
	L_{eq} , dBA	L_{max} , dBA
Well Drilling – Below Ground (70 days)	80	81
Well Equipping & Site Preparation (10 days)	74	77
Grading/Excavation (20 days)	79	82
Trenching (10 days)	74	77
Building-Exterior (40 days)	79	81
Building-Interior (40 days)	78	81
Backwash Tank (40 days)	75	81
Filter Installation (1 day)	73	81
Concrete Paving (20 days)	75	78

Project construction would be located as close as about 65 feet from residences under construction to the east. At this distance, noise levels would be about 2 dBA lower than those summarized in Table 7, in the range of 71 to 78 dBA L_{eq} . Construction would generally comply with the City of

Milpitas' Municipal Code specified hours of construction with the exception of the 24-hour per day construction that is required to complete the well. Noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than 5 dBA L_{eq} at adjacent residential uses to the east over a period exceeding one year. Noise levels in shielded areas would be anticipated to be 5 to 20 dB lower. This is a **potentially significant** temporary impact.

Penitencia Pedestrian Bridge

The pedestrian bridge project will span East Penitencia Creek midway between Montague Expressway and McCandless Drive. The south bridge approach will be situated at the northeast corner of the project site. The pedestrian bridge project includes a pre-fabricated bridge span, elevated bridge abutments, retaining walls along the north side of the creek, fill slope along the south side of the creek and raised trails on both sides of the creek. The retaining walls and raised trails will be required for the existing trail to conform to the bridge deck, which will be three to five feet above existing grade. The elevated bridge abutments will extend three to five feet above the existing ground surface so that the bottom of the span clears the top of bank on both sides of the creek. It is expected that no structures or fill will be placed within the creek channel. All grading, abutments and support structures will be located outside the top of banks to minimize impacts to the creek. Accessible path will be provided to the park and to the adjacent residential development to the east. Site lighting will be installed on the park side, close to the bridge approach and fencing and railing will be installed where necessary.

Construction of the bridge is anticipated to take 83 days over the course of 9 months, beginning in approximately June 2020. Stages of construction would include demolition, site preparation, grading and excavation, trenching, bridge and retaining wall construction, and paving. Table 8 shows the anticipated bridge project specific construction noise levels, calculated using RCNM. At 50 feet from the noise source, maximum instantaneous noise levels generated by project construction equipment are calculated to range from 80 to 87 dBA L_{max} and hourly average noise levels are calculated to range from 80 to 87 dBA L_{eq} .

TABLE 8 Calculated Construction Noise Levels for Each Stage of Bridge Construction

Construction Phase	At Distance of 50 ft.	
	L_{eq} , dBA	L_{max} , dBA
Demolition (2 days)	82	82
Site Preparation (2 days)	85	85
Grading/Excavation (5 days)	87	87
Trenching (2 days)	82	82
Bridge and Retaining Wall Construction (70 days)	83	84
Paving (2 days)	80	80

Project construction would be located as close as about 25 feet from residences to the north. At this distance, noise levels would be about 6 dBA higher than those summarized in Table 8, resulting in hourly average construction noise levels in the range of 86 to 93 dBA L_{eq} . Construction would comply with the City of Milpitas' Municipal Code specified hours of construction. However, noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than 5

dBA L_{eq} at adjacent residential uses to the north and residences under construction to the east. Although bridge construction would be completed over a period of less than one year, the combined exposure of these residences to bridge and park construction would exceed one year. This is a **potentially significant** temporary impact.

McCandless Park

Construction of the park is anticipated to take 281 days over the course of 15 months, beginning in approximately June 2020. Construction of the park will include demolition, site preparation, grading and excavation, trenching, building construction, and paving. A paved access road from McCandless Drive through the park will be constructed for the production water well and emergency and maintenance vehicles. Underground utilities for water, recycled water, sewer, storm drain, electrical power and communication will be installed to serve the park.

Table 9 shows the anticipated park project specific construction noise levels calculated using RCNM. At 50 feet from the noise source, maximum instantaneous noise levels generated by well project construction equipment are calculated to range from 78 to 85 dBA L_{max} and hourly average noise levels are calculated to range from 75 to 85 dBA L_{eq} .

TABLE 9 Calculated Construction Noise Levels for Each Stage of Park Construction

Construction Phase	At Distance of 50 ft.	
	L_{eq} , dBA	L_{max} , dBA
Demolition (15 days)	81	82
Site Preparation (15 days)	83	85
Grading/Excavation (60 days)	85	85
Trenching (60 days)	78	81
Building-Exterior (90 days)	75	81
Building-Interior (15 days)	75	78
Paving (30 days)	82	82

Project construction would be located as close as about 25 feet from residences under construction to the east, 110 feet from residences to the north, 180 feet from residences to the west, and about 210 feet from Mabel Mattos Elementary School classroom buildings to the south. Construction would comply with the City of Milpitas' Municipal Code specified hours of construction. However, noise levels due to construction activities would exceed 60 dBA L_{eq} and ambient levels by more than 5 dBA L_{eq} at all surrounding residential uses and at the adjacent school buildings for a period exceeding one year. This is a **potentially significant** temporary impact.

Mitigation Measure 1: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Unless the Contractor requests in writing, and receives in advance, written approval from the City's Director of Public Works for a modified construction schedule, the City requires

that construction activities be limited to 12-hour shifts between 7:00 a.m. and 7:00 p.m., Monday through Friday and construction shall not take place on weekends or City holidays. Per the City's Noise Ordinance, work shall not be conducted on the following City holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

- 24-hour operations shall be required from, at latest, the initiation of pilot hole drilling through construction of the well, and shall require the Contractor to request in writing, and receive in writing, approval from the City's Director of Public Works for 24-hour operations prior to the initiation of 24-hour operations. 24-hour operations may also be advantageous for other specific portions of well development and testing, and if this is the desire of the Contractor, will also require the Contractor to request in writing and to receive a response in writing from the City's Director of Public Works for 24-hour operations, prior to initiation of 24-hour operations. The Contractor shall arrange with the City for any 24-hour, weekend, or holiday operations intended and/or required for the successful completion of the project. The Contractor shall notify the City at least 72 hours prior to any proposed work outside the normal working times defined above, including any proposed work on weekends or holidays. The City will take Contractor's request under consideration and make a decision within 48 hours.
- The Contractor shall complete the temporary sound barrier design and associated calculations, and apply for a Building Permit from the City's Building Department as first order of work from receiving notice to proceed.
- The work shall be carried out as quietly as possible to prevent possible annoyance to adjacent residents. Unnecessary noise shall be avoided at all times.
- Sound attenuation measures will be required due to the proximity of the work area to dwellings. Sound attenuation measures shall include providing construction equipment and performing construction activities in a manner that minimizes noise generation and conforms to General Conditions Article 28, Hours of Work, and the instructions of the City/Engineer.
- Night-time drilling operations when previously authorized, shall be conducted in a manner to reduce noise peaks and avoid rapid changes in noise levels. All drilling personnel shall be advised to avoid noise generation wherever possible. In particular, the changing of drill pipe and the throttling of the drill rig shall be done in such a manner that appreciably lessens the noise produced by these activities as compared to the daytime. All deliveries of pipe and other materials and supplies, and all removal of debris, drilling cuttings, drilling fluids, equipment, materials, and supplies from the well site shall take place during day-time hours, unless approved in writing by the City.
- Construction of a temporary sound barrier shall include all work necessary to design, furnish, install, maintain and remove a temporary sound barrier, and conduct a full-scale sound test.

- The temporary sound barrier shall be self-supporting and at least 24 feet high. The sound barrier shall be generally configured along the west, north, and east boundaries of the work area, or as approved by the City, to minimize noise at residential land uses. The temporary sound barrier shall be engineered to reduce noise levels to the maximum extent possible.
- A full-scale drilling noise test simulating drilling activities will consist of noise level emissions measurements taken at the work area boundary, at the nearest sensitive receptor, and at 75 feet and 150 feet from the drilling location. Construction noise levels measured by the Contractor at the nearest sensitive receptor shall not exceed 60 dBA from the hours of 7:00 a.m. to 7:00 p.m., and 55 dBA from the hours of 7:00 p.m. to 7:00 a.m. without prior written approval of the City.
- Drilling operations shall not proceed until noise emissions conform to these Specifications. Should noise levels exceed the above levels, appropriate noise attenuation measures shall be implemented prior to resuming work, to reduce the offensive noise levels at the sensitive receptors.
- Construction scheduling shall be undertaken with consideration for school activities and hours. Schedule high noise generating construction activities that are located nearest school facilities during periods when school is not in session, such as summer, school breaks, weekends, and after school dismissal. Coordination of construction activity times with school officials may be necessary.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent noise sensitive land uses of the construction schedule in writing.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the

disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Implementation of the above best management practices would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures and recognizing that noise generated by construction activities would occur over a temporary period, the impact would be **less-than-significant**.

Impact 2: Generation of Excessive Groundborne Vibration due to Construction.
Construction-related vibration levels are not anticipated to exceed 0.3 in/sec PPV at the nearest structures. **This is a less than significant impact.**

The City of Milpitas does not specify a construction vibration limit. For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.25 in/sec PPV for historic and some old buildings (see Table 3). The 0.3 in/sec PPV vibration limit would be applicable to properties in the vicinity of the project site. The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Table 10 presents typical vibration levels from construction equipment at 25, 110, 180, and 210 feet to represent distances from surrounding structures to construction located near the site boundary. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Vibration levels are highest close to the source, and then attenuate with increasing distance at the rate $(D_{ref}/D)^{1.1}$, where D is the distance from the source in feet and D_{ref} is the reference distance of 25 feet.

TABLE 10 Vibration Levels for Construction Equipment at Various Distances

Equipment		PPV at 25 ft. (in/sec)	PPV at 110 ft. (in/sec)	PPV at 180 ft. (in/sec)	PPV at 210 ft. (in/sec)
Clam shovel drop		0.202	0.040	0.023	0.019
Hydromill (slurry wall)	0.008	0.002	0.001	0.001	0.002
	0.017	0.003	0.002	0.002	0.004
Vibratory Roller		0.210	0.041	0.024	0.020
Hoe Ram		0.089	0.017	0.010	0.009
Large bulldozer		0.089	0.017	0.010	0.009
Caisson drilling		0.089	0.017	0.010	0.009
Loaded trucks		0.076	0.015	0.009	0.007
Jackhammer		0.035	0.007	0.004	0.003
Small bulldozer		0.003	0.001	0.000	0.000

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, October 2018 as modified by Illingworth & Rodkin, Inc., March 2019.

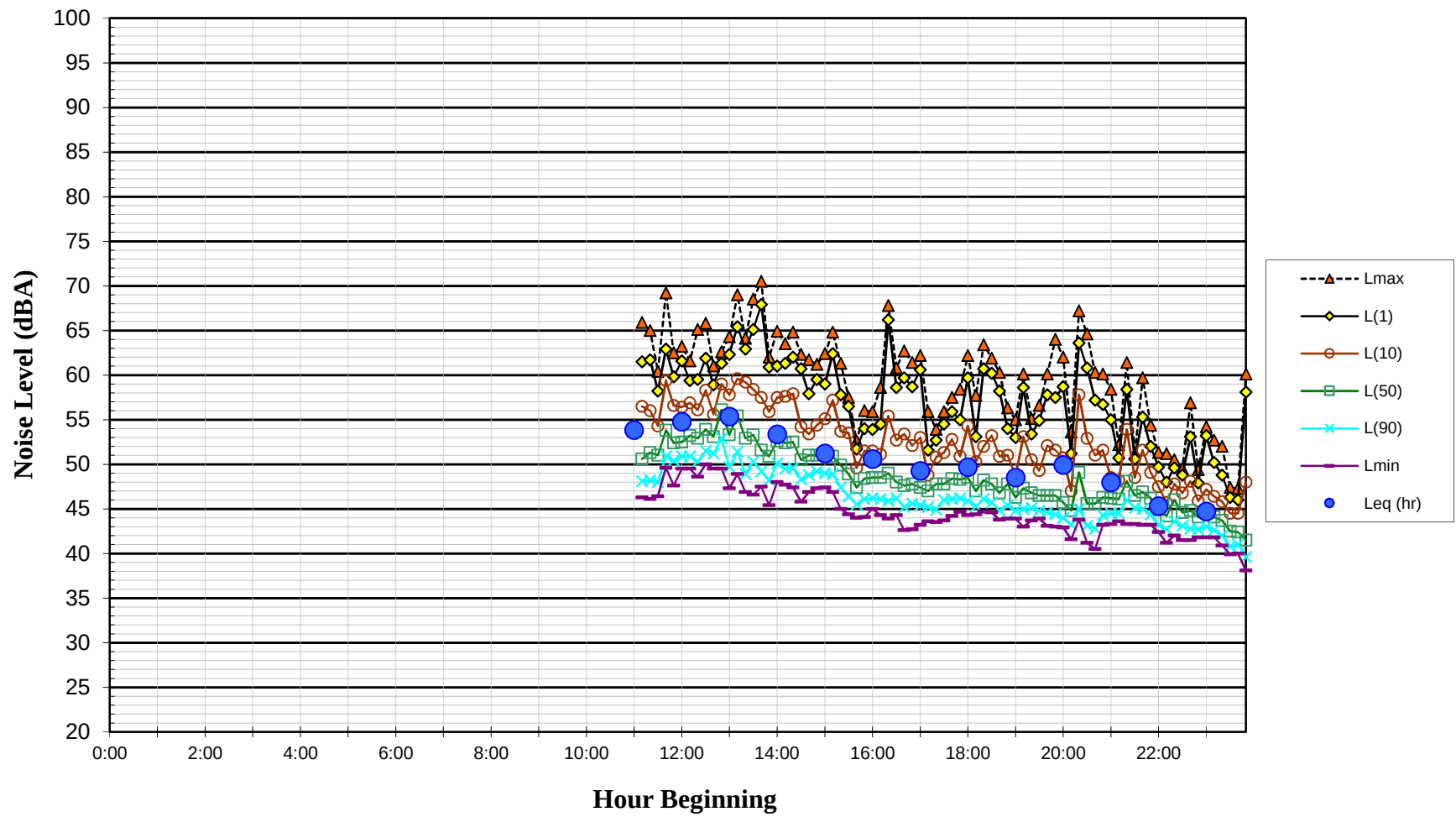
Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may generate substantial vibration in the immediate vicinity of construction activities. However, as indicated in Table 10, none of these construction activities would be anticipated to exceed 0.3

in/sec PPV at the nearest structures. Vibration levels may be perceptible to occupants but would not be anticipated to cause cosmetic or structural damage to the nearest buildings and would not be considered excessive. As construction moves away from the shared property lines, vibration levels would be even lower.

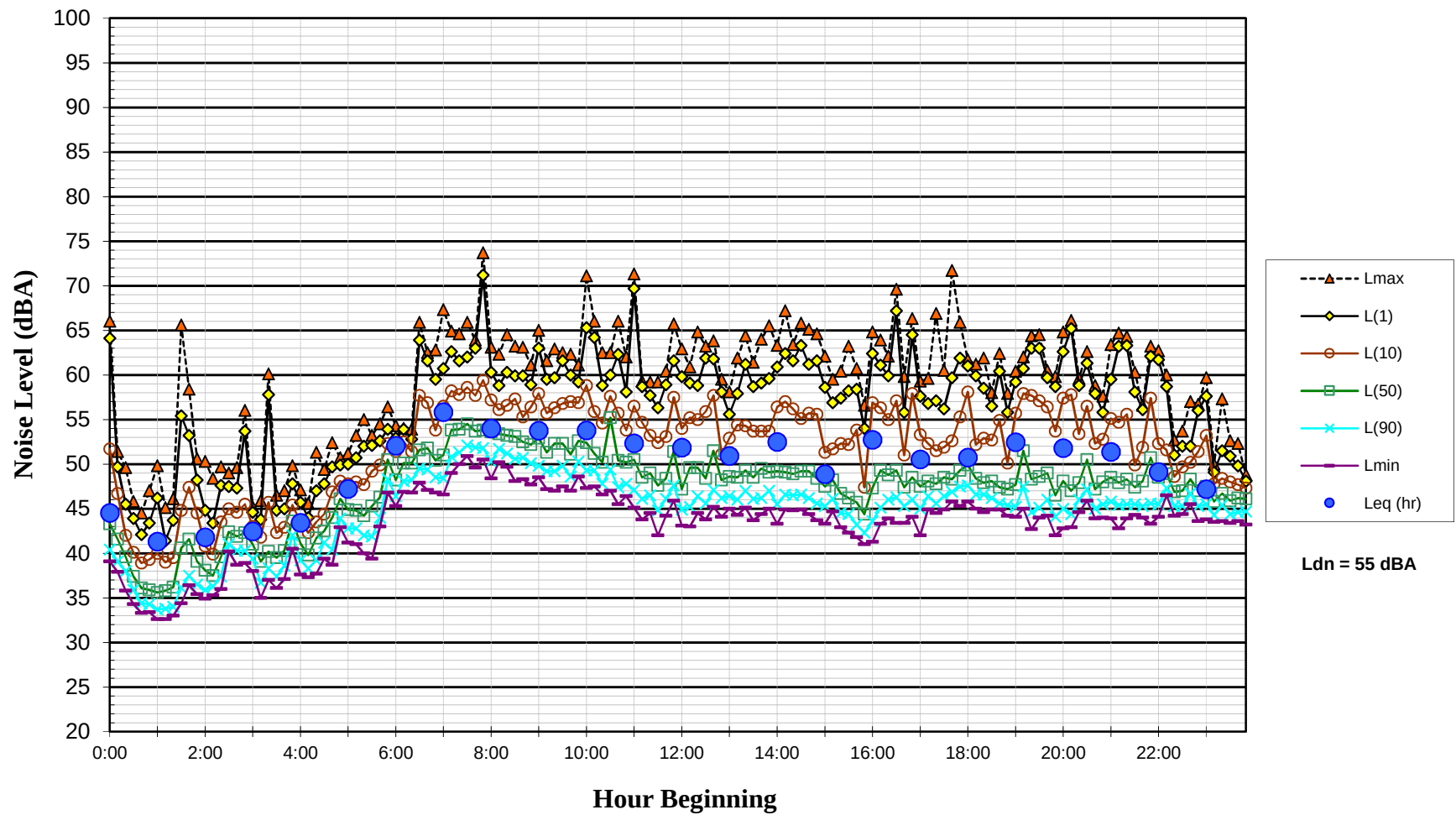
This is a **less-than-significant** impact.

Mitigation Measure 2: None required.

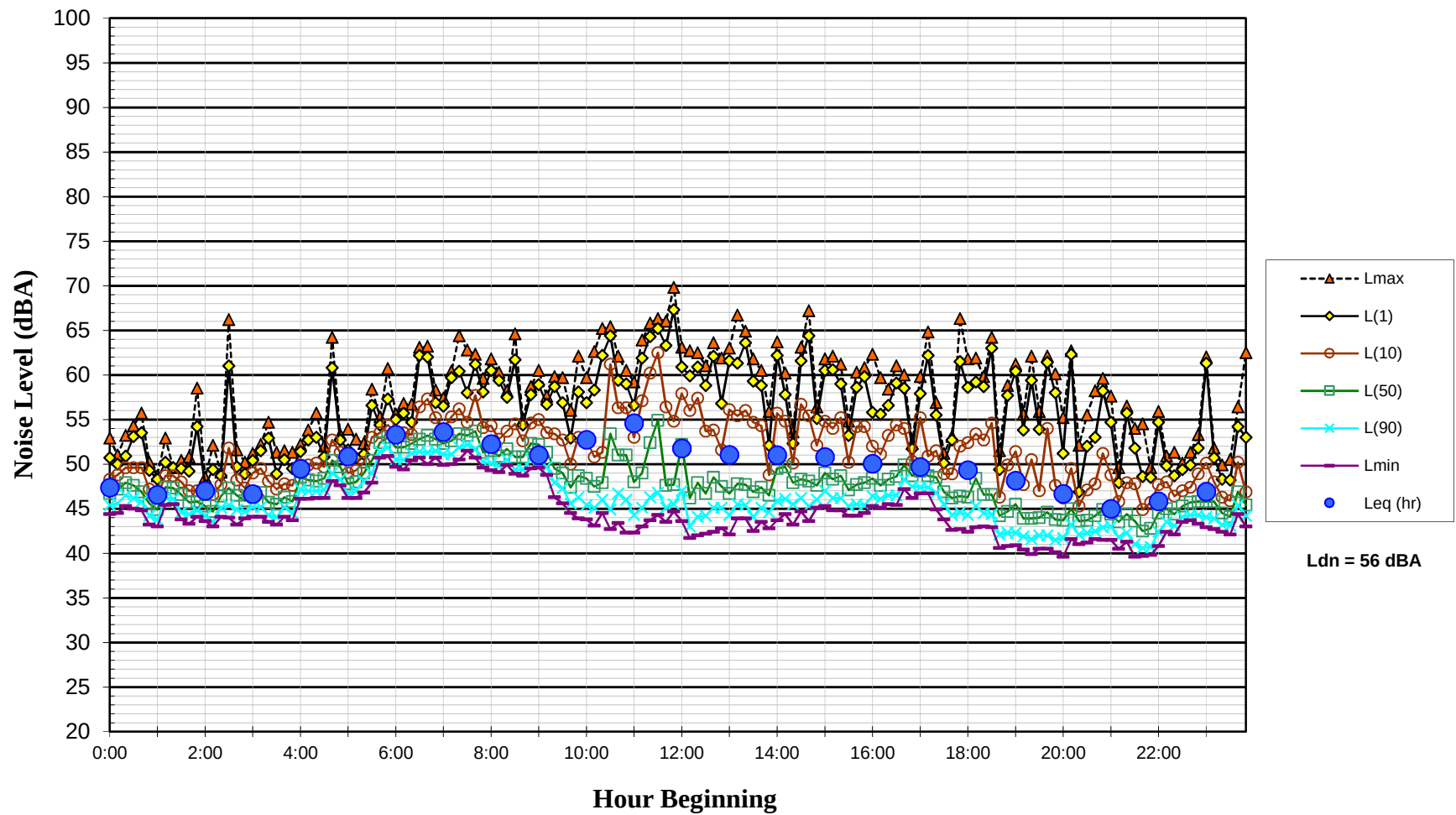
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Thursday, February 21, 2019



Noise Levels at Noise Measurement Site LT-1
Friday, February 22, 2019

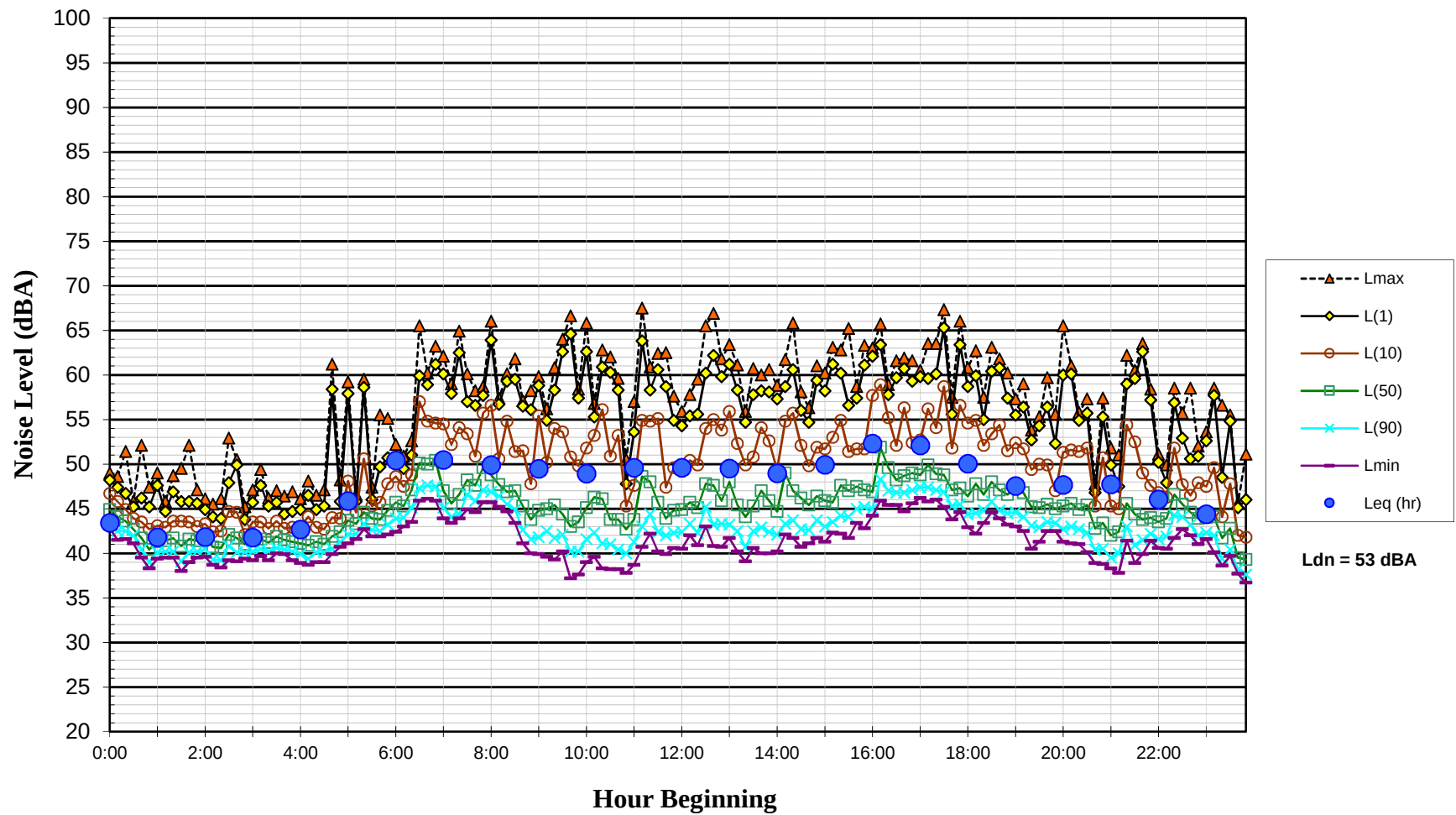


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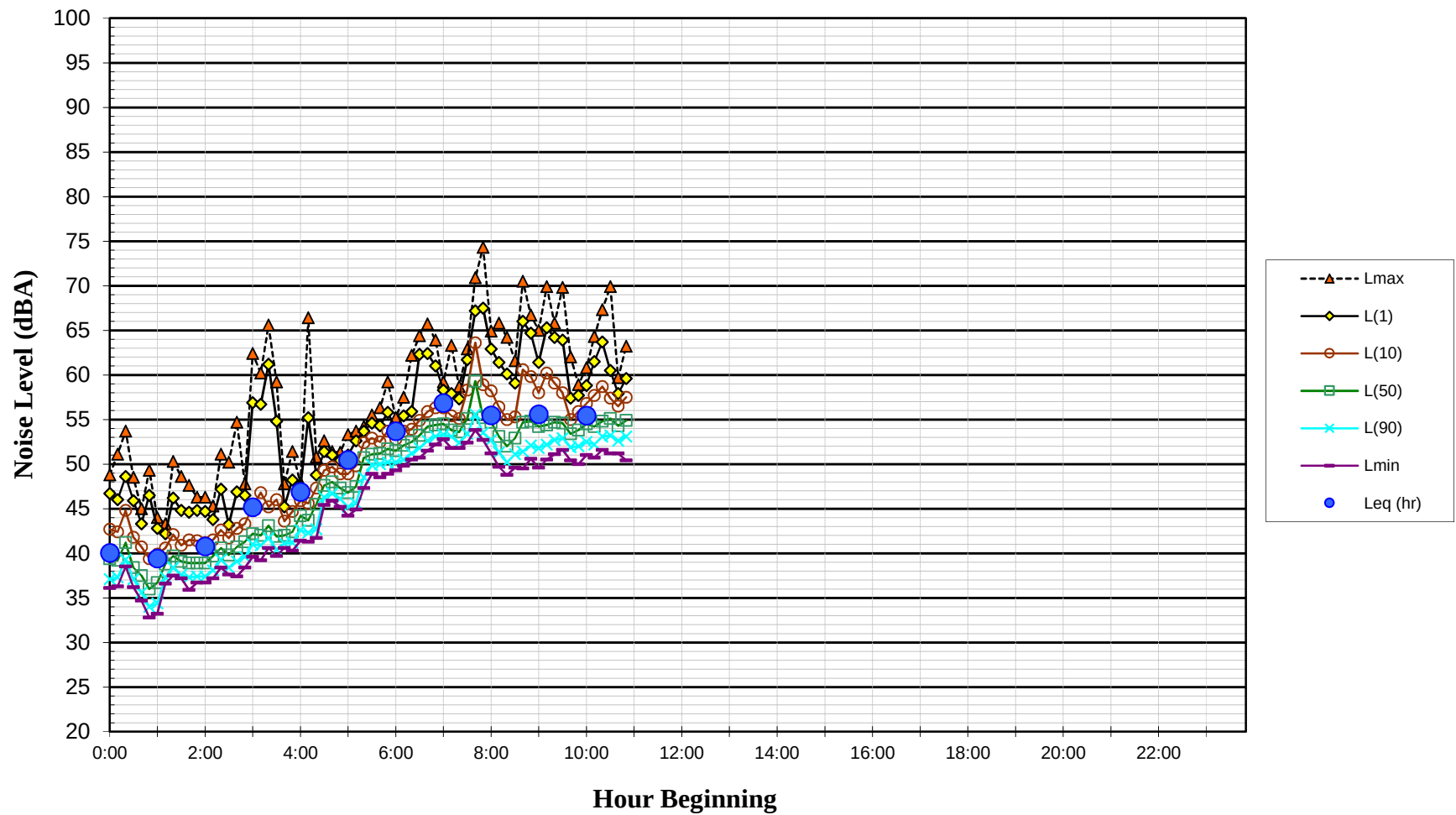
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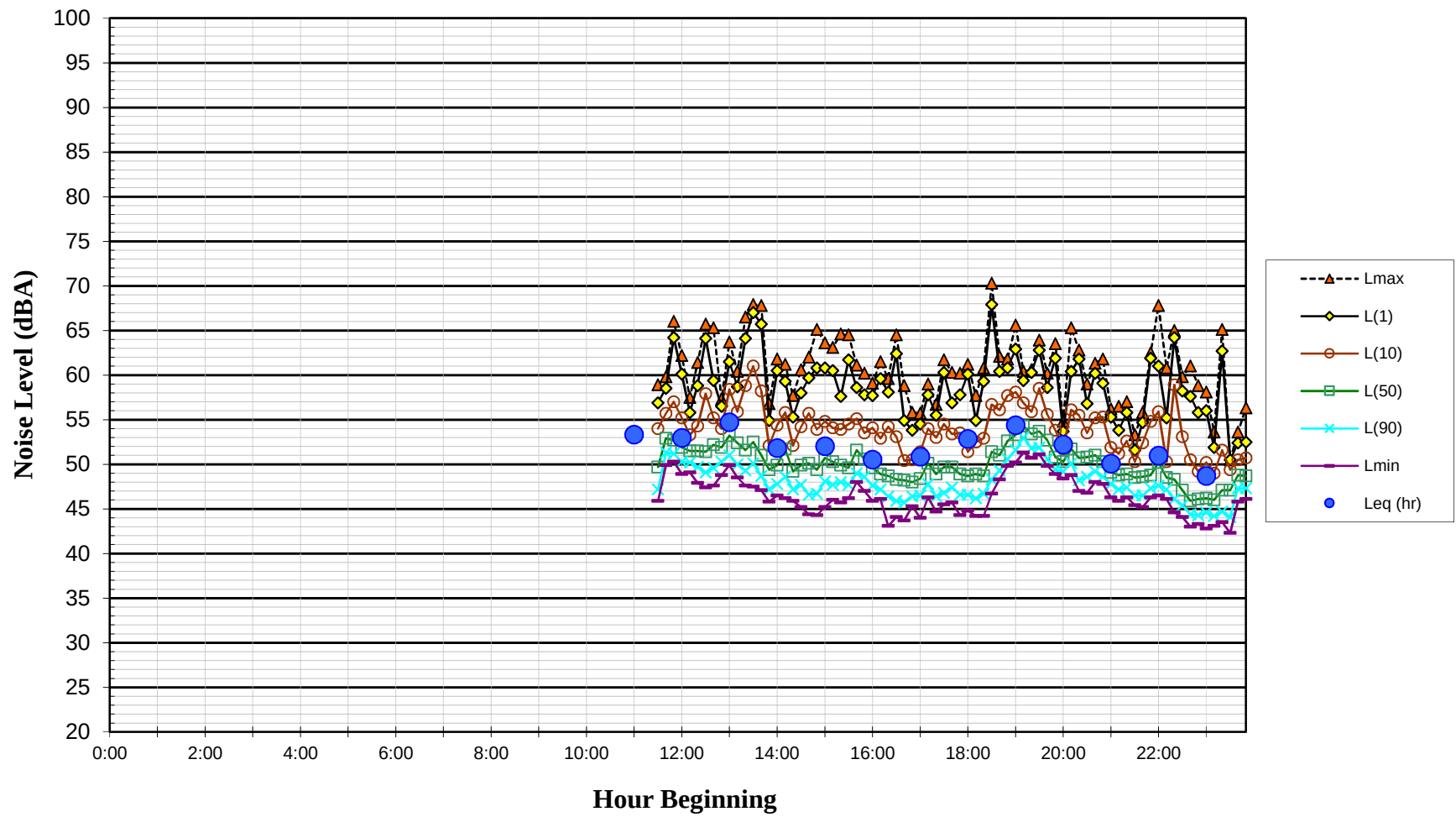


Noise Levels at Noise Measurement Site LT-1

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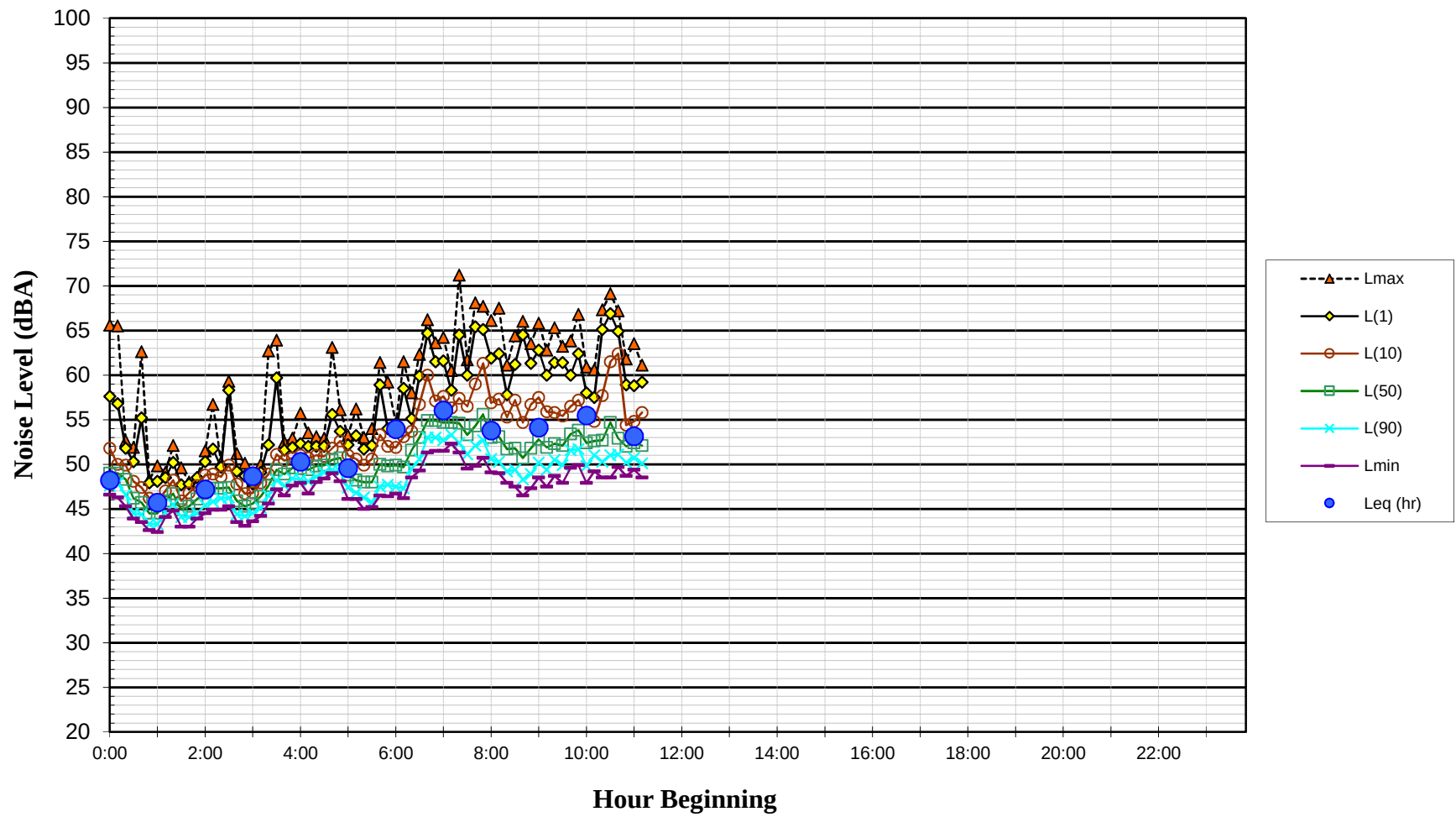


Noise Levels at Noise Measurement Site LT-1
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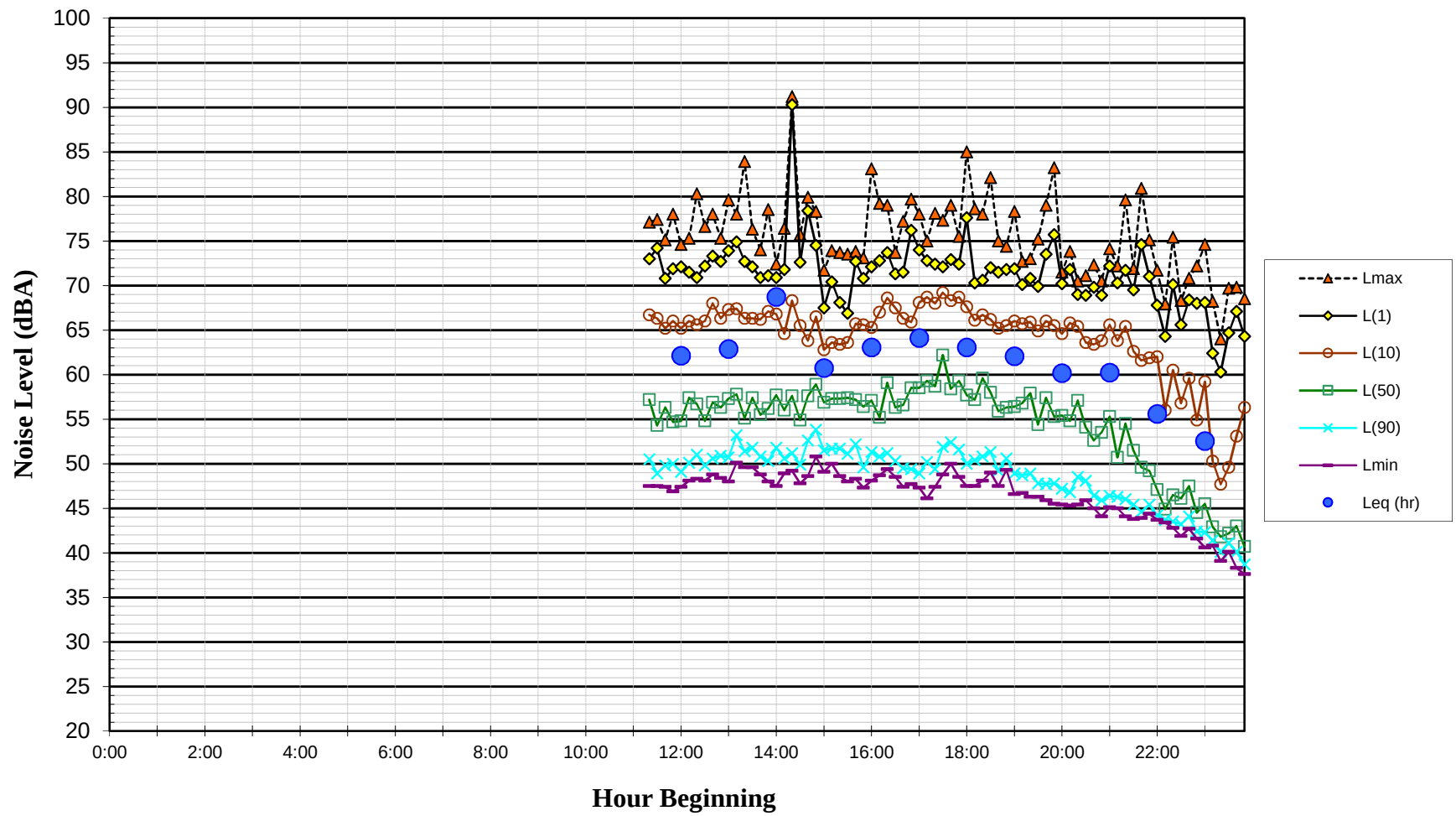


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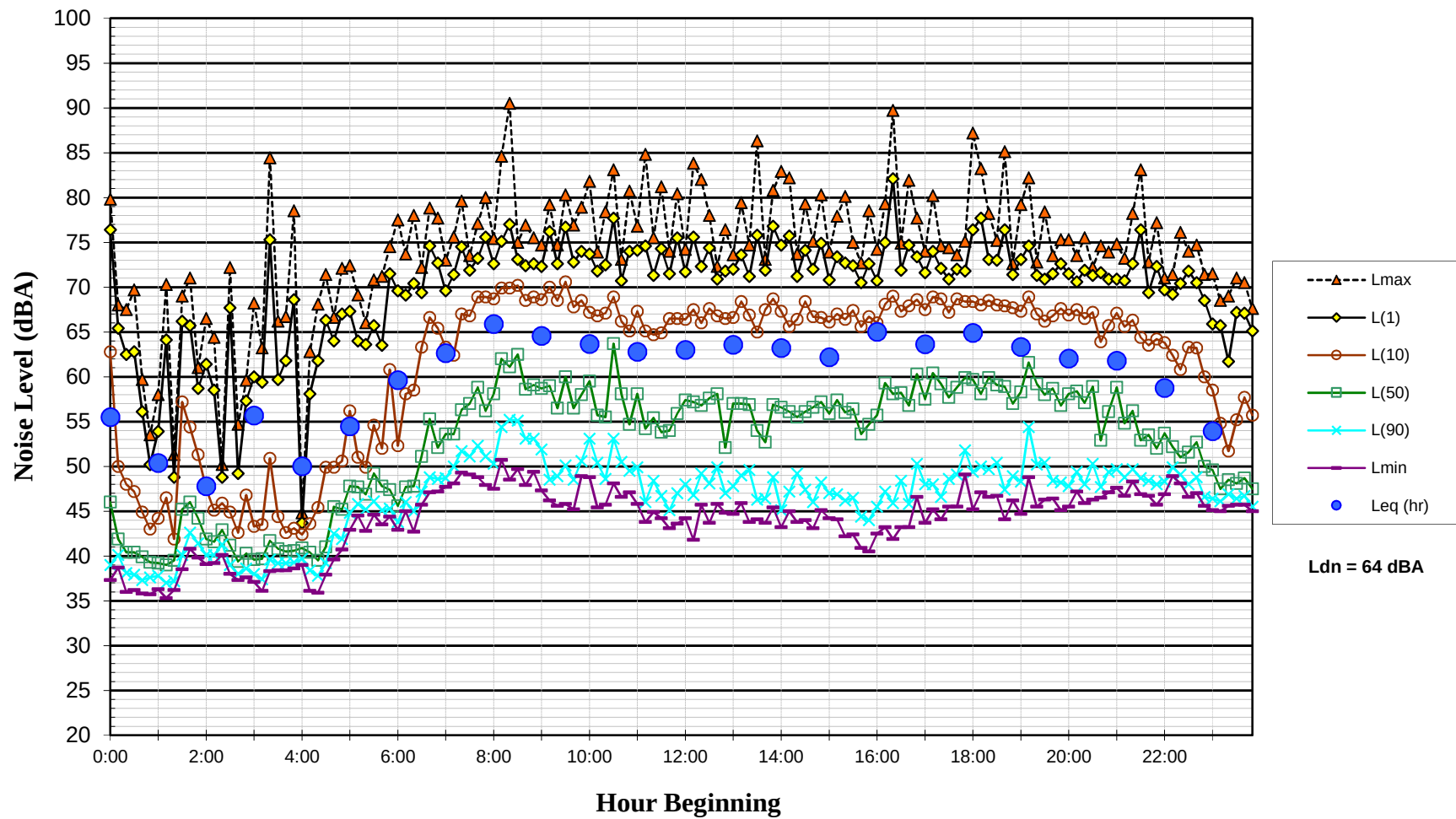
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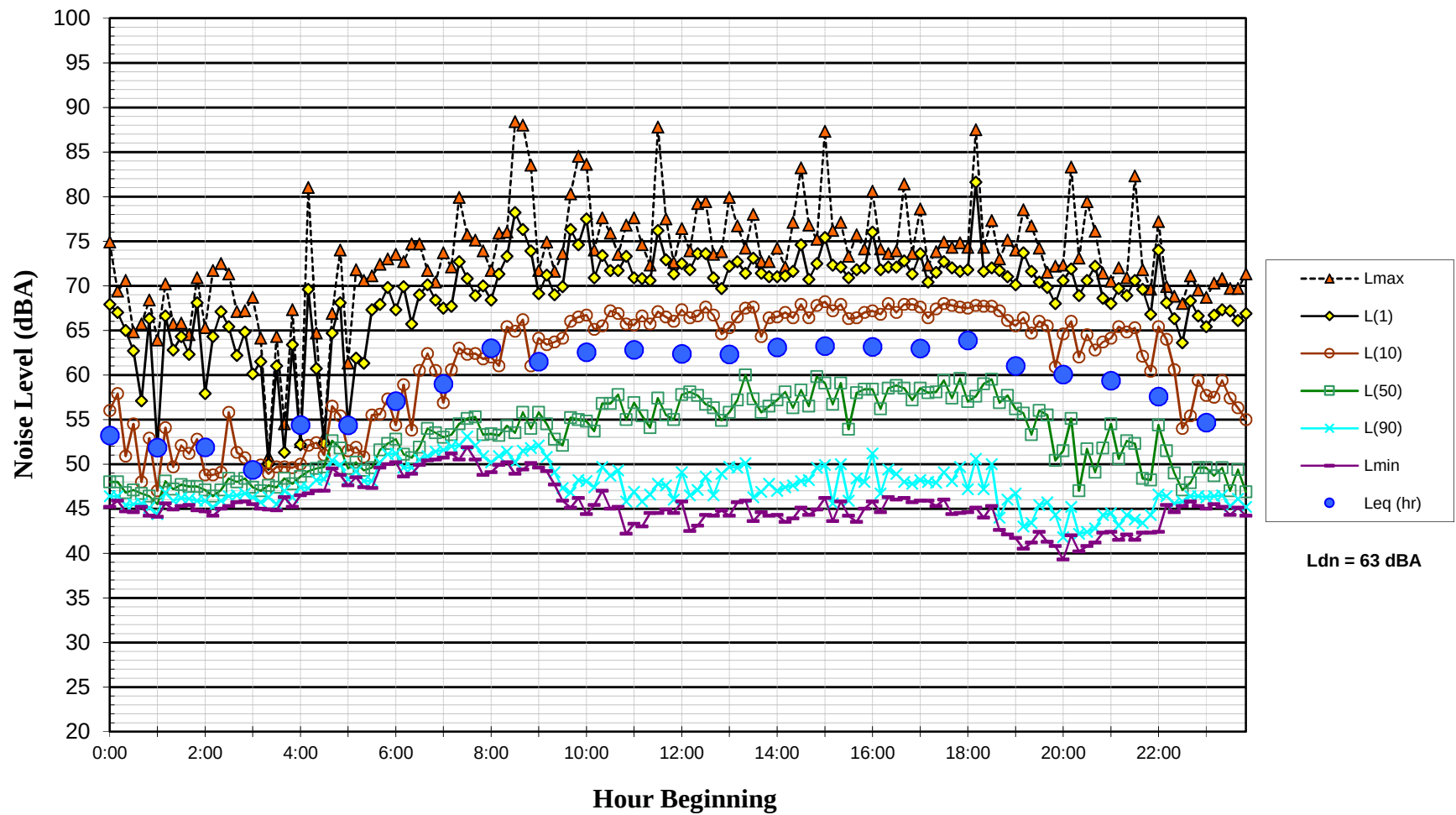
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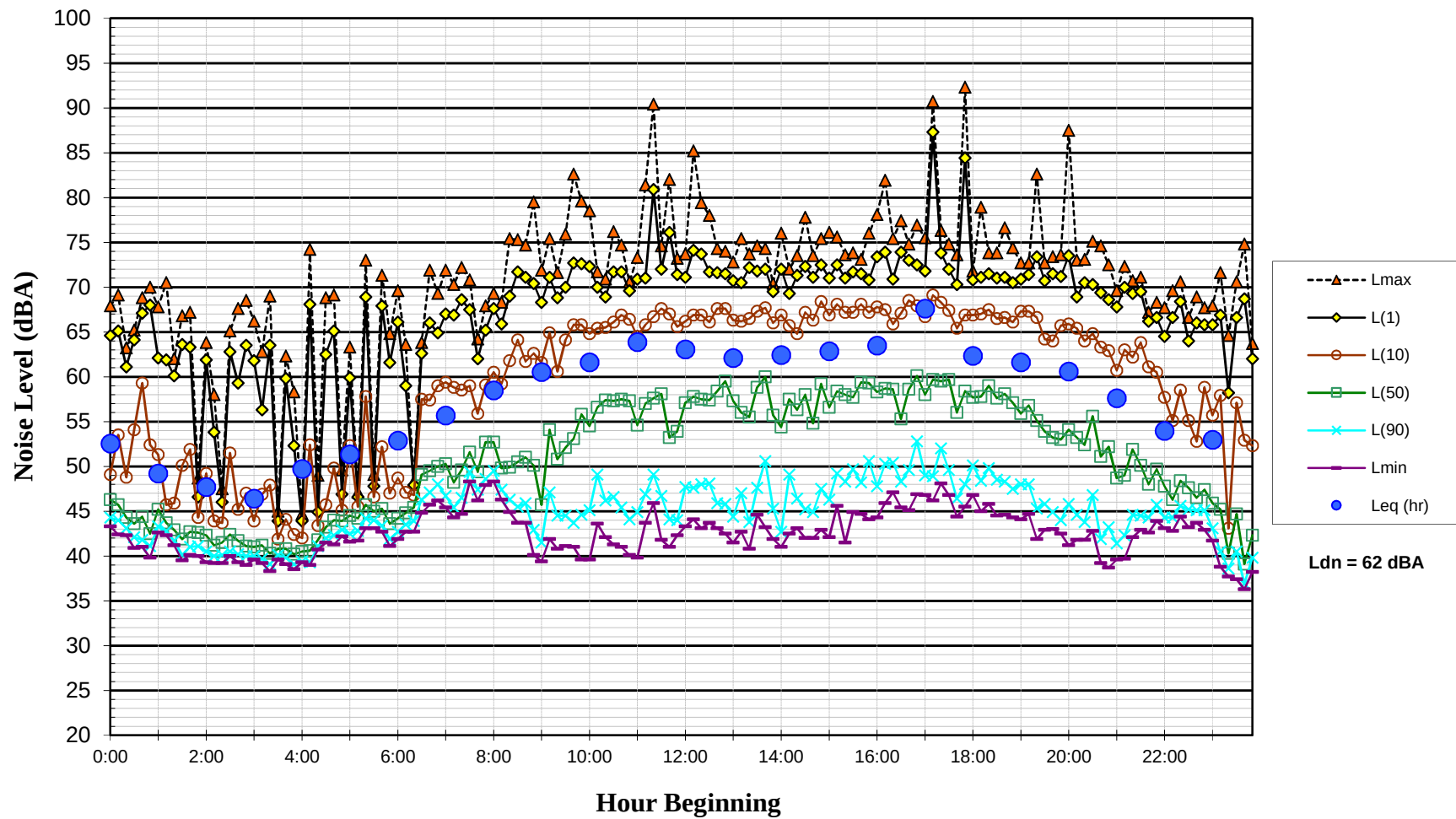
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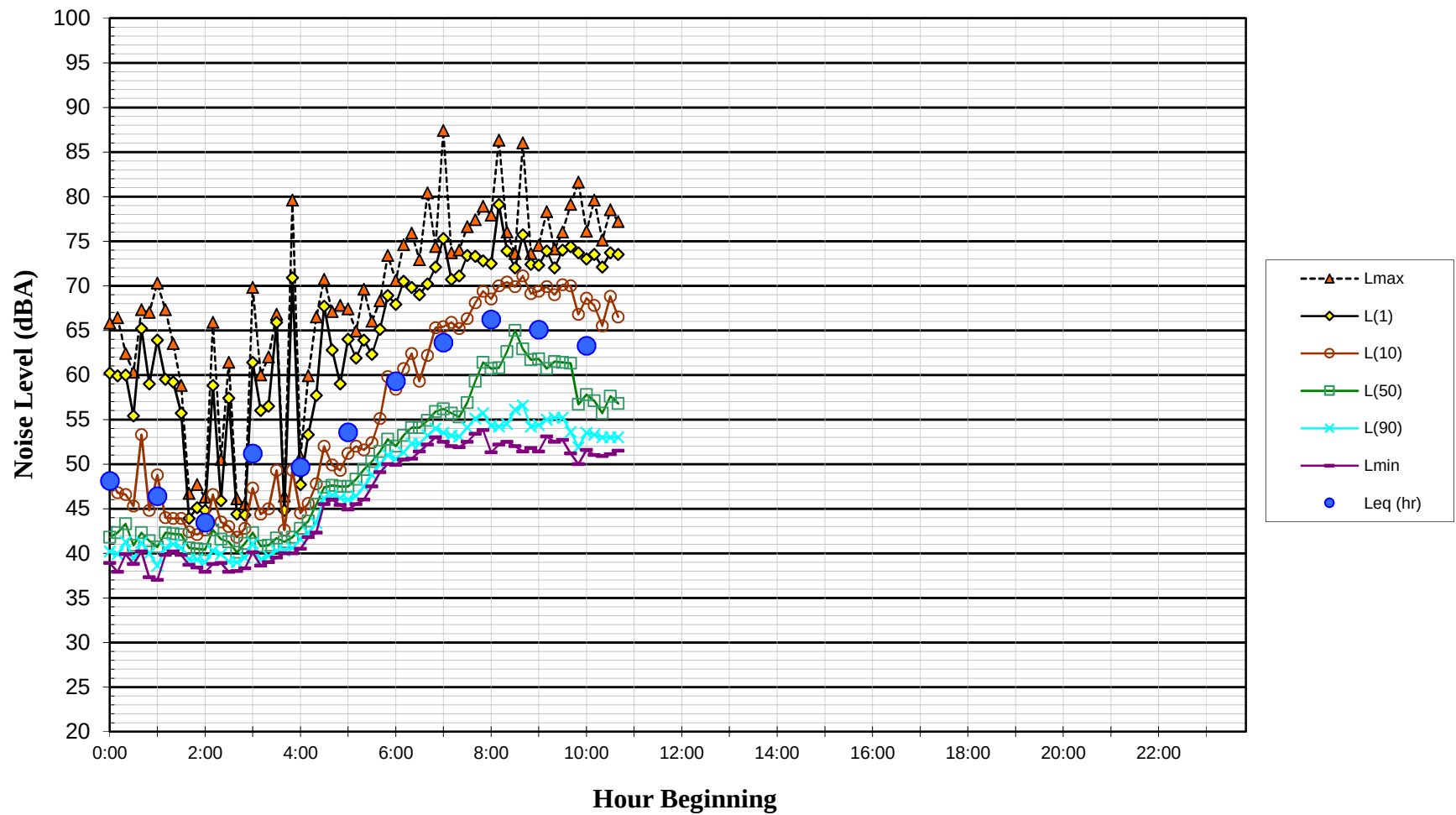
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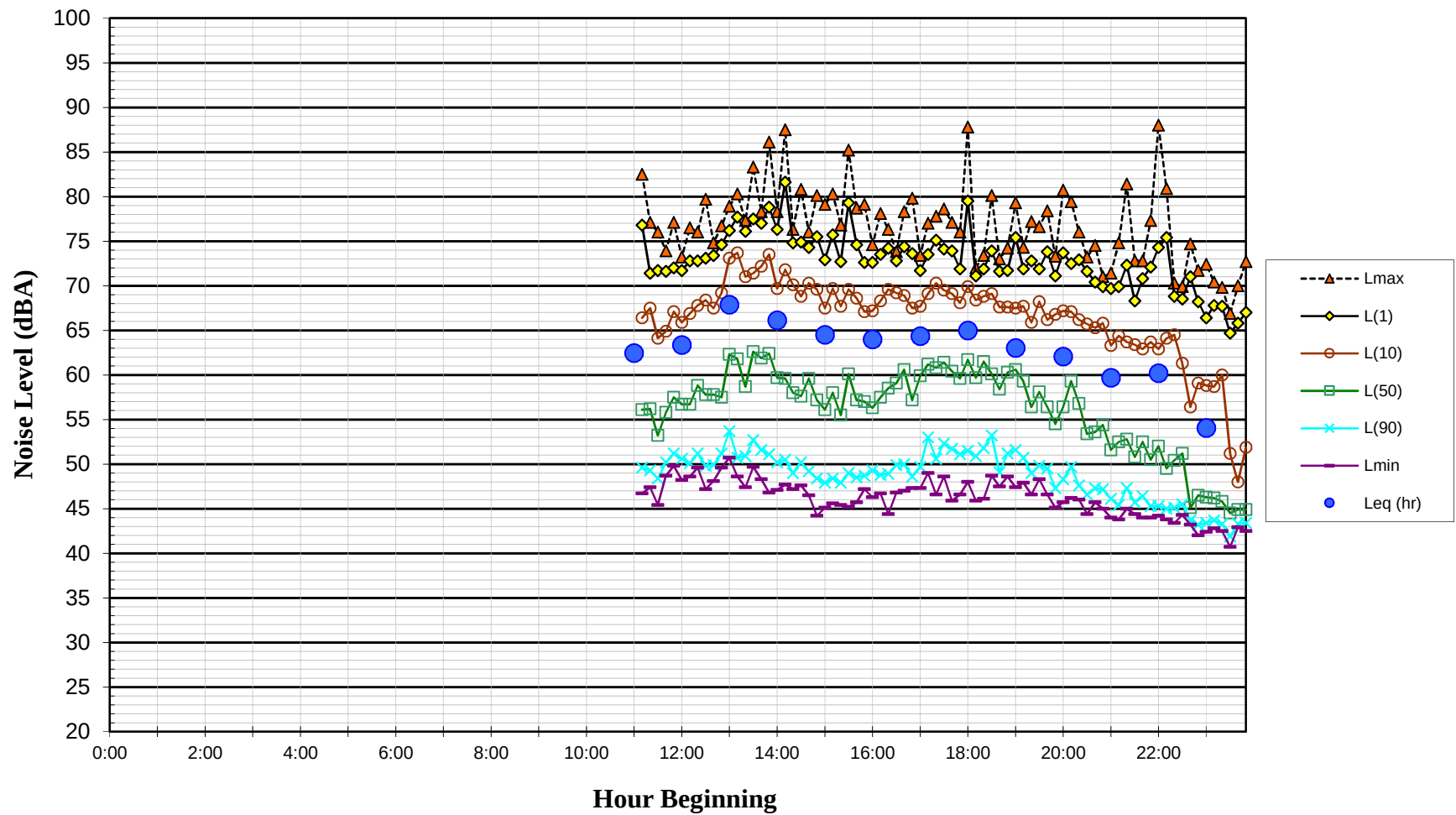
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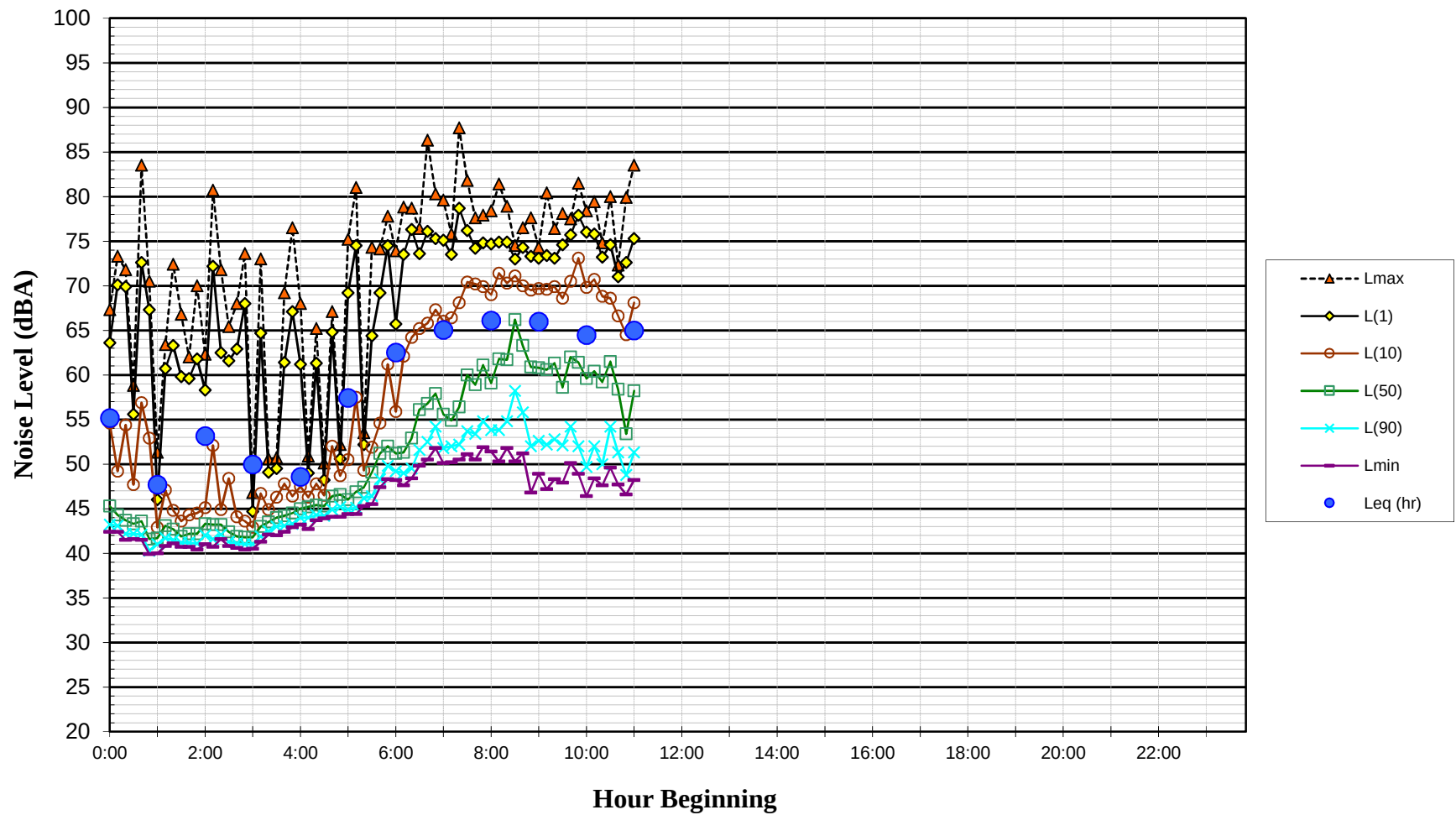
Noise Levels at Noise Measurement Site LT-2
Monday, February 25, 2019



Noise Levels at Noise Measurement Site LT-2
Thursday, March 7, 2019



Noise Levels at Noise Measurement Site LT-2
Friday, March 8, 2019



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:

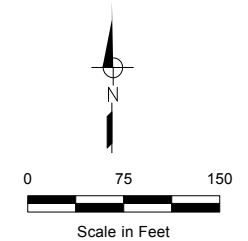
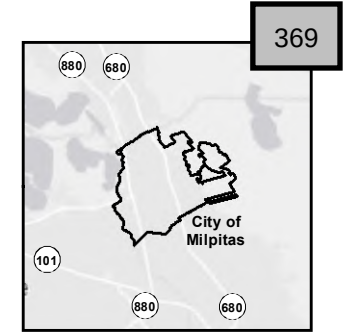
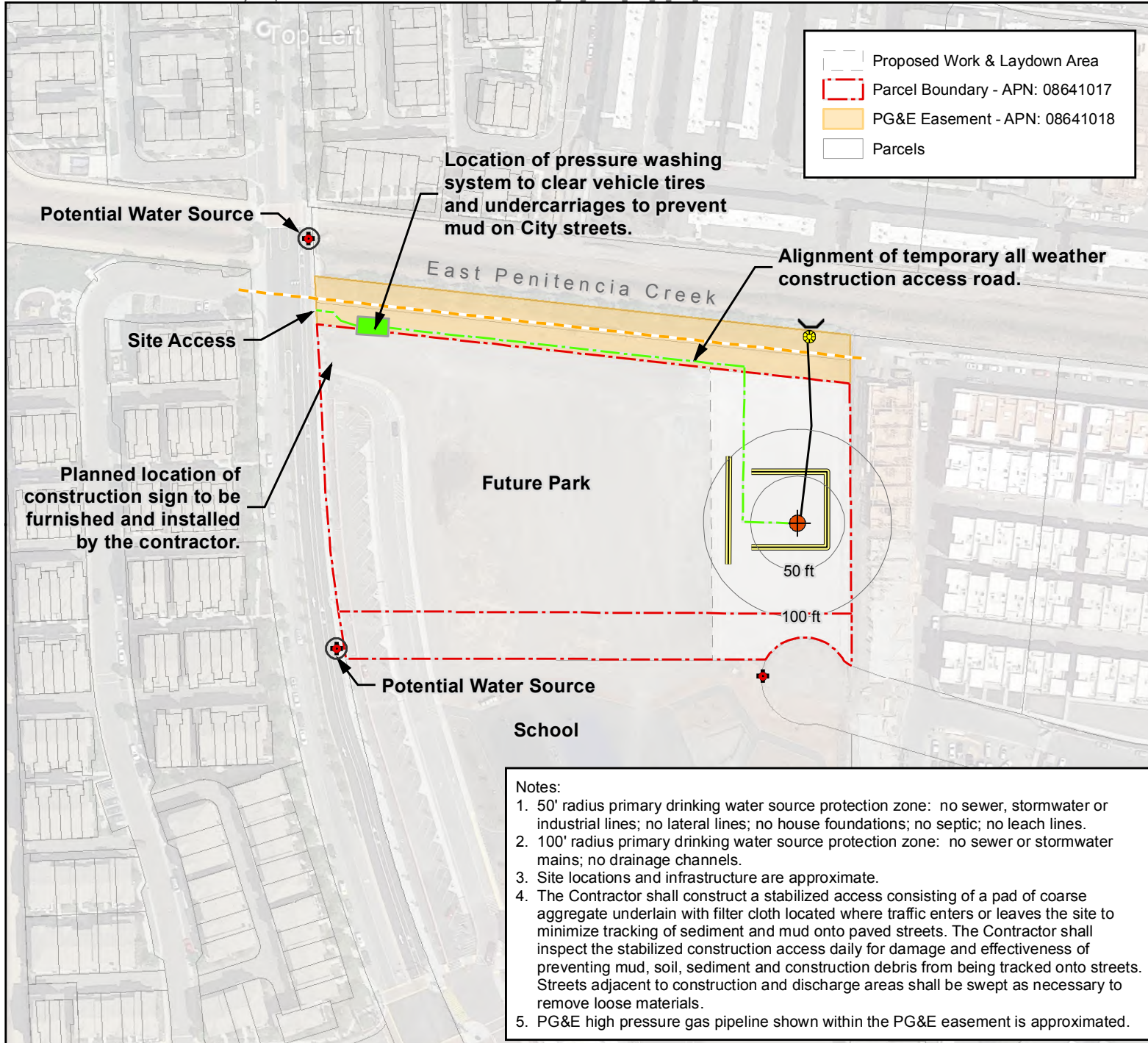
APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney



Symbology

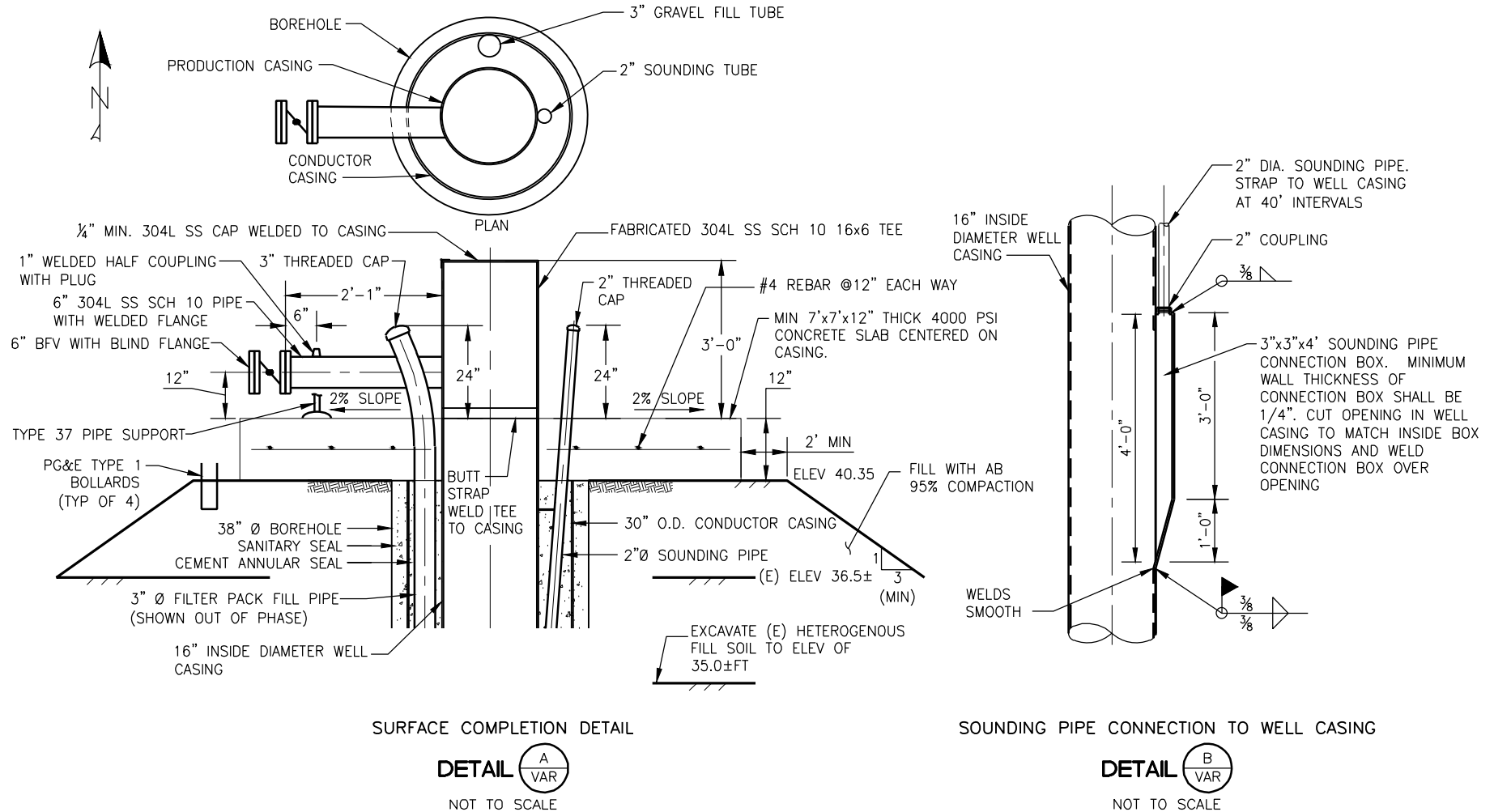
- Approximate Well Location
- Existing Fire Hydrant
- Existing Manhole
- Existing Storm Drain Outfall
- Temporary Discharge Pipeline
- Approximate Layout of Temporary Sound Barrier
- PG&E Gas Line (See Note 5)



Exhibit 1

Well Site Plan

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

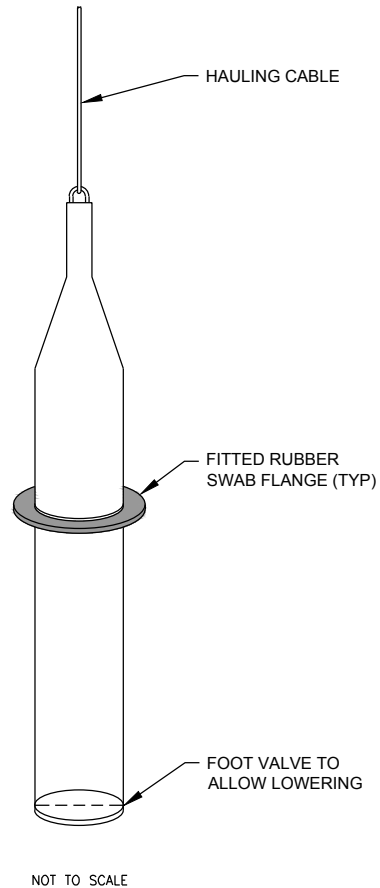
CITY OF MILPITAS
McCANDLESS PARK WELL
TECHNICAL SPECIFICATIONS

JOB NUMBER
270-12-18-12

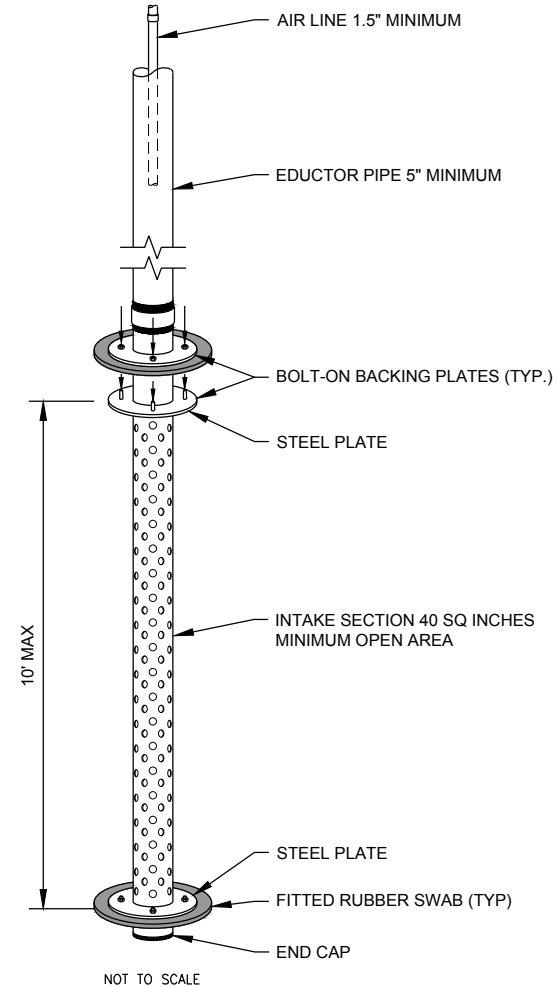
DRAWING NUMBER
3

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 WELL
TECHNICAL SPECIFICATIONS

JOB NUMBER
270-12-18-12

DRAWING NUMBER
4

SHEET NUMBER
4 OF 4



CITY OF MILPITAS
ENGINEERING DIVISION
BID SUMMARY

373

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
TOTAL					\$899,684.00		\$884,620.00		\$889,438.00		\$988,397.00		\$993,726.00		\$1,166,241.00

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

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

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

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

Pedestrian Bridge

Municipal Well

375

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

EAST PENITENCIA CREEK

McCandless Park

RESTROOM

MULTI-LINGUAL
SIGNAGE

SOCCER /
MULTIUSE FIELD

School

PICNIC AREA

PARK
ENTRANCE

ENTRY
GATEWAY
PILLAR

COMMUNITY
GARDEN



BUTTERFLY
GARDENS

SCHOOL SIDE
AREA

North

McCANDLESS DRIVE

C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive by D.R. Horton CA3, Inc. and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period (Staff Contact: Steve Erickson, 408-586-3301)

Recommendations:

1) Adopt a resolution (a) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; and (b) approve a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period; and,

(2) Grant authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Public Improvements and Approving Reduction of Faithful Performance Bond for Public Improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive by D.R. Horton CA3, Inc. and Granting Authorization to the City Engineer to Release the Performance Bond After the One-year Warranty Period
Category:	Consent Calendar-Community Development
Meeting Date:	2/4/2020
Staff Contact:	Steve Erickson, City Engineer, 408-586-3301
Recommendation:	Adopt a resolution (1) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; (2) approving a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period; and, (3) granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Background:

On October 18, 2016, the City Council approved the Final Map, public improvement plans, and the Subdivision Improvement Agreement ("Agreement") for Tract 10363 for the Centre Pointe Subdivision located at 1463, 1515, 1557 & 1585 Centre Pointe Drive by D.R. Horton CA3, Inc ("Developer").

Public improvements included work along the Centre Pointe Drive and Montague Expressway project frontages including installation of sidewalk, curb and gutter, curb ramps, median island, pavement, utility services, landscaping and other miscellaneous items of work.

Analysis:

The public improvement work has been successfully completed in accordance with the approved plans and specifications, and the work is ready for City acceptance and commencement of the 1-year warranty period. Staff recommends that City Council adopt a resolution to accept the public improvements, reduce the performance bond to \$97,800 which is 10% of the security's original value, and authorize the City Engineer to release the performance bond after the one-year warranty period once all required warranty work is satisfactorily completed.

Policy Alternative:

Alternative 1:

Do not approve resolution granting acceptance of installed public improvements.

Pros: None

Cons: The Subdivision Improvement Agreement between the City and Developer requires the City to accept successfully installed public improvements that have passed inspection and meet the requirements of the Agreement and the approved plans and specifications. Not accepting the completed public improvements as

required by the Subdivision Improvement Agreement would delay project acceptance and may subject the City to a claim by the Developer.

Reason not recommended: Granting acceptance of installed public improvements would allow the City to own and maintain the improvements and would ensure the City is in compliance with the terms of the agreement with the Developer.

Fiscal Impact:

The public improvements have been constructed by the Developer as a requirement of the Subdivision Improvement Agreement. The City will have perpetual maintenance responsibilities for the improvements following completion of the 1-year warranty period.

California Environmental Quality Act:

Granting acceptance of public improvements and reducing faithful performance bond for public improvements are not considered projects under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Recommendation:

Adopt a resolution (1) granting acceptance of public improvements for the Centre Pointe Subdivision at 1463, 1515, 1557 & 1585 Centre Pointe Drive, Tract 10363, Public Improvement Plan No. 2-1218 and 2-1218 SD; (2) approving a reduction in the faithful performance bond to \$97,800, which shall be subject to and in effect for the duration of a one-year warranty period; and, (3) granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Attachments:

1. Resolution
2. Subdivision Improvement Agreement with DR Horton CA3

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
ACCEPTANCE OF AND REDUCING PERFORMANCE BOND FOR CENTRE POINTE
SUBDIVISION, TRACT NO. 10363 AND GRANTING AUTHORIZATION TO THE CITY
ENGINEER TO RELEASE THE PERFORMANCE BOND AFTER THE ONE-YEAR
WARRANTY PERIOD**

WHEREAS, the City Council of the City of Milpitas on October 18, 2016, approved the plans and specifications for the Centre Pointe Subdivision, Tract No. 10363, (the "Project") to be completed by D.R. Horton CA3, Inc. as part of its residential development on 1463, 1515, 1557 & 1585 Centre Pointe Drive; and

WHEREAS, the City of Milpitas has heretofore entered into a Subdivision Improvement Agreement on October 18, 2016, with D.R. Horton CA3, Inc., for the Centre Pointe Subdivision; and

WHEREAS, D.R. Horton CA3, Inc., as Principal, and RLI Insurance Company, as Surety, executed and posted a certain Performance Bond No. CMS291942 conditioned upon the faithful performance of the provisions of said subdivision improvement agreement and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said public improvements for Centre Pointe Subdivision have been completed and the Subdivision Improvement Agreement provides that the security shall extend for a period of one year after the date of acceptance of said improvements to cover the warranty period of said improvements under said Agreement; and

WHEREAS, the City Council is willing to consent to a reduction in the penal sum of said security during said one year warranty period; and

WHEREAS, the City Engineer of the City of Milpitas has made a final inspection of said improvements for the Centre Pointe Subdivision and recommends that the City Council of the City of Milpitas accept the same as constructed in accordance with the approved plans and specifications.

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. Those certain public improvements constructed as part of the Centre Pointe Subdivision, Tract No. 10363, are hereby accepted as constructed in accordance with the approved plans and specifications upon recommendation of the City Engineer of the City of Milpitas.
3. The penal sum of the faithful performance bond securing said improvements may be reduced to the sum of \$97,800, upon request of Principal and Surety, with said penal sum as reduced to apply from the date of completion and acceptance of said improvements and to extend for the balance of the term of one year of said security. Provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquish by City of any obligations imposed upon the developer or his surety, or sureties, by law or by the above referend public improvement agreement, save and except as expressly set forth herein.

4. The City Council grants authorization to the City Engineer to release the performance bond after the one-year warranty period without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

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

SIGNATURE COVER SHEET FOR CONTRACT

Approved by Council
10/18/16

381

Routing Date: Chris D. CD City Attorney (initial) Jane Finance Director (initial) Tom W. City Manager (initial) City Manager

From (Staff Name)/Ext/Dept: Roberto Alonzo - ext 3316 - LD NOV 4 2016

Contractor / Vendor Name DR Horton - Centre Pointe RECEIVED

Purpose of the Contract Subdivision Improvement

Project Name / Number Centre Pointe

Terms of the Contract

Is contract subject to renewal?

☐ YES

☒ NO

of Years

Compensation per contract term

Is RFP process required?

☐ YES

☒ NO

RFP Issue Date

RFP Award Date

Contract Amount A

If this is an Amendment:
Aggregated Amount to Date

SOURCE OF FUNDING

☐ Operating Budget

specify budget item line

☐ CIP

specify CIP # / Name

☐ PJ Reimbursement

specify Developer Name / PJ #
(may still need Budget Appropriation)

☐ Grant

provide Grant name and Council mtg date (Grant requires pre-approval from Council)

☐ Other

specify other funding source

☐ CDBG

specify CDBG FY

☐ General Fund

☐ Water Fund

☐ Sewer Fund

☐ Equip. Fund

☐ Housing Fund

☐ TASP

Is Budget Appropriation needed?

☐ YES

☒ NO

Council meeting date

Subdivider(s): D.R. Horton CA3, Inc.
 Subdivision Name: Centre Pointe – 1515 Centre Pointe Drive

Private Job Account No.: 1296
 Improvement Plan No.: 2-1218
 Tract Map No.: 10363
 Council Approval Date:
 10/18/16

CITY OF MILPITAS

SUBDIVISION IMPROVEMENT AGREEMENT

This AGREEMENT, executed this 18th day of October 2016, at Milpitas, California, is by and between the CITY OF MILPITAS, a municipal corporation of the State of California, (hereafter referred to as "CITY"); and D.R. Horton CA3, Inc., a Delaware Corporation (hereafter referred to as "SUBDIVIDER").

RECITALS

- A. SUBDIVIDER desires to subdivide certain land in the CITY in accordance with a final map filed with the Milpitas City Council, marked and designated as Tract No. 10363 (the "Subdivision").
- B. The Subdivision shows certain easements which are offered for dedication for public use.

NOW, THEREFORE, in consideration of the mutual covenants terms and conditions herein contained, and for other valuable consideration, the receipt of which is hereby acknowledged, the parties do hereby agree as follows:

1. SUBDIVIDER shall at its sole cost and expense, construct all those certain improvements listed in **Improvement Plan Nos. 2-1218 and 2-1218 SD** ("Improvement Plan") and specifications, which includes setting survey monuments and identified by Private Job Account No. 1296 (and any subsequent accounts created for this Subdivision, hereby referred to and made a part hereof the same as if set forth at length herein), and as set forth in the conditions of approval for the Subdivision. SUBDIVIDER agrees that any design changes to the Improvement Plan may necessitate CITY approval.
2. SUBDIVIDER shall also at its sole cost and expense, construct sidewalk, tree wells and street lights along the SUBDIVIDER's frontage of Centre Pointe Drive and associated amenities. All improvements shall be accepted by the CITY upon completion and as shown on City approved plans.
3. No improvement work shall be undertaken by SUBDIVIDER until all plans and specifications have received approval by the City Engineer, in writing, nor shall any change be made in said plans and specifications or in the work of improvement to be done under them without the prior written approval of the City Engineer or his/her designee.
4. SUBDIVIDER shall construct said improvements and said construction is subject to the inspection of and to the satisfaction of the CITY.

5. SUBDIVIDER shall construct said improvements in accordance with the requirements set forth in said Improvement Plan referred to above, all applicable local, state, and federal codes, ordinances, resolutions and orders of CITY enacted or adopted by said City Council as amended or revised as of the date hereof, and governing statutes of the State of California or of the United States of America.
6. SUBDIVIDER shall carry out and shall cause its contractors to carry out construction of the said improvements in conformity with all applicable laws and regulations, including without limitation, all applicable federal and state labor laws and standards. To the extent applicable to **D.R. Horton** and its subcontractors and agents, shall comply with California Labor Code Section 1720 et seq. and regulations adopted pursuant thereto ("**Prevailing Wage Laws**") and shall be responsible for carrying out the requirements of such provisions.

SUBDIVIDER shall hereby indemnify, defend (with counsel approved by CITY), protect and hold harmless the indemnitees from and against any and all Claims whether known or unknown, and which directly or indirectly, in whole or in part, are caused by, arise from, or relate to, or are alleged to be caused by, arise from, or relate to, the payment or requirement of payment of prevailing wages, the failure to comply with any state or federal labor laws, regulations or standards in connection with this AGREEMENT, including but not limited to the Prevailing Wage Laws, or any act or omission of CITY or Developer related to this AGREEMENT with respect to the payment or requirement of payment of prevailing wages, whether or not any insurance policies shall have been determined to be applicable to any such Claims. It is further agreed that CITY does not, and shall not, waive any rights against Developer which they may have by reason of this indemnity and hold harmless AGREEMENT because of the acceptance by CITY, or Developer's deposit with CITY of any of the insurance policies described in this AGREEMENT.

7. All said improvements shall be completed and ready for final inspection by the CITY **within 36 months** of the date of execution of this AGREEMENT or **prior to first Certificate of Occupancy** for the Subdivision, whichever comes first. If SUBDIVIDER shall fail to complete the work required by this AGREEMENT within same time, CITY may, at its option, and after giving ten (10) days written notice thereof to SUBDIVIDER, complete the same and recover the full cost and expense thereof from SUBDIVIDER. Additionally, CITY may contact the surety bond companies and seek enforcement of any bonds securing this AGREEMENT.
8. Upon the execution of this AGREEMENT, SUBDIVIDER shall file and submit security to CITY as obligee in the penal sum of **Nine Hundred Seventy Eight Thousand Dollars (\$978,000.00)** conditioned upon the full and faithful performance of each of the terms, covenants, and conditions of this AGREEMENT and conditioned upon the full and faithful performance of any and all public improvement work required hereunder.
9. In the event that SUBDIVIDER fails to perform any obligation on its part to be performed hereunder, SUBDIVIDER shall pay all costs and expenses incurred by CITY in securing performance of such obligation, and if suit be brought by CITY to enforce this AGREEMENT, SUBDIVIDER, shall pay costs of suit and reasonable attorney's fees to be fixed by the Court.
10. Upon the execution of this AGREEMENT, SUBDIVIDER shall file and submit security to CITY, as obligee, in the penal sum of **Nine Hundred Seventy Eight Thousand Dollars (\$978,000.00)** insuring to the benefit of any contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the cost of labor and materials furnished in connection with any and all improvement work required hereunder.

11. SUBDIVIDER shall pay all costs for labor or materials in connection with the work of improvement hereunder.
12. Any faithful performance security required hereunder shall be reduced to ten percent (10%) of the security's original value for one (1) year after the date of final completion and initial acceptance of said work to fulfill the one-year maintenance guarantee period for said improvements.
13. Prior to commencing any work, SUBDIVIDER, shall obtain an Encroachment Permit from the Engineering Department and at SUBDIVIDER's sole cost and expense, provide CITY with a duplicate public general liability and automobile liability insurance policy with endorsements showing the CITY as additional insured which insures CITY, its officers and employees against liability for injuries to persons or property (with minimum coverage of \$1,000,000 for each person and \$1,000,000 for each occurrence and \$1,000,000 for property damage for each occurrence) in connection with work performed by, for or on behalf of SUBDIVIDER. Said Policy shall: (a) be issued by an insurance company authorized to transact business in the State of California; (b) be written on the Standard California Comprehensive General Liability Policy Form which includes, but not limited to property damage, and bodily injury; (c) be written on an occurrence basis; (d) require thirty (30) days prior written notice to CITY of cancellation or coverage reduction; (e) provide that it is full primary coverage so that if said CITY, its officers and employees have other insurance covered by said policy, said other insurance shall be excess insurance; (f) provide that said CITY; its officers and employees shall not be precluded from claim against other insured parties thereunder; (g) be maintained in effect until final acceptance of SUBDIVIDER's improvements. If SUBDIVIDER does not comply with the provisions of this paragraph, CITY may (at its election and in addition to other legal remedies) take out the necessary insurance, and SUBDIVIDER shall forthwith repay CITY the premium therefor.
14. SUBDIVIDER shall ensure that any general contractor engaged by the SUBDIVIDER for any work of improvement under this AGREEMENT will have:
 - a. In full force and effect, a Worker's Compensation Insurance as shown by a Certificate of Worker's Compensation Insurance issued by an admitted insurer. Said Certificate shall state that there is in existence a valid policy of Worker's Compensation Insurance in a form approved by the California Insurance Commissioner. The certificate shall show the expiration date of the policy, that the full deposit premium on the policy has been paid and that the insurer will give CITY at least thirty (30) days prior written notice of the cancellation or coverage reduction of the policy.
 - or
 - b. In full force and effect, a Certificate of Consent to Self-Insure issued by the Director of Industrial Relations and certified by him to be current, together with a Declaration under penalty of perjury in a form satisfactory to the City Attorney that said Certificate is in full force and effect and that the SUBDIVIDER or its general contractor shall immediately notify the CITY in writing in the event of its cancellation or coverage reduction at any time prior to the completion of all work of improvement.
15. SUBDIVIDER shall indemnify and save harmless CITY, City Council, City Engineer or any other officer or employee or agent of CITY from any and all costs, expenses, claims, liabilities or damages, known or unknown, to persons or property heretofore or hereafter arising out of or in any way connected with the act, omission or negligence of SUBDIVIDER, its officers, agents, employees, contractors or subcontractors or any officer, agent or employee thereof.

16. SUBDIVIDER shall comply with all conditions and notes of approval for this Subdivision, pay all fees, and costs and expenses incurred by CITY in connection with said Subdivision (including, but not limited to: office check of maps and improvement plans, field checking, staking and inspection of street monuments, construction water, wet taps, testing and inspection of improvement). SUBDIVIDER shall maintain a **Private Job Account No. 1296** (and any subsequent accounts created for this Subdivision) for this purpose with additional deposits as required by CITY.

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- a. Estimated Engineering Fees to be paid upon execution of this AGREEMENT are as follows:

	Type of Fees and Deposits	City Account No.	Calculated Fee
1	Plan Review, Map Review and Inspection Deposit	PJ1296-13-2500	\$97,800.00
2	Improvement Reimbursement Fee	310-3614-xx70	N/A
3	Other Fees/Deposits	XXXX-XX-XXX	N/A
		Total =	\$97,800.00

- b. Estimated Engineering Fees to be paid at the time of building permit issuance:

	Type of Fee	City Account No.	Calculated Fee
1	Water Connection Fee (residential): 241 units @ \$1,164 per unit	402-3715	\$280,524.00
2	Water Connection Fee Credit: a credit with \$5.97/gpd @ 110gpd/ksf for previous use of 158,834sf commercial buildings		-\$104,306.29
3	Sewer Connection Fee (residential): 241 units @ \$1,406 per unit	452-3715	\$338,846.00
4	Sewer Connection Fee Credit: a credit with \$8.52/gpd @ 110gpd/ksf for previous use of 158,834sf commercial buildings		-\$148,859.22
5	Storm Drain Connection Fee (residential): 10.532 acres @ \$16,771 per acre	340-3711	\$176,632.17
6	Transit Area Specific Plan Impact Fees (residential): 241 units @ \$32,781 per unit	350-3718	\$7,900,221.00
7	Contribution to the design and construction of Penitencia Creek Pedestrian Bridge: \$250,000/355 units x 241 units	CP 2005-15-3760	\$169,718.31
8	Sewer Treatment Plant Fee	452-3714	N/A
	Sub-total		\$8,612,775.97
9	Permit Automation Fee (2.5% of total fees above)	505-3601	\$215,319.40
		TOTAL =	\$8,828,095.37

- c. Credits and/or Reimbursements due to SUBDIVIDER: Subdivider will receive certain fee credit in accordance with a separate Fee Credit AGREEMENT.

The above fees set forth in Section 16a and 16b are estimates only. The amount of fee to be paid in Section 16a and 16b shall be the amount in effect as approved by the City Council. Full payment is due to the City at time of building permit issuance unless otherwise stated in this AGREEMENT.

17. Upon completion of the work and before City Initial Acceptance of the work thereof, SUBDIVIDER shall provide the City a complete Record Drawings showing all the changes from the original plan.
18. Any easement or right-of-way necessary for the completion of any of the improvements required of SUBDIVIDER shall be acquired by SUBDIVIDER at its sole cost and expense. In the event that eminent domain proceedings are necessary for the acquisition of any easement or right-of-way, SUBDIVIDER agrees that it will pay all engineering fees and costs, legal fees and costs, and other

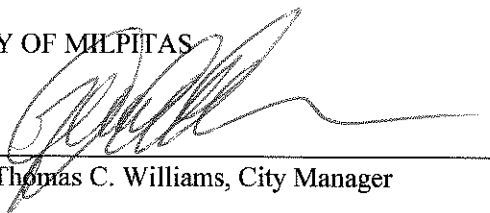
incidental costs sustained by CITY in connection with said eminent domain proceedings and any condemnation award and damages (including all costs awarded in said eminent domain proceedings). SUBDIVIDER further agrees that prior to the institution of any eminent domain proceedings and upon ten (10) days written notice from CITY. SUBDIVIDER will deposit such sums as are determined by City Council to be necessary to defray said fees, costs, awards, and damages.

19. SUBDIVIDER shall dedicate an easement for public purposes as shown on recorded Tract Map 10305.
20. CITY will accept on behalf of the public, the public easements offered for dedication upon completion and acceptance of public improvements, and will supply water for sale to and within said Subdivision, provided however, that as a condition precedent to said initial acceptance and to supplying water, SUBDIVIDER shall perform the covenants, terms and conditions of this AGREEMENT.
21. SUBDIVIDER shall have a City-approved Storm Water Control Plan (SWCP), including an Operation and Maintenance Plan (O&M Plan), prior to issuance of first building permit. SUBDIVIDER shall execute an Operation and Maintenance AGREEMENT (O&M AGREEMENT) and establish a Private Job Account in accordance with the O&M AGREEMENT prior to issuance of the last Certificate of Occupancy for the Subdivision.
22. This AGREEMENT shall be deemed to include any final conditions imposed by CITY upon the approval of the tentative and final maps related to public improvements of said Subdivision. All public improvements shall be constructed to the satisfaction of the City Engineer prior to issuance of the first Certificate of Occupancy for any residential unit in the Subdivision.
23. SUBDIVIDER shall, upon ten (10) days written notice from CITY, immediately remedy, restore, repair or replace, at its sole expense and to the satisfaction of City Engineer, all defects, damages or imperfections due to or arising from faulty materials or workmanship appearing within a period of one-year after the date of initial acceptance of all said improvements. If SUBDIVIDER shall fail to remedy, restore, repair, or replace said defects, damages or imperfections as herein required, CITY may at its option, do so and recover the full cost and expense thereof from SUBDIVIDER.
24. This AGREEMENT shall bind the heirs, administrators, executors, successors, assigns and transferees of SUBDIVIDER. It is agreed and understood that the covenants in this AGREEMENT shall run with the land and are for the benefit of the other lands in the CITY OF MILPITAS, and are made by SUBDIVIDER expressly, its heirs, administrators, executors, successors, assigns and transferees and to the CITY, its successors and assigns.
25. Nothing contained in this AGREEMENT shall be construed to be a waiver, release or extension of any provision heretofore required by ordinance, resolution or order of the City Council of the CITY.
26. Time shall be of the essence of this AGREEMENT. All covenants herein contained shall be deemed to be conditions. The singular shall include the plural; the masculine gender shall include the feminine and neuter gender. All comments presented by SUBDIVIDER hereunder shall be subject to approval of the City Attorney as to form.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT, the day and year first above written.

*Signed and Sealed this _____ day of _____, 2016.

CITY OF MILPITAS

By: 

Thomas C. Williams, City Manager

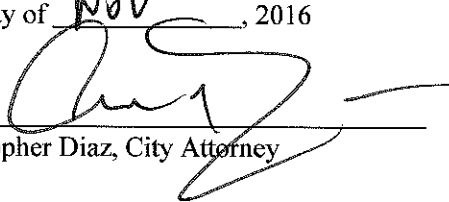
SUBDIVIDER:

D.R. Horton CA3, Inc.
a Delaware CorporationBy: **By: 

Name:

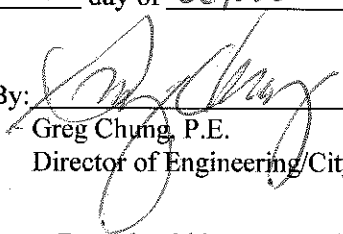
Title: J.P.

APPROVED AS TO FORM THIS

16 day of Nov, 2016By: 

Christopher Diaz, City Attorney

APPROVED AS TO SUFFICIENCY THIS

31st day of October, 2016By: 

Greg Chung, P.E.

Director of Engineering/City Engineer

* Date should be same as date on Page 1 of 6.

** It is essential that the signatures be acknowledged before a California Notary Public and proper acknowledgment shall be attached.

Senate Bill 1050, amends Sections 1189 and 1195 of the Civil Code and Section 8202 of the Government Code, relating to notaries public. The below physical format of the new disclosure notice is an example, for purposes of illustration.

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 Alameda

On 10/12/16 before me, Kristin M. Casey (here insert name and title of officer), personally appeared Dean K. Mills, 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.

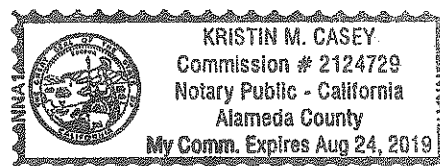
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Kristin M. Casey

(Seal)



**Preliminary Opinion of Probable Cost
Centre Pointe Offsite Improvement Plans
Milpitas, CA
DR Horton**

Revision Date	Revision Description
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In providing this Opinion of Probable Cost, the Client understands that the Design Professional has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the Design Professional is not a Professional Cost Estimator. The Design Professional makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs. It is the Client's responsibility to review all unit prices and make changes as the Client sees fit to reflect the actual market prices the Client is experiencing and to reflect the Client's method of operation.

This document shall be considered incomplete unless accompanied by all sheets, including notes.

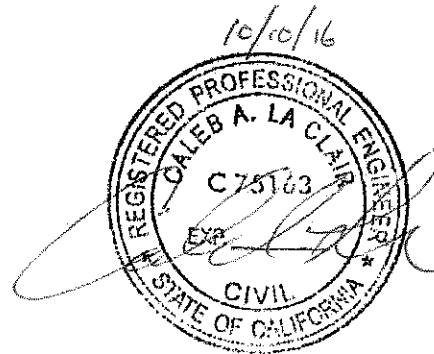
SUMMARY

A. GRADING	\$135,220
B. PAVING & CONCRETE	\$371,956
C. STORM DRAIN	\$23,700
D. SANITARY SEWER	\$22,200
E. WATER	\$113,600
F. MISCELLANEOUS	\$222,480

Sub-Total Improvements: \$889,166

CONTINGENCY 10% 88,917

Total Improvements: \$978,082



**Preliminary Opinion of Probable Cost
Centre Pointe Offsite Improvement Plans
Milpitas, CA
DR Horton**

Revision Date	Revision Description

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ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
A. GRADING AND DEMOLITION					
1.	Sawcut	2,540	LF	\$1.00	\$2,540
	Remove and Offhaul				
2.	Concrete Pavement (Dwy, Swk, Curb and Gutter)	4,000	SF	\$2.00	\$8,000
3.	AC Pavement 2" grind	19,000	SF	\$1.00	\$19,000
4.	AC and Baserock	21,000	SF	\$2.00	\$42,000
5.	Remove ex retaining wall	8	LF	\$50.00	\$400
6.	Remove and/or relocate ex sign	6	EA	\$100.00	\$600
7.	Remove ex irrigation box	2	EA	\$500.00	\$1,000
8.	Remove ex 39" RCP SD	8	LF	\$40.00	\$320
9.	Remove ex 24" RCP SD	3	LF	\$40.00	\$120
10.	Remove ex 21" RCP SD	3	LF	\$40.00	\$120
11.	Remove ex 18" RCP SD	8	LF	\$40.00	\$320
12.	Remove ex 12" RCP SD	65	LF	\$40.00	\$2,600
13.	Remove ex curb inlet/field inlet	5	EA	\$1,000.00	\$5,000
14.	Remove ex sewer lateral	4	EA	\$1,000.00	\$4,000
15.	Remove ex water service up to the valve/main and plug/cap	12	EA	\$1,000.00	\$12,000
16.	Remove ex fire hydrant	2	EA	\$2,000.00	\$4,000
17.	Remove ex water meter box	9	EA	\$500.00	\$4,500
18.	Remove ex backflow preventer	6	EA	\$500.00	\$3,000
19.	Remove ex PVI, FDC, and water service	4	EA	\$1,000.00	\$4,000
20.	Remove ex recycled water service	50	LF	\$40.00	\$2,000
21.	Remove ex recycled water meter box	5	EA	\$500.00	\$2,500
22.	Remove ex street light	5	EA	\$1,000.00	\$5,000
23.	Remove ex utility box	2	EA	\$500.00	\$1,000
24.	Remove ex 12" ACWP water main	80	LF	\$40.00	\$3,200
25.	Erosion Control (See Note 7)	1.6	AC	\$5,000.00	\$8,000
Sub-Total Grading:					\$135,220

**Preliminary Opinion of Probable Cost
Centre Pointe Offsite Improvement Plans
Milpitas, CA
DR Horton**

Revision Date	Revision Description
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ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
B. PAVING & CONCRETE					
1.	Street Fine Grading (R/W to R/W)	36,500	SF	\$0.50	\$18,250
2.	AC Pavement (3.5" AC over 13" AB)	15,200	SF	\$6.50	\$98,800
3.	AC Pavement (4" AC over 16" AB)	2,300	SF	\$7.50	\$17,250
4.	2" AC Overlay	19,000	SF	\$2.00	\$38,000
5.	Standard Curb and Gutter	1,800	LF	\$18.00	\$32,400
6.	Raised Median w/ Vertical Curb	275	LF	\$15.00	\$4,125
7.	Valley Gutter	370	SF	\$6.00	\$2,220
8.	4" PCC Sidewalk & Base	9,400	SF	\$5.00	\$47,000
9.	2' PCC Band	910	SF	\$6.00	\$5,460
10.	Stamped Concrete (at pedestrian crossings)	1,700	SF	\$12.00	\$20,400
11.	Handicap Ramp	9	EA	\$1,500.00	\$13,500
12.	Utility Concrete Cap	45	LF	\$10.00	\$450
13.	Micro Seal	74,100	SF	\$1.00	\$74,100
Sub-Total Paving & Concrete:					\$371,955

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
C. STORM DRAIN					
1.	6" Storm Drain (PVC)	110	LF	\$40.00	\$4,400
2.	12" Storm Drain (PVC)	40	LF	\$70.00	\$2,800
3.	Curb Inlet	3	EA	\$3,500.00	\$10,500
4.	Field Inlet	1	EA	\$3,000.00	\$3,000
5.	Connect to existing SD line	3	EA	\$1,000.00	\$3,000
Sub-Total Storm Drain:					\$23,700

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
D. SANITARY SEWER					
1.	8" PVC SS	120	LF	\$80.00	\$9,600
2.	Manhole (less than 10' deep)	2	EA	\$4,800.00	\$9,600
3.	Connect to existing manholes	1	EA	\$2,000.00	\$2,000
4.	Connecting to existing SS line	1	EA	\$1,000.00	\$1,000
Sub-Total Sanitary Sewer:					\$22,200

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
E. WATER					
1.	12" PVC incl. valves, thrust blocks, etc.	140	LF	\$90.00	\$12,600
2.	6" PVC (Reclaimed Water)	320	LF	\$75.00	\$24,000
3.	Fire Hydrant	8	EA	\$6,500.00	\$52,000
4.	2" Irrigation Water Meter/Backflow Device	2	EA	\$5,000.00	\$10,000
5.	Connect to existing water line	2	EA	\$5,000.00	\$10,000
6.	Connect to existing reclaimed water line	1	EA	\$5,000.00	\$5,000
Sub-Total Water:					\$113,600

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
F. MISCELLANEOUS					
1.	Electroliner	11	EA	\$5,000.00	\$55,000
2.	Monuments	1	EA	\$500.00	\$500
3.	Signing and Striping	1	LS	\$40,000.00	\$40,000
4.	Offsite Storm Drain Relocation (per OPC dtd: 09/07/2016)	1	LS	\$126,990.00	\$126,990
Sub-Total Miscellaneous:					\$222,490

**Preliminary Opinion of Probable Cost
Centre Pointe Offsite Improvement Plans
Milpitas, CA
DR Horton**

Revision Date	Revision Description

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This document shall be considered incomplete unless accompanied by all sheets, including notes.

NOTES

1. THIS IS A PRELIMINARY OPINION OF PROBABLE COST BY THE CIVIL ENGINEER. THE CIVIL ENGINEER MAKES NO REPRESENTATION CONCERNING THE ABOVE ITEMS SHOWN IN CONNECTION WITH THE PLANS AND SPECIFICATIONS BEING PREPARED.
2. QUANTITIES SHOWN HEREIN ARE CALCULATED FROM OFFSITE IMPROVEMENT PLANS FOR CENTRE POINTE DATED SEPTEMBER 2016, WHICH ARE SUBJECT TO REVISION.
3. COST FIGURES SHOWN HEREIN ARE CONCEPTUAL ONLY. ACTUAL COSTS ARE DEPENDENT ON THE ITEMS SHOWN ON THE PLANS AT BIDDING TIME, THE GENERAL MARKET SITUATION, THE CONTRACTOR'S WORKLOAD, SEASONAL FACTORS, LABOR AND MATERIAL COST, ETC.
4. ITEMS SHOWN ABOVE AND THEIR ASSOCIATED COSTS ARE SUBJECT TO REVISION DUE TO CHANGES, ADDITIONS, AND DELETIONS RESULTING FROM ON-GOING AGENCY REVIEW.
5. COSTS ASSOCIATED WITH JOINT TRENCH CONSTRUCTION ARE NOT INCLUDED IN THIS OPINION OF PROBABLE COST. THE CLIENT SHOULD OBTAIN COST FIGURES FROM SEPARATE CALCULATIONS SUPPLIED BY A QUALIFIED UTILITY CONSULTANT. TOTAL COSTS, INCLUDING UTILITY COMPANY FEES, CONNECTION CHARGES, SUBSTRUCTURE, WIRING, ETC. ARE NOT INCLUDED.
6. COSTS FOR INDIVIDUAL SANITARY SEWER BACKFLOW PREVENTERS, WATER PRESSURE REDUCERS, AND WATER PRESSURE BOOSTERS ARE NOT INCLUDED IN THIS OPINION OF PROBABLE COST. THE BUILDER SHOULD BUDGET FOR THESE ITEMS WITH THE BUILDING COSTS.
7. EROSION CONTROL COSTS ARE FOR INITIAL INSTALLATION ONLY AND DO NOT INCLUDE ONGOING MAINTENANCE OR SUBSEQUENT YEARLY INSTALLATIONS/MODIFICATIONS.
8. THE CONTINGENCY SHOWN SHOULD BE VERIFIED BY THE CLIENT. THE CONTINGENCY SHOWN IN THIS OPINION OF PROBABLE COST IS INTENDED TO INDICATE GENERAL UNCERTAINTY AND SHOULD NOT BE USED AS A VARIANCE TO ACTUAL CONSTRUCTION COST.
9. PAVEMENT STRUCTURAL SECTION THICKNESS SHOWN IS BASED ON TABLE 12.0-1 FROM THE PROJECT GEOTECHNICAL REPORT BY ENGEO INC. DATED DECEMBER 30, 2015.
10. THIS DOCUMENT DOES NOT INCLUDE COSTS TO ACQUIRE RIGHT-OF-WAY NEEDED FOR THIS PROJECT.
11. GEOTECHNICAL MITIGATION INCLUDING SLIDE REPAIR, SUBDRAINS, KEYWAYS, AND OVEREXCAVATION IS NOT INCLUDED IN THIS OPINION OF PROBABLE COSTS.
12. EARTHWORK QUANTITIES SHOWN ON THIS OPINION OF PROBABLE COST ARE APPROXIMATE QUANTITIES AND ARE FURNISHED FOR INFORMATION ONLY. THE ACTUAL AMOUNT OF EARTH MOVED WILL VARY DEPENDING ON THE PROPERTIES OF THE SOILS ENCOUNTERED, THE CONTRACTOR'S METHOD OF OPERATION, ETC.
13. THIS CONCEPTUAL COST ANALYSIS EXCLUDES THE FOLLOWING:
 - a. CONSTRUCTION STAKING
 - b. GEOTECHNICAL ENGINEERING OR TESTING
 - c. OVERSIZING OF UTILITIES FOR ADDITIONAL CAPACITY
 - d. FENCING
 - e. BUILDING RELATED COSTS OR FEES
 - f. FINANCING CHARGES
 - g. REIMBURSABLE AGREEMENTS OR REFUNDABLE DEPOSITS
 - h. PLANNING AND OTHER CONSULTANT FEES
 - i. LANDSCAPING AND IRRIGATION, INCLUDING ONSITE EXTERIOR STAIRS AND WALKWAYS
 - j. CITY AND OTHER AGENCY FEES, INCLUDING MAP AND IMPROVEMENT PLAN FEES
 - k. ENVIRONMENTAL MITIGATION
 - l. BONDS AND BONDING FEES
 - m. IMPROVEMENTS NOT SHOWN ON THE PLANS
 - n. IMPROVEMENTS FOR CUSTOM LOTS
 - o. OFF-SITE IMPROVEMENTS
 - p. SCHOOL DISTRICT FEES
 - q. ASSESSMENT DISTRICT FEES
 - r. PROFESSIONAL DESIGN FEES (CIVIL, STRUCTURAL, ARCHITECTURAL, ETC.)
 - s. MONITORING DURING CONSTRUCTION

AGENDA REPORTS

XIV. PUBLIC HEARING

1. **Conduct a Public Hearing, Adopt a Resolution Making Certain Determinations and Authorizing Submittal of the Levy of Special Taxes to the Qualified Electors of Certain Territory (Centre Pointe) Proposed to be Annexed to Community Facilities District No. 2008-1 for Public Services; Conduct a Special Election and Adopt a Resolution Declaring the Results of the Special Election and Adding Annexation No. 10; Approve Final Map Tract 10363 for a 241-Unit Residential Development at 1515, 1557 and 1585 Centre Pointe Drive, and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**

Background: On January 6, 2009, the City Council adopted Resolution No. 7815 enabling the establishment of City of Milpitas Community Facilities District (CFD) No. 2008-1 for public services. On September 6, 2016, the City Council adopted Resolution 8585 declaring intention to annex real properties within Tract No. 10363 into CFD No. 2008-1 (Annexation No. 10, Attachment 1), levy and collect special tax for public services, set the public hearing date for 7:00 PM, October 18, 2016 at City Hall, and direct the City Clerk to provide notice of public hearing per Government Code Sections 53339.4, 53322 and 53322.4. A Notice of Public Hearing (Attachment 2) was duly published on *Milpitas Post* on October 7, 2016, as evidenced by the affidavit of the publication on file with the City Clerk.

Pursuant to Government Code Section 53339.8, City Council may determine to levy any special tax within Annexation No. 10, if two-thirds of the votes cast on the proposition are in favor of levying the special tax for public services. 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 proposed Annexation No. 10 to the CFD 2008-1. Consequently, the qualified electors shall be the land owner within the Annexation No. 10. The land owner, D. R. Horton CA3, Inc., has consented and waived to shortening of time for noticing and conducting a special election to the proposed Annexation No. 10 (Attachment 3). Additionally, as required by the project condition no. 23, the land owner shall consent to annex its properties into CFD 2008-1 and pay the special taxes levied by CFD No. 2008-1 for public services.

Final Tract Map

On November 17, 2015, the City Council conditionally approved two Vesting Tentative Maps (VTMs) to allow for 241 new dwelling units on two lots located at 1515, 1557 and 1585 Centre Pointe Drive between Great Mall Parkway and Montague Expressway within the Transit Area Specific Plan area.

The City Engineer has examined the final map Tract 10363 (Attachment 1) and determined that the final map Tract 10363 is substantially the same as the VTMs pursuant to California Government Code (GC) Section 66442. The City Council shall not deny approval of a final map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map pursuant to GC Section 66474.1. Therefore, once the City Engineer certifies the final map, there are no additional discretionary grounds for the City Council to disapprove the final map.

Developers have offered dedications to the City for public use, such as public service and public utilities, emergency vehicle access, surface drainage release of storm water and future pedestrian bridge, as required by the project condition and as depicted on the final map. City Council shall accept, accept subject to improvements, or reject any offer of dedication at the time of final map approval pursuant to GC Section 66477.1 and Milpitas Municipal Code (MMC) Section XI-1-5.05-2.

On October 3, 2016, the City's Facilities and Streets Naming Subcommittee reviewed and recommended approval of the street names as shown on the final map. Those private street names are Market Street, Baja Rose Street, Wild Rose Way and Coffee Berry Lane without duplication. City Council shall approve all street names pursuant to MMC Section XI-1-7.01-8. 395

The City Engineer has also reviewed and approved public improvement plans (2-1218) pursuant to MMC XI-1-7.09-2. The Developer has executed a Subdivision Improvement Agreement (Attachment 2) as approved by the City Attorney as to form and by the City Engineer as to substance pursuant to MMC XI-1-17.01, paid all development fees and provided improvement securities for labor and materials to guarantee completion of required public improvements.

The final map Tract 10363 conforms to all of the requirements of the State of California Subdivision Map Act, and Milpitas Municipal Code Title XI, Chapter 1 *Subdivisions*.

California Environmental Quality Act: Annexation of real properties into the existing CFD No. 2008-1 is not a project pursuant to the CEQA section 15378(b)(4), therefore, not subject to further environmental review. For the final subdivision map, approval is a ministerial action exempt from CEQA pursuant to CEQA Guidelines Section 15268(b)(3).

Fiscal Impact: Annexation of real properties within Tract No. 10363 into the CFD No. 2008-1 will enable the City to levy special tax for the real properties within Tract No. 10363 to fund public services. There is no fiscal impact for final map approval.

Attachments:

- A. Council Resolution – Special Taxes Levy for Annexation No. 10
- B. Council Resolution – Election Results for Annexation No. 10
- C. Boundary Map for Annexation No. 10
- D. Notice of Public Hearing (as published)
- E. Consent and Waiver for annexation
- F. Final Map Tract No. 10363
- G. Subdivision Improvement Agreement (SIA) – Centre Pointe Drive

Recommendations:

- 1. Open the public hearing, and move to close it following any speakers.
- 2. Adopt a resolution making certain determinations and authorizing submittal of the levy of special taxes to the qualified electors of certain territory (Centre Pointe by D. R. Horton) proposed to be annexed to CFD No. 2008-1 for public services.
- 3. Direct City Clerk to open ballot(s) and report election results, and then adopt a resolution declaring the results of the special election and adding Annexation No. 10 to the CFD No. 2008-1 for public services.
- 4. Direct the City Clerk to record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.
- 5. Approve Final Tract Map No. 10363 for 241 new dwelling units located at 1515, 1557 and 1585 Centre Pointe Drive, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
- 6. Authorize the City Manager to execute the Subdivision Improvement Agreement.

CITY COUNCIL MEETING

10/18/2016

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SUMMARY OF ACTIONS

Item

Staff

CLOSED SESSION

No announcement from Closed Session.

PUBLIC FORUM - None

ANNOUNCEMENT

Councilmember Giordano acknowledged Mayor Esteves and Councilmember Grilli for being named one of the best elected officials, in a recent edition of The Milpitas Post.

1. **PUBLIC HEARING, ADOPT A RESOLUTION AUTHORIZING SUBMITTAL OF OF SPECIAL TAXES TO ELECTORS OF CERTAIN TERRITORY (CENTRE POINTE) TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2008-1 FOR PUBLIC SERVICES; CONDUCT SPECIAL ELECTION AND ADOPT A RESOLUTION DECLARING RESULTS AND ADD ANNEXATION NO. 10; APPROVE FINAL MAP TRACT 10363 FOR A 241-UNIT RES. DEVELOPMENT AT 1515, 1557 AND 1585 CENTRE POINTE DR. AND AUTHORIZE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT**

Judy Chu

1. Closed public hearing, after no speakers came forward.
 2. Adopted Resolution No. 8596 making certain determinations and authorizing submittal of the levy of special taxes to the qualified electors of certain territory (Centre Pointe by D. R. Horton) proposed to be annexed to CFD No. 2008-1 for public services.
 3. City Clerk opened ballot and reported one Yes vote. Adopted Resolution No. 8597 declaring the results of special election and adding Annexation No. 10 to the CFD No. 2008-1 for public services.
 4. Directed City Clerk to record notice of the annexation pursuant to Section 3117.5 of the California Streets and Highways Code.
 5. Approved Final Tract Map No. 10363 for 241 new dwelling units located at 1515, 1557 and 1585 Centre Pointe Drive, including approval of street names and acceptance of all offers of dedications as stated and depicted on the final map upon completion and acceptance of improvements.
 6. Authorized the City Manager to execute the Subdivision Improvement Agreement.
- VOTE: 5 - 0

- *2. **VETERANS COMMISSION APPOINTMENT**

Mary Lavelle

Re-appointed Liliana Ramos to the Milpitas Veterans Commission into the seat previously held, to a term that expires in February of 2019.

VOTE: 5 - 0

3. **CONSTRUCTION STATUS UPDATE FOR MONTAGUE WIDENING PROJECT**

Steve Chan

Received report from Santa Clara Valley Transportation Authority Project Manager Yvonne Liao (representing the project JPA, including County and Water District) on update of the construction status of the Montague Expressway Widening Project. Mayor Esteves asked for assurance that businesses in the area would be compensated, if appropriate due to loss of business during closure of Milpitas Blvd. at Montague for 5 weeks.

VOTE: 5 - 0

- *4. **FEE WAIVER REQUEST FROM SUNNYHILLS NEIGHBORHOOD ASSOCIATION**

Mary Lavelle

This item was removed from the agenda.

- C6. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 3, 2020 to Hear Objections

Recommendation:

Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 3, 2020.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 3, 2020 to Hear Objections
Category:	Consent Calendar-Public Safety
Meeting Date:	2/4/2020
Staff Contact:	Albert Zamora, Deputy Fire Chief / Fire Marshal, (408) 586-3371
Recommendation:	Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 3, 2020.

Background:

On February 2, 1976, an Agreement was established and approved to abate weeds by the County of Santa Clara for the City of Milpitas. The purpose of the Agreement is to promote the efficiency and economy of operations in the abatement of weeds by the City and the County.

The major procedural functions to be performed by the County and / or City shall include but not limited to the following.

1. The County shall prepare the list of parcels requiring abatement of weeds in the City and transmit the said list to the City for review and approval for processing.
2. The County shall prepare the notice of weed abatement and cause such notice to be mailed to the owners of the parcels requiring weed abatement.
3. The City Council shall conduct public hearings on the proposed removal of weeds pursuant to the provisions of the City Ordinance when the City Fire Marshal presents such appropriate resolutions for adoption. The City Council may by resolution declare the weeds on the respective parcels of the land as nuisance, and make the determination to proceed with the abatement of weeds, and authorize the performance of the service to remove the weeds in accordance with the aforementioned Agreement.
4. Upon proper authorization by the City, the County shall remove the weeds on the designated properties.
5. The County shall render to the City an itemized assessment report for the cost of the weed abatement services performed per the respective parcels.
6. The City Council, after a public hearing, shall require the County Assessor's Office to include the costs of the weed abatement services performed for the City for the current year, as a special assessment on bills for taxes levied against the affected parcels. Such special assessments shall be liens on the respective properties.
7. Pursuant to California Health and Safety Code 14915, a copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the assessments against the respective parcels of land as they appear on the current assessment roll, (Amended by Stats. 1939, Ch. 354).

Analysis:

The County of Santa Clara Consumer and Environmental Protection Agency- Weed Abatement Program has notified the City of Milpitas that it is commencing its Hazardous Vegetation Abatement (weed abatement) Program for the 2020 season.

In order for the County to proceed with its annual abatement process, the City must adopt a resolution declaring weeds to be a public nuisance and to schedule a public hearing to hear objections to the proposed destruction and/or removal of weeds. The Milpitas City Council public hearing is scheduled for March 3, 2020.

Policy Alternative:

There are no policy alternatives other than what is outlined under the Recommendations section. Pursuant to the February 2, 1976 Agreement, the County under the provisions of the Health and Safety Code of the State of California and its ordinance has the authority to enforce the abatement of weeds. Likewise, the City under the California Fire Code and Milpitas Municipal Code, Title V, Chapter 202 has the authority to enforce the abatement of weeds.

The County and City will apply their respective standard operating procedures as well as best management practices that is afforded to each agency, and to the extent that ensures public safety with respect to the abatement of weeds.

Fiscal Impact:

At the first City Council meeting in August of each year during a public hearing, the City's municipal code provides that the City Council hear the assessment report for the list of weeds abated within the City, together with any objections of the property owners liable to be assessed, and to make such modifications on the proposed assessment as it deems necessary. Following adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes.

California Environmental Quality Act: This project is exempt from CEQA.

Recommendation:

Adopt a Resolution declaring weeds on specific properties to be public nuisances and setting the public hearing date on March 3, 2020.

Attachment:

Resolution with attached Exhibit A - 2020 Weed Abatement Program Commencement Report (list of parcels) for the City of Milpitas

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING
CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE DUE TO THE
OVERGROWTH OF WEEDS AND/OR ACCUMULATION OF RUBBISH, REFUSE OR DIRT
AND FIXING THE TIME AND PLACE FOR OBJECTIONS TO ABATEMENT**

WHEREAS, the Santa Clara County Agricultural and Environmental Management has compiled its annual list of properties which constitute a public nuisance due to an overgrowth of weeds and/or the accumulation of rubbish, refuse or dirt; and

WHEREAS, it is requested that the Santa Clara County Agricultural and Environmental Management will individually notify the owners of those properties of its intent to abate said public nuisance and assess the cost as a special assessment against said properties if the owners do not abate the nuisance themselves; and

WHEREAS, the purpose of this Resolution is to fix a time and place where the said property owners can object to the proposed abatement.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council declares that the properties listed on the annual list of properties, attached hereto as **Exhibit A**, constitute a public nuisance due to an overgrowth of weeds and/or the accumulation of rubbish, refuse or dirt.
3. March 3, 2019 at 7:00 p.m., in the Council Chambers at City Hall, Milpitas, California, shall be the time and place set aside for all owners of property listed on Exhibit A or any other person having any objections to the proposed removal of the weeds, rubbish, refuse and dirt to voice any objections they may have to the proposed nuisance abatement by the Office of Santa Clara County Agricultural and Environmental Management.
4. The City Clerk is hereby authorized to cause notice of this Resolution be given to the Office of the Santa Clara County Agricultural and Environmental Management.
5. The City Council requests that the Office of Santa Clara County Agricultural and Environmental Management notify the owners of those properties included on **Exhibit A** in accordance with Milpitas Municipal Code, Title V, Chapter 202, of its intent to abate said nuisance and assess the cost as a special assessment against said properties unless such weeds, rubbish, refuse or dirt are removed by the owner.

//

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 Diaz, City Attorney

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MILPITAS**

Situs	APN	CITY/STATE
7280	MARYLINN DR 022-07-007	CHAO, PEI LING ET AL CUPERTINO CA 95014
1735	CALIFORNIA CL 022-37-002	PRENTISS/COPLEY INVESTMENT DALLAS TX 75201
1301	CALIFORNIA CL 022-38-002	RSVP INVESTMENTS LLC FREMONT CA 94538
land	MC CARTHY 022-56-008	BRIDGE POINT MILPITAS LLC EL SEGUNDO CA 90245
1878	DIXON RD 026-05-023	RASHEED, IRSHAD A AND SABIHA FREMONT CA 94539
51	MILPITAS BL 026-05-024	AIM DEVELOPER ENTS INC MILPITAS CA 95035-4600
1750	DIXON RD 026-05-053	CHANG, CAROL MILPITAS CA 95035-2543
	ARIZONA AV 026-07-044	TRAN, TY AND TRUONG, JACY HONG SAN JOSE CA 95128-3337
land	BOTHELO LN 028-23-017	UNION PACIFIC CORPORATION ROSEVILLE CA 95747
860	RAILROAD 028-24-006	Linda Allen SANTA CLARA CA 95054
826	EVANS RD 029-06-016	TRAN, TU AND DAO, HONG MILPITAS CA 95035-3406
1339	CALAVERAS DR 029-06-031	DAVE, MOHINI CUPERTINO CA 95014-1020
1333	TERRA VISTA CT 029-07-009	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
1327	TERRA VISTA CT 029-07-010	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
1321	TERRA VISTA CT 029-07-011	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
1303	TERRA VISTA CT 029-07-012	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
1311	COUNTRYSIDE CT 029-07-013	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
322	COUNTRYSIDE CT 029-07-014	1499 COUNTRY CLUB DRIVE LLC LOS ALTOS CA 94022-3618
1220	PARK DR 029-16-006	MAYO, NESSIM AND GUADALUPE J FREMONT CA 94539
1039	COUNTRY DR 029-52-014	HUSSAIN, FARHAT TRUSTEE MILPITAS CA 95035-3451
489	CAMARILLO CT 029-52-015	FARSI, ROSTAM D AND PARIVASH O FREMONT CA 94539-6737
517	VISTA RIDGE DR 042-30-008	QLMD PROPERTY LLC MILPITAS CA 95035
	VISTA RIDGE DR 042-30-009	GANDHI, ASHISH R AND VARSHA MILPITAS CA 95035-0000

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MILPITAS**

Situs	APN		CITY/STATE		
519	VISTA RIDGE	DR 042-30-010	GHANI, MAHMOOD M AND EDITHA C	519 VISTA RIDGE DR	MILPITAS CA 95035-7217
529	VISTA RIDGE	DR 042-30-015	TRIVEDI, ANOOP K AND RAO, AARTHI	2397 TULIP RD	SAN JOSE CA 95128-1141
410	VISTA RIDGE	DR 042-30-024	WAN, CHIEN MIN	410 VISTA RIDGE DR	MILPITAS CA 95035-7216
531	VISTA RIDGE	DR 042-30-029	CHAN, CLIFFORD J	704 LONGFELLOW DR	FREMONT CA 94539
	HAMMOND	086-25-018	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	MAIN	ST 086-25-020	EIGHTY EIGHT HOMES LLC	2186 PASEO DEL ORO	SAN JOSE CA 95124-2046
	MAIN	ST 086-25-028	PANCHAL, GITA N AND NATWARLAL	3200 MONTEREY BL	SAN JOSE CA 95111
	HAMMOND	086-25-030	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	SINNOTT	LN 086-26-024	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	BOTHELO	086-26-032	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	MILPITAS	BL 086-28-006	SAN FRANCISCO CITY AND COUNTY	525 GOLDEN GATE AV 10TH	SAN FRANCISCO CA 94102
	VISTA	WY 086-29-005	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	WRIGLEY	WY 086-29-036	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	YOSEMITE	DR 086-29-047	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
876	YOSEMITE	DR 086-30-047	T MARZETTI COMPANY-WEST	380 POLARIS PY STE 400	WESTERVILLE OH 43082-8069
	YOSEMITE	DR 086-30-048	T MARZETTI COMPANY	380 POLARIS PY STE 400	WESTERVILLE OH 43082-8069
	AMES	AV 086-30-060	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	SINCLAIR	086-31-003	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	YOSEMITE	DR 086-31-044	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
	MILPITAS	blv 086-32-084	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE CA 95747
375	DEMPSEY	RD 088-01-002	GUNAPU, SRIDHAR AND	2951 EL SOBRANTE ST	SANTA CLARA CA 95051-3715
335	PARK	DR 088-03-019	YAO, SHAOPIG AND YUE,	335 PARK VICTORIA DR S	MILPITAS CA 95035-5722
	DEMPSEY	RD 088-04-060	SILICON VALLEY ALLIANCE CHURCH	10 DEMPSEY RD	MILPITAS CA 95035-5512

**2020 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MILPITAS**

Situs	APN	CITY/STATE
DEMPSEY	DR 088-04-062	SILICON VALLEY ALLIANCE CHURCH 10 DEMPSEY RD MILPITAS CA 95035-5512
DEMPSEY	RD 088-04-076	SILICON VALLEY ALLIANCE CHURCH 10 DEMPSEY RD MILPITAS CA 95035-5512
OLD	RD 092-34-008	OLD PIEDMONT DEVELOPMENT INC 456 MONTGOMERY ST STE. SAN FRANCISCO CA 94104-1247
1250	RD 092-34-014	OLD PIEDMONT DEVELOPMENT INC 456 MONTGOMERY ST STE. SAN FRANCISCO CA 94104-1247
2235	URIDIAS	MENG, FAN JIE AND ZHANG, HELEN 35961 COPPER ST UNION CITY CA 94587

C7. Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020 and Approve the Related Budget Amendment (Staff Contact: Henry Kwong, 408-586-2419)

Recommendations:

- 1) Accept the Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.
- 2) Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020 and Approve the Related Budget Amendment
Category:	Consent Calendar-Public Safety
Meeting Date:	2/4/2020
Staff Contact:	Henry Kwong, 408-586-2419
Recommendation:	Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020. Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

Background:

The California Governor's Office of Emergency Services (Cal OES), Public Safety Communications Division, California 9-1-1 Emergency Communications Branch (CA 9-1-1), enables Public Safety Answering Points (PSAPs), including the PSAP contained at the City of Milpitas Police Department, to provide the fastest, most reliable, and cost-effective access to emergency services for any 9-1-1 caller in California from any communication device. CA 9-1-1 provides an Annual Training Allotment (ATA) for each PSAP to seek reimbursement of up to \$10,000 per State fiscal year (July 1 to June 30) for specifically defined 9-1-1 related training that is held within the State of California within that fiscal year. The reimbursable training expenses may include wages, mileage, transportation, lodging, meals & incidentals, and registration. The ATA is further described in the CA 9-1-1 Operations Manual, Chapter III – Funding, Agency 9-1-1 Expenses Funding Policy.

Analysis:

The Milpitas Police Department currently assigns personnel from its PSAP, including Communication Dispatchers, Communication Dispatch Supervisors, and the Support Services Manager, to training classes, seminars, and conferences in order to hone existing skills, be proficient with current technology, and prepare for emerging trends, such as Text to 9-1-1, Next Generation 9-1-1, and leveraging life-saving data from integrated clearinghouses. The training opportunities often meet the standards and guidelines of the California Commission on Peace Officer Standards and Training (POST) and/or are pre-approved for reimbursement through the CA 9-1-1 ATA program. Professional organizations, such as the National Emergency Number Association (NENA) and the Association of Public-Safety Communications Officials (APCO), sponsor training classes, seminars, and conferences that are specifically defined 9-1-1 related training, which are also reimbursable through the CA 9-1-1 ATA program. Accepting the CA 9-1-1 ATA reimbursement of up to \$10,000 for training expenses in Fiscal Year 2019-2020 would facilitate the ability for personnel to successfully participate in and benefit from the training opportunities while providing an ultimate cost savings to the City.

Policy Alternatives:

Alternative 1: Do not accept the Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.

Pros: (none)

Cons: The expenses up to \$10,000 incurred by the City of Milpitas Police Department would not be reimbursed by the CA 9-1-1 ATA program.

Reason not recommended: The City of Milpitas Police Department would still incur the training expenses up to \$10,000, even if they were not reimbursed by the CA 9-1-1 ATA program.

Fiscal Impact:

With the approval of the recommended actions, the specifically defined 9-1-1 related training expenses will be reimbursed by the CA 9-1-1 ATA program.

California Environmental Quality Act:

(N/A)

Recommendation:

Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020

Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

Attachments:

CA 9-1-1 Operations Manual, Chapter III – Funding, Agency 9-1-1 Expenses Funding Policy
State of California Travel Reimbursement Rates (FY 2019-2020)
Budget Change Form

AGENCY 9-1-1 EXPENSES FUNDING POLICY

With changing technology, new legislation, and an ongoing effort by all agencies for continued improvement to California's 9-1-1 network, the CA 9-1-1 Branch recognizes that 9-1-1 County Coordinators, and/or their designee, and PSAPs dedicate considerable resources to support effective response to 9-1-1 callers in their community. It is the policy of the CA 9-1-1 Branch to reimburse for documented costs directly associated with this effort.

Reimbursement requests that require pre-approval shall be submitted to the CA 9-1-1 Branch. The CA 9-1-1 Branch may issue a notice and post on our web-site when pre-approval can be applied statewide.

9-1-1 Related Activities Eligible For Reimbursement

The following are activities that may be approved for reimbursement. Activities that require pre-approval by the CA 9-1-1 Branch before the expense is incurred are noted. Agencies may request reimbursement for these expenses by following the *Reimbursement Claim Process - Agency 9-1-1 Expenses* in this chapter.

- A.** 9-1-1 County Coordinator and/or their designee efforts related to coordination of Emergency Service Number (ESN) assignments for 9-1-1 call delivery as detailed in Chapter VIII - 9-1-1 County Coordinator are reimbursable. Itemization of activities by date must be attached;
- B.** 9-1-1 County Coordinator and/or their designee efforts related to coordination of 9-1-1 related activities to PSAPs as detailed in Chapter VIII of this manual are reimbursable. Itemization of activities by date must be attached;
- C.** 9-1-1 County Coordinator and/or their designee efforts related to coordination of 9-1-1 Wireless related activities associated with the deployment of wireless Enhanced (E9-1-1), including, but not limited to: wireless routing, meetings, database, scheduling, testing, cutovers, and escalations. Itemization of activities by date must be attached;
- D.** 9-1-1 County Coordinator Task Force (CCTF) Related Activities (PRE-APPROVAL REQUIRED) - time spent to travel to/from meeting location and time spent to perform tasks assigned to CCTF members. Itemization of activities by date must be attached.

NOTE for A, B, C & D: Reimbursement for **contracted services for a 9-1-1 County Coordinator not employed by the agency performing these activities requires prior written approval from the CA 9-1-1 Branch**. The agency shall use their local procurement process when selecting a provider to perform 9-1-1 County Coordinator activities. The request for prior approval must include a cover letter on agency letterhead, a copy of the entire contractor's bid that includes pricing,

and an entire copy of the contractor's Agreement (i.e., California Multiple Award Schedule (CMAS)). The request must include a description of 9-1-1 activities to be performed and the objectives that must be met by the contractor. The CA 9-1-1 Branch will review the request and respond in writing to the requesting agency. Once reimbursement for a contractor is approved, Agencies may request reimbursement for eligible expenses as defined herein and in Chapter VIII – County Coordinator and MSAG Responsibilities by following the Agency 9-1-1 Expenses, Reimbursement Claim Process outlined in this chapter;

- E. Special meetings/projects/training (PRE-APPROVAL REQUIRED)** - time spent to travel to/from location and documented attendance at a project meeting or training requested by the CA 9-1-1 Branch. Required documentation for reimbursement includes a dated meeting agenda and a copy of the meeting sign-in sheet with the signatures of attendee(s) highlighted;
- F. Countywide PSAP Manager's meeting (PRE-APPROVAL REQUIRED)** - time spent to travel to/from the meeting location and documented attendance. Required documentation for reimbursement includes a dated meeting agenda on agency letterhead and a copy of the meeting sign-in sheet with the signatures of attendee(s) highlighted;
- G. Annual Training Allotment (ATA) (PRE-APPROVAL REQUIRED)** - Each PSAP and the 9-1-1 County Coordinators may be reimbursed up to \$10,000 per state fiscal year (July 1 through June 30) for specifically defined 9-1-1 related training that is held within the State of California within that fiscal year. The unspent ATA balance cannot be applied to the next fiscal year.

The CA 9-1-1 Branch will issue advance notification of pre-approved specifically defined 9-1-1 related training. If notification of a specifically 9-1-1 related training is not published and posted on the CA 9-1-1 Branch website, then pre-approval by the CA 9-1-1 Branch will be required.

AGENCY 9-1-1 EXPENSES FUNDING POLICY

9-1-1 Expenses Eligible For Reimbursement

The following items associated with 9-1-1 expenses eligible for reimbursement may require pre-approval (with the exception of 9-1-1 training and events where the CA 9-1-1 Branch has pre-approved the use of the ATA). Agencies may request reimbursement for these expenses by following the Reimbursement Claim Process - Agency 9-1-1 Expenses in this chapter.

Agencies must follow the State of California, Human Resources (CalHR), travel policies. CalHR's travel policy may be viewed or downloaded from the CA 9-1-1 Branch website as follows:

<http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>

The CA 9-1-1 has prepared a one-page reference document that includes the current CalHR State Travel Rates that be may be viewed or downloaded from the CA 9-1-1 Branch website as follows:

<http://www.caloes.ca.gov/cal-oes-divisions/public-safety-communications/ca-9-1-1-emergency-communications-branch/ca-9-1-1-operations-manual>

- A. WAGES** – PSAP Managers and/or their designee, 9-1-1 County Coordinators and/or their designee, may be reimbursed documented wages not to exceed assigned work hours (straight time salary and benefits). REIMBURSEMENT CLAIM SUPPORT DOCUMENT Form TDe-290A is required;
- B. MILEAGE** – Mileage may be reimbursed for documented mileage incurred while traveling to and from pre-approved training and meetings. The rate of reimbursement will be based on the State of California, CalHR mileage reimbursement rates. Form TDe-290A and a mileage mapping document (such as MapQuest) is required;
- C. TRANSPORTATION** – Transportation may be reimbursed for documented (receipts required) transportation costs (air, railway, bus, rental car, taxi, tolls, and parking) incurred while traveling to attend pre-approved training and meetings. The rate of reimbursement will be based on actual expenses. Gratuity is not reimbursable;
- D. LODGING** – Lodging may be reimbursed for documented (itemized receipts required) lodging expenses incurred while traveling to attend pre-approved training, or pre-approved conferences, or pre-approved meetings. The rate of reimbursement will be based on the State of California, CalHR lodging or conference lodging reimbursement rates, respectively, where applicable;

- E. MEALS AND INCIDENTALS** - Meals and incidentals may be reimbursed for meal and incidental expenses incurred while performing reimbursable activities as defined in this chapter. The rate of reimbursement will be based on the State of California, CalHR meals and incidentals reimbursement rates. Gratuity is not reimbursable;
- F. REGISTRATION** - Reimbursement for the cost of registration to attend pre-approved specifically defined 9-1-1 training may be funded by the CA 9-1-1 Branch within the limits of the ATA (defined in this chapter).

STATE OF CALIFORNIA

TRAVEL REIMBURSEMENT RATES

Prepared for PSAPs and County Coordinators

**Fiscal Year 2019 – 2020**

(July 1, 2019 – June 30, 2020)

MEALS & INCIDENTALS ~ MILEAGE ~ TRANSPORTATION ~ LODGING**MEALS & INCIDENTALS**

Per Diem	RATE
Breakfast	\$ 7
Lunch	\$ 11
Dinner	\$ 23
Incidentals	\$ 5

MILEAGE

Per Mile	RATE
1/1/2018	.58 Cents

TRANSPORTATION

	RATE
Air	Actual Expense
Bus	Actual Expense
Parking	Actual Expense
Railway	Actual Expense
Rental Car	Actual Expense
Taxi	Actual Expense
Tolls	Actual Expense

PER NIGHT

LODGING RATES

The State will reimburse actual lodging expenses for all Counties/Cities located in California up to the State rate of **\$90** (plus tax and fees) with the exception of the following Counties/Cities listed below. *Receipts Required*

COUNTY	Up to: STATE RATE	COUNTY	Up to: STATE RATE
Alameda	\$ 140	Sacramento	\$ 95
Los Angeles - Excluding Santa Monica	\$ 120	San Diego	\$ 125
Los Angeles - Santa Monica	\$ 150	San Francisco	\$ 250
Monterey	\$ 125	San Mateo	\$ 140
Napa	\$ 95	Santa Clara	\$ 140
Orange	\$ 120	Ventura	\$ 120
Riverside	\$ 95		

Pre-approved training/meeting: CalNENA Fall Meeting, 10/25/2019

Eligible lodging reimbursement has two scenarios:

1. If lodging was at the hotel in which CALNENA negotiated the rate, then, the reimbursement rate would be up to that rate (plus tax and fees); Or
2. If lodging occurred in Cathedral City, then the reimbursement rate would be up to the State rate.

CALNENA negotiated rate:	<u>Or</u>	<i>Up to:</i>
At the Doubletree by Hilton – Golf Resort Palm Springs		STATE RATE
\$ 137.00		\$ 95

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: ☒ Budget Appropriation ☐ Budget Transfer	268-3567	\$10,000	268-713-4503	\$10,000

Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020. Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

Background:

The California Governor's Office of Emergency Services (Cal OES), Public Safety Communications Division, California 9-1-1 Emergency Communications Branch (CA 9-1-1), enables Public Safety Answering Points (PSAPs), including the PSAP contained at the City of Milpitas Police Department, to provide the fastest, most reliable, and cost-effective access to emergency services for any 9-1-1 caller in California from any communication device. CA 9-1-1 provides an Annual Training Allotment (ATA) for each PSAP to seek reimbursement of up to \$10,000 per State fiscal year (July 1 to June 30) for specifically defined 9-1-1 related training that is held within the State of California within that fiscal year. The reimbursable training expenses may include wages, mileage, transportation, lodging, meals & incidentals, and registration. The ATA is further described in the CA 9-1-1 Operations Manual, Chapter III – Funding, Agency 9-1-1 Expenses Funding Policy.

Analysis:

The Milpitas Police Department currently assigns personnel from its PSAP, including Communication Dispatchers, Communication Dispatch Supervisors, and the Support Services Manager, to training classes, seminars, and conferences in order to hone existing skills, be proficient with current technology, and prepare for emerging trends, such as Text to 9-1-1, Next Generation 9-1-1, and leveraging life-saving data from integrated clearinghouses. The training opportunities often meet the standards and guidelines of the California Commission on Peace Officer Standards and Training (POST) and/or are pre-approved for reimbursement through the CA 9-1-1 ATA program. Professional organizations, such as the National Emergency Number Association (NENA) and the Association of Public-Safety Communications Officials (APCO), sponsor training classes, seminars, and conferences that are specifically defined 9-1-1 related training, which are also reimbursable through the CA 9-1-1 ATA program. Accepting the CA 9-1-1 ATA reimbursement of up to \$10,000 for training expenses in Fiscal Year 2019-2020 would facilitate the ability for personnel to successfully participate in and benefit from the training opportunities while providing an ultimate cost savings to the City.

Policy Alternatives:

Alternative 1: Do not accept the Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.

Pros: (none)

Cons: The expenses up to \$10,000 incurred by the City of Milpitas Police Department would not be reimbursed by the CA 9-1-1 ATA program.

Reason not recommended: The City of Milpitas Police Department would still incur the training expenses up to \$10,000, even if they were not reimbursed by the CA 9-1-1 ATA program.

Fiscal Impact:

None – The specifically defined 9-1-1 related training expenses will be reimbursed by the CA 9-1-1 ATA program.

California Environmental Quality Act:

(N/A)

Recommendation:

Accept the California Governor's Office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch, Annual Training Allotment of up to \$10,000 for Fiscal Year 2019-2020.

Approve a budget appropriation of \$10,000 from California Governor's office of Emergency Services, Public Safety Communications Division, California 9-1-1 Emergency Communications Branch.

Attachments:

CA 9-1-1 Operations Manual, Chapter III – Funding, Agency 9-1-1 Expenses Funding Policy
State of California Travel Reimbursement Rates (FY 2019-2020)
Budget Change Form

☒ Check if City Council Approval required.

Meeting Date: February 04,2020

Requested by:	Department Head: Armando Corpuz 	Date: February 04,2020
Reviewed by:	Finance Director: Walter C. Rossmann 	Date: February 04,2020
Date approved by City Council, if required:		Confirmed by:

C8. Consider and approve a Fee Waiver for the Nuñez Community Foundation (Staff Contact: Mary Lavelle, 408-586-3001)

Recommendation: Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Health and Wellness Fair.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider and approve a Fee Waiver for the Nuñez Community Foundation
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	2/4/2020
Staff Contact:	Mary Lavelle, City Clerk, 408-586-3001
Recommendation:	Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Health and Wellness Fair.

Background:

Milpitas City Council adopted the “City Council Donation and Fee Waiver/Reduction Policy” on April 16, 2013. This policy allows Milpitas non-profit organizations to request city fees to be waived up to \$1,500 or a donation amount up to \$500 to be granted upon request. Requesting organizations must be local Milpitas non-profits and provide proof of non-profit status from the federal Internal Revenue Service or the state Franchise Tax Board. Groups are requested to file a follow up report with City Clerk after the event for which the fee waiver or funds were requested.

On January 15, 2020, the City Clerk received a “Donation or Fee Waiver/Reduction Request Application Form” from the Nuñez Community Foundation to waive the City rental fee for the Community Center Auditorium.

The adopted Fiscal Year 2019-20 Budget includes \$25,000 for donations, fee waivers, and events. Allocation of this money for the full Council versus individual Councilmembers was placed on past meeting agendas as a discussion item. However, due to time constraints, this topic has been deferred. The current fee waiver request is brought forward for Council consideration, prior to any further policy discussion. Seven fee waivers or requests for donations were already approved by City Council in the fall of 2019, and one was approved by Council on January 28, 2020.

Given the budget allocation of \$25,000 and approval of previous requests, \$17,409.48 is the remaining balance of funds for donations and fee waivers.

Analysis

The Nuñez Community Foundation has planned to host a Health and Wellness Fair at the Milpitas Community Center Auditorium on March 14, 2020. The non-profit group requests the City Council to waive the costs to rent the facility. Recreation and Community Services staff has indicated the fee to be charged would be \$1,000, based on the \$200 hourly rate for 5 hours. The Health Fair event is scheduled from 9:00 AM to 3:00 PM. As required, the Foundation provided a copy of its determination letter from the California Franchise Tax Board stating it is a tax-exempt organization.

Policy Alternative:

Alternative: Do not approve either the fee waiver as requested

Pros: Save financial resources of the City’s General Fund. Require organizations to raise funds elsewhere.

Con: Deny the opportunity to valuable non-profit organization in the community.

Reason not recommended: There's no stated reason to deny the group, which is an eligible non-profit, completed the correct paperwork, and now seeking a positive vote of the City Council based on adopted policy.

Fiscal Impact:

\$25,000 was approved and included in the FY 2019-20 City budget for City Council's Unallocated Community Promotions. If this request is approved by City Council, then \$16,409.48 would remain in that line item of the current year's budget.

Recommendation:

Consider request and approve a fee waiver of \$1,000 for the Nuñez Community Foundation for use of the Milpitas Community Center Auditorium on March 14, 2020, to host a Youth Health and Wellness Fair.

Attachments:

- a) Fee Waiver Application, Franchise Tax Board non-profit statement, and event flyer
- b) List of FY 2019-20 Fee Waiver or Donation requests

City of Milpitas
Donation or Fee Waiver/Reduction Request Application Form
for Non-Profit Organizations

Complete this form and return it to Milpitas City Clerk

City Clerk's Office

JAN 15 2020

RECEIVED

Please provide a copy of the IRS tax-exempt letter with the application.

Name of Organization: The Nuñez Community Foundation

Is there a Milpitas branch or affiliation? Principal office is located in Milpitas

Mailing Address: 1313 N. Milpitas Blvd., #175
Milpitas, CA 95035

Contact Person: Rita Lu Telephone No. 408-893-4574 cell

Email Address: rita_yang@yahoo.com

What is your request? Donation Amount Requested _____ OR

Fee Requested to be waived (type and \$ amount) Hourly Rental Fee \$200x5hrs = \$1000

Event date(s): March 14, 2020

What is the purpose of the event? Health and Wellness Resource Fair hosted by the Nuñez
Community Foundation and the Milpitas Executive Lions Club

How will the Milpitas community benefit from this event? Our mission is to provide public
awareness of health and safety resources from local public and private health providers, as
well as provide services such as flu shots, eye exams, and hearing exams, benefiting the
local community at no cost.

What % of the fund raising proceeds will benefit Milpitas community? This will not be a fundraiser.

This event will provide health and wellness resources and services will be open to the public
and no cost to the community.

How will the City's contribution (if granted) be recognized in any publicity? Marketing resources,
such as flyers, banners, posters, and handouts, will include recognition of the City of Milpitas,
The Nuñez Community Foundation, and the Milpitas Executive Lions Club.

Within 60 days after completion of the event for which a donation was received or a fee waiver/ reduction was granted by the City of Milpitas, your organization will provide a written report to the City Clerk to include at minimum: number of participants, copies of all publicity of the event, any benefit to the community, amount of funds raised and an accounting of how the proceeds of the event will be dispersed.

Signature of Officer: _____ Date: _____

Print Name & Title: Rita Lu, Executive Assistant



State of California

Franchise Tax Board

PO Box 1286

Rancho Cordova CA 95741-1286

THE NUNEZ COMMUNITY FOUNDATION

ATTN: KELLY NUNEZ

30141 ANTELOPE RD D-606

MENIFEE CA 92584

Date: 03.15.16

Case: 26600594473215416

Case Unit: 26600594473215420

In reply refer to: 760:TS:F120

Regarding	: Tax-Exempt Status
Organization's Name	: THE NUNEZ COMMUNITY FOUNDATION
CCN	: 3470279
Purpose	: Charitable
R&TC §	: 23701d
Form of Organization	: Incorporated
Accounting Period Ending	: 12/31
Tax-Exempt Status Effective	: 11/18/2012

Exempt Determination Letter

We have determined the organization is tax-exempt from California franchise or income tax as stated in the above Revenue and Taxation Code (R&TC) section (§).

To retain tax-exempt status, the organization must be organized and operating for nonprofit purposes within the provisions of the above R&TC section. An inactive organization is not entitled to tax-exempt status.

We have based our decision on the information submitted and the assumption that the organization's present operations will continue unchanged or conform to those proposed in the organization's application. In order for us to determine any affect on the tax-exempt status, the organization must immediately report to us any change in:

- Operation
- Character
- Purpose
- Name
- Address

Our determination may no longer be applicable, if these changes occur:

- Material facts or circumstances relating to the organization application.
- Relevant statutory, administrative, or judicial case law.
- Federal interpretation of federal law in cases where our decision was based on such interpretation.

It is the organization's responsibility to be aware of these changes should they occur. This paragraph constitutes written advice, other than a chief counsel ruling, within the meaning of R&TC §21012(a)(2).

For filing requirements, get Pub. 1068, *Exempt Organizations - Filing Requirements and Filing Fees*. Go to ftb.ca.gov and search for 1068.

This exemption is for state franchise or income tax purposes only. For information regarding sales tax exemption, contact the State Board of Equalization at 800.400.7115, or go to their website at boe.ca.gov.

Theresa L. Schock
Telephone: 916.845.4171
Fax: 916.843.0932



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.
IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FW87743

FILED

In the office of the Secretary of State
of the State of California

MAY-18 2018

This Space for Filing Use Only

1. CORPORATE NAME

THE NUNEZ COMMUNITY FOUNDATION

2. CALIFORNIA CORPORATE NUMBER

C3470279

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY

CITY

STATE

ZIP CODE

1313 N MILPITAS BLVD., STE 175, MILPITAS, CA 95035

4. MAILING ADDRESS OF THE CORPORATION

CITY

STATE

ZIP CODE

KELLY NUNEZ 30141 ANTELOPE RD D-606, MENIFEE, CA 92584

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

ROBERT NUNEZ 1313 N MILPITAS BLVD., STE 175, MILPITAS, CA 95035

6. SECRETARY

ADDRESS

CITY

STATE

ZIP CODE

AMANDA MADRID 1313 N MILPITAS BLVD., STE 175, MILPITAS, CA 95035

7. CHIEF FINANCIAL OFFICER/

ADDRESS

CITY

STATE

ZIP CODE

JETHROE MOORE 1313 N MILPITAS BLVD, STE 175, MILPITAS, CA 95035

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS

GUADALUPE NUNEZ

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

7368 CHEROKEE CIRCLE, BUENA PARK, CA 90620

Common Interest Developments

10. ☐ Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act. (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act. (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

05/18/2018

ROBERT NUNEZ

PRESIDENT

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

MAKE A DIFFERENCE DAY HEALTH AND WELLNESS FAIR

March 14, 2020

11AM - 2PM

MILPITAS COMMUNITY CENTER

457 E CALAVERAS BLVD, MILPITAS, CA 95035

- *FREE Health Screening with Lions AJ Robinson Mobile Health Van
- *Milpitas PD-Child Finger Printing and K9s.
- *Milpitas Fire Department
- *Diabetes Awareness Presentation
- *FREE refreshments (while supplies last)
- *The Dream Achievers Band & Saint John the Baptist School Choir
- *Games and prizes for kids
- *Community Resources and Raffle
- *And MUCH MORE!



Sponsored by: the Nuñez Community Foundation
Milpitas Executive Lions Club

For more information please contact

408-430-7830

milpitaslions@gmail.com



CITY COUNCIL UNALLOCATED COMMUNITY PROMOTIONS BUDGET

Fee Waiver + Other Requests by FY

Fee Waiver or Donation Requested by:	Event/Activity	Event Date	\$ Amount waived or donated	Date Approved or Scheduled for City Council Consideration	City Council Community Promotions Unallocated 100-100-4203 balance
<u>FY 2019-20</u>					\$25,000.00
Korean Language & Culture Foundation	Hangeul Day @Library - donation	9/19/2019	\$500.00	approved 9/3/2019	\$24,500.00
Milpitas Community Educational Endowment	Mid-Autumn Festival - donation	9/28/2019	\$500.00	approved 9/3/2019	\$24,000.00
American Cancer Society	Bark for Life run/walk - park rental fee waiver	10/5/2019	\$1,412.63	approved 9/17/2020	\$22,587.37
Sunnyhills Neighborhood Association	Halloween event - Park + Permit fee waiver	10/26/2019	\$1,112.63	approved 10/01/2019	\$21,474.74
Greater Love Church of God in Christ	carwash fundraiser - Permit fee waiver	10/5, 12 & 25, & 11/01/2019	\$932.63	approved 11/05/2019	\$20,542.11
Pragnya	Health 360 - waive rental fee for Community Center Auditorium	11/10/2019	\$1,000.00	approved 11/19/2019	\$19,542.11
Kiwanis Club of Milpitas	Crab feed - waive rental fee for Community Center Auditorium	2/07/2020	\$1,200.00	approved 11/19/2019	\$18,342.11
Milpitas Unified Schools	Parade - waive Special Event Permit fee	2/01/2020	\$932.63	approved 1/28/2020	\$17,409.48
Nuñez Community Foundation	Health and Wellness Fair - waive rental fee for Community Center	3/14/2020	\$1,000.00	scheduled 2/04/2020	\$16,409.48

C9. Consider Community Member Request to Rename Albert Augustine Jr. Memorial Park to “Albert Augustine Jr. Memorial Park Jr. Park of Sunnyhills”

Renee Lorentzen, 408-586-3409

Recommendation:

Approve Request from a Community Member to rename Albert Augustine Jr. Memorial Park to “Albert Augustine Memorial Park Jr. of Sunnyhills”.



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

Item Title:	Consider Community Member Request to Rename Albert Augustine Jr. Memorial Park to “Albert Augustine Jr. Memorial Park Jr. Park of Sunnyhills”
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/4/2020
Staff Contact:	Renee Lorentzen, 408-586-3409
<u>Recommendation:</u>	Approve Request from a Community Member to rename Albert Augustine Jr. Memorial Park to “Albert Augustine Memorial Park Jr. of Sunnyhills”.

Background:

City Staff received a request from resident Henry Nichols to rename Albert Augustine Jr. Memorial Park to Sunnyhills Augustine Memorial Park. Per the current City Street, Park and Facilities Naming Standard Operating Procedures (SOP), the request shall be on an agenda to receive public comment, and when renaming a park, the surrounding neighborhood shall be notified. The SOP’s further detail that “Parks and facilities named after individuals shall not be changed unless it is found that because of the individual’s character the continued use of their name would not be in the best interest of the community.” As the request did not include the removal of the name of Mr. Augustine, the item was agendized at the January 6, 2020 Parks, Recreation and Community Resources Commission (PRCRC) to hear public comment and make recommendation to City Council for final consideration.

Analysis:

Per the SOP, notification postcards were mailed to the Augustine Park neighborhood, as well as targeted outreach conducted on City social media outlets, including Nextdoor, to notify the park neighborhood of the requested park name change. City staff also discussed the proposed park name change request with the Albert Augustine Jr. family, who is still located in Milpitas.

At the January 6, 2020 PRCRC meeting, members of the public, including park name change requestor, Henry Nichols and Augustine family members, provided comment to the PRCRC in support of a proposal to change the name of Albert Augustine Jr. Memorial Park to “Albert Augustine Jr. Memorial Park of Sunnyhills”.

The names of Albert Augustine Jr., and Sunnyhills carry historical significance for Milpitas. Mr. Augustine was a leader of the African American community in Milpitas, living in Sunnyhills and working at the Ford Plant. He was a Planning Commissioner and Parks, Recreation and Cultural Resources Commissioner, and started the monthly Sunnyhills Breakfast event, which is still active. The Sunnyhills Neighborhood was the first planned racially integrated neighborhood in the US, drawing national attention.

The PRCRC voted to recommend the City Council consider approval of the request from a community member to rename Albert Augustine Jr. Memorial Park to “Albert Augustine Memorial Park Jr. of Sunnyhills”.

Policy Alternatives:

Alternative 1: Do not approve the request to rename Albert Augustine Jr. Memorial Park to “Albert Augustine Memorial Park Jr. of Sunnyhills”

Pros: This alternative keeps the current park name intact and requires no additional City resources to purchase and install a new park sign and update public materials with the new park name.

Cons: Not approving the request to rename Albert Augustine Jr. Memorial Park, disregards the community member and Augustine family consensus on the renaming request.

Reason not recommended: Not approving the request to rename Albert Augustine Jr. Memorial Park, disregards the community member and Augustine family consensus on the renaming request.

Fiscal Impact:

The cost to purchase a new Park Sign is \$2,700. Installation costs including the removal of the old sign is approximately \$300, for a total fiscal impact of \$3,000. There is sufficient funding in the Public Works Maintenance Supplies budget to cover these costs.

Recommendation:

Approve Request from a Community Member to rename Albert Augustine Jr. Memorial Park to “Albert Augustine Memorial Park Jr. of Sunnyhills”.

Attachments:

Naming Application

PRCRC January 6, 2020 Unapproved Minutes



City Clerk's Office

SEP 11 2019

RECEIVED

427

No. 1.3
Effective: 04/21/06
Revised: 02/3/16

CITY OF MILPITAS
City Streets, Parks, and Facilities Naming Suggestion Form

Please include relevant information and fill out all blanks in a clear legible manner. Forms with incomplete or missing information may limit their consideration. Submit form to the office of the City Clerk at City Hall, 455 E. Calaveras Blvd.

Name Nomination

~~Sunnyhills~~ ~~Atter~~ ~~Augustine~~ ~~Park~~ ~~deceased~~
Full Name or Word (as applicable) DOB/Alive or Deceased

Proposed Location for Naming (check one):

- ☐ STREET (desired neighborhood) _____
☒ PARK (desired area) for near Sunnyhills Park name to be restored.
☐ FACILITY (desired area) _____
☐ OTHER _____

~~Arizona Street, address unknown~~
~~Arizona St Milpitas 1024 TICE DR Milpitas~~
Nominees Original Home Address (Street, City)

Nominee's Family Contact Information: ~~Henry Nichols 408 605 8371~~
Name N/a Phone Number

Nominator Information

Nominee submitted by: Henry Nichols
Nominator's Name (first, last)

1024 Tice dr Ca. 95035 408, 605-8371
Nominator's Address (Street, State, zip code) Phone Number

henry11@sbcglobal.net none
Nominator's Email Relation to Nominee

Henry Nichols 9-10-19
Nominator's Signature Date

For Office Use Only:
Date Rcvd: 9/11/2019 Staff Initials: KC



No. 1.3
Effective: 04/21/06
Revised: 02/3/16

Background:

Briefly describe why this nominee should be honored. Describe historical information, Veteran's status (Branch of Military, Rank, Service Years, Honors), significant service to the community, special contribution to arts, sciences, humanities, literature, athletics, or other notable accomplishments, or other relevant information. Attach separate sheet if necessary.

We just want to add Sunnyhills to existing name on the park sign to preserve the Sunnyhills name. There are no more signs in the Sunnyhills neighborhood bearing the Sunnyhills name. We want to ~~preserve~~ restore historical significance of Sunnyhills original name of Park.

For Office Use Only:

Date Rcvd: 9/11/2019 Staff Initials: KC

**CITY OF MILPITAS
MINUTES**

PARKS, RECREATION AND CULTURAL RESOURCES COMMISSION

- Minutes:** Parks, Recreation and Cultural Resources Commission.
- Date of Meeting:** January 6, 2020
- Place of Meeting:** Barbara Lee Senior Center Community Room.
- I. Call to Order:** Commissioner Sharma called the meeting to order at 7:06pm
- II. Flag Salute:** Commissioner Sharma led the Pledge of Allegiance.
- III. Roll Call:** Commissioners Present: Aquino, Caidoy, Current, Davis, Montemayor, Sharma and Strauss
Commissioners Absent: Shah and Singh
City Staff Present: Renee Lorentzen – Director of Recreation and Community Services
Rosana Cacao – Recreation Supervisor
Justin Yount – Public Services Assistant
- IV. Seating of Alternates:** Alternate Strauss was seated.
- V. Approval of Agenda:** **MOTION** to approve the agenda for January 6, 2020 as submitted.
M/S: Current/Davis Ayes: All
- VI. Approval of Minutes:** **MOTION** to approve the minutes from October 7, 2019 as submitted.
M/S: Davis/Current Ayes: All
Abstained: Sharma
- VII. Public Forum:** None
- VIII. Announcements and Correspondence**
None
- IX. Business Items**

1. Park Naming Request – City Staff

Public comment was received on the request for the renaming of Albert Augustine Jr. Memorial Park with a recommendation to be made to City Council for final approval. The following members from the audience spoke regarding this item:

Henry Nichols, resident, would like to preserve history of Sunnyhills with name change.

Samantha Reyes, granddaughter, Los Gatos resident, proud of Milpitas and supports name change.

Terry Augustine, daughter-in-law, teacher in Milpitas (Cal Hills), stated that Albert Augustine was a Vietnam Veteran, supports name change.

Jeremy Di Salvo, grandson, stated Albert Augustine was a man of heart and honor, supports name change.

Emily Augustine, granddaughter, supports addition of Sunnyhills in name change and would like to see an addition of a plaque that provides a brief history of Albert Augustine Jr. at park.

Eileen Augustine, daughter, resident, stated that Albert Augustine was heavily involved with Sunnyhills youth, supports name change.

June Delane former Milpitas teacher, would like to see a remembrance plaque, supports name change.

MOTION to recommend City Council to consider renaming Albert Augustine Jr. Memorial Park to Albert Augustine Jr. Memorial Park of Sunnyhills.

M/S: Strauss/Davis

Ayes: Caidoy, Davis, Montemayor, Sharma and Strauss
Noes: Current

2. **Robson Homes – Planning Department Staff**

Presentation was provided by Robson Homes with additional information and questions answered by City Planning Staff, Adrienne Smith in regards to adding a publicly accessible park to a residential Subdivision consisting of 36 two-story single-family homes.

MOTION to receive presentation and recommend to City Council for final approval.

M/S: Davis/Caidoy

Ayes: All

3. **Sister Cities Program – Recreation Department Staff**

City Council is requesting input and direction from the PRCRC regarding an updated model for developing future Sister Cities relationships with cities based on culture and community. This would help in the creation of positive relations between cities and an overall process for existing and/or development of new Sister Cities relationships. Staff added that they will research other cities to see how they deal with existing Sister Cities relationships and an overall process to such collaborations. In addition, the Sister Cities topic will be added to the current Commission's Work Plan.

MOTION to recommend proposed key points/model discussed to City Council for consideration.

M/S: Montemayor/Strauss

Ayes: All

4. **Santa Clara County Office of Women's Policy Civic Engagement Mini Grants – Recreation Department Staff**

The Santa Clara County Office of Women's Policy (OWP) will offer \$75,000 in mini-grants to Santa Clara County residents who want to organize their communities to promote civic engagement and participatory democracy in honor of the legacy created by women who fought for their 19th amendment. Staff is asking the Commission to highlight project areas that they find appropriate for potential grant applications. The Commission recommended ideas such as young women voter registration, summer internships, and

women's involvement in sports leadership.

X. Council Liaison Reports

None.

XI. Liaison Reports

None.

XII. Future Agenda Items

None.

XIII. Adjournment:

With there being no further business, the meeting was adjourned at 8:39pm to the next scheduled meeting on February 3, 2020.

10. **Receive Update and Presentation from Silicon Valley Clean Energy (Staff Contact: Elaine Marshall, 408-586-2603)**

Recommendation: Receive update and presentation from Silicon Valley Clean Energy



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Update and Presentation from Silicon Valley Clean Energy
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	2/4/2020
Staff Contact:	Elaine Marshall, 408-586-2603
<u>Recommendation:</u>	Receive update and presentation from Silicon Valley Clean Energy

Background:

Silicon Valley Clean Energy (SVCE) was founded in 2016 and began providing service to twelve Santa Clara County communities in April 2017. The Milpitas City Council approved joining SVCE in November 2017 and SVCE services started in June 2018. Since then, SVCE has been providing Milpitas residents and businesses with new clean energy choices—renewable and carbon-free electricity, at competitive rates.

SVCE's mission is to “reduce dependence on fossil fuels by providing carbon free, affordable and reliable electricity and innovative programs for the SVCE community.” To this end, SVCE has adopted a Decarbonization Roadmap and is actively developing and launching programs that support community climate action goals.

Analysis:

SVCE Chief Executive Officer, Girish Balachandran, will present an update on SCVE, including Milpitas participation and community benefits, decarbonization programs, and PG&E restructuring and community-ownership efforts.

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.

Recommendation:

Receive update and presentation from Silicon Valley Clean Energy

Attachments:

1. SVCE Milpitas Community Benefits Summary

2019 Community Benefits Summary

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City of Milpitas and Silicon Valley Clean Energy

In 2018, the City of Milpitas joined twelve other local communities in forming Silicon Valley Clean Energy (SVCE) to provide our region with clean electricity at competitive rates, reduce greenhouse gas emissions and fight climate change.

SVCE supplies electricity principally from wind, solar and hydro resources, and is helping communities switch from fossil fuels to clean electricity in buildings and transportation. Milpitas residents and businesses are receiving clean electricity, lowering emissions and saving money.

Milpitas Results - Clean, Safe, Affordable



27,200 households and businesses receiving clean electricity from carbon-free sources



\$4,071,000 in electricity savings for Milpitas customers



\$6,300 in cash payments to customers for generating surplus solar energy



100% of electricity used at municipal facilities sourced from renewable wind and solar



98% reduction in electric utility-related emissions (**78 million pounds** greenhouse gas emissions avoided by providing clean energy)

2019 Regional Achievements

- **19.8% reduction** in annual greenhouse gas emissions compared to 2015
- **\$28.7 million** in electricity savings for customers
- **270,000+** residential and commercial customers - a **96%** participation rate
- **537.9 million pounds** of greenhouse gas emissions avoided
- **310 megawatts** of new renewable energy projects under development
- **\$8 million** approved by SVCE Board for new electric vehicle charging stations



Silicon Valley Clean Energy in Milpitas

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SVCE is working in your community to advance clean energy awareness, education and programs, including:

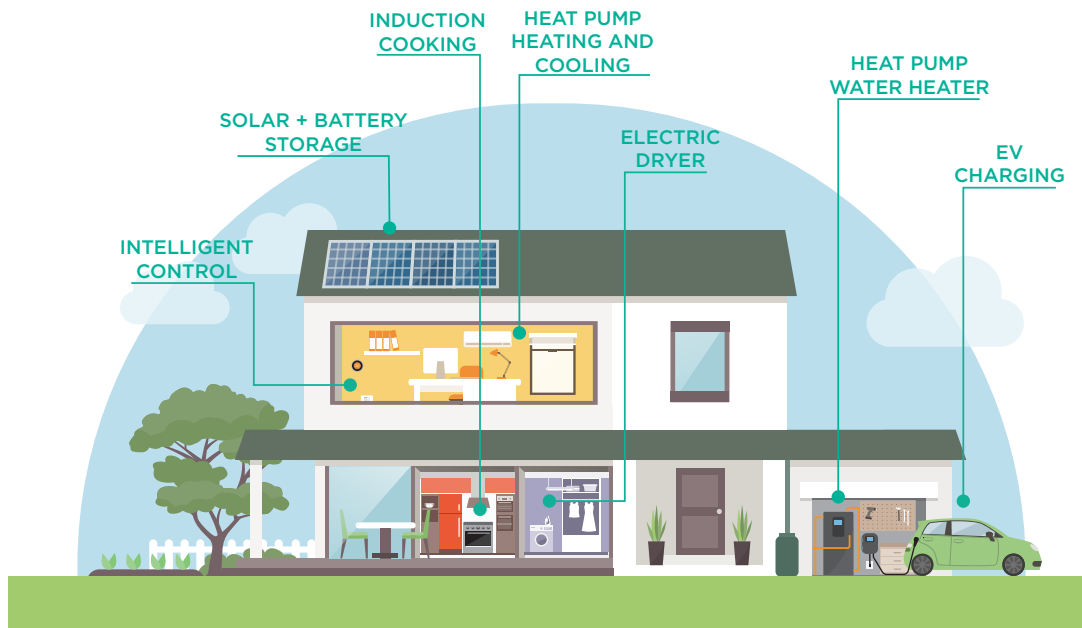
- 26th Annual Auction & Crab Feed sponsor
- Monthly meetings with city staff
- Local building code updates
- Rebates for Heat Pump Water Heater installations
- All-Electric Showcase Awards
- Milpitas Chamber of Commerce member



Looking Forward: The All-Electric ‘FutureFit’ Home

Our local communities are taking big steps to create a healthier environment and combat climate change. Transitioning from fossil fuels to clean electricity in our homes and transportation will dramatically reduce emissions and offers improved efficiency, safety and performance.

Learn more about the all-electric ‘FutureFit’ home at www.svcleanenergy.org/electrify.



For more information contact us at:



Website:
SVCleanEnergy.org



Email:
info@svcleanenergy.org



Phone
(408) 721-5301



Office:
333 W. El Camino Real, Suite 290
Sunnyvale, CA 94087

11. Receive Update on Preliminary Energy and Water Savings Conservation Measures for Implementation on City Facilities and Land

Tony Ndah, 408-586-2602

Recommendation:

1. Accept the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc.
2. Provide input to staff on Preliminary Conservation Measures.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Update on Preliminary Energy and Water Savings Conservation Measures for Implementation on City Facilities and Land
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	2/4/2020
Staff Contact:	Tony Ndah, 408-586-2602
Recommendation:	1. Accept the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc. 2. Provide input to staff on Preliminary Conservation Measures.

Background:

On October 1, 2019, the City Council approved a Professional Services Agreement with Engie Services U.S., Inc. (Engie) to perform facility audits and equipment surveys in order to understand the City's current infrastructure and utility usage and to make recommendations for improvements that would result in energy and water savings for the City. Engie has been working with City staff to assess energy and water usage at the City's facilities and have prepared preliminary energy conservation measures, as part of an Investment Grade Audit (IGA) which will be provided to the City.

The Investment Grade Audit will contain a series of Energy Savings Measures (ECMs) where the projected savings derived from implementing the ECMs equal or exceed the cost of implementing the ECMs as measured over what is generally a 10-17 year financing term. The program is separated into two phases, each with several distinct elements. The first phase is project development and the second phase is implementation of the identified projects.

The components of the project development phase were incorporated into the professional service agreement. The components of the project implementation phase will be incorporated into one or more "Energy Services Contracts." Staff will be returning to the Council at a subsequent date to request approval of any Energy Services Contracts.

Analysis:

The Project Development phase has involved several stages of review of the City's assets in an effort to develop an IGA for the City. The IGA would provide a in-depth analysis of City property and facilities and is being conducted to an industry standard level of detail. The audits are used to identify ECMs at an investment grade level, meaning the degree of certainty in the savings associated with projects is high at the completion of this stage.

The completion of the IGAs will result in one or more groupings or "packages" of ECMs that are "feasible." A package of ECMs is feasible if--over the period of time needed to finance implementation of those ECMs--the combined savings from the ECMs is projected to exceed the combined cost of implementing the ECMs. Accordingly, not every individual ECM included in a "package" must have a projected savings that exceeds the projected cost of implementing that individual ECM.

PRELIMINARY ENERGY AND WATER CONSERVATION MEASURES:

As part of the IGA development process, Engie has developed preliminary ECMs for the City. Some of the measures that were identified for the City fall in the areas below:

1. Solar Photovoltaics and Electric Vehicle Charging – This measure would generate clean, on-site power via solar shade structures and rooftop canopies. This measure would also reduce PG&E charges and protect against rising energy costs. Additional EV charging stations for public and staff use are being considered in key locations City wide.
2. Battery and Energy Storage for Resiliency and Demand Savings – This measure would help the City avoid peak demand charges and optimize energy rates. Additionally, the battery and energy storage are being considered in conjunction with generators and controls to provide emergency backup power for critical infrastructure and facilities in the event of power outages or shutoffs in the City.
3. Street and Park Lighting – This measure would upgrade exterior lighting to energy efficient LEDs to reduce energy usage, reduce maintenance costs, improve safety, and provide consistency in lighting quality City-wide. Energy-efficient LED lighting is also being considered at outdoor sports fields for reduced maintenance, better visibility, and reduced light pollution.
4. Interior and Exterior Facility Lighting – This measure would upgrade lighting at City facilities to energy efficient LEDs to reduce energy consumption and maintenance costs. This measure also improves indoor lighting quality and safety in parking lots and exterior spaces.
5. Energy Management Systems – This measure provides City-wide consistency in energy management and control systems to allow easier and more efficient monitoring and adjustment of temperature in City buildings. This measure also allows City staff to have better control of heating and cooling, saving costs and staff time.
6. Heating, Ventilation and Air Conditioning (HVAC) Upgrades – This measure is being analyzed to consider repairing, optimizing, and/or replacing ageing HVAC systems, to reduce maintenance costs, extend equipment life, provide energy savings and improve building comfort.
7. High-Efficiency Transformers – This measure replaces old transformers with newer and more efficient units. This measure also reduces losses, both when operating and in stand-by modes, and improves site electrical infrastructure reliability.
8. Water Fixture Retrofits – This measure fine tunes valves and fixtures to reduce leakage and water waste and includes installation of water-efficient fixtures where necessary, focusing on user satisfaction.
9. Irrigation Controls – This measure improves efficiency and automates the City's irrigation systems to reduce water waste, maintenance, and staff time.
10. Water Meter Upgrades – This measure consists of City-wide replacement of residential and commercial water meters to Automated Metering Infrastructure (AMI). Completion of this measure reduces the necessity for manual meter reading, improves accuracy of billing, and leverages grant funding from regional agencies.
11. Supervisory Control and Data Acquisition System (SCADA) – This measure would design and install a SCADA system for City-wide water, wastewater, stormwater management. Implementation of this measure reduces costs, improves cybersecurity and system reliability.

The preliminary ECMs are being presented to Council for input, prior to refining the ECMs for inclusion in the IGA. The chart below outlines the Next Steps under the Project Development Phase.

Date	Milestone
February 4, 2020	Preliminary Energy and Water Conservation Measures Presentation to Council
February 17, 2020	Preliminary Energy and Water Conservation Measures Presentation to the Energy and Environmental Sustainability Commission
March 17, 2020	Presentation of Final Energy and Water Conservation Measures to Council
April 21, 2020	Council Approval of Energy and Water Conservation Measures and Program direction for Project Financing
Summer 2020	Begin Project Implementation Phase

The timing of the development and approval of the final Energy and Water Conservation Measures is being aligned with the scheduled review and approval of the City's Capital Improvement Program for FY 2020 – 25. This would allow the City to leverage the experience and resources of Engie to complete projects already identified in the City's Capital Improvement Program that are tied to the ECMs identified as part of the IGA.

Fiscal Impact:

Not applicable at this time. Fiscal impacts related to specific measures will be brought forward to Council in March.

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:

1. Accept the update on the Preliminary Energy and Water Savings Conservation Measures pertaining to the Energy Service Company (ESCO) Investment Grade Audit being implemented by Engie Services U.S. Inc.
2. Provide input to staff on Preliminary Conservation Measures.

Attachments:

NA

12. 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



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	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
Category:	Leadership and Support Services
Meeting Date:	2/4/2020
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

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

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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>
Park Name History Project Phase I	1. Establish Subcommittee	Commission, Staff, Grants	Mar-20
	2. Research Park Names & Develop Bio	Historical Society	
	3. Create online webpage (Comm & Dept.)		
	Potential Phase II - (next FY)		
	4. Cost out physical park markers		
	5. Seek Grants/Identify Funding		
	6. Seek CC approval		
	7. Marker Development & Installation		
Park and Recreation Master Plan	1. Hear Updates and/or Receive presentation on Park and Recreation Master Plan	Commission, Staff	
Annual Park/Facility Tour	1. Determine theme for tour	Commission , Staff	Annually - June
	2. Confirm location(s)		
	3. Conduct Tour		
Quarterly Reports	1. Receive Quarterly Reports from Recreation Staff on: Community Garden, Program areas	Staff	Quarterly
	Allocations, Recreation, Trends, CIP, Special		
	Events		
Review Historic Site List	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

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Bicycle & Pedestrian Trails	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			
Ongoing Review	1. Private Development Projects including		Commission, Staff	Ongoing/Per project
	open space			
	2. Make recommendation on Annual CIP Park			
	Improvement Projects & Priorities			
Sister Cities Program (Cultural Benefit)	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

13. Receive and approve the Science, Technology & Innovation Commission work plan 2019-2020

Mike Luu, 408 586 2706

Recommendation:

Receive report and approve the Science Technology and Innovation Commission Work Plan 2019-2020



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive and approve the Science, Technology & Innovation Commission work plan 2019-2020
Category:	Commission Reports
Meeting Date:	2/4/2020
Staff Contact:	Mike Luu, 408 586 2706
<u>Recommendation:</u>	Receive report and approve the Science Technology and Innovation Commission Work Plan 2019-2020

Background:

The Telecommunications Commission was established in 1994 to provide professional knowledge and expertise in computer, network communications technology and telecommunication. The Telecommunications Commission provides assessment of current and future technology needs suggested by the City's Information Technology Department and by members of the Commission.

In 2018, the Telecommunications Commission was renamed as the Science, Technology and Innovation Commission to address the rapid changes and diverse challenges with technology.

The Commission serves as an advisory body to the City Council on matters of communication, technology and innovation. The Commission considers and recommends technology innovations that may benefit the residents of Milpitas.

The Science, Technology and Innovation Commission has outlined several key areas in its FY 2019-2020 Work Plan. These areas support Council's Priority Areas and staff projects. The five Work Plan topics are:

1. Odor Sensors
2. Traffic Congestion
3. Ongoing support and advice on IT projects
4. Shuttle Service
5. 5G Network

The Commission is seeking Council consideration of the FY 2019-2020 Work Plan.

Fiscal Impact:

The Science, Technology & Innovation Commission will use its \$1,000.00 budget to conduct community outreach. There is no additional fiscal impact to the Fiscal Year 2019-2020 with any of the items on the Science, Technology, & Innovation Work Plan.

Recommendation:

Receive report and approve the Science Technology and Innovation Commission Work Plan 2020.

Attachments:

Science Technology and Innovation Commission Work Plan 2020

Topic/Advisory Area	Tasks	Required Resources	Goal Deadline
Odor Sensors	Work with IT staff to build dashboard from data collected by the Public Works Department and Bay Area Air Quality Management District (BAAQMD). Share dashboard on website.	Commission, Public Works Dept., BAAQMD, Information Technology Dept.	Ongoing (Pending data collection)
Traffic Congestion	Reach out and Invite Caltrans, VTA and the County for information/presentation Share information with staff and Council Report issues/recommendations to Caltrans	Commission, Partners, Staff	Ongoing
Provide ongoing Support and Advice on IT Projects	Review and provide input on technology projects with the emphasis on cybersecurity and disaster recovery for FY 2019-2020	Commission, Staff	Ongoing
Shuttle Service	Promote services for senior citizens, high school students and community members at large. Review staff report on Shuttle Service and provide input on technology requirement.	Commission, Partners, Staff	Ongoing
5G Network	Work with staff to receive technical presentations from providers Provide input on Master Lease Agreement Conduct community outreach	Commission, Staff	July 2020

14. Receive Preview of February 18, 2020 City Council Meeting Agenda (Staff Contact: Mary Lavelle, 408 586-3001)

Recommendation: Receive Preview of February 18, 2020 City Council Meeting Agenda as presented by the City Clerk.

**MILPITAS CITY COUNCIL MEETING
PREVIEW OF AGENDA ITEMS - REVISED
FEBRUARY 18, 2020**

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PRESENTATIONS

CONSENT CALENDAR

1. Accept City Council calendar for February and March 2020 (Mary Lavelle)
2. Approve City Council meeting minutes of January 28 (Pam Caronongan) + February 4, 2020 (Mary Lavelle)
3. 2nd reading/Adopt Ordinance No. 304 for Skate Park Regulations (Tegan McLane)
4. Approve Purchase and Sale Agreement for Tarob Ct. property (Alex Andrade)
5. Approve Amendment No. 2 to Agreement with Water Systems Optimization, Inc. (Zachary DeVine)
6. Approve Amendment No. ___ to Agreement with TEC Accutite for UST/AST Maint and Certification Services (Zachary DeVine)
7. Approve Agreement with TBD for Citywide Parks Maintenance Services (Tony Ndah)
8. Approve Contract with Urban Field Studio for TASP Update (Ned Thomas)
9. From Jan. 21: Approve Agreement with Chandler Asset Management (Walter Rossmann)
10. Adopt a Resolution Authorizing the City Manager to Execute an Agreement with CentralSquare Technologies for the Sole Source Purchase of Community Development Software Upgrade. (Mike Luu)
11. Adopt a Resolution to Approve the Award of a Sole Source Contract to Locution Systems Inc. for the Fire Station No. 2 Replacement, Project No. 3447 (Added as of 1/30/2020 – 4:55 P.M.)

PUBLIC HEARING

12. Introduce Ordinance No. xxx regarding Short Term Rentals regulation (Alex Andrade)

COMMUNITY DEVELOPMENT

13. Update on Parking in The Pines neighborhood (incl. timeline) + timed parking pilot near BART (Steve Erickson)
14. Preview of Economic Development Strategy (Alex Andrade)

COMMUNITY SERVICES

15. Approve Joint Use Agreement and Operations & Maint Agreement w/MUSD for McCandless Park (Renee Lorentzen)

PUBLIC SAFETY

16. Emergency Management Consultant Report (Brian Sherrard)

LEADERSHIP

17. Presentation of Communication Study (Walter Rossmann)
18. Approve FY 2019-20 Mid-Year Budget (Walter Rossman)

REPORTS (no AR) From Mayor and Councilmembers on assigned Committees, Commissions and outside bodies

COMMISSION

19. Approve Economic Development and Trade Commission Work Plan incl. Sister Cities-trade (Alex Andrade)

PREVIEW NEXT AGENDA

20. Preview list of items for March 3, 2020 (Mary Lavelle)