MILPITAS PLANNING COMMISSION
STAFF REPORT

June 26, 2024

APPLICATION: **ALCOHOL SALES – 777 E. CAPITOL AVENUE. – P-UP24-0001.** A Conditional Use Permit to sell beer, wine, and spirits for off-site consumption (ABC Type 21 License) within an existing grocery store in the General Commercial (C2) Zoning District and Milpitas Metro Specific Plan area at 777 E. Capitol Avenue.

RECOMMENDATION: **Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution No. 24-019, approving Conditional Use Permit No. UP24-0001 subject to the findings and attached Conditions of Approval.**

LOCATION:

Address/APN:	777 N Capitol Avenue (APN 092-06-027)
Area of City:	East of E. Capitol Avenue and south of Montague Expressway / Milpitas Metro Specific Plan (Metro)

PEOPLE:

Project Applicant:	777 Investment, LLC dba Lee's Supermarket
Property Owner:	777 Investment, LLC dba Lee's Supermarket
Project Planner:	Michael Fossati, AICP, Senior Planner

LAND USE:

General Plan Designation:	Milpitas Metro Specific Plan (METRO)
Specific Plan Designation:	Residential Retail High Density Mixed-Use (RRMU)
Zoning District:	Commercial (C2)

ENVIRONMENTAL: The Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

EXECUTIVE SUMMARY

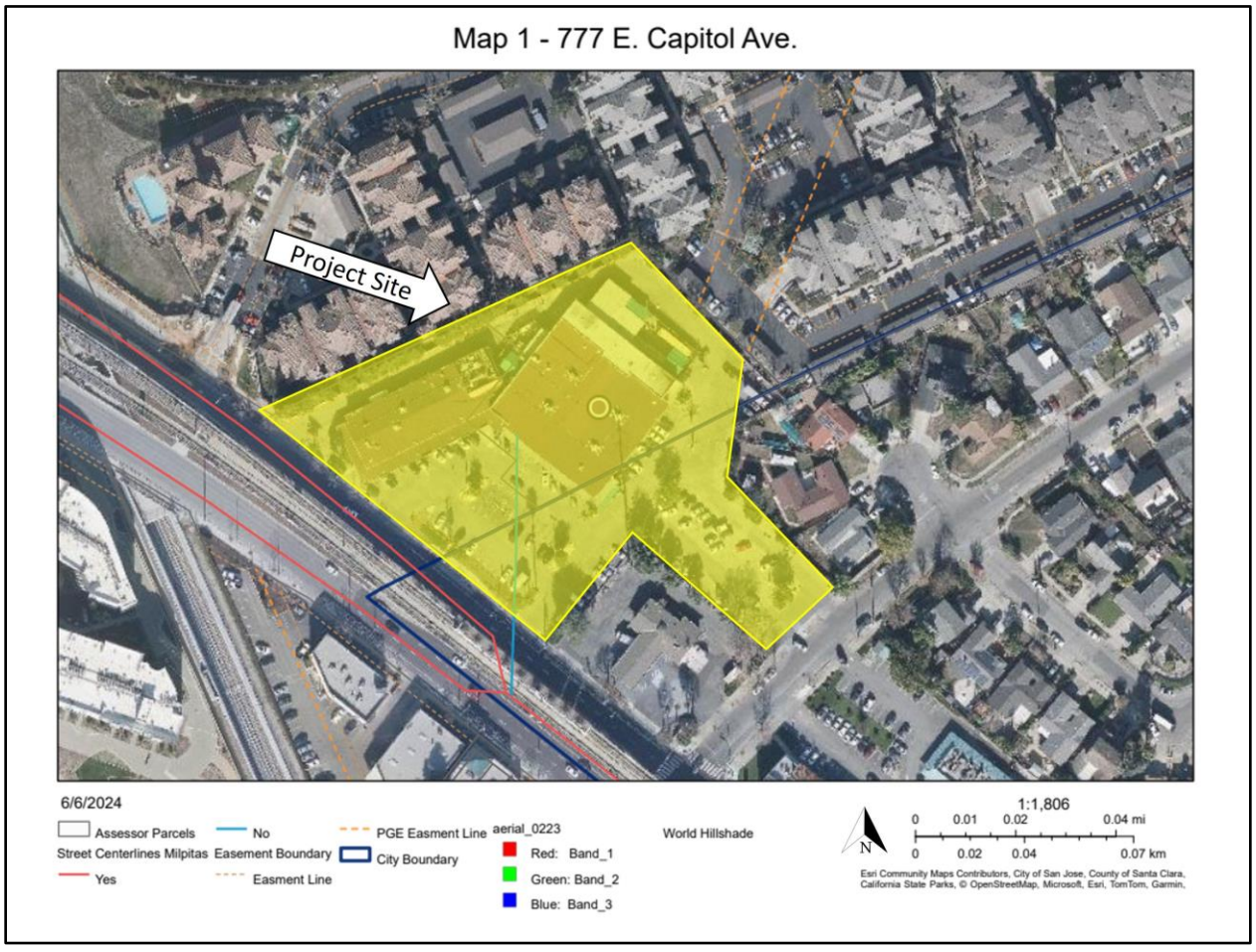
The applicant, 777 Investment, LLC is opening an approximately 20,300-square foot grocery store located in a vacant suite at 777 E. Capital Avenue. Along with selling a variety of food and retail products, the applicant is requesting to sell packaged beer, wine and spirits.

The following is a summary of the applicant's request:

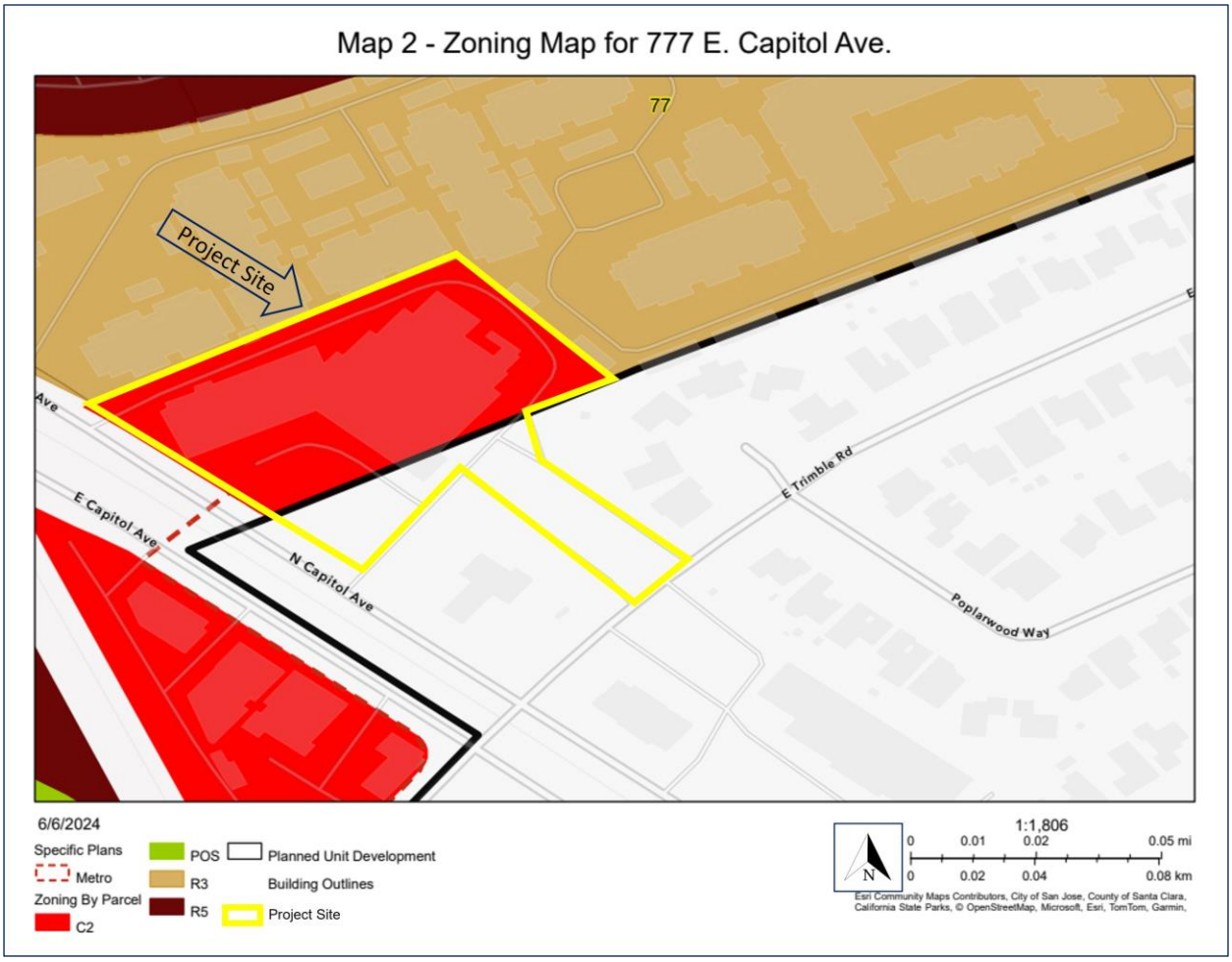
- Conditional Use Permit: To allow the grocery store to sell beer, wine, and spirits and apply to obtain a Type 21 (Off-Sale General) from the State or California Department of Alcohol Beverage Control (ABC).

Staff reviewed the entitlement application outlined above and found it to be consistent with the polices, standards, and processes outlined in the City of Milpitas General Plan, Specific Plan, and Zoning Ordinance. This report provides specific details and analysis regarding their request.

Map 1: Project Location



Map 2: Zoning Map



BACKGROUND

The subject location is an approximately 20,300 square foot tenant space located within an existing 30,000-square foot shopping center and commercial plaza known as "Northwood Plaza". This shopping center was originally built in 1966. The City of Milpitas used "S" Zone permits to entitle new developments and use permits (Use Permit No. 1523) to allow proposed uses between the 1950s through the 1990s. Since the early 2000s, the City of Milpitas has been entitling new development projects with Site Development Permits and proposed uses with Conditional Use Permits. Lucky 7 Supermarket occupied the tenant space from the late 1960's until the early 2010's. In 2012, Mekong Asian Market took over the space and operated until 2023. Lee's Supermarket has taken over the tenant space and is currently completing the tenant improvements to fully occupy the building. Northwood Plaza now hosts seven different businesses, including the future Lee's Supermarket, two restaurants, a lounge, a packaging store, a beauty salon, and a future dentist office.

PROJECT DESCRIPTION

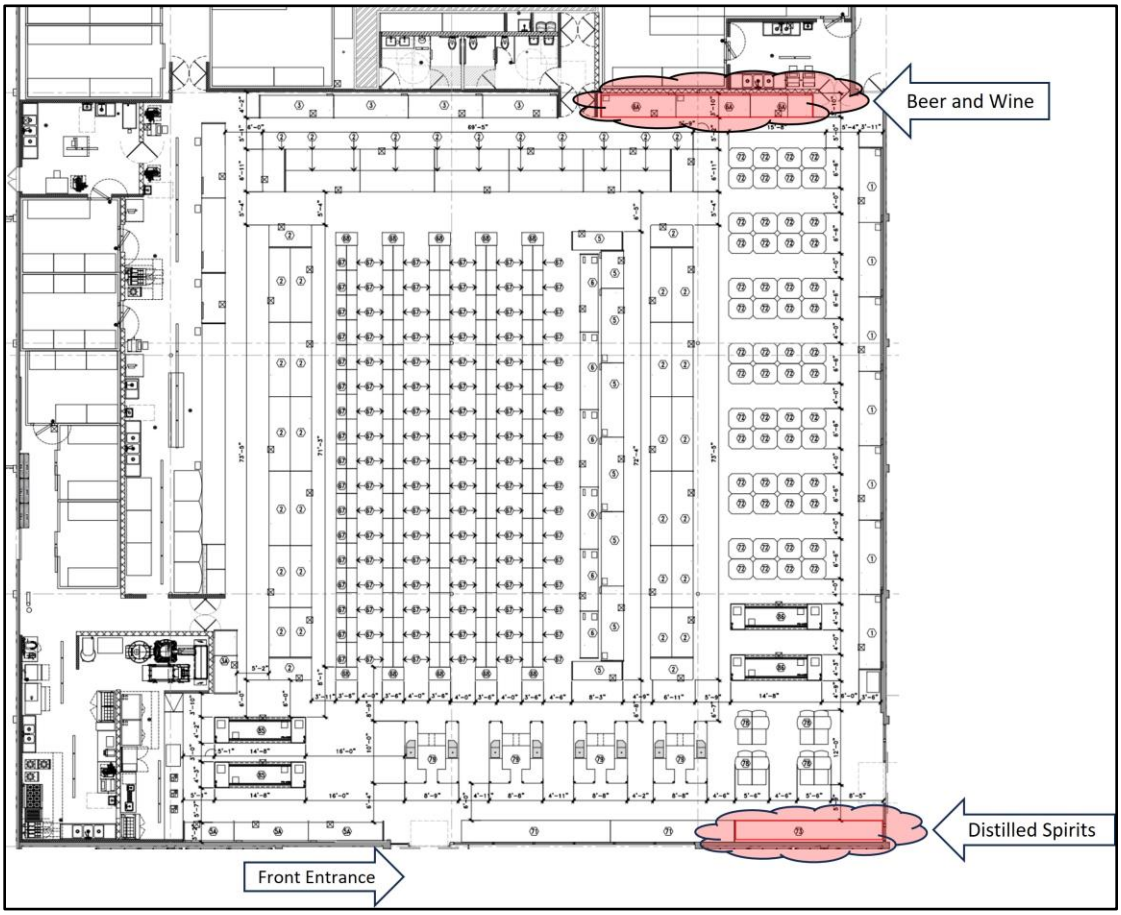
Overview / Project Details

On February 13, 2024, 777 Investment, LLC dba Lee's Supermarket, Inc (Applicant), applied for a Conditional Use Permit (CUP) to sell beer, wine, and distilled spirits within their new grocery store, as required per Milpitas Municipal Code (MMC) Table XI-10-5.02-1. A CUP requires Planning Commission approval. Once a CUP is approved, the applicant will be able to apply for a Type 21 alcohol license administered by ABC.

The new grocery store (Lee's Supermarket) will serve Milpitas and San Jose residents by providing food products, ingredients, and other goods commonly used in Asian cuisine. These products include fresh produce, seafood and meats, pantry staples, snacks, beverages, frozen foods, canned goods, and household items. The grocery store will operate from 8:00 am to 8:00 pm daily, seven days a week, and employ approximately 20 staff at any one time.

Figure 1 demonstrates the floor plan of the new grocery store. In addition to the shelving for dry goods, the store has a produce area, heavy duty racks, coolers, and eight check stands for cashiering. There are designated areas for alcohol as demonstrated on the floor plan in Figure 1. Cold beer and wine are in a 675 sq. ft. cooler in the rear of the store, while distilled spirits are stored in a 400 sq. ft. area at the front of the store, behind a counter. Customers can self-serve beer and wine but must ask for assistance to purchase distilled spirits.

Figure 1: Floor Plan



Location and Context

The project is located on a 1.2-acre site in south Milpitas, directly connected to the Milpitas/San Jose border. The site is located within the Milpitas Metro Specific Plan (MMSP) area. The specific plan designation is Residential Retail High Density Mixed Use (RRMU) and the planned implementing zoning district of that designation is Metro High Density Mixed Use (MXD2-Metro). However, the Project site has not been rezoned yet. As such, the current zoning designation, General Commercial (C2) remains in place. Table 1 summarizes the project site's General Plan designation, zoning, and surrounding uses:

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Milpitas Metro Specific Plan (METRO)	General Commercial (C2)	Future Lee's Supermarket
North	Milpitas Metro Specific Plan (METRO)	Residential High Density (R3)	The Crossings Apartments
South	City of San Jose	Commercial	Gas Station
East	Milpitas Metro Specific Plan (METRO)	Residential High Density (R3)	The Crossings Apartments
West	Milpitas Metro Specific Plan (METRO)	General Commercial (C2)	Universal Site Services

PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the project site is METRO. The purpose of the METRO designation is to "create a structure for a walkable, transit-oriented area with a mix of land uses that encourage walking, biking, and transit trips and minimize vehicle trips and reduce vehicle miles traveled (VMT)." Table 2 outlines the Project's consistency with applicable General Plan Guiding Principles, Goals, and Implementing Policies:

Table 2: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
Goal LU-1 *Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.*	**Consistent.** The Project will directly contribute to meeting the diverse needs of Milpitas residents by providing a safe, easily accessible commercial area to purchase alcoholic beverages to compliment typical grocery store purchases.

General Plan Goal / Policy	Consistency Finding
Policy LU-4-4 *Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhood workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.*	**Consistent.** The Project will enhance the convenience and appeal of the neighborhood-serving commercial center, support local economies, reduce automobile dependency, and contribute to a more vibrant and connected community by providing nearby residents and visitors a "one-stop shopping" experience, allowing customers to purchase a variety of products in one location.
Policy E-2-4 *Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.*	**Consistent.** The Project will increase revenue for the local business by offering a broader range of products to attract more customers and increase sales, helping the local business thrive while increase City revenues through tax dollars.

Specific Plan Conformance

The proposed Project is consistent with the goals and implementation policies of the METRO, as outlined in Table 3.

Table 3: Milpitas Metro Specific Plan Consistency

Policy	Consistency Finding
Policy LU 6 – *Support a mix of neighborhood and regional serving retail and active ground floors that are compatible with surrounding land uses and are economically viable.*	**Consistent.** Approval of the Project will support contributing to the mix of neighborhood and regional serving ground floor retail in the immediate area that Milpitas residents desire. Allowing the sale of beer, wine, and distilled spirts within the neighborhood-serving market will assist in keeping the store economically viable which supports both the local and regional economy.

Zoning Ordinance Conformance

The specific plan designation is RRMU and the planned implementing zoning district of RRMU is MXD2-METRO. However, since the Project site has not been rezoned yet, the current zoning designation C2 remains in place. The proposed use is conditionally permitted in the C2. According to MMC Section XI-10-57.04 (A)(1), "*the purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment and for the determination of where or not the proposed use is appropriate for its proposed location.*" To determine if the proposed conditional use is consistent with the Zoning Ordinance, Planning staff considered the following:

- Is the existing building where the use will operate a legal conforming structure per MMC Table XI-10-5.03-1 (Commercial Zone Development Standards)?
- Does the proposed use meet the parking requirements per MMC Section 53 (Off-Street Parking Regulations)?
- Will the proposed use negatively impact public safety?

Legal Conforming Structure

Table 3 demonstrates that the existing building conforms with the C2 Zoning District requirements. There are no changes proposed for the building, apart from a new wall sign, which will be reviewed and approved via a Minor Site Development permit, and interior tenant improvements, which will be approved via a building permit.

Table 3: C2 Development Standards

Standards	Required	Existing	Complies
Front Setback (minimum)	0 feet	152 feet	Yes
Side Yard Setback (minimum)	0 feet	17 feet / 104 feet	Yes
Rear Yard Setback (minimum)	0 feet	66 feet	Yes
Building Height (maximum)	None	~25 feet	Yes
Parking	See Table 4	See Table 4	Yes
Lot Coverage	None	0.39	Yes
Floor Area Ratio	0.50	0.46	Yes
Landscaping	None	Landscaped within Front Yard Setback	Yes

Parking Requirements

Since Northwood Plaza is located in the MMSP area, their parking standards would apply. Staff has analyzed the project's conformance with the minimum and maximum parking requirements in the MMSP.

Table 4: MMSP Vehicular Parking Requirements

Land Use	Minimum Requirement	Maximum Requirement
Residential/Lodging	0.5 spaces per unit	1.5 spaces per unit

Land Use	Minimum Requirement	Maximum Requirement
Non-Residential (Industrial)	1 space per 1,000 square feet	2 spaces per 1,000 square feet
Non-Residential (Non-Industrial)	1 space per 1,500 square feet	1 space per 1,000 square feet
Total Spaces Required		15-23 parking spaces

The MMSP establishes a new minimum and maximum parking requirement to encourage transit-oriented development, so the project must provide at least 15 spaces but no more than 23. However, since Lee's Supermarket is replacing the previous supermarket (Me-Kong Supermarket) and no expansion is occurring, the applicant is considered to have legally nonconforming status (see MMC Section XI-10-56.03(A)(1)). With legal non-conforming status, the plaza is allowed to keep the existing 164 shared parking spaces without reducing them to 23 parking spaces, as required by the MMSP.

Public Safety

Planning staff rely on the Milpitas Police Department (MPD) to analyze uses that may have an impact on the health and safety of the community. MPD reviewed the business operation of the proposed use and determined that the proposed use will not create any adverse impacts on the delivery of professional and responsive polices services. MPD recommends the following measures be implemented to ensure the safety of customers:

- The beer, wine, and spirits sold at the listed address shall be placed in a conspicuous location, but no closer than five feet from the cash register per California law and kept in a location that is visible to store employees.

- A high-definition security camera system shall supplement the area where the beer, wine, and spirits are sold to prevent any potential thefts from occurring.

- Since alcohol will be sold at this premise, the applicant shall ensure all applicable City, County, and State permits are obtained and ABC laws enforced.

- Sales of alcoholic beverages shall only occur between the hours of 6:00 AM and 2:00 AM the following morning. Between the hours of 2:00 AM to 6:00 AM, the store shall secure all alcohol products behind their liquor cabinet or door to reduce the likelihood of any late-night thefts (aka: grab and runs) from occurring.

- Upon demand from a peace officer, the licensee or responsible person shall immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law.
- Supervision of distribution, sales, and operation of alcoholic beverage areas shall at all times remain under the control of the organization. No other person or entity shall have authority to sell or distribute alcohol.

- A high-definition security camera system shall be required for the grocery store with coverage at all access points into the business. Additionally, the security camera system shall cover the parking lot area to have the clarity necessary to identify an individual, vehicle, etc., and have a field of view to maximize the coverage area.

- The security camera system shall be recorded, and the recording shall be maintained for a minimum of thirty (30) days and be made available to the Police Department upon request. A copy shall be made available to the police department upon request to assist in investigations. It is recommended that the employees be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the police department, if needed.

The applicant has agreed to the above conditions.

Public Convenience and Necessity

According to ABC, the Project falls above the maximum allotted concentration of liquor licenses for the census tract in which this Project is located (5045.09), which currently authorizes two (2) Off-Sale license permits. The census tract currently has two (2) active Off-Sale licenses. For ABC to grant another license, the applicant must demonstrate the proposed use would serve the public convenience or necessity, per California State Business and Professions Code Section 23958.4.

The City of Milpitas uses the CUP process to determine if a proposed use would serve the public convenience and necessity. Since the Project is located in the C2 zoning district and the purpose and intent of this district is to "*provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of het City and promote stable, attractive commercial development which will afford a pleasant shopping environment,*" Allowing the sale of beer, wine and distilled for off-site consumption within a local grocery store will generate increased sales tax revenue and provide convenience for Milpitas residents without impacting the health, welfare, and safety of the community.

FINDINGS

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04(F))

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The Project will serve the community in a manner that will not be detrimental or injurious to the property or improvements in the vicinity of the property, nor to the public health, safety, and general welfare. The Project will allow residents and visitors the ability to purchase a variety of products, including alcohol in one shopping trip, making the experience more efficient and convenient. Additionally, by reducing the need for multiple store trips to purchase different products, Milpitas residents and visitors will save time while reducing climate impacts that are associated with automobile usage. Lastly, the operation of the facility

will be required to remain in compliance with all applicable local, state, and federal regulations, including those administered by ABC.

2. *The proposed use is consistent with the Milpitas General Plan.*

   The Project is consistent with the Milpitas General Plan, as demonstrated within Table 2, above.

3. *The proposed use is consistent with the Milpitas Metro Specific Plan.*

   The Project is consistent with the Milpitas Metro Specific Plan, as demonstrated within Table 3, above.

4. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

   The Project is consistent with the Milpitas Zoning Ordinance in that alcoholic beverage sales are conditionally permitted within the Milpitas Municipal Code. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Furthermore, the building hosting the proposed use meets the zoning ordinance development standards.

***State of California Business and Professional Code* (*Section 23958.4(b)(2)*)**

1. *ABC may issue a license as follows. If the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.*

   The City of Milpitas has determined that public convenience and necessity will be served by the issuance of a ABC Type 21 license because the Project is located in the C2 zoning district and the purpose and intent of this district is to "*provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the City and promote stable, attractive commercial development which will afford a pleasant shopping environment*." Allowing the sale of beer, wine and distilled for off-site consumption within a local grocery store will generate increased sales tax revenue and provide convenience for Milpitas residents without impacting the health, welfare, and safety of the community.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), because no physical improvements are proposed or needed to allow the sale of beer, wine, and distilled spirits within the future grocery store. The Project is also exempt pursuant to CEQA Guidelines Section 15183 in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT

Staff provided public notice for the application in accordance with City and State public noticing requirements. The City published a public hearing notice in the Milpitas Post on June 14, 2024 and sent notices via mail to residents and owners within 1,000 feet of the project site. A public notice was posted on the project site, to the City's Website, www.milpitas.gov, and outside of City Hall. At the time of publishing this report, City staff have not received any public comments.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close the public hearing;
2. Consider the exemptions in accordance with CEQA;
3. Adopt Resolution No. 24-019 approving Conditional Use Permit No. UP24-0001, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution No. 24-019
B: Site Plan and Floor Plan
C: Milpitas Police Memo, dated February 15, 2024

RESOLUTION NO. 24-019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, APPROVING CONDITIONAL USE PERMIT NO. UP24-0001 TO SELL BEER, WINE AND SPIRITS FOR OFF-SITE CONSUMPTION (ABC TYPE 21 LICENSE) WITHIN AN EXISTING GROCERY STORE WITHIN MILPITAS METRO SPECIFIC PLAN AREA AND GENERAL COMMERCIAL (C2) ZONING DISTRICT AT 777 E. CAPITOL AVENUE (APN 092-06-027) AND MAKING THE FINDING OF CEQA EXEMPTION

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on February 13, 2024, 777 Investment, LLC dba Lee's Supermarket (the "Applicant") applied to the City of Milpitas for Conditional Use Permit No. UP24-0001. The application (the "Project") includes the following:

- *Conditional Use Permit:* To allow the grocery store to sell beer, wine, and spirits and apply to obtain a Type 21 (Off-Sale General) from the State or California Department of Alcohol Beverage Control (ABC).

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff report to the Planning Commission; and

WHEREAS, on June 26, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

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

SECTION 1. Recitals

The Planning Commission 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Record

The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035

SECTION 3. California Environmental Quality Act (CEQA)

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities); and as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) because no physical improvements are proposed or needed to allow the sale of beer, wine, and distilled spirits within the future grocery store. The Project is also exempt pursuant to CEQA Guidelines Section 15183 in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

SECTION 4: Conditional Use Permit (Section XI-10-57.04(F))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP24-0001:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The Project will serve the community in a manner that will not be detrimental or injurious to the property or improvements in the vicinity of the property, nor to the public health, safety, and general welfare. The Project will allow residents and visitors the ability to purchase a variety of products, including alcohol in one shopping trip, making the experience more efficient and convenient. Additionally, by reducing the need for multiple store trips to purchase different products, Milpitas residents and visitors will save time while reducing climate impacts that are associated with automobile usage. Lastly, the operation of the facility will be required to remain in compliance with all applicable local, state, and federal regulations, including those administered by State of California Department of Alcoholic Beverage Control (ABC).

2. *The proposed use must be consistent with the Milpitas General Plan*

   The Project is consistent with the General Plan 2040 – City of Milpitas, as demonstrated within Table 1, below:

Table 1: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
Goal LU-1 *Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.*	**Consistent.** The Project will directly contribute to meeting the diverse needs of Milpitas residents by providing a safe, easily accessible commercial area to purchase alcoholic beverages to compliment typical grocery store purchases.
Policy LU-4-4 *Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhood workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.*	**Consistent.** The Project will enhance the convenience and appeal of the neighborhood-serving commercial center, support local economies, reduce automobile dependency, and contribute to a more vibrant and connected community by providing nearby residents and visitors a "one-stop shopping" experience, allowing customers to purchase a variety of products in one location.
Policy E-2-4 *Facilitate the development of projects that provide property tax, transient occupancy tax (TOT) and sales tax revenues.*	**Consistent.** The Project will increase revenue for the local business by offering a broader range of products to attract more customers and increase sales, helping the local business thrive while increase City revenues through tax dollars.

3. *The proposed use must be consistent with the Milpitas Metro Specific Plan.*

   The Project is consistent with the Milpitas Metro Specific Plan, as demonstrated within Table 2, below:

Table 2: Milpitas Metro Specific Plan Consistency

Policy	Consistency Finding
Policy LU 6 – *Support a mix of neighborhood and regional serving retail and active ground floors that are compatible with surrounding land uses and are economically viable.*	**Consistent.** Approval of the Project will support contributing to the mix of neighborhood and regional serving ground floor retail in the immediate area that Milpitas residents desire. Allowing the sale of beer, wine, and distilled spirts within the neighborhood-serving market will assist in keeping the store economically viable which supports both the local and regional economy.

4. The proposed use must be consistent with the Milpitas Zoning Ordinance.

The Project is consistent with the Milpitas Zoning Ordinance in that alcoholic beverage sales are conditionally permitted within the Milpitas Municipal Code. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Furthermore, the building hosting the proposed use meets the zoning ordinance development standards.

SECTION 5: California Business and Professional Code (Section 23958.4(b)(2))

1. *ABC may issue a license as follows. If the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.*

The City of Milpitas has determined that public convenience and necessity will be served by the issuance of a ABC Type 21 license because the Project is located in the C2 zoning district and the purpose and intent of this district is to "provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the City and promote stable, attractive commercial development which will afford a pleasant shopping environment." Allowing the sale of beer, wine and distilled for off-site consumption within a local grocery store will generate increased sales tax revenue and provide convenience for Milpitas residents without impacting the health, welfare, and safety of the community.

SECTION 6: Planning Commission Approval

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-019, approving Conditional Use Permit No. UP24-0001, subject to the Findings and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024.

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana				
Dipak Awasthi				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Chia Ling Kong				
Sonia Medina-Ashby				

EXHIBIT 1

CONDITIONAL USE PERMIT NO. UP24-0001

PERMIT TO ALLOW THE SALE OF BEER, WINE, AND SPIRITS FOR OFF-SITE CONSUMPTION VIA AN ABC TYPE 21 LICENSE WITHIN AN EXISTING GROCERY STORE

LEE'S SUPERMARKET
777 E. CAPITOL AVENUE
(APN 092-06-027)

On June 26, 2024, the City of Milpitas Planning Commission approved Conditional Use Permit No. UP24-0001 in accordance with Section XI-10-57.04 of the Milpitas Municipal Code. Subject to all applicable State and local regulations and the conditions of use outlined below, this Permit will allow the sale of beer, wine, and distilled spirits for consumption off the premises where sold in conjunction with a ABC Type 21 License, as defined in Section 23038 of the California Business and Professions Code. The retail/grocery store is located at 777 E. Capitol Avenue (APN 092-06-027).

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This **Conditional Use Permit No. UP24-0001 (**"Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County Clerk-Recorder's Office with a copy provided to the Planning Department.

2. The Permittee shall develop the approved project in conformance with the plans approved by the Planning Commission on June 26, 2024, in accordance with these Conditions of Approval. **(P)**

3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

4. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

5. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

6. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.

7. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:

    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

8. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map.

    Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

    This permit shall become null and void if the permitted use ceases operation and/or the business closes at such location for a period of one (1) calendar year.

9. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

10. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

11. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of

this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(ALL)**

12. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the adoption of this Resolution. **(ALL)**

13. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(ALL)**

14. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

15. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(ALL)**

16. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

17. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.

18. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.

19. Compliance with Fire Department and California Fire Code. The Project shall comply with the requirements of the Milpitas Fire Prevention Department and the California Fire Code as adopted by the City. Changes to the floor plan and/or building(s) requires review and approval by the Fire Department. **(F)**

20. Compliance with Building Department. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

PROJECT SPECIFIC CONDITIONS

Planning Department Conditions

21. Hours of Operation. Hours of operation are limited to 7:00 AM to 10:00 PM, seven days a week. Any change in the hours of operation will require a written request addressed to the Planning Director or Designee. The Planning Director or Designee, at his or her discretion, may approve or deny the request in writing. **(P)**

Police Department Conditions

22. Video Surveillance. A high-definition security camera system shall be required for the grocery store with coverage at all access points into the business including the area where the beer, wine, and spirits are sold to prevent any potential thefts from occurring. Additionally, the security camera system shall cover the parking lot area to have the clarity necessary to identify an individual, vehicle, etc., and have a field of view to maximize the coverage area. The security camera system shall be recorded, and the recording shall be maintained for a minimum of thirty (30) days and be made available to the Police Department upon request. A copy shall be made available to the police department upon request to assist in investigations. It is recommended that the employees be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the police department, if needed **(PD)**

23. Location of Alcohol. The beer, wine, and spirits sold at the listed address shall be placed in a conspicuous location, but no closer than five feet from the cash register per California law and kept in a location that is visible to store employees. **(PD)**

24. Storage/Security. The store shall secure all alcohol products behind a liquor cabinet or door to reduce the likelihood of any late-night thefts (aka: grab and runs) from occurring. **(PD)**

25. Milpitas Police Department. Upon demand from a peace officer, the licensee or responsible person shall immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law. **(PD)**

26. Emergency Notification. The Property Manager shall file an emergency notification form with the Police Department so law enforcement can contact the property manager in the event of any major accident, emergency, or unforeseen circumstance. **(PD)**

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(PD) = Police Department
(CA) = City Attorney

ACCEPTANCE

Permittee/Property Owner
The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: _____

Printed Name: _____

Title: _____

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PLAN LEGEND

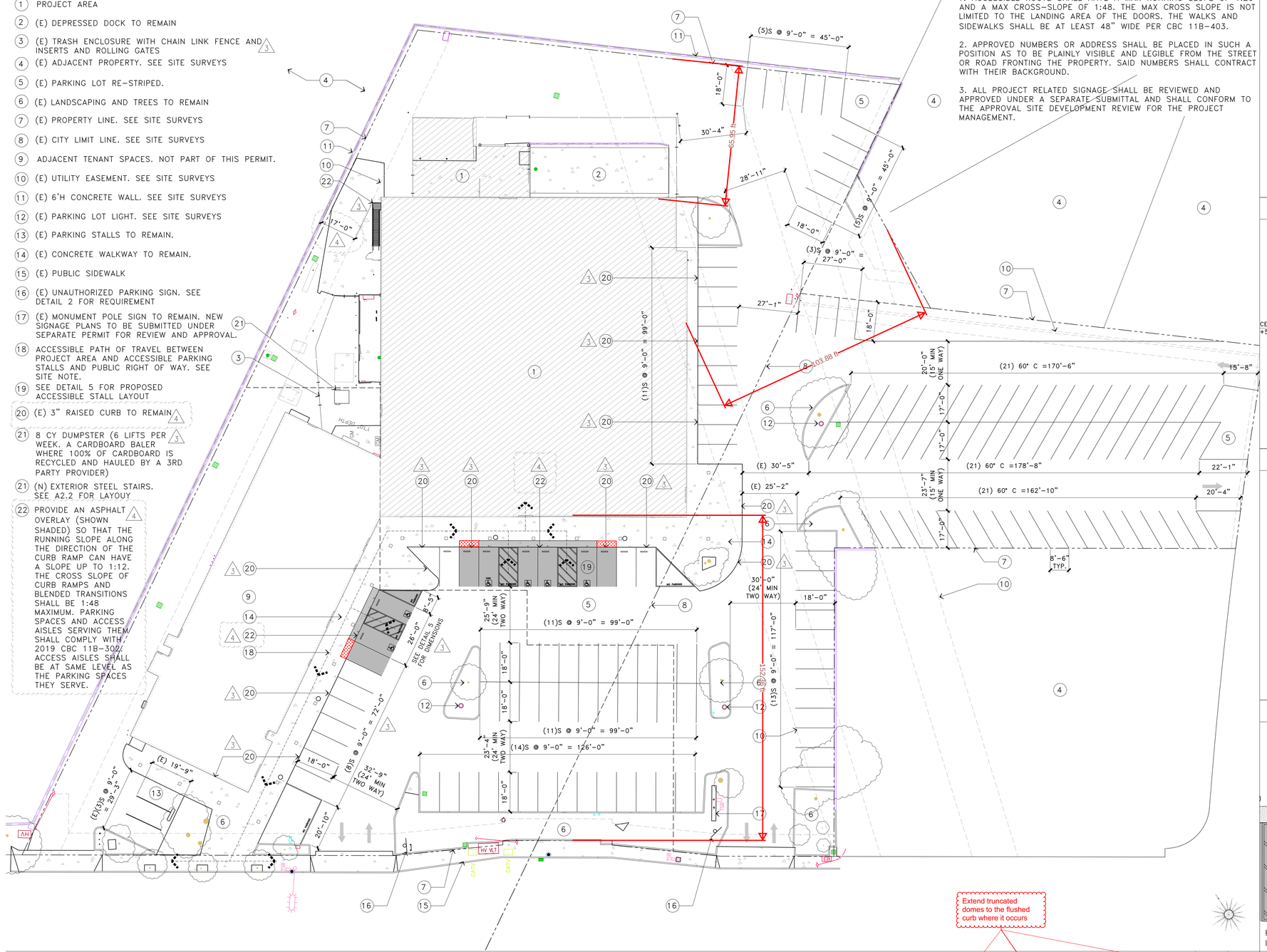
1. PROJECT AREA
2. (E) DEPRESSED DOCK TO REMAIN
3. (E) TRASH ENCLOSURE WITH CHAIN LINK FENCE AND INSERTS AND ROLLING GATES
4. (E) ADJACENT PROPERTY. SEE SITE SURVEYS
5. (E) PARKING LOT RE-STRIPED.
6. (E) LANDSCAPING AND TREES TO REMAIN
7. (E) PROPERTY LINE. SEE SITE SURVEYS
8. (E) CITY LIMIT LINE. SEE SITE SURVEYS
9. ADJACENT TENANT SPACES. NOT PART OF THIS PERMIT.
10. (E) UTILITY EASEMENT. SEE SITE SURVEYS
11. (E) 6'H CONCRETE WALL. SEE SITE SURVEYS
12. (E) PARKING LOT LIGHT. SEE SITE SURVEYS
13. (E) PARKING STALLS TO REMAIN.
14. (E) CONCRETE WALKWAY TO REMAIN.
15. (E) PUBLIC SIDEWALK
16. (E) UNAUTHORIZED PARKING SIGN. SEE DETAIL 2 FOR REQUIREMENT
17. (E) MONUMENT POLE SIGN TO REMAIN. NEW SIGNAGE PLANS TO BE SUBMITTED UNDER SEPARATE PERMIT FOR REVIEW AND APPROVAL.
18. ACCESSIBLE PATH OF TRAVEL BETWEEN PROJECT AREA AND ACCESSIBLE PARKING STALLS AND PUBLIC RIGHT OF WAY. SEE SITE NOTE.
19. SEE DETAIL 5 FOR PROPOSED ACCESSIBLE STALL LAYOUT
20. (E) 3" RAISED CURB TO REMAIN
21. 8 CY DUMPSTER (6 LIFTS PER WEEK. A CARDBOARD BALER WHERE 100% OF CARDBOARD IS RECYCLED AND HAULED BY A 3RD PARTY PROVIDER)
21. (N) EXTERIOR STEEL STAIRS. SEE A2.2 FOR LAYOUY
22. PROVIDE AN ASPHALT OVERLAY (SHOWN SHADED) SO THAT THE RUNNING SLOPE ALONG THE DIRECTION OF THE CURB RAMP CAN HAVE A SLOPE UP TO 1:12. THE CROSS SLOPE OF CURB RAMPS AND BLENDED TRANSITIONS SHALL BE 1:48 MAXIMUM. PARKING SPACES AND ACCESS AISLES SERVING THEM SHALL COMPLY WITH 2019 CBC 11B-302/ ACCESS AISLES SHALL BE AT SAME LEVEL AS THE PARKING SPACES THEY SERVE.

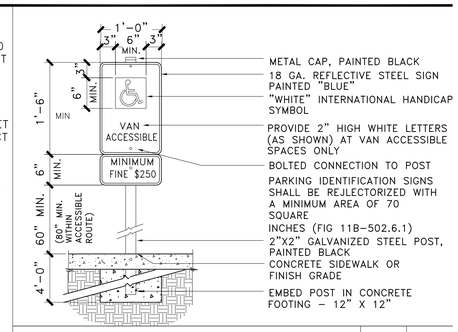
SITE NOTE:

1. ACCESSIBLE ROUTE SHALL HAVE A MAX RUNNING SLOPE OF 1:20 AND A MAX CROSS-SLOPE OF 1:48. THE MAX CROSS SLOPE IS NOT LIMITED TO THE LANDING AREA OF THE DOORS. THE WALKS AND SIDEWALKS SHALL BE AT LEAST 48" WIDE PER CBC 11B-403.

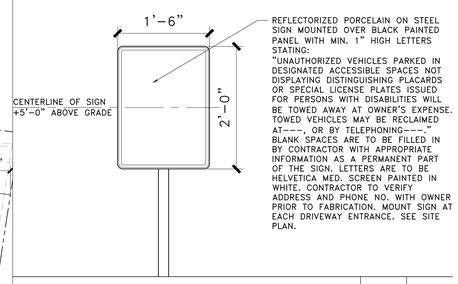
2. APPROVED NUMBERS OR ADDRESS SHALL BE PLACED IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. SAID NUMBERS SHALL CONTRACT WITH THEIR BACKGROUND.

3. ALL PROJECT RELATED SIGNAGE SHALL BE REVIEWED AND APPROVED UNDER A SEPARATE SUBMITTAL AND SHALL CONFORM TO THE APPROVAL SITE DEVELOPMENT REVIEW FOR THE PROJECT MANAGEMENT.

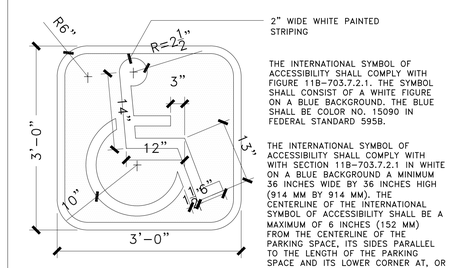




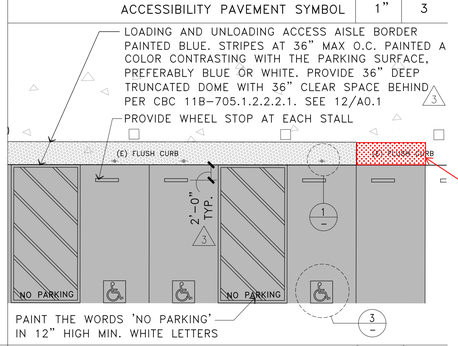
ACCESSIBLE PARKING SIGN | 1" | 1



UNAUTHORIZED PARKING SIGN | 1" | 2



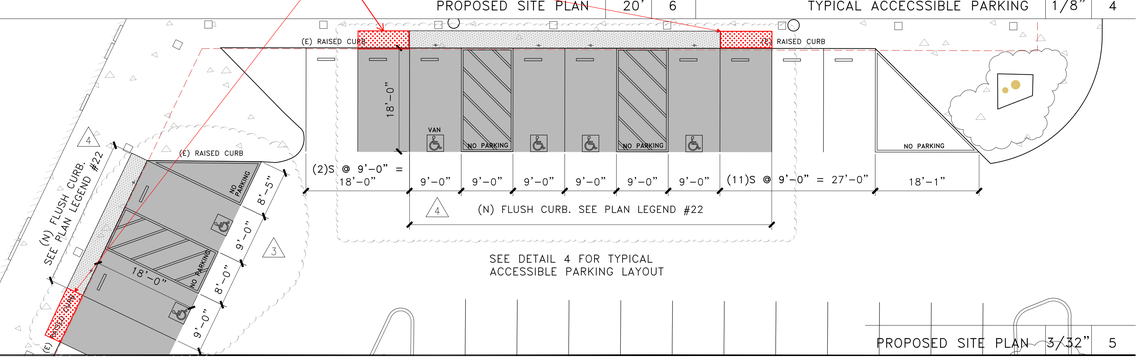
ACCESSIBILITY PAVEMENT SYMBOL | 1" | 3



Extend truncated domes to the flushed curb where it occurs

PROPOSED SITE PLAN | 20' | 6

TYPICAL ACCECSSIBLE PARKING | 1/8" | 4



PROPOSED SITE PLAN | 3/32" | 5

TENANT	TOTAL NET AREA (SF)	DINING AREA (SF)	CUSTOMER AREA (SF)	PARKING RATIO	PARKING SPACE REQUIRED	PARKING SPACE PROVIDED	CODE REFERENCE	REMARKS	
LEE'S SUPERMARKET	10699			200	54		MMC TAB 53.09-1	PROPOSED SALES AREA	
ASIA GARDEN	2451	1226		39	32		MMC TAB 53.09-1		
BEAUTY HAIR	1033		517	200	3		MMC TAB 53.09-1		
GOI QUA PACKAGING	1145		573	200	3		MMC TAB 53.09-1		
VACANT	1741		871	225	4		MMC TAB 53.09-1	FUTURE DENTAL OFFICE	
THE NOTE	1729	865		30	29		MMC TAB 53.09-1		
COLISEUM PIZZA	1117	559		39	15		MMC TAB 53.09-1		
					140	155			
						95		STANDARD STALL	
						60	MMC XI-10-53.07	COMPACT STALL	38.7%
					5	5	2019 CBC 11B-208.2	ACCESSIBLE PARKING STALL	
					1	1	2019 CBC 11B-208.2.4	1 VAN SPACE FOR EVERY 6 OR FRACTION	

studio 02
1136 e hamilton ave #100
campbell , ca 95008
(t) 408.730.8877
(e) info@studio02.net

TENANT IMPROVEMENT

LEE'S SUPERMARKET

777 E CAPITOL AVE . MILPITAS . CA 95035

12.15.22	ISSUED FOR PLAN CHECK	
01.23.23	HEALTH DEPT COMMENT	1
02.14.23	CITY DEPT COMMENT	2
12.29.23	CITY DEPT COMMENT	3
04.08.24	CITY DEPT COMMENT	4

REVIEWED FOR CODE COMPLIANCE
B-BP22-0719
05/21/24
CITY OF MILPITAS BUILDING SAFETY AND HOUSING DEPARTMENT

LICENSED ARCHITECT SUNNY TAN C28457 07.31.2025 STATE OF CALIFORNIA

PROJECT: 22-7890

PROPOSED SITE PLAN
PARKING TABULATION

REF. NORTH

A0.6 | 3 | 2

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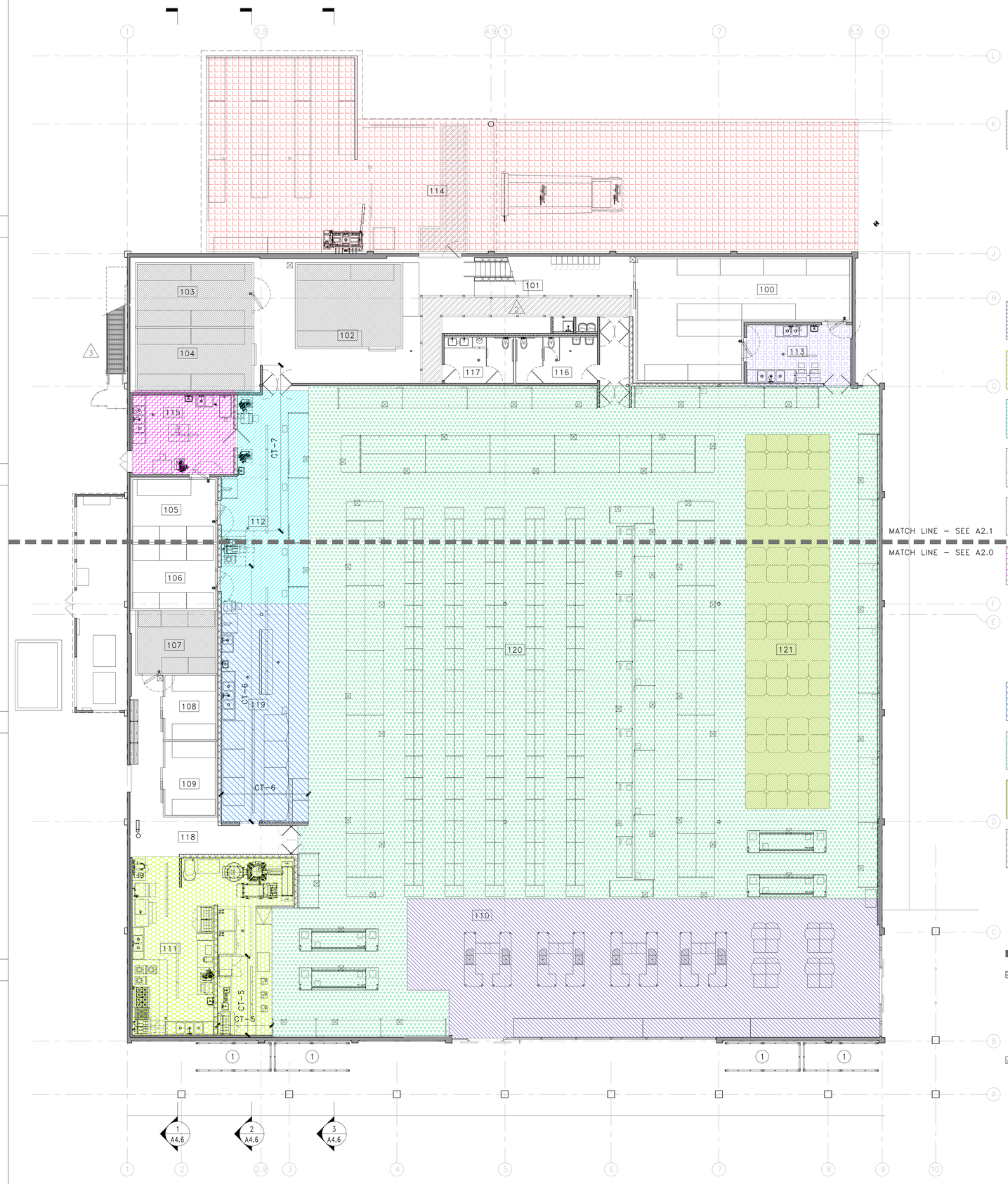

FLOOR PLAN LEGEND

XXX DENOTES ROOM NUMBER

100 PRODUCE/DAIRY WALK-IN COOLER
101 RESTROOM CORE AREA △3
102 GROCERY WALK-IN FREEZER
103 SEAFOOD WALK-IN FREEZER
104 MEAT WALK-IN FREEZER
105 MEAT WALK-IN COOLER
106 SEAFOOD WALK-IN COOLER
107 DELI WALK-IN FREEZER
108 DELI WALK-IN COOLER
109 BREAD WALK-IN COOLER

110 CHECKSTAND CONCOURSE

111 BAKERY KITCHEN AND SERVICE

112 MEAT SERVICE

113 PRODUCE PREP

114 OUTDOOR STORAGE AREA

115 MEAT PREP

116 WOMEN'S RESTROOM

117 MEN'S RESTROOM
SEE A2.5 FOR ENLARGED LAYOUT △2

118 SERVICE CORRIDOR
SEE A2.5 FOR ENLARGED LAYOUT △2

119 SEAFOOD SERVICE

120 RETAIL SALES

121 PRODUCE SALES

4' WIDE CLEAR FLOOR SPACE TO ACCESSIBLE RESTROOM WITH CONTRACTING COLOR STRIPING ON EXPOSED CONCRETE FLOOR. THE FLOOR AND GROUND SURFACES ON THE ACCESSIBLE ROUTES SHALL BE STABLE, FIRM, AND SLIP RESISTANT △2

(1) DOUBLE WIDE SHOPPING CART CORRAL BY DUO-GARD OR EQ

(E) EXISTING WALL TO REMAIN △2

(N) INTERIOR PARTITION – 3-5/8" METAL STUD FRAMING WITH 5/8" GYP BOARD BOTH SIDES (GYP ON ONE SIDE FOR FURRED WALL). PROVIDE WATER RESISTANT GYP BOARD ON ALL WET WALLS. SEE DETAIL 3 AND 4 ON A2.2 AND STRUCTURAL PLANS FOR STUD SIZES AND CONNNECTION DETAILS △2

(N) INTERIOR PARTITION – 6" METAL STUD FRAMING WITH 5/8" GYP BOARD BOTH SIDES (GYP ON ONE SIDE FOR FURRED WALL). PROVIDE WATER RESISTANT GYP BOARD ON ALL WET WALLS. SEE DETAIL 3 AND 4 ON A2.2 AND STRUCTURAL PLANS FOR STUD SIZES AND CONNNECTION DETAILS △2

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TENANT IMPROVEMENT

LEES SUPERMARKET

777 E CAPITOL AVE . MILPITAS . CA 95035

12.15.22	ISSUED FOR PLAN CHECK	
01.23.23	HEALTH DEPT COMMENT	1
02.14.23	CITY DEPT COMMENT	2
12.29.23	CITY DEPT COMMENT	3
04.08.24	CITY DEPT COMMENT	4

LICENSED ARCHITECT SUNNY TAM C28457 07.31.2025 STATE OF CALIFORNIA

PROJECT: 22-7890

PROPOSED LAYOUT PLAN
GROUND FLOOR

A1.5

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PROPOSED LAYOUT PLAN – GROUND FLOOR | 1/8" | 1

MILPITAS PLANNING COMMISSION
STAFF REPORT

June 26, 2024

APPLICATION: **CONTRACTORS YARD – 897 AMES AVE – P-UP24-0003 / MS24-0146:** A Conditional Use Permit and Minor Site Development Permit to operate a contractor's yard in the Heavy Industrial (M2) Zoning District, on a 2.30-acre lot located at 897 Ames Ave. The Project includes site improvements, such as repainting and restriping.

RECOMMENDATION: **Staff recommends that the Planning Commission adopt Resolution No. 24-024 approving Conditional Use Permit No. UP24-0003 and Minor Site Development Permit No. MS24-0146, subject to the attached Conditions of Approval.**

LOCATION:

Address/APN:	897 Ames Ave (APN: 086-31-007)
Area of City:	West of Interstate 680 and south of Yosemite Drive

PEOPLE:

Project Applicant:	David Penny, LCS, Inc.
Property Owner:	Pearson Properties
Project Planner:	Michael Fossati, AICP, Senior Planner

LAND USE:

General Plan Designation:	MFG - Manufacturing
Zoning District:	Heavy Industrial (M2) Zone

ENVIRONMENTAL: The Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

EXECUTIVE SUMMARY

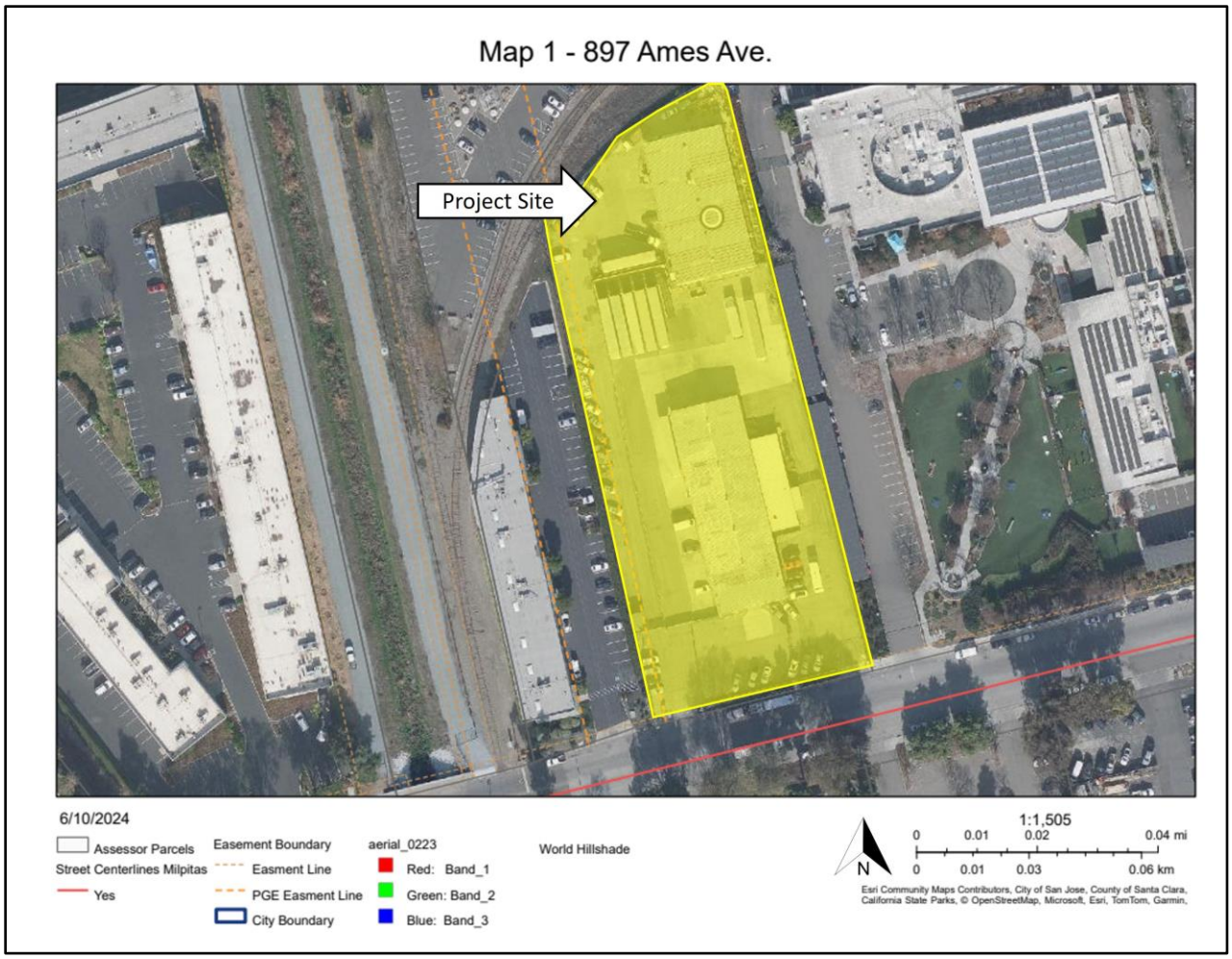
The applicant, Land Control Services, LLC, also known as LCS, is requesting to operate a contractor's yard within a vacant 8,500 sq. ft. industrial building at 897 Ames Avenue.

The following is a summary of the applicant's requests:

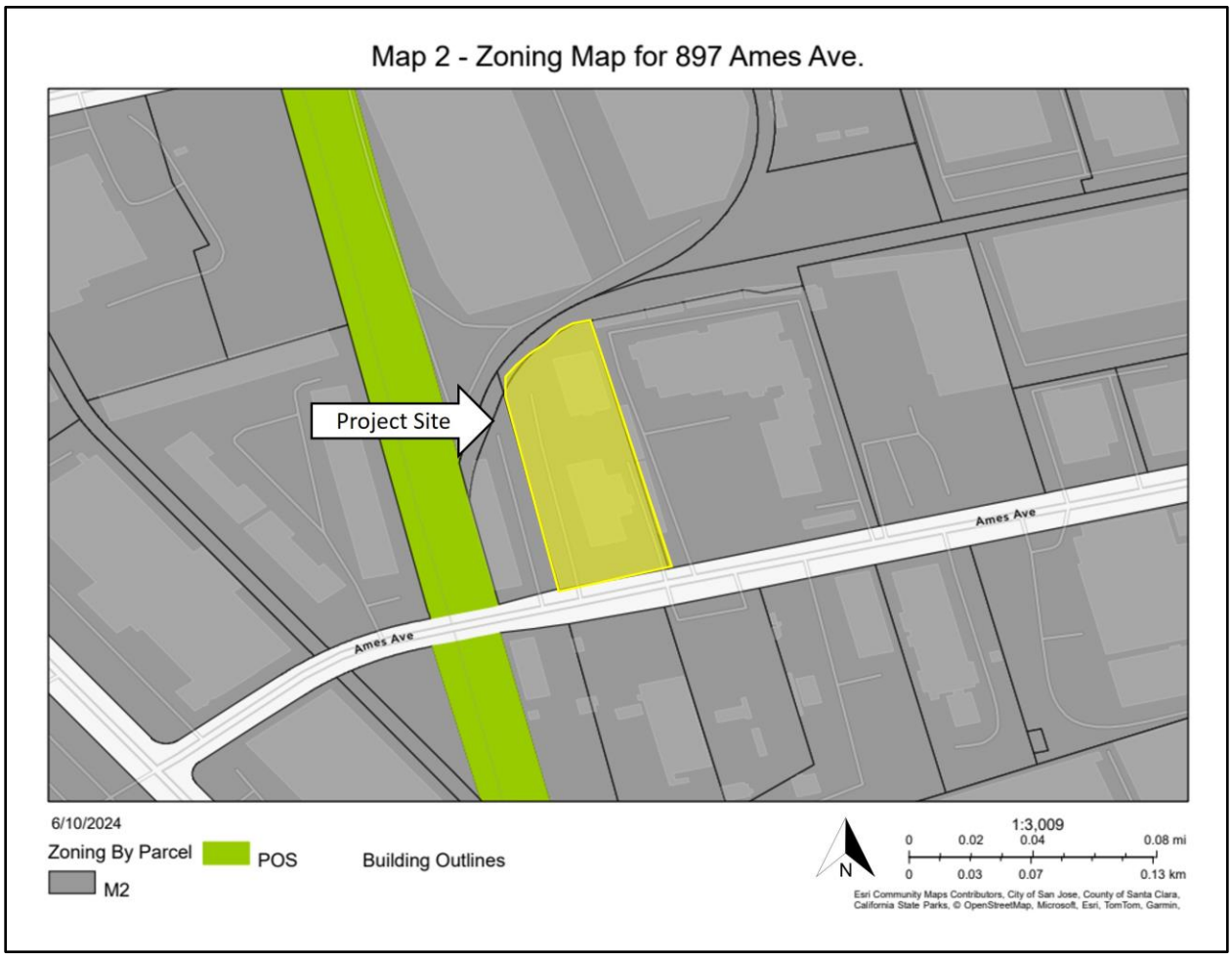
- Conditional Use Permit: To operate a contractor's yard at 897 Ames Avenue.
- Minor Site Development Permit: To allow building and site improvements, including repainting and restriping.

Staff reviewed the entitlement applications outlined above and found it to be consistent with the polices, standards, and processes outlined in the City of Milpitas General Plan and Zoning Ordinance. This report provides specific details and analysis regarding their requests.

Map 1: Project Location



Map 2: Zoning Map



BACKGROUND

The subject location is a 2.3-acre site within an industrial area of Milpitas, north of Ames Avenue. The site has two industrial buildings. The building closest to Ames Avenue (893 Ames Avenue) is 12,800-square feet and currently occupied by "Escape Campervans," which obtained a Conditional Use Permit from the Planning Commission on March 22, 2023. The second building (897 Ames Avenue) is a vacant 8,500-square foot, one-story industrial building located at the rear of the property, which will be occupied by LCS, Inc. The buildings are separated via a chain-link fence and gate which allows each building to operate independently from one other. The last tenant for 897 Ames Avenue was "AA&A Economy Tow and Service," which vacated the building in June 2022.

PROJECT DESCRIPTION

Overview/Project Details

On April 24, 2024, David Penny with LCS, Inc, applied for a Conditional Use Permit (CUP) to operate a contractor's yard, as required per Milpitas Municipal Code (MMC) Table XI-10-7.02-1. A CUP requires Planning Commission approval.

LCS is a full-service general contractor that specializes in cemetery development, which includes developing cremation gardens, standard ground burial plots, mausoleums, large multi-acre development and infrastructure projects. Figure 1 demonstrates the site plan of the contractor's yard.

Figure 1: Site Plan

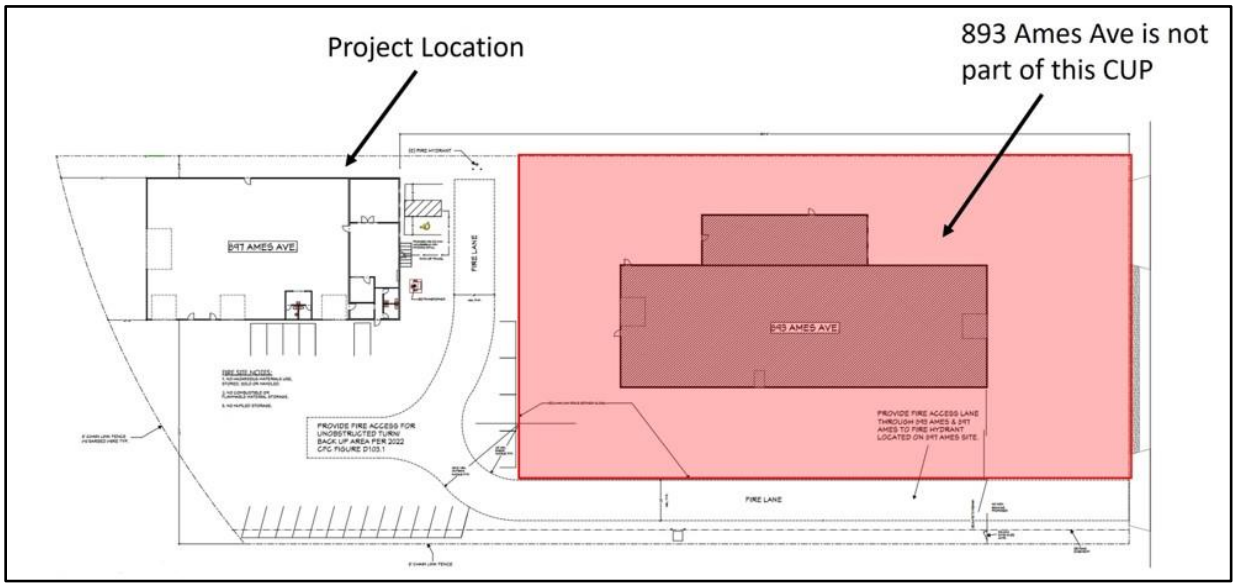
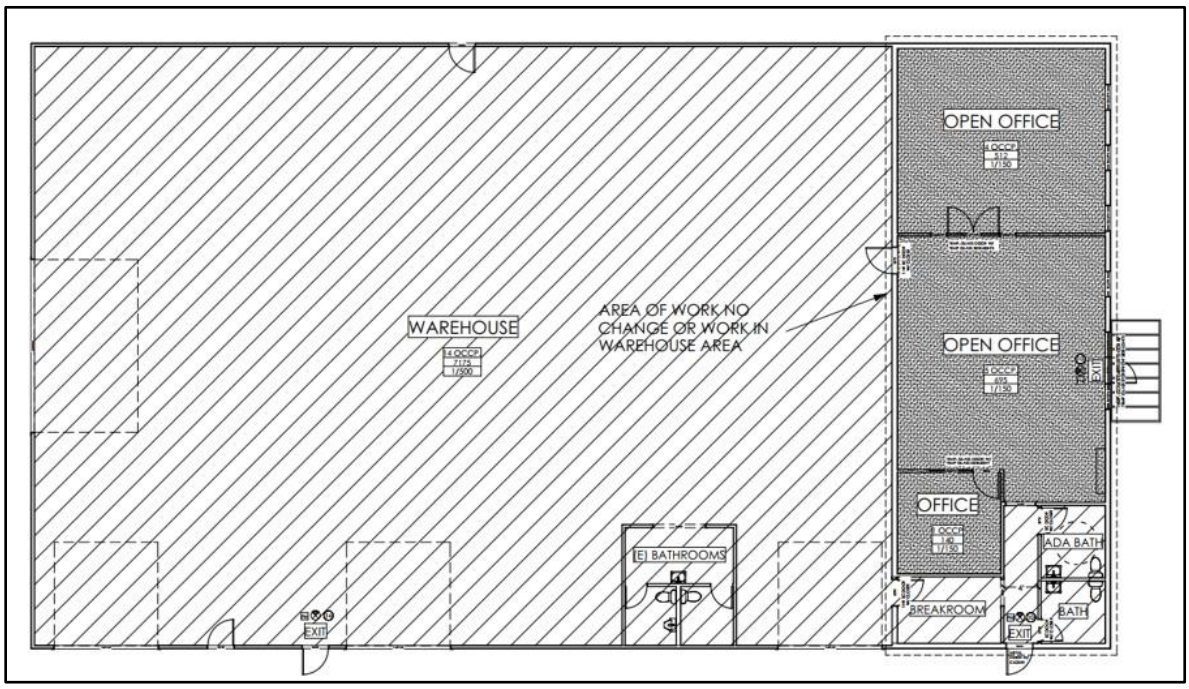


Figure 2 demonstrates the floor plan of the contractor's yard. In addition to the 7,175-square foot warehouse space, the building includes three offices, a breakroom, and two bathrooms.

Figure 2: Floor Plan



Location and Context

As shown in Map 1, the project site is generally surrounded by industrial uses. To the north, the Project site is bound by industrial uses along both north and west sides. Further east is I-680 and multi-family residential uses. Various light industrial uses bound the project site to the south and west. Table 1 summarizes the project site's General Plan designation, zoning, and surrounding uses:

Table 1: Zoning and Land Use Summary

	General Plan	Zone	Uses
Subject Site	Manufacturing (MFG)	Heavy Industrial (M2)	Industrial Warehouse Building
North	Manufacturing (MFG)	Heavy Industrial (M2)	Industrial/Commercial Office Building
South	Manufacturing (MFG)	Heavy Industrial (M2)	Industrial/Commercial Office Building
East	Manufacturing (MFG)	Heavy Industrial (M2)	Industrial/Commercial Office Building
West	Manufacturing (MFG)	Heavy Industrial (M2)	Humane Society Silicon Valley

PROJECT ANALYSIS

General Plan Conformance

The General Plan land use designation for the project site is Manufacturing (MFG). The purpose of the MFG designation is intended to accommodate a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses at a FAR up to 1.0. As proposed, the Project is in conformance with the policies and standards in the City's General Plan policies, as outlined.

Table 2: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
Policy ED 2-1 *Encourage economic development that generates diverse tax base revenue that can resist downturns in any one economic sector.*	**Consistent:** Approval of a contractor's yard in the industrial area will create a more balanced and resilient local economy by creating new local jobs and relocating two existing contractor's yards outside of the city boundary into Milpitas. The new contractor's yard will repurpose a vacant industrial building into a business that will contribute to business taxes, sales taxes (on equipment and supplies), and property taxes, thereby generating diverse tax base revenues.
Policy LU 5-4 *Prohibit the establishment or encroachment of incompatible uses into industrial and manufacturing designated lands, and prohibit new uses which would result in the imposition of additional operational restrictions and mitigation requirements on industrial and manufacturing users due to land use incompatibility.*	**Consistent:** The proposed contractor's yard is a compatible use that will complement the existing, surrounding heavy industrial uses in the immediate area. Allowing the proposed use at 897 Ames Avenue will centralize resources, logistics, and administrative functions within a building without the need for operational restrictions due to incompatible land uses.

Zoning Conformance

The Zoning designation for the Project site is Heavy Industrial (M2). This classification is "*reserved for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district*." The Project is consistent with the City of Milpitas zoning ordinance, as demonstrated in Table 3 below.

Table 3: Summary of Development Standards

	Standards	Proposed	Complies
Front Setback, minimum	35 ft. from a major street, 25 ft. from a minor street	359 ft.	Yes
Side Setback, minimum	None	West: 110 ft., 7 in. East: 10 ft., 9 in.	Yes
Rear Setback, minimum	None	18 ft., 10 in.	Yes
Floor Area Ratio	0.40	0.28	Yes
Building Height, Maximum	None[1]	16 ft.	Yes
Landscaping	Required front yard area landscaping	Front yard is landscaped	Yes
Parking	7 spaces total (See Table 4)	26 spaces	Yes

Pursuant to MMC Section XI-10-7.02(A)(1), with a conditional use permit granted by the Planning Commission, a contractor's yard and offices are conditionally permitted within the M2 Heavy Industrial Zone when conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence not less than eight feet in height. The proposed yard and offices are to be completely within the existing building, and a condition of approval (No. 44) has been added to require this enclosed operation on an ongoing basis, or until an eight-foot fence is installed.

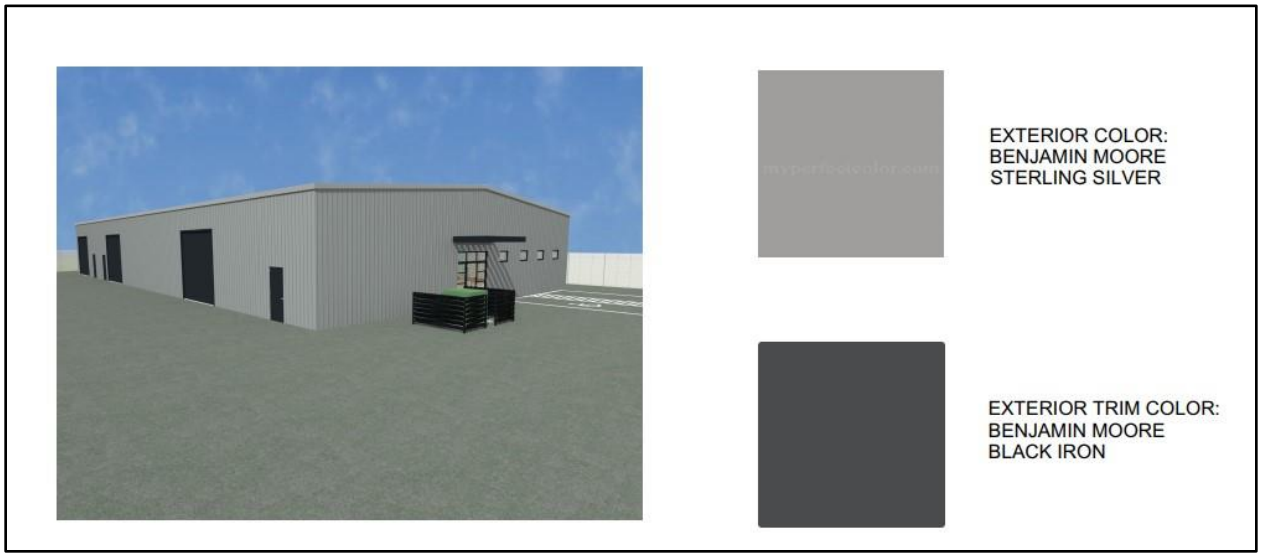
Minor Site Development Permit Review

The application includes a Minor Site Development Permit application, which is required when a building color is being changed. Currently, the industrial building metal siding is a beige color with a dark brown stripe near the top, surrounding the building. The proposed color is a dark gray "Benjamin Moore Sterling Silver" color for the body and a black "Benjamin More Black Iron" color for the pedestrian and roll-up doors, awnings, and equipment enclosure surrounding the electrical box in the front of the building. The applicant will also restripe parking spaces for the lines have faded. Figure 3 shows the existing building and Figure 4 shows the proposed building.

[1] Additional findings are required for buildings over three (3) stories or thirty-five (35) feet in height, but those standards do not apply to this single story building 16 feet in height.

Figure 3: Existing Building

Figure 4: Proposed Building Color / Swatches



Planning staff recommends the Planning Commission approve the Minor Site Development Permit because the proposed color combination is earthtone, muted, and compatible with the surrounding

industrial area as contemplated by MMC Section XI-10-57.03. Furthermore, the restriping for the required parking spaces and proposed parking plan also conforms with the parking space design standards specified within MMC Section XI-10-53-13.

Parking Requirements

The proposed use will operate within an 8,500-sq. ft. industrial warehouse building, and includes warehousing space, offices, a break room and bathrooms. Table 4 demonstrates the required amount of parking for the proposed use.

Table 4: Off-Street Parking Compliance

Tenant (Use)	Net Floor Area (Square Footage)	Parking Ratio	Required Parking
Warehouse	5,740	1/1,500	4
Office Space within an Industrial Building	1,078	1/350	3
Total Number of Spaces Required for Proposed Use:			7
Total Number of Parking Spaces Available:			26

Operations

Typical hours of operation are from 6:00am – 6:00pm, Monday through Saturday. Approximately three to five administrative staff will be onsite at any one time, with the remaining 40-45 employees working out in the field, at different cemetery locations. Drivers/laborers would only come on-site to pick up new equipment, replace existing equipment, or bring in work vehicles for maintenance services.

Lighting

Existing exterior lighting at the subject site is shielded/recessed so that direct glare and reflections are contained within the parcel's boundaries and directed downward and away from adjoining properties and public rights-of-way.

Fencing

An existing barb wire, chain-link fence will be replaced with a new eight-foot tall fence around the perimeter of the site once operations have been started. The vehicular gate (needed to access the site from a driveway connected from Ames Avenue) will be replaced and include a pedestrian gate required for American Disabilities Act (ADA) compliance.

Public Safety

On May 6, 2024, the Milpitas Police Department (MPD) provided a memorandum for their project review of the proposed contractor's yard. MPD does not expect an increase call for service but recommends the following security measures be implemented into the project.

- If left unsecured, the parking lot should allow accessible circulation for police patrols (vehicles, foot, and bicycles) to prevent and reduce the likelihood of criminal activity

occurring in the area. If fencing area is secured after hours, the police department and fire department shall be given access to all points of entry by either access code or keys to gain access to the property in the instance of an emergency or an unforeseen circumstance.

- Parking lot areas shall have postings with appropriate signs per 22658(a) CVC to assist in removal of vehicles at the property owners/manager's request.

- "No Trespassing/Loitering" signage should be posted at the entrances of parking lots placed in conspicuous areas. Signs should be at least 2 x 1' in overall size, with white background and black 2'' high letters.

- Lighting shall be of sufficient wattage to adequately illuminate and make visible the presence of any person in or about the outside premises during hours of darkness.

- Line of sight obstructions, including business signs, advertisements, or other markings, should be avoided on the exterior windows to maximize natural surveillance during the business's closed hours.

- Video/security cameras shall be required for the site, with coverage at all access points into the business and the enclosed area. The video/security cameras shall record in high definition and shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement upon request for investigative purposes. It is recommended the employees of the business be appropriately trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police Department if needed.

- An up-to-date map of the interior of the building should be provided to the Police Department. The map should minimally identify the locations of each entry/exit point, storage area, maintenance area, etc.

- Applicant shall file an emergency notification form with the Police Department so law enforcement can contact the applicant in case of any significant accident, emergency, or unforeseen circumstance.

The applicant has agreed to implement the recommended security measures. The Planning Department recommends the Planning Commission approve the proposed conditional use permit and minor site development permit.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10.57.04-2.)

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;*

   The Project is well suited for the proposed location, as the subject site is within an industrial area. The use is also compatible with the other heavy industrial uses that surround the site and has the potential for economic benefits that includes employment opportunities. The Project adheres to regulatory zoning standards and public safety security measures to create an environment that will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

2. *The proposed use is consistent with the General Plan.*

   The Project is consistent with the Milpitas General Plan, as demonstrated within Table 2, above.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

   The Project is consistent with the Milpitas Zoning Ordinance in that contractor yards are conditionally permitted within the Milpitas Municipal Code. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Furthermore, the building hosting the proposed use meets the Zoning Ordinance development standards.

Minor Site Development Permit (Section XI-10-57.03(F)(1))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

   The existing building will be painted in a neutral color palette that is unobstructive and blends well with other industrial buildings in the immediate neighborhood. The building and exterior materials have a similar architectural style, material, and color scheme that are compatible with the neighborhood. The parking lot will be restriped to clearly delineate parking spaces for both employees and visitors. The layout of the building at the rear of the parcel reduces its visual impact from the street making it less prominent and allowing the front 893 Ames Avenue building to define the streetscape. Its for these reasons the layout of the site and design of the proposed building is compatible and aesthetically harmonious with adjacent and surrounding development.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

   The Project is consistent with the Milpitas Zoning Ordinance in that proposed building colors are muted, earthtone, and compatible with the surrounding industrial development nearby. The proposed restriping will upgrade the site and correctly delineate the required parking spaces so the site can be safely promoting vehicular circulation patterns.

3. *The Project is consistent with the Milpitas General Plan.*

   The Project is consistent with the Milpitas General Plan, as demonstrated within Table 2, above.

ENVIRONMENTAL REVIEW

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) because the Project includes allowing a conditionally permitted use and a repainting of an industrial building in a neutral color palette. The Project is also exempt pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on June 14, 2024. In addition, notices were sent via mail to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.milpitas.gov, and posted at City Hall. At the time of publishing this report, City staff has yet to receive a public comment.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and close he public hearing;
2. Consider the exemptions in accordance with CEQA;
3. Adopt Resolution 24-024, approving Conditional Use Permit No. UP24-0003 and Minor Site Development Permit No. MS24-0146, subject to the findings and conditions of approval.

ATTACHMENTS

A. Resolution No. 24-024
B. Project Plans
C. Milpitas Police Memo, dated May 6, 2024

RESOLUTION NO. 24-024

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, APPROVING CONDITIONAL USE PERMIT NO. UP24-0001 AND MINOR SITE DEVELOPMENT PERMIT NO. MS24-0146 TO OPERATE A CONTRACTORS YARD WITHIN THE HEAVY INDUSTRIAL (M2) ZONING DISTRICT AT 897 AMES AVENUE (APN 086-31-097) AND MAKING THE FINDING OF CEQA EXEMPTION

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on April 24, 2024, David Penny with Landmark Control Services (LCS), Inc. (the "Applicant") applied to the City of Milpitas for Conditional Use Permit No. UP24-0002. The application (the "Project") includes the following:

- *Conditional Use Permit:* To operate a contractor's yard at 897 Ames Avenue.

- *Minor Site Development Permit:* To allow building and site improvements, including repainting and restriping of the parking lot.

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff report to the Planning Commission; and

WHEREAS, on June 26, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

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

SECTION 1. Recitals

The Planning Commission 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Record

The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is within the Planning Department, City of Milpitas, 455 East Calaveras Boulevard, Milpitas, California 95035

SECTION 3. California Environmental Quality Act (CEQA)

This Project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) because the Project includes allowing a conditionally permitted use and a repainting of an industrial building in a neutral color palette. The Project is also exempt pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) in that the proposed use is consistent with the Milpitas General Plan and Zoning Ordinance, and no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

SECTION 4: Conditional Use Permit (Section XI-10-57.04(F))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP24-0002:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The Project is well suited for the proposed location, as the subject site is within an industrial area. The use is also compatible with the other heavy industrial uses that surround the site, and has the potential for economic benefits that includes employment opportunities. The Project adheres to regulatory zoning standards and public safety security measures to create an environment that will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

2. *The proposed use must be consistent with the Milpitas General Plan*

   The Project is consistent with the Milpitas General Plan 2040, as demonstrated within Table 1, below:

Table 1: General Plan Consistency

General Plan Goal / Policy	Consistency Finding
Policy ED 2-1 *Encourage economic development that generates diverse tax base revenue that can resist downturns in any one economic sector.*	**Consistent.** Approval of a contractor's yard in the industrial area will create a more balanced and resilient local economy by creating new local jobs and relocating two existing contractor's yards outside of the city boundary into Milpitas. The new contractor's yard will repurpose a vacant industrial building into a business that will contribute to

General Plan Goal / Policy	Consistency Finding
	business taxes, sales taxes (on equipment and supplies), and property taxes, thereby generating diverse tax base revenues.
Policy LU 5-4 *Prohibit the establishment or encroachment of incompatible uses into industrial and manufacturing designated lands and prohibit new uses which would result in the imposition of additional operational restrictions and mitigation requirements on industrial and manufacturing users due to land use incompatibility.*	**Consistent.** The proposed contractor's yard is a compatible use that will complement the existing, surrounding heavy industrial uses in the immediate area. Allowing the proposed use at 897 Ames Avenue will centralize resources, logistics, and administrative functions within a building without the need for operational restrictions due to incompatible land uses.

3. The proposed use must be consistent with the Milpitas Zoning Ordinance.

The Project is consistent with the Milpitas Zoning Ordinance in that contractor yards are conditionally permitted within the Milpitas Municipal Code. The application has been thoroughly reviewed, approved, and conditioned by both the Milpitas Police and Milpitas Planning Department, which are responsible for preserving the health, safety, and welfare of the local community. Furthermore, the building hosting the proposed use meets the Zoning Ordinance development standards.

SECTION 5: Minor Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Minor Site Development Permit No. MS24-0146:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

   The existing building will be painted in a neutral color palette that is unobstructive and blends well with other industrial buildings in the immediate neighborhood. The building and exterior materials have a similar architectural style, material, and color scheme that are compatible with the neighborhood. The parking lot will be restriped to clearly delineate parking spaces for both employees and visitors. The layout of the building at the rear of the parcel reduces its visual impact from the street making it less prominent and allowing the front 893 Ames Avenue building to define the streetscape. Its for these reasons the layout of the site and design of the proposed building is compatible and aesthetically harmonious with adjacent and surrounding development.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

   The Project is consistent with the Milpitas Zoning Ordinance in that proposed building colors are muted, earthtone, and compatible with the surrounding industrial development

nearby. The proposed restriping will upgrade the site and correctly delineate the required parking spaces so the site can be safely promoting vehicular circulation patterns.

3. *The Project is consistent with the Milpitas General Plan.*

   The Project is consistent with the Milpitas General Plan, as demonstrated within Table 1, above.

SECTION 6: Planning Commission Approval

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-024, approving Conditional Use Permit No. UP24-0002 and Minor Site Development Permit No. MS24-0146, subject to the Findings and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024.

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Mercedes Albana				
Dipak Awasthi				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Chia Ling Kong				
Sonia Medina-Ashby				

EXHIBIT 1

CONDITIONAL USE PERMIT NO. UP24-0002
MINOR SITE DEVELOPMENT PERMIT NO. MS24-0146

PERMIT TO ALLOW THE OPERATION OF A CONTRACTORS YARD AND A MINOR SITE DEVELOPMENT PERMIT TO ALLOW REPAINTING OF THE EXISTING BUILDING AND RESTRIPING OF THE EXISTING PARKING LOT

LANDMARK DEVELOPMENT SERVICE, INC.
897 AMES AVENUE
(APN 086-31-007)

On June 26, 2024, the City of Milpitas Planning Commission approved Conditional Use Permit No. UP24-0002 and Minor Site Development Permit No. MS24-0146 in accordance with Section XI-10-57.03 and Section XI-10-57.04 of the Milpitas Municipal Code. Subject to all applicable State and local regulations and the conditions of use outlined below, this Permit will allow the business owner to operate a contractor's yard and repaint the existing industrial building and restripe the existing parking lot on the parcel located at 897 Ames Avenue (APN 086-31-007).

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. General Compliance. The applicant and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This **Conditional Use Permit No. UP24-0002 and Minor Site Development Permit No. MS24-0146 (**"Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed and this Resolution has been recorded by the Permittee with the Santa Clara County Clerk-Recorder's Office with a copy provided to the Planning Department.

2. The Permittee shall develop the approved project in conformance with the plans approved by the Planning Commission on June 26, 2024, in accordance with these Conditions of Approval. **(P)**

3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

4. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

5. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

6. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit.

7. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:

    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

8. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map.

    Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the project complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

    This permit shall become null and void if the permitted use ceases operation and/or the business closes at such location for a period of one (1) calendar year.

9. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

10. Project Job Account. If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's private job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit, as applicable, Permittee shall pay in full the project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

11. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the

ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(ALL)**

12. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the adoption of this Resolution. **(ALL)**

13. Conditions. Each and every condition set forth in this Exhibit shall apply to the project and continue to apply to the project so long as the Permittee is operating the project under the permits and approvals in this Resolution. **(ALL)**

14. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

15. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(ALL)**

16. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

17. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code.

18. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable.

PROJECT SPECIFIC CONDITIONS

Fire Prevention Department Conditions

19. The Please do not consider this an approval from the Fire Department. Additional requirements may be made during the construction permit process. These notes are a general list of the applicable code requirements, and it is provided to assist with the construction permit process. **(F)**

20. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the current code(s). California Fire Code (CFC) Section 102.3. **(F)**

21. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505.1. **(F)**

22. Fire extinguishing systems. Where a building fire alarm system exists or will be installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72. CFC Section 904.3.5. **(F)**

23. Automatic fire sprinkler system monitoring (when existing or to be installed or modified). Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station (approved by the Fire Dept.). CFC Section 903.4.1. **(F)**

24. Fire Protection: Fire Sprinkler systems, fire hydrant systems, standpipe system, fire alarm systems, portable fire extinguishers and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. CFC Section 901.6. **(F)**

25. Portable fire extinguishers for general area shall be installed in occupancies and locations as set forth in the CFC Section 906 and as required by the Fire Code Official. **(F)**

26. Exit doors shall swing in the direction of exit travel when serving an occupant load of 50 or more. CFC Section 1010.1.2.1. **(F)**

27. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort. CFC Section 1010.1.9. **(F)**

28. Manually operated flush bolts or surface bolts are not permitted. CFC Section 1010.1.9.5. **(F)**

29. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Exit sign placement shall be such that no point in a corridor is more than 100 feet or the listed viewing distance for the sign, whichever is less, from the nearest visible sign. Additional signs may be required if clear path of exit access is not readily defined. CFC Section 1013.1. **(F)**

30. Air-moving systems supplying air in excess of 2,000 cfm to enclosed spaces within buildings shall be equipped with State Fire Marshal approved and listed smoke detectors for automatic shutoff. Where fire detection or alarm systems are provided or the building, smoke detectors required by this section shall be supervised by such systems and installed per the NFPA 72. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location or supervising station. CFC Section 907.2.12.1.2 and NFPA 72 Section 21.7.4, (see the Mechanical Code for exceptions). California Mechanical Code Section 608. **(F)**

31. Complete plans and specifications for all aspects of fire-protection systems shall be submitted to the Fire Department for review and approval prior to system installation or alteration. CFC Section 105.4. **(F)**

32. No approval is granted for high piled storage in the warehouse. **(F)**

33. No approval is granted for the use, storage, sales or handling of hazardous materials. CFC Section 5001.5. **(F)**

34. HAZARDOUS MATERIALS DISCLOSURE: If hazardous materials are intended to be stored, transported on site, used or handled, in an amount requiring a permit, or if any hazardous waste will be present on site, a Hazardous Materials Business Plan (HMBP), or Hazardous Material/Waste Registration Form shall be submitted to the Fire Department by the business responsible. If hazardous materials are not intended to be stored, used or handled in an amount requiring a permit, A Hazardous Materials Exemption Declaration shall be submitted to the Fire Department by the business responsible. CFC, Sections 105.6.20 and 5001.5. **(F)**

35. Means of egress shall be provided in conformance with the CA Building Code Chapter 10. **(F)**

36. The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 901.2 **(F)**

37. Urban runoffs are not allowed. **(F)**

38. Fire apparatus access road with an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided. CFC Section 503.2.1. Parking spaces shall not obstruct the fire apparatus access road. **(F)**

39. Turning Radius: Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (center). CFC Section 503.2.4. **(F)**

40. Dead-ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4 of the California Fire Code 2022 edition. Refer to 2022 CFC D103.1. for specifications. **(F)**

Building Department Conditions

41. Compliance with Building Department. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety Department **(B)**

Planning Department Conditions

42. Hours of Operation. Hours of operation are limited to 5:00 AM to 7:00 PM, seven days a week. Any change in the hours of operation will require a written request addressed to the Planning Director or Designee. The Planning Director or Designee, at his or her discretion, may approve or deny the request in writing. **(P)**

43. Enclosed Use. Consistent with Section XI-10-7.02(A)(1) of the Milpitas Municipal Code, all use and operations of the contractor's yard and offices shall be conducted wholly within the enclosed building. If the owner/applicant/permittee develops an eight-foot tall fence (with privacy slats) or solid wall along the perimeter of the project site, the use and operations can be conducted within such area that is enclosed, as permitted per MMC Table XI-10-7.02-1, footnote 4.

Police Department Conditions

44. Video Surveillance. Video/security cameras shall be required for the site, with coverage at all access points into the business and the enclosed area. The video/security cameras shall record in high definition and shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall

be made available to law enforcement upon request for investigative purposes. It is recommended the employees of the business be appropriately trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police Department if needed. **(PD)**

45. Parking is not affected by the proposed permit, and the current parking lot is within an enclosed private area for business use only. No changes are recommended for the parking lot. **(PD)**

46. If left unsecured, the parking lot should allow accessible circulation for police patrols (vehicles, foot, and bicycles) to prevent and reduce the likelihood of criminal activity occurring in the area. If fencing area is secured after hours, the police department and fire department shall be given access to all points of entry by either access code or keys to gain access to the property in the instance of an emergency or an unforeseen circumstance. **(PD)**

47. Parking lot areas shall have postings with appropriate signs per 22658(a) CVC to assist in removal of vehicles at the property owners/manager's request. **(PD)**

48. "No Trespassing/Loitering" signage should be posted at the entrances of parking lots placed in conspicuous areas. Signs should be at least 2' x 1' in overall size, with white background and black 2'' high letters. **(PD)**

49. Lighting shall be of sufficient wattage to adequately illuminate and make visible the presence of any person in or about the outside premises during hours of darkness. **(PD)**

50. Line of sight obstructions, including business signs, advertisements, or other markings, should be avoided on the exterior windows to maximize natural surveillance during the business's closed hours. **(PD)**

51. Emergency Notification. The Property Manager shall file an emergency notification form with the Police Department so law enforcement can contact the property manager in the event of any major accident, emergency, or unforeseen circumstance. The emergency notification should include an up-to-date map of the interior of the building. The map should minimally identify the locations of each entry/exit point, storage area, maintenance area, etc. **(PD)**

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(PD) = Police Department
(CA) = City Attorney

ACCEPTANCE

Permittee/Property Owner
The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this resolution.

Signature: _____

Printed Name: _____

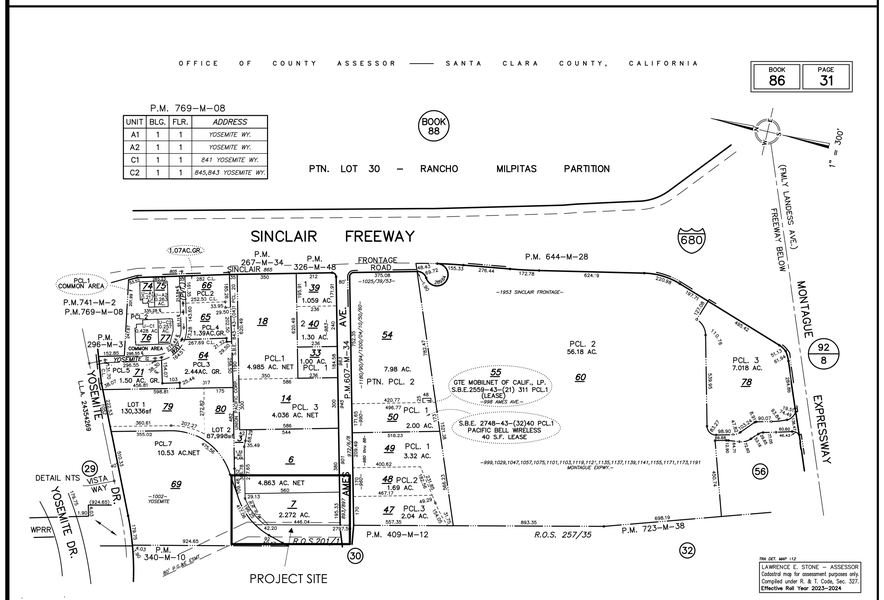
Title: _____

NOTICE OF RIGHT TO PROTEST

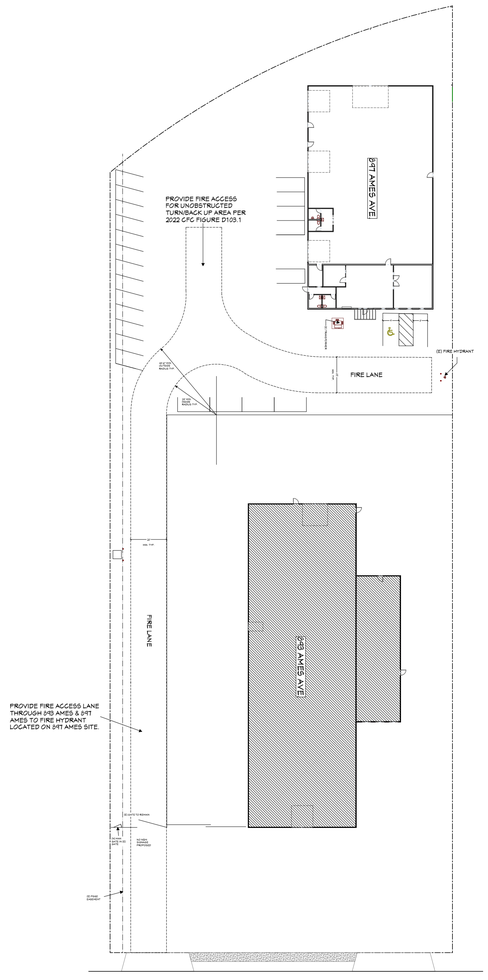
The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

CONDITIONAL USE PERMIT
FOR:
897 AMES AVE. MILPITAS, CA 95035

PROPOSED SITE

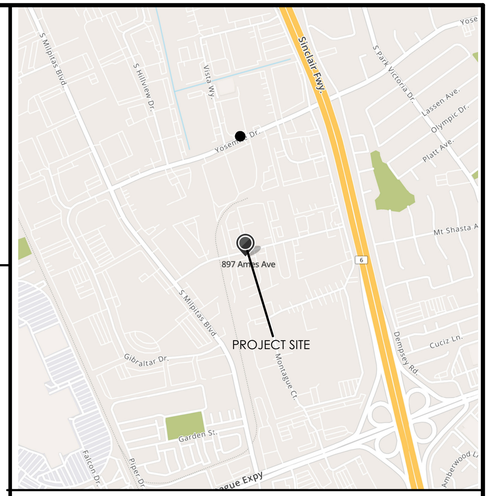


ASSESSOR'S MAP



SITE MAP

SCALE: 1" - 40'-0"



VACINITY MAP

PROJECT DATA

APN: 086-31-007
LOT SIZE: 2.3 ACRES
ZONING: M - 2
CONST. TYPE: II-B
OCCUP. GROUP B, S-2
STORIES 1

PLAN REVIEW COMPLIANCE

2022 CALIFORNIA BUILDING CODE (2022 IBC) & APPENDICES
2022 CALIFORNIA PLUMBING CODE
2022 CALIFORNIA MECHANICAL CODE
2022 CALIFORNIA FIRE CODE
2022 CALIFORNIA ELECTRICAL CODE
2022 CALIFORNIA ENERGY CODE
2022 GREEN BUILDING STANDARDS
2023 MILPITAS MUNICIPAL CODE

SQUARE FOOTAGE

DESCRIPTION	EXT (SF)	REM (SF)	ADD (SF)	TOTAL (SF)
897 AMES	8750	1650		8750
893 AMES	12800			12800
TOTAL SF				21550

SHEET INDEX

A1 PROJECT INFO/SITE PLAN
A2 ENLARGED SITE PLAN/EXTERIOR MODIFICATIONS
A3 OCCUPANCY/EXITING PLAN

SCOPE OF WORK

CUP PERMIT FOR A CONTRACTOR YARD/WAREHOUSE AT 897 AMES AVE.

REVISIONS	BY

LCS
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR
SAN JOSE, CA 95111
(408) 595-2777 LIC # 1003160

PROJECT FOR:
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR.
SJ, CA 95111

DRAWN BY: DMP
SCALE: AS NOTED
ISSUED: 04/18/24
FILENAME:

COVER SHEET
FLOOR PLANS

A1

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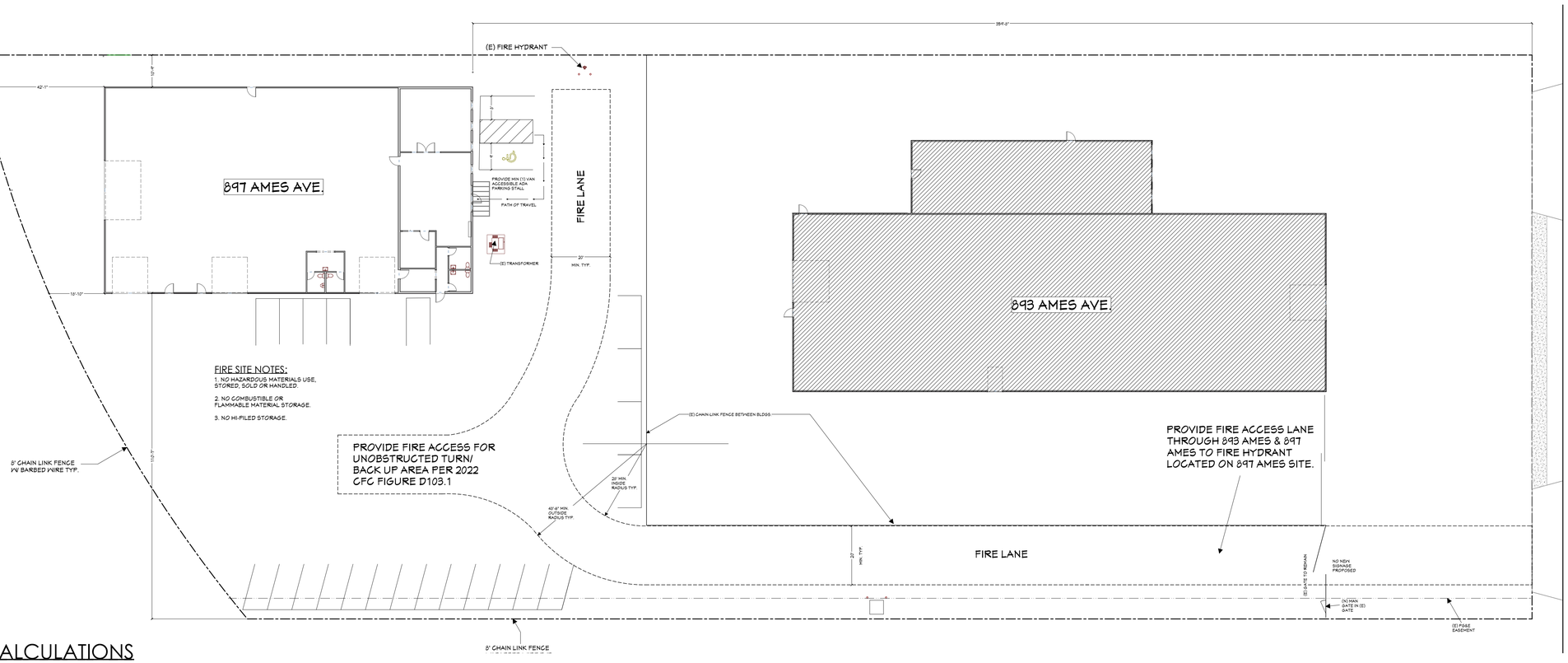

ENLARGED SITE PLAN

SCALE: 1" - 20'-0"

PARKING CALCULATIONS

TOTAL EXISTING PARKING STALLS PROVIDED	24
TOTAL H/C PARKING STALLS PROVIDED	1
TOTAL VAN ACCESSIBLE SPACES PROVIDED	1

EXISTING BUILDING EXTERIOR

PROPOSED BUILDING EXTERIOR

EXTERIOR COLOR:
BENJAMIN MOORE
STERLING SILVER

EXTERIOR TRIM COLOR:
BENJAMIN MOORE
BLACK IRON

REVISIONS	BY

LCS
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR
SAN JOSE, CA 95111
(408) 595-2777 LIC # 1003160

PROJECT FOR:
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR.
SJ, CA 95111

DRAWN BY	DMP
SCALE:	AS NOTED
ISSUED	04/18/24
FILENAME:	

A2

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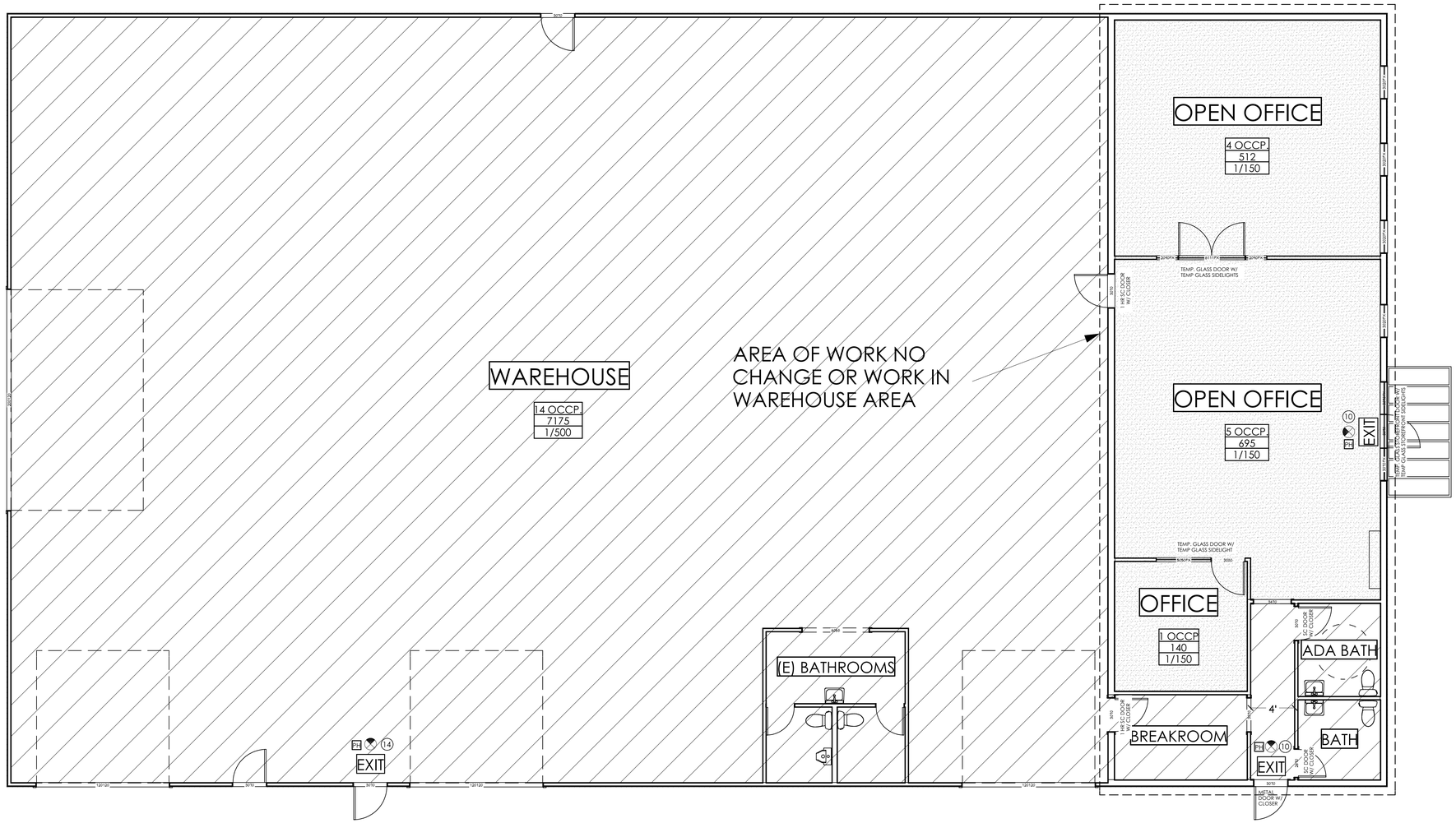

OCCUPANCY & EXITING PLAN

3/16" = 1' - 0"

EXITING NOTES

EXITS SHALL COMPLY WITH SECTIONS 1022 THROUGH 1027 AND THE APPLICABLE REQUIREMENTS OF SECTIONS 1003 THROUGH 1015. AN EXIT SHALL NOT BE USED FOR ANY PURPOSE THAT INTERFERES WITH ITS FUNCTION AS A MEANS OF EGRESS. ONCE A GIVEN LEVEL OF EXIT PROTECTION IS ACHIEVED, SUCH LEVEL OF PROTECTION SHALL NOT BE REDUCED UNTIL ARRIVAL AT THE EXIT DISCHARGE. EXITS SHALL BE CONTINUOUS FROM THE POINT OF ENTRY INTO THE EXIT TO THE EXIT DISCHARGE. SECTION 1022.1

BUILDINGS OR STRUCTURES USED FOR HUMAN OCCUPANCY SHALL HAVE NOT LESS THAN ONE EXTERIOR DOOR THAT MEETS THE REQUIREMENTS OF SECTION 1010.1.1.

EXTERIOR EXIT DOORS SHALL LEAD DIRECTLY TO THE EXIT DISCHARGE OR THE PUBLIC WAY. SECTION 1022.2.2

THE REQUIRED CAPACITY OF EXIT PASSAGEWAYS SHALL BE DETERMINED AS SPECIFIED IN SECTION 1005.1 BUT THE MINIMUM WIDTH SHALL BE NOT LESS THAN 44 INCHES (1118 MM), EXCEPT THAT EXIT PASSAGEWAYS SERVING AN OCCUPANT LOAD OF LESS THAN 50 SHALL BE NOT LESS THAN 36 INCHES (914 MM) IN WIDTH. THE MINIMUM WIDTH OR REQUIRED CAPACITY OF EXIT PASSAGEWAYS SHALL BE UNOBSTRUCTED.

THE DOORS SHALL BE IDENTIFIED BY A LOW-LOCATION LUMINOUS EMERGENCY EXIT SYMBOL COMPLYING WITH NFPA 170. THE EXIT SYMBOL SHALL BE NOT LESS THAN 4 INCHES (102 MM) IN HEIGHT AND SHALL BE MOUNTED ON THE DOOR, CENTERED HORIZONTALLY, WITH THE TOP OF THE SYMBOL NOT HIGHER THAN 18 INCHES (457 MM) ABOVE THE FINISHED FLOOR.

DOOR HARDWARE SHALL BE MARKED WITH NOT LESS THAN 16 SQUARE INCHES (10323 MM2) OF LUMINOUS MATERIAL. THIS MARKING SHALL BE LOCATED BEHIND, IMMEDIATELY ADJACENT TO, OR ON THE DOOR HANDLE OR ESCUTCHEON. WHERE A PANIC BAR IS INSTALLED, SUCH MATERIAL SHALL BE NOT LESS THAN 1 INCH (25 MM) WIDE FOR THE ENTIRE LENGTH OF THE ACTUATING BAR OR TOUCHPAD.

(S-2) OCCUPANCY

(B) OCCUPANCY

SYMBOL LEGEND

EXIT	POINT OF EXIT OR DIRECTION TRAVEL
2 OCCP / 1200 / 1/500	AREA OCCP. LOAD BASED ON CBC - TABLE 1004.1.2 AREA SQUARE FOOTAGE LOAD FACTOR BASED ON CBC - TABLE 1004.1.2
	(E)CEILING MOUNTED EXIT SIGN OR DOUBLE FACE AND DIRECTIONAL ARROWS W/ BACK UP POWER SUPPLY
N / F	(N)CEILING MOUNTED EXIT SIGN OR DOUBLE FACE AND DIRECTIONAL ARROWS W/ BACK UP POWER SUPPLY
20	CUMULATIVE EXIT LOAD
EXIT	TACTILE EXIT SIGN TO READ "EXIT"
EXIT ROUTE	TACTILE EXIT SIGNAGE TO READ "EXIT ROUTE"
PH	PANIC HARDWARE

MIN. PLUMBING FACILITIES CALCULATION

OCCUPANCY TYPE	WC MEN	WC WOMEN	LV	DE
ASSEMBLY (A-2)	1 PER 75	1 PER 75	1 PER 200	1 PER 500
ASSEMBLY (A-3)	1 PER 125	1 PER 125	1 PER 200	1 PER 500
BUSINESS (B)	1 PER 25*	1 PER 25*	1 PER 40*	1 PER 100
FACTORY (F-1)	1 PER 100	1 PER 100	1 PER 100	1 PER 400
STORAGE (S-1)	1 PER 100	1 PER 100	1 PER 100	1 PER 1000
STORAGE (S-2)	1 PER 100	1 PER 100	1 PER 100	1 PER 1000

OCCUPANCY CALCULATION BREAKDOWN

OCCUPANCY	TOTAL OCCUPANTS	OCCUPANT BREAKDOWN		WC				LAVS	
		M	W	REQUIRED MENS WC	REQUIRED WOMENS WC	TOTAL WC REQUIRED	TOTAL PROPOSED	REQUIRED LAVS	TOTAL PROPOSED
BUSINESS (B)	10	5	5	1	1	2	2	1	2
STORAGE (S-2)	14	14	0	1	0		2	1	2

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REVISIONS	BY

LCS
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR.SAN JOSE, CA 95111
LIC# 1003160 408 595-2777

PROJECT FOR:
LANDMARK CONTROL SERVICES INC.
2856 AIELLO DR.
SAN JOSE, CA 95111

DRAWN BY: DMP
SCALE: AS NOTED
ISSUED: 04/28/24
FILENAME:

OCCUPANCY & EXITING PLAN

A3

MEMORANDUM

Milpitas Police Department

Jared Hernandez
Chief of Police

DATE: May 6, 2024

TO: Captain Matthew Miller #262

FROM: Lieutenant Tyler Jamison #286

SUBJECT: **Landmark Control Services – 897 Ames Avenue, Milpitas, CA, 95035, Project #P-UP24-0003 (1st Submittal)**

The City of Milpitas received a project application (#P-UP24-0003) from David Penny of Landmark Control Services, Inc (LCS). LCS currently operates two facilities in the South Bay region. The move to 897 Ames Avenue will help combine those two facilities into one Bay Area location and serve clients more efficiently. The yard space and warehouse at 897 Ames Avenue would improve LCS's logistics by storing trucks, materials, and small equipment in one central location. Typical operating hours will be from 6:00 AM to 6:00 PM, Monday-Saturday.

According to the project description/design package, David Penny is requesting a conditional use permit for an already existing warehouse. The proposed building exterior only shows cosmetic changes and there will be no significant changes in construction within or outside the warehouse. All glass doors around the business shall continue taking advantage of natural light, making it easily accessible for surveillance and visibility from the exterior.

I have reviewed the plans for the LCS proposal utilizing concepts and principles of Crime Prevention through Environmental Design (CPTED). Based on my review, the police department can continue delivering professional and responsive police services with limited suggestions for this application, as no significant changes are expected.

Our police department, however, should continue having input with all safety and security measures before issuing any permit(s) and work closely with city planners to prepare proactive patrol tactics and security measures for this project.

Based upon my review of the site plan, surveying the area of 897 Ames Avenue, and to enhance crime prevention measures, service delivery, and additional traffic concerns, the following suggestions are proposed:

Parking:

- Parking is not affected by the proposed permit, and the current parking lot is within an enclosed private area for business use only. No changes are recommended for the parking lot.

- If left unsecured, the parking lot should allow accessible circulation for police patrols (vehicles, foot, and bicycles) to prevent and reduce the likelihood of criminal activity occurring in the area. If fencing area is secured after hours, the police department and fire department shall be given access to all points of entry by either access code or keys to gain access to the property in the instance of an emergency or an unforeseen circumstance.

- Parking lot areas shall have postings with appropriate signs per 22658(a) CVC to assist in removal of vehicles at the property owners/manager's request.

- "No Trespassing/Loitering" signage should be posted at the entrances of parking lots placed in conspicuous areas. Signs should be at least 2' x 1' in overall size, with white background and black 2'' high letters.

Visibility:

- Lighting shall be of sufficient wattage to adequately illuminate and make visible the presence of any person in or about the outside premises during hours of darkness.

- Line of sight obstructions, including business signs, advertisements, or other markings, should be avoided on the exterior windows to maximize natural surveillance during the business's closed hours.

Security:

- Video/security cameras shall be required for the site, with coverage at all access points into the business and the enclosed area. The video/security cameras shall record in high definition and shall have the capacity to save/store footage for a minimum of thirty (30) days and have the capability to be downloaded. A copy of video/security footage shall be made available to law enforcement upon request for investigative purposes. It is recommended the employees of the business be appropriately trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the Police Department if needed.

Accessibility:

- An up-to-date map of the interior of the building should be provided to the Police Department. The map should minimally identify the locations of each entry/exit point, storage area, maintenance area, etc.

Miscellaneous:

- Applicant shall file an emergency notification form with the Police Department so law enforcement can contact the applicant in case of any significant accident, emergency, or unforeseen circumstance.

An increase in calls for service is not expected, nor will approval affect our current patrol or traffic staffing levels. Implementing these requirements will increase the effectiveness of police personnel's crime prevention efforts and reduce the likelihood that perpetrators are attracted to this area. The police department shall continue to have input with all safety measures before the issuance of permits.

MEMORANDUM

Milpitas Police Department

Jared Hernandez
Chief of Police

DATE: February 15, 2024

TO: Captain Matthew Miller #262

FROM: Lieutenant Tyler Jamison #286

SUBJECT: **Lee's Supermarket – 777 E. Capitol Avenue, Milpitas, CA 95035, Project #P-UP24-0001 (1st Submittal)**

The City of Milpitas received a project application (P-UP24-0001) for a conditional use permit at an already existing grocery store at 777 E. Capitol Avenue. The owner is requesting an Alcohol Beverage Control (ABC) license to sell beer, wine, and spirits.

I reviewed the project application for this conditional use permit, which included a floor plan, application, and letter from Solutions NCR, a certified reseller for NCR Point of Sale which requires a valid ID to be scanned in order to permit an alcoholic beverage sale transaction to proceed.

Our police department must work closely with city planners and developers in preparing proactive patrol tactics and security measures for this request. The police department should continue having input with all safety and security measures prior to the issuance of any permit(s).

Based upon my review, surveying the area of 777 E. Capitol Avenue, and to enhance crime prevention measures, and service delivery, the following conditions shall be met:

Alcohol:

- The beer, wine, and spirits sold at the listed address shall be placed in a conspicuous location, but no closer than five feet from the cash register per California law and kept in a location that is visible to store employees.
- A high-definition security camera system shall supplement the area where the beer, wine, and spirits are sold to prevent any potential thefts from occurring.
- Since alcohol will be sold at this premise, the applicant shall ensure all applicable City, County, and State permits are obtained and ABC laws enforced.
- Sales of alcoholic beverages shall only occur between the hours of 6:00 AM and 2:00 AM the following morning. Between the hours of 2:00 AM to 6:00 AM, the store shall secure all alcohol products behind their liquor cabinet or door to reduce the likelihood of any late-night thefts (aka: grab and runs) from occurring.
- Upon demand from a peace officer, the licensee or responsible person shall

immediately surrender the license and cease all sales of alcoholic beverages, if applicable under the law.

- Supervision of distribution, sales, and operation of alcoholic beverage areas shall at all times remain under the control of your organization. No other person or entity shall have authority to sell or distribute alcohol.
- Conditions may be imposed by the Milpitas Police Department in addition to the Department of Alcoholic Beverage Control conditions. In the event that a local law enforcement agency imposes conditions, the licensee must abide by the most restrictive conditions if there is a conflict in resolution.

Security:

- A high-definition security camera system shall be required for the grocery store with coverage at all access points into the business. Additionally, the security camera system shall cover the parking lot area to have the clarity necessary to identify an individual, vehicle, etc., and have a field of view to maximize the coverage area.
- The security camera system shall be recorded, and the recording shall be maintained for a minimum of thirty (30) days and be made available to the Police Department upon request. A copy shall be made available to the police department upon request to assist in investigations. It is recommended that the employees be properly trained on how to use the security surveillance camera system so that footage can be reviewed and collected in a timely fashion by the police department, if needed.

The implementation of these requirements will increase the effectiveness of police personnel, crime prevention efforts and reduce the likelihood perpetrators are attracted to this area. The police department shall continue to have input with all safety measures prior to the issuance of permits.

MILPITAS PLANNING COMMISSION
STAFF REPORT

June 26, 2024

APPLICATION: **NEW PAD BUILDING - 125 N. MILPITAS BLVD. - P-SD22-0011, P-UP22-0005, P-SA23-0005, and P-MS24-0145:** A Site Development Permit, Conditional Use Permit, Site Development Permit Amendment, and Minor Site Development Permit to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants and a drive-through for one tenant, a replacement monument sign at the intersection of N. Milpitas Boulevard and E. Calaveras Boulevard with a maximum height of 16-feet above grade level, an amended Beresford Square Master Sign Program, shared parking, outdoor dining, and associated site improvements on an existing 5.67-acre parcel located in the Town Center (TC) Zoning District at 125 North Milpitas Boulevard.

RECOMMENDATION: **Staff recommends that the Planning Commission open and close the public hearing, and adopt Resolution 24-022, approving Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment No. SA23-0005, and Minor Site Development Permit No. MS24-0145 subject to the findings and attached Conditions of Approval.**

PROJECT LOCATION:

Addresses and Assessor's Parcel Number (APN):	125 N. Milpitas Blvd. (028-22-016)
Area of City:	West side of North Milpitas Boulevard, north of Beresford Court and East Calaveras Boulevard, south of Silverlake Drive

PEOPLE:

Project Applicant:	Thomas Jajeh and Brett Smith *Shapell Properties*, Pleasanton, CA
Consultant(s):	Architect: *MMA Architects,* Pasadena, CA Civil Engineer: *TAIT & Associates,* Rancho Cordova, CA Landscape Architect: *GATES + Associates,* Walnut Creek, CA
Property Owner:	*Shapell Properties,* San Ramon, CA
Project Planner:	Kristina Phung, AICP, Associate Planner

LAND USE:

General Plan Designation:	Town Center (TWC)
Zoning District:	Town Center (TC)

ENVIRONMENTAL: The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects)

and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

EXECUTIVE SUMMARY

The Applicant, Shapell Properties, requests Planning Commission approval to apply for building permits to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants and a drive-through for one tenant, and a replacement monument sign. The following is a summary of the Applicant's request:

- Site Development Permit (P-SD22-0011): Develop a new, 6,245-square foot pad building within the exiting Beresford Square North Shopping Center with up to three tenants with a drive-through service for one tenant with associated site improvements at 125 North Milpitas Boulevard and a replacement monument sign at the intersection of North Milpitas Boulevard and East Calaveras Boulevard with a maximum height of 16-feet above grade level;
- Conditional Use Permit (P-UP22-0005): To allow drive-through operations and shared parking within the Beresford Square Shopping Center North;
- Site Development Permit Amendment (P-UP23-0005): An amendment to update the Master Sign Program for the Beresford Square Shopping Center; and
- Minor Site Development Permit (P-MS24-0145): To allow for outdoor dining in the new pad building.

Staff has found that the required entitlements comply with the policies, standards, and processes outlined in the City of Milpitas 2040 General Plan, the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC). Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 24-022, approving Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment No. SA23-0005, and Minor Site Development Permit No. MS24-0145 subject to the findings and Conditions of Approval.

BACKGROUND

History

In January 1979, the Redevelopment Agency approved Use Permit No. 401 and an 'S' Zone Application for the neighborhood center component of the Town Center development project (Beresford Square South). Subsequently, in October 1981, the Agency approved Use Permit No. 520 and 'S' Zone Application for a center addition (Beresford Square North) and Orchard Supply Hardware. On August 11, 2021, the Planning Commission approved Use Permit No. 20-0005 and Minor Site Development Permit No. MS20-0089 to allow Stratford School to operate and allow for exterior modifications at the former Orchard Supply Hardware building as a private preschool and early elementary school.

On March 31, 2023, Shapell Properties (Applicant) submitted a development application for a Site Development Permit, Conditional Use Permit, Site Development Permit Amendment, and Minor Site Development Permit for the proposed Project.

Figure 1: Project Location

PROJECT DESCRIPTION

Overview

The existing site at Beresford Square North includes one approximate 12,850-square foot one-story multi-tenant commercial building with up to eight tenants (Building B) and an approximately 44,088-square foot private school building (Stratford School) with a maximum capacity of 480 students for children in kindergarten and early elementary school. Existing tenants in Building B include a mix of sit down and take out restaurants and personal service uses (nail and hair salons), a bank, and a dental clinic.

The Project consists of one new, 6,245-square foot one-story pad building (Building A) at a maximum height of 26-feet above grade level with up to three retail commercial tenants and a drive-through service for one of the tenant suites with associated site improvements to be developed within the eastern portion of the existing site. The Applicant anticipates two restaurant tenants on both outer suites (Tenants A1 and A3) of the new pad building with two outdoor dining areas totaling 360-square feet in front of each restaurant and a general retail commercial tenant in the middle for Tenant A2 (see Figure 8).

Starbucks is the current prospective company to lease the Tenant A1 suite with the drive-through with a queuing capacity of 16 vehicles. The hours of operation proposed by Starbucks are Monday-Sunday 5:00 am – 10:00 pm with an average number of four to six employees working each shift. The two other future tenants in suites A2 and A3 are unknown at this time. The Project also includes the replacement of the existing 6-foot tall monument sign at the intersection of North Milpitas Boulevard and East Calaveras Boulevard with a new, 16-foot tall monument sign.

The proposed Project includes an update to the Beresford Square Master Sign Program to include new sign standards for the new pad building and monument sign, and updated wall sign standards for the entire Beresford Square Shopping Center. The Project also includes shared parking at the

Beresford Square North Shopping Center. Details of the drive-through operations, site access and circulation, and shared parking are discussed under the Project Analysis section.

Location and Context

The Project site is located north of Calaveras Boulevard and west of North Milpitas Boulevard on a 5.67-acre site in the Town Center (TC) Zoning District. The site is surrounded by one- and two-story residential homes to the north, east, and west, and commercial buildings to the south. Figure 2 shows the existing zoning around the Project site, and Table 1 summarizes the General Plan land use designations and zoning for the Project site and surrounding area.

Figure 2: Project Zoning Map

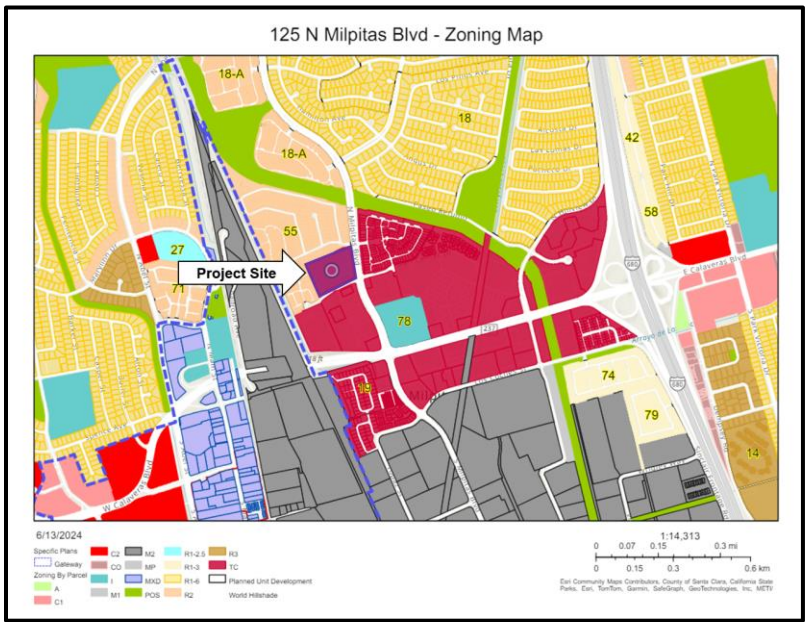


Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Uses
Subject Site	Town Center (TWC)	Town Center (TC)	Existing: One multi-tenant commercial building and Stratford School (preschool and private early elementary school) Proposed: Addition of one new, multi-tenant commercial pad building with drive-through
North	Medium Density Residential (MDR)	One and Two-Family Residential (R2)	Beresford Meadows and Terrace (single-family residences)
South	Town Center (TWC)	Town Center (TC)	Beresford Square Shopping Center South

East	Town Center (TWC)	Town Center (TC)	Beresford Village (townhome residences)
West	Medium Density Residential (MDR)	One and Two-Family Residential (R2)	Beresford Meadows and Terrace (townhome residences)

Site and Architectural Design

The proposed building will be one-story with a maximum height of 26-feet above grade level. Other details regarding drive-through operations, site access and circulation, and shared parking are discussed in detail under the Project Analysis subsection. Figure 3 shows a site plan with the location of the replacement monument sign and Beresford Square North and Figure 4 shows an enlarged site plan of Beresford Square North and the main scope of work area outlined in red.

Figure 3: Site Plan

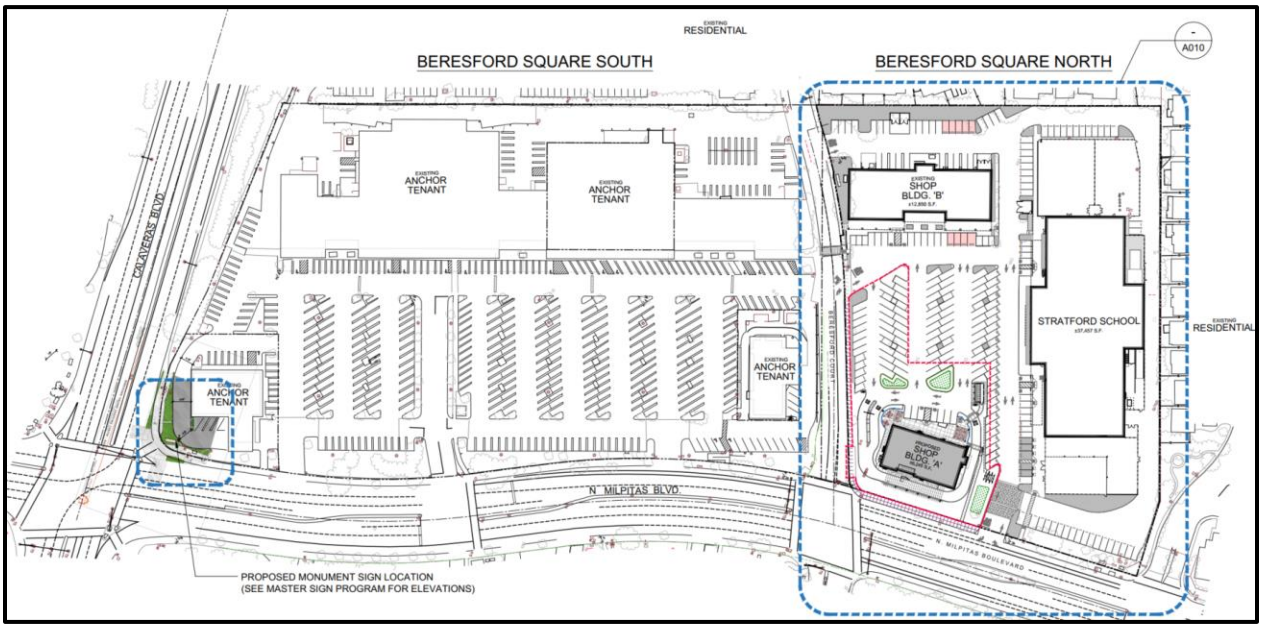
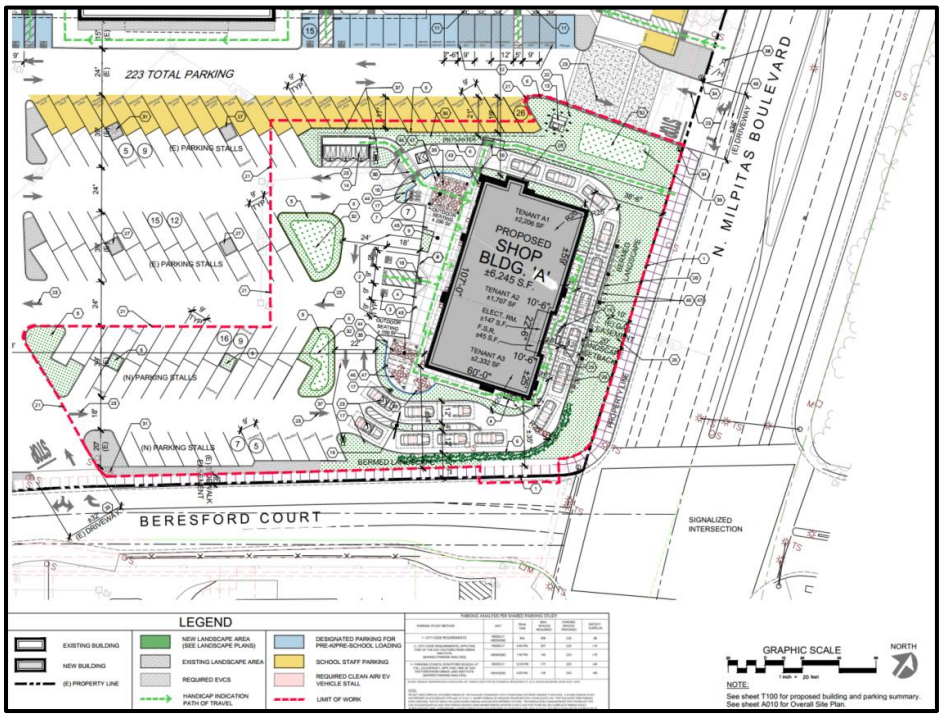


Figure 4: Enlarged Site Plan (125 N. Milpitas Blvd)



The Applicant proposes an earth-tone color palette and contemporary design for the new building. Decorative metal canopy awnings and shade trellises further enhance the exterior of the building and landscaping improvements will provide additional aesthetic character to the site. Figure 5 shows the proposed view of the front of the new pad building from the parking area.

Figure 5: Proposed Front Elevation of Proposed Project Viewed from Parking Lot

Figure 6 is a rendering showing a view of the proposed pad building, drive-through, landscaping, and portions of the outdoor dining areas as seen from North Milpitas Boulevard.

Figure 6: Proposed Rear Elevation of Proposed Project Viewed from N. Milpitas Blvd

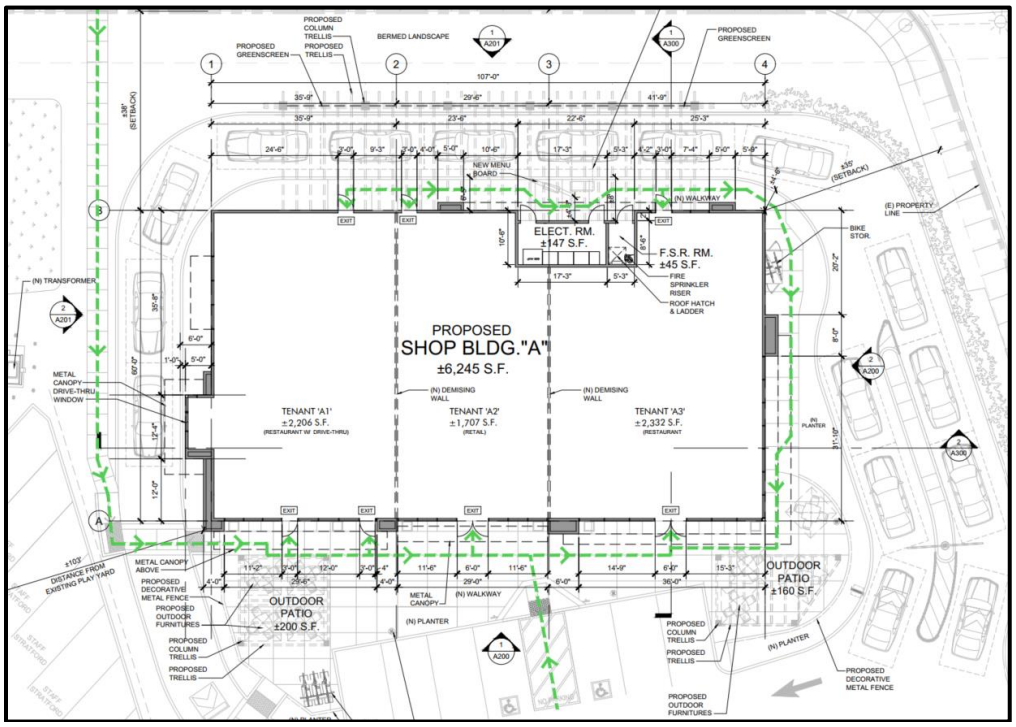
The architectural elements of the building include colored stucco, decorative tile elements as base accents, horizontal composite siding, large storefront windows, metal window canopies, detached metal canopies for outdoor dining, and an attached aluminum trellis with a greenscreen at the rear elevation of the building fronting the Public Right of Way along North Milpitas Boulevard.

Site Improvements and Outdoor Dining

Site improvements will include repaving and restriping portions of the parking area and circulation improvements within the existing shopping center, new lighting and landscaping, a new trash enclosure, enhanced pedestrian access, two covered outdoor dining areas, and dual drive-through lanes that will merge into one lane. Landscape areas will include bio-swales for stormwater management and landscaping including a vertical greenscreen to screen views of the drive-through lanes from the street.

The Project proposes a total of 360-square feet of outdoor dining areas as part of the new pad building facing the parking lot, with approximately 200-square feet allocated to Tenant A1 and 160-square feet to Tenant A3 as shown in Figure 7. Each outdoor dining area will have detached aluminum trellises under 12-feet in height for additional shade for visitors. The proposed outdoor dining areas include a total of eight tables with seating for approximately 16 guests. The new outdoor dining areas will be protected and screened by raised planter beds separating the drive-through lane(s) and incudes 3-foot tall decorative metal fencing to match the colors and materials for the proposed pad building. Figure 7 shows the floor plan of the proposed Project, outdoor dining areas, and portions of the drive-through.

Figure 7: Proposed Project Floor Plan



The proposed trash enclosure for the new pad building will be located slightly northwest of the building at a maximum height of 10-feet and will have the same complementary colors as the building primarily in gray and metal doors to screen the dumpsters.

Floor Plan and Operations

Figure 7 shows the conceptual floor plans of the new building with the three tenant suites (A1-A3) with A1 and A3 planned for restaurant uses and A2 as a general retail commercial tenant. The proposed hours of operation for Starbucks will be from Monday to Sunday, 5:00 am – 10:00 pm and will include indoor dining, outdoor dining, mobile pick-up and drive-through lane options. Starbucks anticipates having an average of four to six employees working per shift. The prospective tenants for Tenants A2 and A3 are not known at this time. Each future tenant, including Starbucks, will be required to obtain all necessary permits from the relevant City Department(s) prior to occupying the space and will be reviewed on a case-by-case basis for compliance with applicable regulations at the time of application.

The proposed site plan incorporates two drive-through lanes that will merge into one lane with a total storage capacity of 16 vehicles. Hexagon Transportation Consultants, Inc., prepared a transportation and parking analysis for the proposed Project (Attachments B and C), and a detailed analysis of the access, circulation, and parking is discussed under the Project Analysis section.

Signage

Replacement Monument Sign

Freestanding signs greater than 6-feet in height require a Site Development Permit and approval by the Planning Commission.

The Applicant proposes to remove the existing, 6-foot tall freestanding "monument" sign along the intersection of North Milpitas Boulevard and to replace it with a new, 16-foot tall monument sign. The existing monument sign is shown in Figure 8, and as shown in Figure 9, the new monument sign will be slightly relocated from being predominately on the East Calaveras Boulevard frontage to the North Milpitas Boulevard frontage due to a future Caltrans project to widen East Calaveras Boulevard, where the existing monument sign is situated.

The new monument sign will be approximately 17-feet wide and 3.5-feet deep and will have a modern look, including illuminated channel letters. The new monument sign will be erected in an on-site landscaped planter bed and maintain a minimum planter area of 3-feet in every direction from the base of the sign and will be able to advertise up to seven of the tenants leasing the largest spaces in Beresford Square. The proposed rendering of the new monument sign is shown as Figure 10.

Figure 8: Existing Beresford Square Shopping Center Monument Sign

Figure 9: Proposed Replacement Monument Sign Location

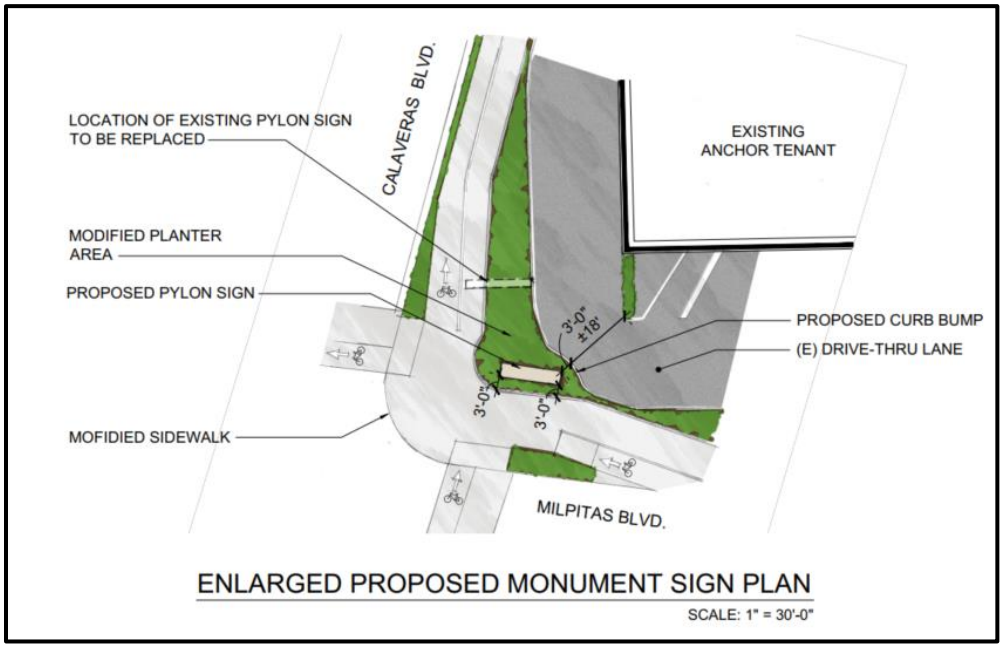
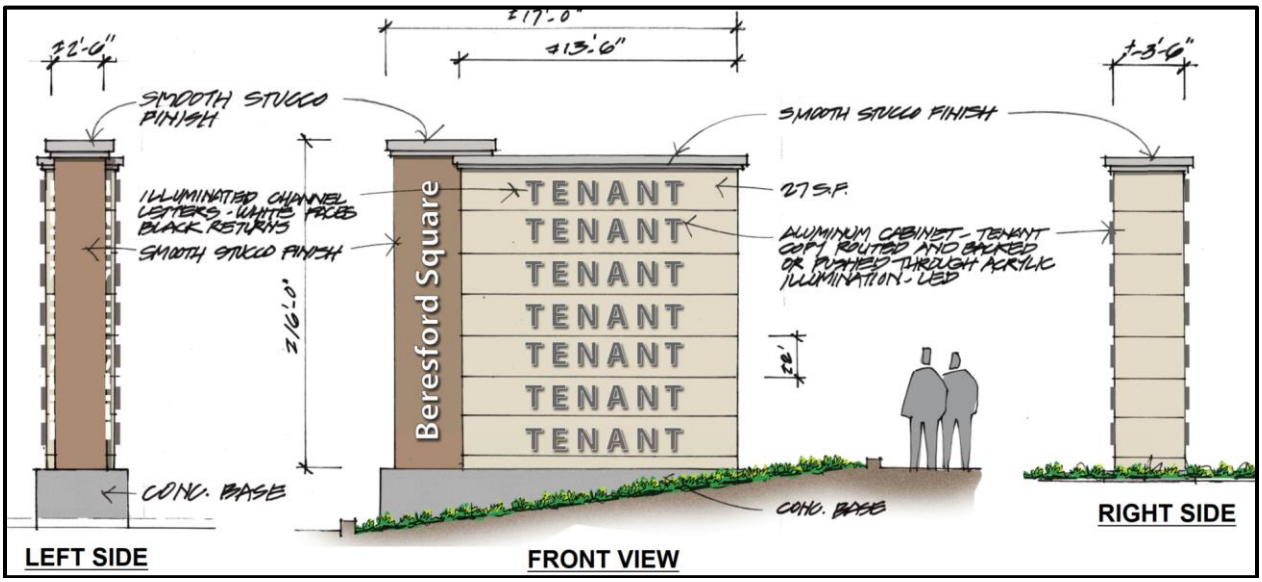


Figure 10: Proposed Monument Sign Rendering



Master Sign Program Amendment
Sign programs are regulated per MMC XI-10-24.04(F) to establish a procedure to ensure coordination of the design of new signs concurrent with the design of the Project and existing buildings. The intent is to improve the architecture, streetscape, signs and overall aesthetics of the site. A sign program provides a clear understanding of what the standards are for new and existing signs on the site. Sign programs also provide for consistent and streamlined review, approval, and administration of existing and new signs for the site.

As mentioned in the Executive Summary, the Project includes a Site Development Permit Amendment to update the existing Beresford Square Master Sign Program. The existing master sign program for Beresford Square is a two-page memorandum dated June 12, 1997, with only written text and contains no graphics (Attachment D). The existing master sign program outlines the following three regulations for all wall signs in Beresford Square and does not include any specifications on the existing monument sign:

- Total sign area limited to 0.038-square feet per square foot of tenant space
- Sign must consist of individual internally illuminated channel letters, maximum height of 24-inches. Two lines of copy acceptable provided sign does not exceed 24-inches
- One logo, maximum 24-inch x 26-inch is allowed

The amended Beresford Square Master Sign Program consists of 36 pages of new updated sign regulations. The amended plan includes detailed information on submittal procedures, general requirements, types of allowed or prohibited signs, site plans, maps, and graphics, and specifications for wall signs for anchor versus inline tenants including the type of illumination and text or logo size.

The amendment is necessary to allow the master sign program to include modernized sign regulations and standards with associated corresponding graphics and site plans for all tenants in the new pad building and the new monument sign, as well as clarify all other sign requirements

for all other tenants at Beresford Square. The proposed Master Sign Program for Beresford Square is attached as Attachment E to this staff report.

PROJECT ANALYSIS

General Plan and Zoning Ordinance Conformance

General Plan

The General Plan land use designation for the Project site is Town Center (TWC). The General Plan details the goals, objectives, and policies for the City's Town Center. This designation allows commercial and professional offices, restaurants, hotels, residential, and entertainment uses. The Project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in Table 2:

Table 2: General Plan Consistency

Policy	Conformance
LU 6-2: *As commercial centers are proposed for redevelopment, create a vibrant public realm though placemaking techniques like public gathering places, features and focal elements including outdoor cafes and other outdoor uses and amenities.*	**Consistent.** The Project includes two new outdoor dining areas totaling 360-square feet, and is anticipated to introduce a coffee shop (Starbucks) with a drive-through and includes bicycle parking and other outdoor dining amenities. As such, the proposed Project will help create and improve a vibrant public realm with modern, high-quality amenities.
LU 6-4: *Maintain viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled. Encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses.*	**Consistent.** The Project will add new viable neighborhood-serving commercial uses within an existing shopping center intended to serve the adjacent residential developments and will improve the diversity of commercial uses onsite by adding up to three new tenants.
LU 6-5: *Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.*	**Consistent.** The proposed Project promotes reinvestment by adding an infill development project with up to three new different commercial tenants and a modern drive-through with site and landscaping improvements into an aging shopping center.

Zoning Ordinance

The proposed Project is consistent with the development standards and shared parking standards of the Zoning Ordinance and the Town Center (TC) Zoning District, as set forth in Municipal Code Sections XI-10-5.03 and XI-10-53.11 and outlined in Tables 3 and 4.

Table 3: Town Center Development Standards Conformance

Standards	Required	Proposed	Complies
Front Setback (min.)	20 feet	38 feet 6 inches	Yes
Side Setback (min.)	15 feet when abutting R district	260 feet	Yes
Street Side Setback (min.)	20 feet	35 feet	Yes
Rear Setback (min.)	15 feet when abutting R district	433 feet	Yes
Building Height	35 feet or 3 stories	26-feet, one-story	Yes
Floor Area Ratio, Non-Residential	0.85	0.23	Yes
Landscaping	All required setback areas and the ends of each parking aisle	New landscaped areas including 20-ft front setback and at the end of each parking aisle	Yes

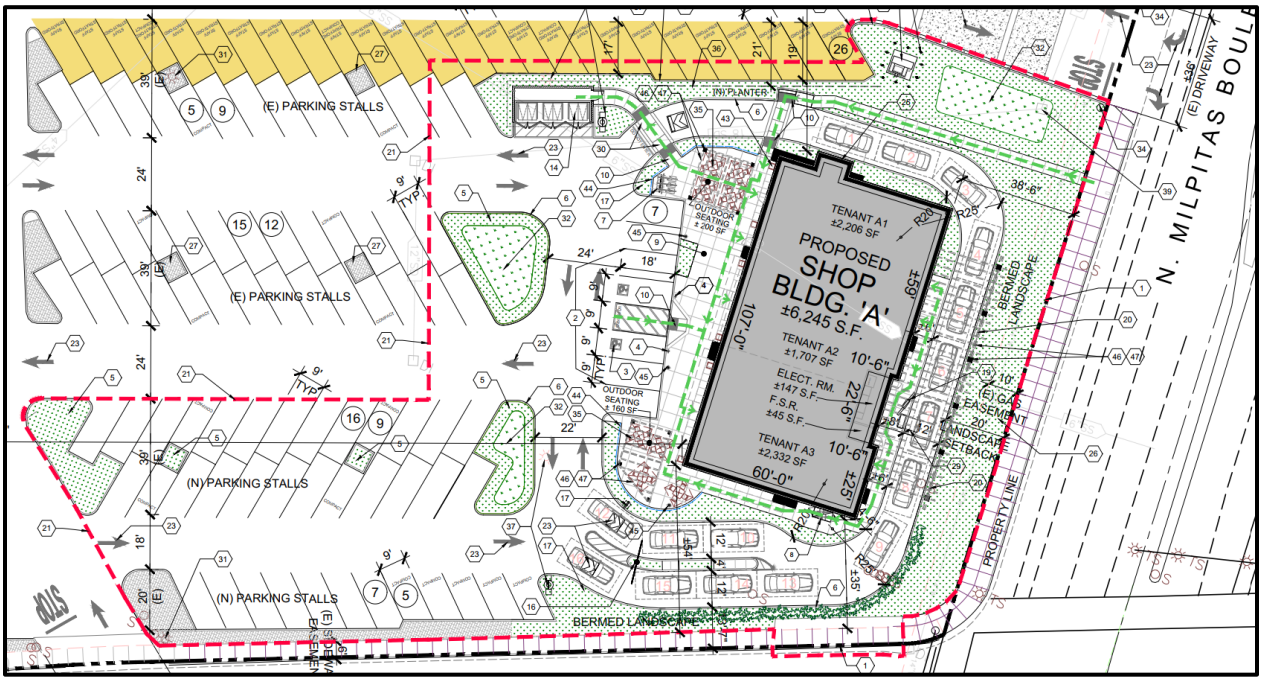
Drive-through Operations

The proposed new pad building will include a drive-through serving one tenant. The drive-through will have two drive-through ordering lanes that merge into one drive-through lane with a total storage capacity of 16 vehicles. Customers will enter either lane of the double-through lane along the south elevation which will merge into one lane at the east elevation along North Milpitas Boulevard and will be screened by the trellis and vertical greenscreen, and the drive-through lane will end along the north elevation of the building. New directional signage, restriping of the surface parking lot, and the adding of new directional arrows and signs to guide drivers around traffic are included as part of the Project. A digital order menu screen and a five-panel menu sign is proposed as part of the Project's amended Master Sign Program for the new drive-through tenant for customers to order after the lanes merge into one.

Hexagon Transportation Consultants, Inc. completed a Transportation Analysis for the proposed Project (Attachment B) and included a queuing analysis of the proposed drive-through. Hexagon used data from two other California Starbucks drive-through locations and found that the proposed 16 maximum vehicle queue could be accommodated with the proposed design of the Project's drive-through lanes.

Figure 11 shows the queueing capacity and design of the drive-through area.

Figure 11: New Pad Building Site and Drive-Through Design



Site Access and Circulation

Beresford Square North Shopping Center currently has four driveway access points, one on North Milpitas Boulevard, and three on Beresford Court. To improve the onsite access and circulation and allow for the drive-through design, the proposed Project would close one of the driveways on Beresford Court, located closest to North Milpitas Boulevard. The two other driveways to enter the shopping center on Beresford Court would remain, and are located in front of and behind of the existing Building B. The closure of this driveway was coordinated by the Applicant and in consultation with the tenants in Building B and Stratford School to discuss potential changes to the site. Hexagon studied the potential effects of the closure of this driveway and found no operational issues related to vehicle queuing and/or delay and are not expected to occur due to the closure of the driveway (Attachment B).

Additionally, the onsite circulation around the southeast corner of Beresford Square North will be redesigned with a combination of one- and two-way drive aisles, with angled parking. The redesign will still meet the City's required dimensional and size standards of parking stalls and drive aisle widths as required by MMC Section XI-10-53.13, Design Standards, and reviewed by Hexagon for compliance (Attachment B).

Regarding accessibility for pedestrians including disabled persons, a new walkway will be provided from the sidewalk on North Milpitas Boulevard and allow access around the new pad building and to the parking lot as shown in the dotted green line in Figure 11. Hexagon recommended two raised crosswalks at points where pedestrians would cross the drive-through hassle to improve the pedestrian safety while crossing. In coordination with City staff, the Applicant has agreed to incorporate one raised crosswalk into the proposed Project's design, the

crosswalk closest to North Milpitas Boulevard, but will not include the second recommendation for a raised crosswalk leading to and from the new trash enclosure as issues with onsite drainage may occur.

Stratford School Access and Circulation Operations with Proposed Project

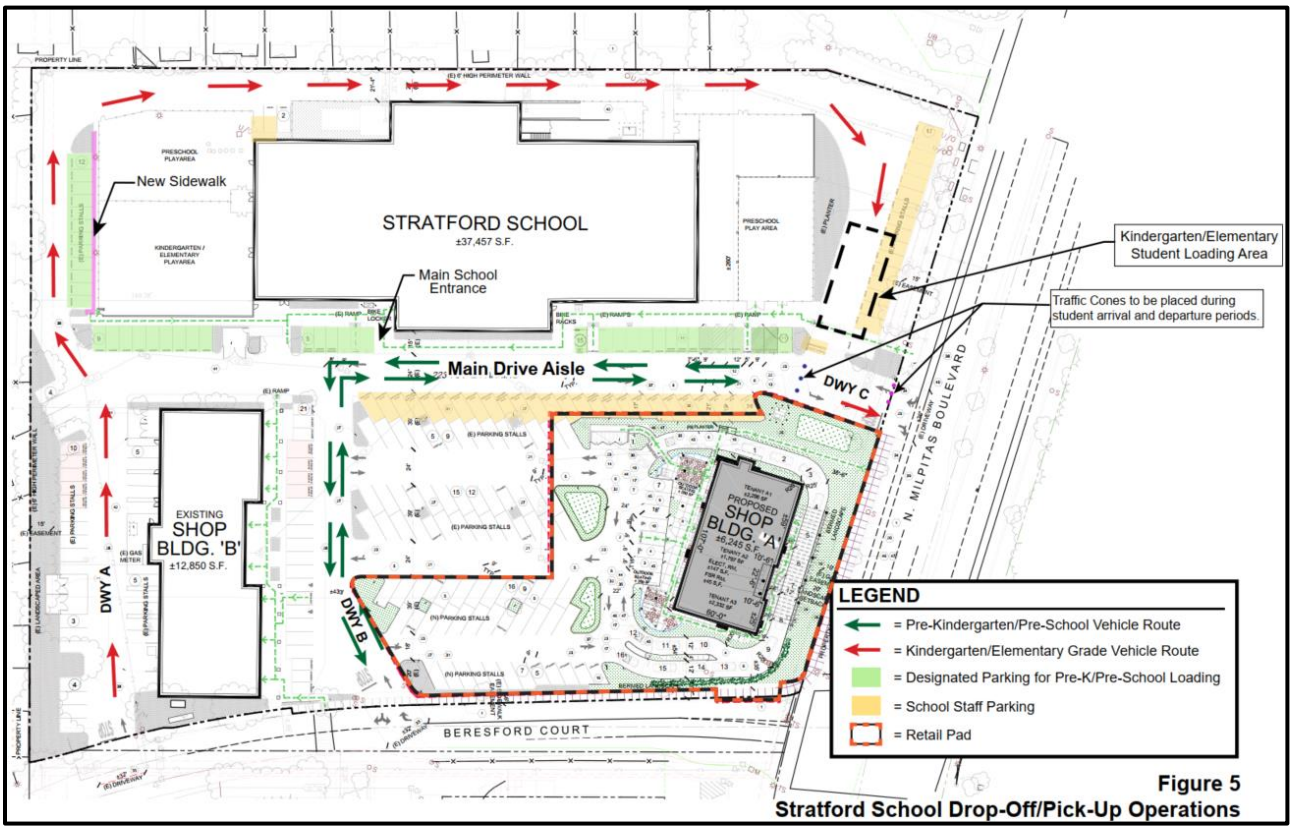
As discussed in the Background section, the former vacant OSH Building was converted into a private school use by the Stratford School for children in preschool through the second (2nd) grade via Use Permit No. UP20-0005 and Minor Site Development Permit No. MS20-0089 and Resolution No. 21-018. During review of Stratford School's CUP, the private school was required to devise a pick-up and drop-off circulation plan to facilitate a streamlined flow of traffic with staggered times based on grade or program level. Parents are advised on the pick-up and drop-off plan operations when students enroll into the private school. A detailed description of the operations is included as Attachment F.

Currently, parents picking up or dropping off kindergarten and elementary school aged students will enter the site along Beresford Court in the western-most driveway, and follow the north-south drive aisle behind Building B and proceed straight around the rear of the school building before exiting onto North Milpitas Boulevard. The flow of the drop-off and pick-up operations for these students is demonstrated by the red line in Figure 12. For younger students in pre-kindergarten or pre-school, a separate loading and unloading area is provided at the front of the building with 32 marked stalls shown highlighted in green and parents enter the project site through the center driveway access point from Beresford Court, as shown in the green dotted route line in Figure 12. A school security guard monitors the flow of traffic to ensure safety and compliance with the arrival and departure procedures for students.

Hexagon reviewed the proposed Project's pad building and drive-through circulation's compatibility with the existing pick-up and drop-off circulation operations of Stratford School, and found all driveways after closure of the driveway on Beresford Court closest to North Milpitas Boulevard will be able to operate acceptably still with no delay of cars queuing onto streets (Attachment B). Figure 12 demonstrates the existing Stratford School pick up and drop off routes, and the driveway proposed to be closed as part of the Project in the southeast corner of Beresford Court was not utilized for the pick-up and drop-off plan.

Additionally, the Applicant has been in coordination with Stratford School throughout the development of the proposed Project to minimize disruptions to the existing school's operations and to ensure safety is maintained during pick up and drop off operations. Stratford has provided a letter of support for the proposed Project and does not see an issue with parking or traffic flow after construction of the Project, and the Applicant will coordinate with the private school and Building B tenants to minimize disruptions during construction of the Project (Attachment G).

Figure 12: Stratford School Drop-Off/Pick-Up Operations with Proposed Project



Shared Parking

In accordance with MMC Section XI-10-53.11, Shared Parking, the Applicant is requesting approval of a Conditional Use Permit (CUP) to allow a shared parking arrangement. Existing parking would be shared with other uses within the same lot (Building B and Stratford School). Use of shared parking is common in shopping centers within the City as an alternative to strictly applying the City Planning Code off-street parking ratios, as a more efficient evaluation of anticipating parking supply and demand that may vary by use by time of day, day of week, and/or season of the year. Pursuant to MMC Section XI-10-53.11(B), shared parking may be allowed for mixed-use developments where uses are complimentary to one another or shopping centers like this one where more than twenty percent (20%) of gross leasable area is occupied by dining and entertainment uses including pad restaurants of the kind proposed that are located within 300 feet of the main shopping center building.

Hexagon Transportation Consultants (Hexagon) completed a shared parking study for the Beresford Square North Shopping Center, dated June 7, 2024, (Attachment C) to determine the amount of shared parking capacity needed for the proposed Project in compliance with the methodologies outlined in MMC Section XI-10-53.11. Hexagon analyzed three different methods in the study. As detailed in the attached parking study, Hexagon surveyed the Project site to examine existing parking demand at the shopping center to help the data and analysis for the second and third methodologies.

The first method used was to show a typical example of calculating the total amount of required parking for a project site by including the sum total of the requirements of the various individual uses computed separately in accordance with the provisions of MMC XI-10-53.09 - Off-Street Parking Required by Land Use. There are currently 297 existing surface parking stalls at the Project site, and it will be reduced to 223 after construction of the proposed Project. Hexagon's first methodology showed that the strict application of the City Planning Code off-street parking ratios of all uses, the total required off-site parking stalls for the project site would be 259, resulting in a parking deficit of 36 parking stalls. As a result of the parking deficit using this standard approach, the Applicant must seek a shared parking arrangement with a CUP to satisfy parking requirements for all uses in Building A, Building B, and the Stratford School.

The second and third methodologies Hexagon involved a shared parking analysis approach in compliance with the strategies outlined in MMC XI-10-53.11(D). These methodologies demonstrate that the shared parking demands of all uses on the site would be satisfied by 223 stalls provided onsite after construction of the Project. The second methodology involved a shared parking analysis based on projected parking demand and City Code requirements. Parking projections were developed for both the proposed Project and existing land uses, including Stratford School. Time of day factors (or peaking curves) were applied to the City-code requirements for all individual uses, which differ throughout the day, as presented by the Shared Parking publication by the Urban Land Institute (ULI). For Stratford School, the time-of-day parking occupancy factors were developed based on the actual parking counts measured by Hexagon in the field for the use. Hexagon observed that peak occupancy of the Shopping Center would occur at 6:00 PM with 207 vehicles parked onsite. Using Hexagon's second methodology, the Project site will be able to support all proposed uses on the site with 223 parking stalls.

Hexagon's third methodology was another type of shared parking analysis using data from parking surveys at the site. It took into account the projected parking demand due to the proposed Project and assumed full enrollment at Stratford School. Parking projections for the proposed Project were estimated using parking ratios specified in the City's Planning Code and applying the aforementioned time of day factors similar to the second methodology by the ULI. Hourly parking demand for Stratford School was determined based on the hourly parking counts measured for the school. For all other uses at the existing shopping center, the parking demand was taken from Hexagon's actual parking counts at the site. Hexagon's research showed that the total peak demand including the proposed Project is projected to occur at 12:00 pm on a typical weekday with 177 occupied parking spaces.

Table 4 summarizes the results of the three methodologies used by Hexagon in the parking study.

Table 4: Summary of Three Parking Study Demand Methods for Proposed Project

Parking Study Method	Day	Peak Time	Max. Spaces Required	Parking Spaces Provided	Deficit/ Surplus
1 – City Code Requirements	Weekday/ Weekend	N/A	259	223	-36
2 – City Code Requirements, Applying Time of Day Factors from Urban Land Institute (Shared Parking Analysis)	Weekday	6:00 PM	207	223	+16
	Weekend	7:00 PM	145	223	+78
3 – Parking Counts, Stratford School at Full Occupancy, Applying Time of Day Factors from Urban Land Institute (Shared Parking Analysis)	Weekday	12:00 PM	177	223	+46
	Weekend	6:00 PM	138	223	+85

Source: Hexagon Transportation Consultants, Inc., Parking Study for the Commercial Development at 125 N. Milpitas Boulevard. Dated June 7, 2024

Furthermore, in compliance with MMC Section XI-10-53.11(H), the Applicant has submitted a Shared Parking Plan to the Planning Department that includes a signage plan that will direct drivers to the most convenient parking areas for each use or group of uses and a pedestrian circulation plan that shows connections and walkways between parking areas and land uses. Use of this plan and adding new signage around the parking lot will assist visitors in understanding the times and allowable areas to park in. If the requested Project entitlements are approved, the Applicant will coordinate with Stratford School and the City's Planning Department during the building permit review phase of the proposed Project on the specific language for the new signage around the parking lot.

Utilities

The Project site is an infill development project in an urban area and is currently served by existing utilities and services, including water, storm drainage, sanitary sewer, electricity, gas, solid waste removal, and telecommunications infrastructure. All public utilities will be provided to the Project site.

Signage

The City's Sign Ordinance, includes general regulations including design guidelines per MMC Section XI-10-24.03, MMC XI-10-24.04, and MMC XI-10-24.05 to consider the appropriateness of signs being proposed. The design guidelines take into consideration the relationship of the sign to the space on buildings where the signs are located; compatibility of the materials being used with other signs proposed; visibility and legibility; relationship to height of the signs and the buildings and other factors.

Replacement Monument Sign

Per MMC XI-10-24.05(E), each subarea of the Town Center zoning district including Beresford Square shall be allowed one "freestanding" monument sign that shall not exceed 45-feet in height.

The proposed replacement meets MMC XI-10-24.05(E) by replacing the existing 6-foot tall monument sign at the intersection of North Milpitas Boulevard and East Calaveras Boulevard with one new, 16-foot tall monument sign closer to the North Milpitas Boulevard frontage. The Applicant is proposing to relocate the existing freestanding sign to accommodate the future Caltrans Calaveras Boulevard widening project.

The proposed new, 16-foot tall monument sign at Beresford Square further complies MMC XI-10-24.05(E) by remaining at least 29-feet below the 45-foot the maximum height limit. Furthermore, the new monument sign is compliant with additional freestanding sign requirements per MMC XI-10-24.03(D)(7) by being erected in an onsite landscaped planter area that is a minimum of three feet from the base of the sign that is maintained in every direction.

Master Sign Program Amendment

Sign programs are regulated per MMC XI-10-24.05(F). MMC Section XI-10-24.03(B)(1)(a) states, *the maximum permissible sign area on any building site or property shall not exceed one square foot of sign for each two lineal feet of building perimeter on the subject parcel or not to exceed two square feet of sign for each one linear foot of public street frontage*. Staff calculated the amount of allowable signage for each building on both sides of the shopping center, shown in Tables 5 and 6 to demonstrate the master sign program amendment will not exceed the maximum amount of signage allowed by the MMC:

Table 5: Wall Sign Code Zoning Consistency – Beresford Square South (5-99 N. Milpitas Blvd.)

Street	Frontage	Allowable Signage	Max. Proposed Signage	Complies?
N. Milpitas Blvd.	880 feet	1,780 square feet	625 square feet	Yes
E. Calaveras Blvd.	500 feet	1,000 square feet	285 square feet	Yes
Beresford Court	460 feet	920 square feet	210 square feet	Yes
Total	**1,840 feet**	**3,700 square feet**	**1,120 square feet**	**Yes**

Table 6: Wall Sign Code Zoning Consistency - Beresford Square North (103-125 N. Milpitas Blvd.)

Street	Frontage	Allowable Signage	Max. Proposed Signage	Complies?
N. Milpitas Blvd.	400 feet	800 square feet	320 square feet	Yes
Beresford Court	520 feet	1,040 square feet	383 square feet	Yes
Total	**920 feet**	**1,840 square feet**	**703 square feet**	**Yes**

The proposed amended Beresford Square Master Sign Program meets the intent of this section by incorporating the design of new signs concurrent with the design of the pad building and providing a clear understanding of what the standards are for all other existing tenants at Beresford Square. As shown in the two tables above, the amended plan complies with MMC Section XI-10-24.03(B)(1)(a) and all signage on the sites will be substantially below the maximum total aggregate signage allowed at Beresford Square South and Beresford Square North at 30 percent and 38 percent, respectively. Planning Department staff worked closely with the Applicant on revising previous drafts of the amended plan until it was consistent and compliant with the City's Sign

Ordinance and will not allow for any signs that are prohibited or exceed standards outlined in the Sign Ordinance pursuant to MMC XI-10-24. Page 5 of the amended plan includes a list of prohibited signs including A-frame signs, animated, spinning, flashing, or audible signs that is consistent with the regulations outlined per MMC XI-10-24.03(E), Prohibited Signs and Elements of Signs.

Overall, the amended Beresford Square Master Sign Program dated June 14, 2024, will provide for a consistent and streamlined review, approval, and administration of existing and new signs for the site. The new sign program will improve the architecture, streetscape, signs and overall aesthetics of the shopping center by providing consolidated guidelines for City staff and future applicants to review and design in accordance with the sign program to look visually consistent throughout Beresford Square. All proposed sign applications within Beresford Square are thereafter reviewed by Planning Department staff for compliance with its sign program prior to receiving approval and proceeding with building permit submittals for the sign. The proposed sign types, sizes, and locations are appropriate and compliment the architecture of buildings at Beresford Square as well with other signs in the vicinity.

Drainage

As shown in the proposed civil and landscaping plans, a combination of on-site bioretention basins and landscaping will be used to manage stormwater ran drainage on the project site. All drainage facilities will comply with the C.3 design requirements of the Santa Clara Valley Urban Runoff Pollution Prevention Program and will be assessed by the City's Engineering Division in detail during the building permit review phase.

Landscaping

There are 62 existing trees on the project site, and eight of these trees will be removed to develop the proposed pad building. These trees are all under eight inches in circumference and do not meet the threshold for a separate tree removal permit under the City's tree removal ordinance.[1] The Applicant proposes to install 17 replacement trees, of various species, for a total of 71 trees at the Project site after construction of the proposed Project. The replacement trees will be 24-inch-box trees or larger, and all will be planted onsite within the parking areas and landscaped setbacks and are low to medium water use trees. The Project will therefore be increasing the urban canopy on this site.

The Applicant will also install drought-tolerant shrubs and groundcover, including *wild rye, red yucca, smooth agave, feather reed grass, and coral drift rose*. Perimeter landscaped areas will be installed or enhanced along the property lines where the main Project scope work is proposed outlined in red in Figure 4. Refer to the Arborist Report (Attachment H) and landscaping sheets of the Project plans (Attachment I) for details.

Development Fees

The Project is subject to the following impact fees:

[1] Per the City's Tree Removal Ordinance per MMC Sec. X-2-7.01 on developed commercial property, a protected tree is designated as one that has thirty-seven-inch (37"), or greater circumference of its trunk measured 4 1/2 feet from the ground.

Public Art Fee
The Project will comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. This fee is currently set at one-half of one percent of building development costs. The proposed Project will pay the fee based on the construction valuation at the building permit issuance.

Engineering Division Impact Fees
The Applicant will have to pay for any necessary utility connection fees as required by the City's Engineering Division and detailed in the attached Conditions of Approval as applicable, including but not limited to water, sewer, and wastewater treatment. The Applicant may also have to contribute to the Calaveras Boulevard Widening Traffic Impact Fee pursuant to Resolution No. 7894. The fee rates are subject to change and the exact fee amount is calculated at the time of building permit issuance. All fees must be paid prior to building permit issuance.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit for New Pad Building
To approve the Site Development Permit for the new pad building, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F)(1):

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

   The Applicant considered the existing layout of the Project site by consulting with Stratford School and tenants of Building B and looked at the locations of these two existing buildings and driveway access points to prepare the proposed Project's site plan and design to minimize the disruptions of these existing business during and post construction of the new pad building and drive-through. The Project will be sited along the east and southeast portion of the lot away from the other two buildings and will close a driveway entrance closest to North Milpitas Boulevard on Beresford Court. Additionally, the transportation analysis and parking analysis found no substantial safety issues, and that the drive-through can handle the queuing capacity of up to 16 vehicles and will not impede the existing pick-up and drop-off operations of Stratford School.

   The proposed Project's contemporary architecture complements the design of the neighboring community, and high-quality, earth toned exterior materials will be used. Additionally, new landscaping including shrubs, grass, and trees will be incorporated in the scope of work area.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

   The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Tables 3 and 4.

The proposed Project will also be compliant with parking requirements if the Conditional Use Permit request for shared parking is approved by the Planning Commission pursuant to MMC XI-10-53.11. Hexagon Transportation Consultants, Inc., provided a parking study, dated June 7, 2024, that included two shared parking methodologies that demonstrated that the amount of parking provided after construction of the proposed Project (223 stalls) will be sufficient for all uses. Further, the Project site will have a surplus of available parking stalls even at peak demand hours at the shopping center.

3. *The Project is consistent with the Milpitas General Plan.*

   The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2, and particularly Policy *LU 6-5*, which encourages reinvestment in strip commercial and shopping centers and to maintain, revitalize, and redevelop aging and underperforming centers. The proposed Project will be sited within an existing aging shopping center over 40 years old on a portion of an underutilized surface parking lot. The Project is also considered an infill development project on previously developed land and will be served by existing utilities. The reinvestment into the Project site will help promote additional economic activity into the area.

Site Development Permit and Site Development Permit Amendment for Signage

To approve the Site Development Permit for a freestanding sign over 6-feet tall and a Site Development Permit Amendment to update the Master Sign Program for Beresford Square, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F)(2):

1. *All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.*

   The new monument sign features a more modern design with internally illuminated channel letters and, earth-toned colors, and will complement the shopping center Additionally, the height and updated location of the proposed new monument sign is appropriate as the proposed location is situated away from a future Caltrans East Calaveras Boulevard Widening project. Furthermore, the new monument sign will be 29-feet shorter in height than its maximum allowable height.

   The updated master sign program will be compliant with the General Plan and Sign Ordinance and will provide a consolidated overall sign program for the shopping center to maintain a consistent and cohesive look between sign proposals for the existing buildings, new pad building, and monument sign so that they will have similar design, lighting, scale, length, and material requirements. Additionally, as shown in Tables 5 and 6, the amended plan's size and development standards for wall signs would allow for signage at Beresford Square to be more than 60 percent below the total maximum aggregate sign area allowed by the Sign Ordinance.

2. *The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.*

The design, scale, and materials of the new monument sign will also meet the architectural design and details of the shopping center it serves by using similar colors and materials in silver/gray, beige, and white colors as the rest of the shopping center and new pad building. Furthermore, the scale is similar to the shopping center's one-story building and will also be less than half the 45-foot allowable maximum height for a freestanding sign at the Beresford Square Shopping Center in the TC Town Center at 16-feet above grade level.

The updated master sign program will ensure that all new signage at the shopping center will be harmonized with the architectural design and details of the building or site it serves by providing specific design guidelines for various types of signs depending on the building or location so all signage will have similar design, scale, and materials throughout the shopping center. All wall signage in the amended plan will be within the maximum allowable limits outlined in the Sign Ordinance.

3. *The design and scale of the sign is appropriate to the distance from which the sign is normally viewed;*

   The design and scale of the monument sign is appropriate to the distance from which the sign is normally viewed by being proposed at a maximum height of 16-feet instead of its allowable maximum of 45-feet, and will include new letters with a maximum size of 24-inches for up to seven main tenants in the shopping center. The proposed size and scale of the sign and each sign copy will be legible from appropriate distances more than the existing monument sign.

   The amended master sign program includes specific standards and diagrams for various types of signs proposed in Beresford Square to ensure the design and scale of the signs will be appropriately legible and visible, and includes different size and scale parameters for different types of tenants (i.e. anchor or tenant) to be proportional to the frontage and space of the business.

4. *The design and materials of the sign provide a contrast between the background and letters;*

   The new monument sign, as shown in Figures 9 and 10, and the amended master sign program (Attachment E) will feature a medium beige shade as a pillar and contrasted with white, illuminated channel letters providing a subtle contrast that is visually appealing, and the tenant spaces will have a light beige stucco shade and contrasted with aluminum cabinet letters in a darker gray/silver color with LED illumination. As such, the new monument sign design and materials provides a contrast between the background and letters and will have neutral, earth toned colors.

   The master sign program includes specific design and material standards for various types of signage in the shopping center and includes examples which demonstrate there will be a subtle contrast between the background and letters while still being legible and maintaining neutral tones.

5. *If a freestanding sign is included in the sign application, the design, scale or location of the building dictates the use of freestanding signs, rather than building-mounted signs.*

The proposed new freestanding sign's design, scale, and location was revised throughout the development review committee process to reduce the height and scale of the initial proposal and to appropriately propose a new location for the monument sign. The proposed new monument sign will be located closer to the North Milpitas Boulevard frontage and will be outside of the scope of work area for a future Caltrans project to expand East Calaveras Boulevard, and will be setback at least 30-feet away from the closest building at Beresford Square South (Citibank). Additionally, the height of the proposed freestanding sign at 16-feet tall is approximately 36 percent of its allowable maximum height and will be similar in scale to other one-story buildings in the shopping center. The proposed monument sign and associated standards are included in the master sign program update for the shopping center.

6. *For Sign Programs, in addition to the findings for signs, the following additional findings shall be made, based on evidence in the public record:*
    a. *The provisions of the Sign Program ensure consistency in design and style of all new signs.*

        City staff reviewed prior draft iterations of the sign program update to ensure consistency in design and style throughout all new signs and that the final proposed Master Sign Program for Beresford Square is consistent and clear in its requirements prior to scheduling the Project for a public hearing for consideration of adoption.

    b. *The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site, and*

        The amended master sign program addresses compatibility of the design and style of any existing signs on the buildings or site by clarifying the design and wall sign standards and providing an associated site plan map with corresponding building titles and legends to ensure the sign program is understandable for tenants, City staff, applicants, and the landlord when reviewing future sign proposals for the shopping center.

    c. *All new signs within the Sign Program are in compliance with the design guidelines of this Chapter.*

        All new signs within the amended master sign program are in compliance with the design guidelines of MMC XI-10-57.03 by proposing reasonable sign thresholds and in relation to regulations under MMC XI-10-24, Signs. All signage will not be excessively large in scale or bulk and the sign program will not allow for any lighting that will be disruptive such as blinking or flashing lights that could be a nuisance to the public.

Conditional Use Permit for Drive-Through and Shared Parking

To approve the Conditional Use Permit for the drive-through use and shared parking, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F):

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

   The drive-through service and shared parking are conditional uses that, when properly designed and sited in an appropriate area, can operate in a manner that will not compromise the public health, safety and general welfare of the immediate surroundings. The Applicant has provided consultant-based transportation and parking studies (Attachments B and C) demonstrating that the Project's design at the proposed location will not be detrimental or injurious to existing property or improvements in the vicinity and will not add traffic impacts. The transportation analysis for the Project further found no detrimental impacts to the pick-up and drop-off operations of Stratford School, and Stratford School has provided a letter of support for the proposed Project (Attachment G). Additionally, the Applicant will coordinate with Stratford School and tenants of Building B on the construction schedule to minimize impacts to existing business operations, and will improve pedestrian and disabled safety at the Project site by raising one of the crosswalk connections as part of the proposed site improvements that was suggested in the transportation analysis. The transportation analysis further confirmed that the proposed drive-through's circulation and site planning is oriented and designed adequately to not be detrimental or injurious to property or improvements in the vicinity and will not cause vehicular queuing backing up onto Beresford Court. The proposed site improvement modifications to the surface parking lot will still maintain minimum drive aisle widths and parking stall dimensions as required per MMC XI-10-53.13 - Design Standards for off-street parking.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

   The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Tables 3 and 4.

   The proposed Project will also be compliant with parking requirements of the Conditional Use Permit request for shared parking if approved by the Planning Commission pursuant to MMC XI-10-53.11. Hexagon Transportation Consultants, Inc., provided a parking study, dated June 7, 2024, that included two shared parking methodologies that demonstrated that the amount of parking provided after construction of the proposed Project (223 stalls) will be sufficient for all uses and the Project site will have a surplus of available parking stalls even at peak demand hours at the shopping center. The drive-through is consistent with the City's Zoning Ordinance with approval of a Conditional Use Permit and has a dual lane drive-through design that will merge into one lane with a capacity of 16 vehicles and has been adequately screened from public right-of-way views with an attached trellis and vertical greenscreen as viewed from North Milpitas Boulevard.

3. *The Project is consistent with the Milpitas General Plan.*

   The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2, and particularly Policy *LU 6-2*, which discusses that as commercial centers are proposed for redevelopment, development projects should create a vibrant public realm through placemaking techniques like public gathering places, features and

focal elements including outdoor cafes and other outdoor uses and amenities. The new drive-through use will help introduce a new service (proposed Starbucks coffee shop) for residents and visitors. The approval of the shared parking arrangement and drive-through by the Planning Commission with this Conditional Use Permit request will also further meet the policies and goals of the General Plan by allowing additional uses to a neighborhood serving center by adding new retail and restaurant options for the community, and promote reinvestments and economic activity into an aging shopping center. The proposed Project will provide flexibility of options for Milpitas residents and visitors to enjoy with three new commercial tenants with indoor and outdoor amenities, and the use of the drive-through will provides another amenity in the shopping center for patrons who prefer using drive-throughs.

Minor Site Development Permit for Outdoor Dining

To approve the Minor Site Development Permit for outdoor dining, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F)(1):

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

   The outdoor dining area and design was proposed concurrently as part of the proposed Project for the new pad building. The proposed materials used for the outdoor dining area will be compatible with the new pad building. Landscaping has been incorporated thoughtfully throughout the proposed design of the Project and the outdoor dining areas will be protected and screened by raised landscaped planter beds with three-foot tall decorative metal fence providing an additional barrier from the drive through lane(s). The design of the outdoor dining areas was also harmoniously developed in consideration of the existing layout of the Project site with Building B and Stratford School to minimize disruptions with its adjacent neighboring tenants. Additionally, the proposed outdoor dining areas comply with the design standards and other development standards under Section MMC XI-10-13.19, Outdoor Dining, and is further evaluated below.

2. *The Project is consistent with the Milpitas Zoning Ordinance.*

   The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Tables 3 and 4. The proposed outdoor dining areas comply with the design standards under Section MMC XI-10-13.19, Outdoor Dining by incorporating a durable barrier and providing separation from the drive-through lane(s) and parking areas. The Project further complies with the outdoor dining subsection by incorporating permanent overhead shade structures and adding high-quality and visually appealing metal tables and chairs that will complement the metal canopy awning features for the new pad building.

3. *The Project is consistent with the Milpitas General Plan.*

   The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2, and particularly Policy *LU 6-2*, which encourages that as commercial centers are proposed for redevelopment, development projects should create vibrant public realm through placemaking techniques like public gathering places, features and focal elements including outdoor cases and other outdoor uses and amenities. Two tenant suites

will each have an outdoor dining area of approximately 160-square feet or 200-square feet in front of their suite. The creation of the new proposed outdoor dining areas with modern architecture and materials will enhance the public realm and provide opportunities for Milpitas residents and visitors to enjoy using the outdoor dining uses and amenities. Short-term bicycle parking racks will be available in front of one of the suites, as well as a long-term bicycle rack on the south elevation of the building.

ENVIRONMENTAL REVIEW

The Project is exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with CEQA guidelines Section 15332 (In-Fill Development Projects) and, as a separate and independent basis, Section 15183 (Projects Consistent with a Community Plan or Zoning). The Project meets the definition of infill development under CEQA Guidelines Section 15332 (In-Fill Development Projects), in that the Project will occur within an existing urbanized area within the City, has no value as habitat for endangered, rare or threatened species and would not result in significant effects relating to traffic, noise, air quality, or water quality. In addition, the Project is consistent with the General Plan land use designation and Zoning Ordinance requirements as provided under CEQA Guidelines Section 15183 (Projects consistent with a Community Plan or Zoning). Therefore, no further environmental review is required.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on June 14, 2024. In addition, notices were sent to all owners and occupants within 1,000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.milpitas.gov, and at City Hall. At the time of publishing this report, no public comments have been received. The Applicant also hosted a neighborhood meeting on December 20, 2023, to provide detailed information about the Project and respond to questions from members of the community. A summary of the neighborhood meeting is included as Attachment J.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open the Public Hearing to receive comments;
2. Close the Public Hearing;
3. Consider the exemptions in accordance with CEQA; and
4. Adopt Resolution No. 24-022, recommending that the Planning Commission approve Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment SA23-0005, and Minor Site Development Permit No. MS24-0145, subject to the findings and attached Conditions of Approval.

ATTACHMENTS

A: Resolution No. 24-022, with Conditions of Approval
B: Transportation Analysis by Hexagon Transportation Consultants, Inc., dated June 7, 2024
C: Parking Study by Hexagon Transportation Consultants, Inc., dated June 7, 2024
D: Existing Beresford Square Master Sign Program
E: Proposed Beresford Square Master Sign Program
F: Stratford School Conditional Use Permit

G-1: Stratford School Letter of Support
G-2: Stratford School Letter of Support Site Plan Attachment
H: Arborist Report by Savatree, dated December 14, 2023
I: Project Plans
J: Neighborhood Meeting Summary Notes from December 20, 2023
K: Air Quality Report by Illingworth & Rodkin, Inc., dated July 28, 2023
L: Noise Report by Illingworth & Rodkin, Inc., dated August 7, 2023
M: Hydrology Study and Stormwater Management Plan, dated August 10, 2023

RESOLUTION NO. 24-022

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD22-0011, CONDITIONAL USE PERMIT NO. UP22-0005, SITE DEVELOPMENT PERMIT AMENDMENT SA23-0005, AND MINOR SITE DEVELOPMENT PERMIT NO. MS24-0145 TO DEVELOP A NEW, 6,245-SQUARE FOOT COMMERCIAL PAD BUILDING WITHIN THE EXISTING BERESFORD SQUARE NORTH SHOPPING CENTER WITH UP TO THREE RETAIL TENANTS AND A DRIVE-THROUGH FOR ONE TENANT, A REPLACEMENT MONUMENT SIGN AT THE INTERSECTION OF NORTH MILPITAS BOULEVARD AND EAST CALAVERAS BOULEVARD WITH A MAXIMUM HEIGHT OF 16-FEET ABOVE GRADE LEVEL, AN AMENDED BERESFORD SQUARE MASTER SIGN PROGRMA, SHARED PARKING, OUTDOOR DINING, AND ASSOCIATED SITE IMPROVEMENTS ON AN EXISTING 5.67-ACRE PARCEL LOCATED AT 125 NORTH MILPITAS BOULEVARD (APN 028-22-016)

WHEREAS, on March 31, 2023, an application was submitted by Brett Smith with Shapell Properties ("Applicant") for Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment SA23-0005, and Minor Site Development Permit No. MS24-0145 to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants and a drive-through for one tenant, a replacement monument sign at the intersection of N. Milpitas Boulevard and E. Calaveras Boulevard with a maximum height of 16-feet above grade level, an amended Beresford Square Master Sign Program, shared parking, outdoor dining, and associated site improvements ("Project"). The Project is located on an existing 5.67-acre site at 125 N. Milpitas Boulevard (APN 028-22-016); and

WHEREAS, the property has a General Plan land use designation of Town Center ("TWC") and is located within the Town Center ("TC") Zoning District; and

WHEREAS, a Site Development Permit is required for the development of a new pad building with drive-through service and associated site improvements, and a new freestanding sign greater than six-feet in height; and

WHEREAS, a Conditional Use Permit is required to allow drive-through operations and shared parking in conjunction with a new building within the Beresford Square North Shopping Center; and

WHEREAS, a Site Development Permit Amendment is required to allow an update to the master sign program for the Beresford Square Shopping Center; and

WHEREAS, a Minor Site Development Permit is required to allow for outdoor dining as part of the proposed Project; and

WHEREAS, the Planning Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA") and has determined that the proposed Project is exempt from further CEQA review pursuant to CEQA

Guidelines Section 15332 (In-Fill Development Projects), and on a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning); and

WHEREAS, on June 26, 2024, the Planning Commission held a duly-noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, the proposed Project was found to be consistent with the goals, policies and regulations of the Milpitas General Plan and Zoning Ordinance, as analyzed and documented in the staff report for this Project; and

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

SECTION 1. Recitals

The Planning Commission 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 Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2: California Environmental Quality Act

The project is exempt from environmental review under the California Environmental Quality Act (CEQA). The Project meets the definition of infill development under CEQA Guidelines Section 15332 (In-Fill Development Projects), in that the Project will occur within an existing urbanized area within the City, has no value as habitat for endangered, rare or threatened species and would not result in significant effects relating to traffic, noise, air quality, or water quality. In addition, the Project is consistent with the General Plan land use designation and Zoning Ordinance requirements as provided under CEQA Guidelines Section 15183 (Projects consistent with a Community Plan or Zoning).

SECTION 3. Development Fees

The purpose of the Public Art Fee, as adopted on May 19, 2015, by Ordinance No. 38.821, is to promote the aesthetics and arts in the City of Milpitas by requiring the inclusion of a public artwork component in new private development projects in Milpitas. Developers may either include publicly accessible works of art of placement in the development itself or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. This obligation therefore should foremost provide a direct public infrastructure improvement in the Project itself and only require contribution at the applicant's decision not to install improvements within the Project. The Planning Commission finds that an essential nexus exists between the basic public infrastructure facilities financed by the fee and the Project, which those facilities will support.

In adopting the Public Art Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities supported by this fee. The City

found and determined through this study that the public interest, convenience, health, welfare and safety require that private residential building developments of 20 or more new dwelling units shall devote an amount not less than one-half of one percent of Building Development Costs for acquisition and installation of Publicly Accessible Art on the development site. This obligation therefore proportionally requires the developer to contribute proportionately in the first instance to the aesthetics and arts for the Project itself. The Planning Commission finds that the Public Art Fee is roughly proportional to the Project's impact on the City's land use interest.

The purpose of the Calaveras Boulevard Widening Traffic Impact Fee, as adopted on June 16, 2009, by Resolution No. 7894, is to implement the goals and objectives of the Milpitas General Plan and mitigate the traffic impacts caused by new development. The Project will be supported by the roadway widening and other traffic improvements finances by this Traffic Impact Fee. The Planning Commission finds that an essential nexus exists between the basic public infrastructure facilities financed by the Traffic Impact Fee and the Project, which those facilities will support.

In adopting this Traffic Impact Fee, the City relied upon studies to ensure that each project would pay only its fair share of the basic public infrastructure facilities supported by this fee. The City found and determined through study fees applicable by use to residential, retail, and office use, increased annually through the City's budget process based on the Engineering News Record Construction Cost Index for the San Francisco Bay Area, as measured from the immediately preceding December through December of the prior year. The Project has the same use as contemplated in that study without project specific distinguishing features. As such, the Traffic Impact Fee will be roughly proportional to the basic public infrastructure facilities that the Project will require. The Council finds that Traffic Impact Fee is roughly proportional to the Project's impact on the City's land use interest.

SECTION 4. Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in approving Site Development Permit No. SD22-0011 for the new pad building:

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

   The Applicant considered the existing layout of the Project site by consulting with Stratford School and tenants of Building B and looked at the locations of these two existing buildings and driveway access points to prepare the proposed Project's site plan and design to minimize the disruptions of these existing business during and post construction of the new pad building and drive-through. The Project will be sited along the east and southeast portion of the lot away from the other two buildings and will close a driveway entrance closest to North Milpitas Boulevard on Beresford Court. Additionally, the transportation analysis and parking analysis found no substantial safety issues, and that the drive-through can handle the queuing capacity of up to 16 vehicles and will not impede the existing pick-up and drop-off operations of Stratford School.

   The proposed Project's contemporary architecture complements the design of the neighboring community, and high-quality, earth toned exterior materials will be used. Additionally, new landscaping including shrubs, grass, and trees will be incorporated in the

scope of work area.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated and outlined in Table 1 and 2 below.

Table 1: Town Center Zoning Conformance

Standards	Required	Proposed	Complies
Front Setback (min.)	20 feet	38 feet 6 inches	Yes
Side Setback (min.)	15 feet when abutting R district	260 feet	Yes
Street Side Setback (min.)	20 feet	35 feet	Yes
Rear Setback (min.)	15 feet when abutting R district	433 feet	Yes
Building Height	35 feet or 3 stories	26-feet, one-story	Yes
Floor Area Ratio, Non-Residential	0.85	0.23	Yes
Landscaping	All required setback areas and the ends of each parking aisle	New landscaped areas including 20-ft front setback and at the end of each parking aisle	Yes

Table 2: Summary of Three Parking Study Demand Methods for Proposed Project

Parking Study Method	Day	Peak Time	Max. Spaces Required	Parking Spaces Provided	Deficit/ Surplus
1 – City Code Requirements	Weekday/ Weekend	N/A	259	223	-36
2 – City Code Requirements, Applying Time of Day Factors from Urban Land Institute (Shared Parking Analysis)	Weekday	6:00 PM	207	223	+16
	Weekend	7:00 PM	145	223	+78
3 – Parking Counts, Stratford School at Full Occupancy, Applying Time of	Weekday	12:00 PM	177	223	+46
	Weekend	6:00 PM	138	223	+85

Day Factors from Urban Land Institute (Shared Parking Analysis)					

Source: Hexagon Transportation Consultants, Inc., Parking Study for the Commercial Development at 125 N. Milpitas Boulevard. Dated June 7, 2024

The proposed Project will also be compliant with parking requirements if the Conditional Use Permit request for shared parking is approved by the Planning Commission pursuant to MMC XI-10-53.11. Hexagon Transportation Consultants, Inc., provided a parking study, dated June 7, 2024, that included two shared parking methodologies that demonstrated that the amount of parking provided after construction of the proposed Project (223 stalls) will be sufficient for all uses. Further, the Project site will have a surplus of available parking stalls even at peak demand hours at the shopping center.

3. *The project is consistent with the Milpitas General Plan.*

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 3, and particularly Policy LU 6-5, which encourages reinvestment in strip commercial and shopping centers and to maintain, revitalize, and redevelop aging and underperforming centers. The proposed Project will be sited within an existing aging shopping center over 40 years old on a portion of an underutilized surface parking lot. The Project is also considered an infill development project on previously developed land and will be served by existing utilities. The reinvestment into the Project site will help promote additional economic activity into the area.

Table 3: General Plan Consistency

Policy	Conformance
LU 6-2: *As commercial centers are proposed for redevelopment, create a vibrant public realm though placemaking techniques like public gathering places, features and focal elements including outdoor cafes and other outdoor uses and amenities.*	**Consistent.** The Project includes two new outdoor dining areas totaling 360-square feet, and is anticipated to introduce a coffee shop (Starbucks) with a drive-through and includes bicycle parking and other outdoor dining amenities. As such, the proposed Project will help create and improve a vibrant public realm with modern, high-quality amenities.
LU 6-4: *Maintain viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled. Encourage a diverse mix of commercial uses including retail, service, office, entertainment, and assembly uses.*	**Consistent.** The Project will add new viable neighborhood-serving commercial uses within an existing shopping center intended to serve the adjacent residential developments and will improve the diversity of commercial uses onsite by adding up to three new tenants.
LU 6-5: *Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.*	**Consistent.** The proposed Project promotes reinvestment by adding an infill development project with up to three new different commercial tenants and a modern drive-

	through with site and landscaping improvements into an aging shopping center.

SECTION 5*:* Site Development Permit and Site Development Permit Amendment for Signage (Section XI-10-57.04(F)(2))

The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD22-0011 for a freestanding sign over 6-feet tall and Site Development Permit Amendment No. SA23-0005 to allow an update to a master sign program for a shopping center:

a. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.

The new monument sign features a more modern design with internally illuminated channel letters and, earth-toned colors, and will complement the shopping center Additionally, the height and updated location of the proposed new monument sign is appropriate as the proposed location is situated away from a future Caltrans East Calaveras Boulevard Widening project. Furthermore, the new monument sign will be 29-feet shorter in height than its maximum allowable height.

The updated master sign program will be compliant with the General Plan and Sign Ordinance and will provide a consolidated overall sign program for the shopping center to maintain a consistent and cohesive look between sign proposals for the existing buildings, new pad building, and monument sign so that they will have similar design, lighting, scale, length, and material requirements. Additionally, as shown in Tables 5 and 6, the amended plan's size and development standards for wall signs would allow for signage at Beresford Square to be more than 60 percent below the total maximum aggregate sign area allowed by the Sign Ordinance.

b. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.

The design, scale, and materials of the new monument sign will also meet the architectural design and details of the shopping center it serves by using similar colors and materials in silver/gray, beige, and white colors as the rest of the shopping center and new pad building. Furthermore, the scale is similar to the shopping center's one-story building and will also be less than half the 45-foot allowable maximum height for a freestanding sign at the Beresford Square Shopping Center in the TC Town Center at 16-feet above grade level.

The updated master sign program will ensure that all new signage at the shopping center will be harmonized with the architectural design and details of the building or site it serves by providing specific design guidelines for various types of signs depending on the building or location so all signage will have similar design, scale, and materials throughout the shopping center. All wall signage in the amended plan will be within the maximum allowable limits outlined in the Sign Ordinance.

c. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed;

The design and scale of the monument sign is appropriate to the distance from which the sign is normally viewed by being proposed at a maximum height of 16-feet instead of its allowable maximum of 45-feet, and will include new letters with a maximum size of 24-inches for up to seven main tenants in the shopping center. The proposed size and scale of the sign and each sign copy will be legible from appropriate distances more than the existing monument sign.

The amended master sign program includes specific standards and diagrams for various types of signs proposed in Beresford Square to ensure the design and scale of the signs will be appropriately legible and visible, and includes different size and scale parameters for different types of tenants (i.e. anchor or tenant) to be proportional to the frontage and space of the business.

d. The design and materials of the sign provide a contrast between the background and letters;

The new monument sign, as shown in Figures 9 and 10, and the amended master sign program (Attachment E) will feature a medium beige shade as a pillar and contrasted with white, illuminated channel letters providing a subtle contrast that is visually appealing, and the tenant spaces will have a light beige stucco shade and contrasted with aluminum cabinet letters in a darker gray/silver color with LED illumination. As such, the new monument sign design and materials provides a contrast between the background and letters and will have neutral, earth toned colors.

The master sign program includes specific design and material standards for various types of signage in the shopping center and includes examples which demonstrate there will be a subtle contrast between the background and letters while still being legible and maintaining neutral tones.

e. If a freestanding sign is included in the sign application, the design, scale or location of the building dictates the use of freestanding signs, rather than building-mounted signs.

The proposed new freestanding sign's design, scale, and location was revised throughout the development review committee process to reduce the height and scale of the initial proposal and to appropriately propose a new location for the monument sign. The proposed new monument sign will be located closer to the North Milpitas Boulevard frontage and will be outside of the scope of work area for a future Caltrans project to expand East Calaveras Boulevard, and will be setback at least 30-feet away from the closest building at Beresford Square South (Citibank). Additionally, the height of the proposed freestanding sign at 16-feet tall is approximately 36 percent of its allowable maximum height and will be similar in scale to other one-story buildings in the shopping center. The proposed monument sign and associated standards are included in the master sign program update for the shopping center.

f. For Sign Programs, in addition to the findings for signs, the following additional findings shall be made, based on evidence in the public record:

a. The provisions of the Sign Program ensure consistency in design and style of all new signs.

City staff reviewed prior draft iterations of the sign program update to ensure consistency in design and style throughout all new signs and that the final proposed Master Sign Program for Beresford Square is consistent and clear in its requirements prior to scheduling the Project for a public hearing for consideration of adoption.

b. The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site, and

The amended master sign program addresses compatibility of the design and style of any existing signs on the buildings or site by clarifying the design and wall sign standards and providing an associated site plan map with corresponding building titles and legends to ensure the sign program is understandable for tenants, City staff, applicants, and the landlord when reviewing future sign proposals for the shopping center.

c. All new signs within the Sign Program are in compliance with the design guidelines of this Chapter.

All new signs within the amended master sign program are in compliance with the design guidelines of MMC XI-10-57.03 by proposing reasonable sign thresholds and in relation to regulations under MMC XI-10-24, Signs. All signage will not be excessively large in scale or bulk and the sign program will not allow for any lighting that will be disruptive such as blinking or flashing lights that could be a nuisance to the public.

SECTION 6*:* Conditional Use Permit (Section XI-10-57.04(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP22-0005 for the drive-through use and shared parking:

1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The drive-through service and shared parking are conditional uses that, when properly designed and sited in an appropriate area, can operate in a manner that will not compromise the public health, safety and general welfare of the immediate surroundings. The Applicant has provided consultant-based transportation and parking studies (Attachments B and C) demonstrating that the Project's design at the proposed location will not be detrimental or injurious to existing property or improvements in the vicinity and will not add traffic impacts. The transportation analysis for the Project further found no detrimental impacts to the pick-up and drop-off operations of Stratford School, and Stratford School has provided a letter of support for the proposed Project (Attachment G). Additionally, the Applicant will coordinate with Stratford School and tenants of Building B on the construction schedule to minimize impacts to existing business operations, and will improve pedestrian and disabled safety at the Project site by raising one of the crosswalk connections as part of the proposed site

improvements that was suggested in the transportation analysis. The transportation analysis further confirmed that the proposed drive-through's circulation and site planning is oriented and designed adequately to not be detrimental or injurious to property or improvements in the vicinity and will not cause vehicular queuing backing up onto Beresford Court. The proposed site improvement modifications to the surface parking lot will still maintain minimum drive aisle widths and parking stall dimensions as required per MMC XI-10-53.13 - Design Standards for off-street parking.

2. *The proposed use must be consistent with the Milpitas General Plan*

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Tables 1 and 2.

The proposed Project will also be compliant with parking requirements of the Conditional Use Permit request for shared parking if approved by the Planning Commission pursuant to MMC XI-10-53.11. Hexagon Transportation Consultants, Inc., provided a parking study, dated June 7, 2024, that included two shared parking methodologies that demonstrated that the amount of parking provided after construction of the proposed Project (223 stalls) will be sufficient for all uses and the Project site will have a surplus of available parking stalls even at peak demand hours at the shopping center. The drive-through is consistent with the City's Zoning Ordinance with approval of a Conditional Use Permit and has a dual lane drive-through design that will merge into one lane with a capacity of 16 vehicles and has been adequately screened from public right-of-way views with an attached trellis and vertical greenscreen as viewed from North Milpitas Boulevard.

3. *The proposed use must be consistent with the Milpitas Zoning Ordinance.*

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 3, and particularly Policy *LU 6-2*, which discusses that as commercial centers are proposed for redevelopment, development projects should create a vibrant public realm through placemaking techniques like public gathering places, features and focal elements including outdoor cafes and other outdoor uses and amenities. The new drive-through use will help introduce a new service (proposed Starbucks coffee shop) for residents and visitors. The approval of the shared parking arrangement and drive-through by the Planning Commission with this Conditional Use Permit request will also further meet the policies and goals of the General Plan by allowing additional uses to a neighborhood serving center by adding new retail and restaurant options for the community, and promote reinvestments and economic activity into an aging shopping center. The proposed Project will provide flexibility of options for Milpitas residents and visitors to enjoy with three new commercial tenants with indoor and outdoor amenities, and the use of the drive-through will provides another amenity in the shopping center for patrons who prefer using drive-throughs.

SECTION 7*:* Minor Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Minor Site Development Permit No. UP24-0145 for outdoor dining:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property*

or improvements in the vicinity nor to the public health, safety, and general welfare.

The outdoor dining area and design was proposed concurrently as part of the proposed Project for the new pad building. The proposed materials used for the outdoor dining area will be compatible with the new pad building. Landscaping has been incorporated thoughtfully throughout the proposed design of the Project and the outdoor dining areas will be protected and screened by raised landscaped planter beds with three-foot tall decorative metal fence providing an additional barrier from the drive through lane(s). The design of the outdoor dining areas was also harmoniously developed in consideration of the existing layout of the Project site with Building B and Stratford School to minimize disruptions with its adjacent neighboring tenants. Additionally, the proposed outdoor dining areas comply with the design standards and other development standards under Section MMC XI-10-13.19, Outdoor Dining, and is further evaluated below.

2. *The proposed use must be consistent with the Milpitas General Plan*

The proposed Project is consistent with the Milpitas Zoning Ordinance, as demonstrated in Tables 1 and 2. The proposed outdoor dining areas comply with the design standards under Section MMC XI-10-13.19, Outdoor Dining by incorporating a durable barrier and providing separation from the drive-through lane(s) and parking areas. The Project further complies with the outdoor dining subsection by incorporating permanent overhead shade structures and adding high-quality and visually appealing metal tables and chairs that will complement the metal canopy awning features for the new pad building.

3. *The proposed use must be consistent with the Milpitas Zoning Ordinance.*

The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 3, and particularly Policy *LU 6-2*, which encourages that as commercial centers are proposed for redevelopment, development projects should create vibrant public realm through placemaking techniques like public gathering places, features and focal elements including outdoor cases and other outdoor uses and amenities. Two tenant suites will each have an outdoor dining area of approximately 160-square feet or 200-square feet in front of their suite. The creation of the new proposed outdoor dining areas with modern architecture and materials will enhance the public realm and provide opportunities for Milpitas residents and visitors to enjoy using the outdoor dining uses and amenities. Short-term bicycle parking racks will be available in front of one of the suites, as well as a long-term bicycle rack on the south elevation of the building.

SECTION 8: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-022 approving Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment No, SA23-0005, and Minor Site Development Permit No. MS24-0145, to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants and a drive-through for

one tenant, a replacement monument sign at the intersection of N. Milpitas Boulevard and E. Calaveras Boulevard with a maximum height of 16-feet above grade level, an amended Beresford Square Master Sign Program, shared parking, outdoor dining, and associated site improvements on an existing 5.67-acre parcel located in the Town Center (TC) Zoning District at 125 North Milpitas Boulevard, subject to the Findings and Conditions of Approval, attached hereto as **Exhibit 1.**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024.

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Mercedes Albana				
Dipak Awasthi				
Michael Caulkins				
Alexander Galang				
Parveen Gupta				
Chia Ling Kong				
Sonia Medina-Ashby				

EXHIBIT 1

CONDITIONS OF APPROVAL
125 N. MILPITAS BLVD. (APN 028-22-016)

SITE DEVELOPMENT PERMIT NO. SD22-0011
CONDITIONAL USE PERMIT NO. UP22-0005
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA23-0005
MINOR SITE DEVELOPMENT PERMIT NO. MS24-0145

The City of Milpitas Planning Commission approve Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment No. SA23-0005, and Minor Site Development Permit No. MS24-0145, in accordance with Sections XI-10-13.19, XI-10-53.11, XI-10-57.03, and XI-10-57.04, of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Site Development Permit, Conditional Use Permit, Site Development Permit Amendment, and Minor Site Development Permit entitlement is to develop a new, 6,245-square foot commercial pad building within the existing Beresford Square North Shopping Center with up to three retail tenants with a drive-through for one tenant, a replacement monument sign at the intersection of N. Milpitas Boulevard and E. Calaveras Boulevard with a maximum height of 16-feet above grade level, an amended Beresford Square Master Sign Program, shared parking, outdoor dining, and associated site improvements on an existing 5.67-acre parcel located in the Town Center (TC) Zoning District at 125 North Milpitas Boulevard (APN: 028-22-016). These approvals are subject to all other necessary reviews, approvals, studies, and inspections necessary for such development including for the issuance building permits or occupancy.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

General Conditions

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. No certificate of occupancy or temporary certificate of occupancy shall be issued for the development project described in Site Development Permit No. SD22-0011, Conditional Use Permit No. UP22-0005, Site Development Permit Amendment P-SA23-0005, and Minor Site Development Permit P-MS24-0145 ("Permit"), and the Permit shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**

2. The Permittee shall develop the approved project in conformance with the approved plans (dated May 28, 2024), and sample color and materials approved by the Planning Commission on June 26, 2024, in accordance with these Conditions of Approval. **(P)**

3. Modifications to project. Any deviation from the approved site plan, floor plans, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the Permittee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

4. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**

5. Conditions of Approval. As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

6. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

7. Permit Expiration. Pursuant to Section XI-10-64.06 of the Milpitas Municipal Code, this Permit shall be deemed to have expired and become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Municipal Code, an activity permitted by this Permit shall be deemed to have commenced when the project:
   a. Completes a foundation associated with the project; or
   b. Dedicates any land or easement as required from the zoning action; or
   c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

8. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**

9. Project Job Account. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, the review of permits will not be initiated until the balance is paid in full. **(E)**

10. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**

11. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
   a. Acceptance of this Permit by Permittee; and

b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit. **(P)**

12. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of SITE DEVELOPMENT PERMIT NO. SD22-0011, CONDITIONAL USE PERMIT NO. UP22-0005, SITE DEVELOPMENT PERMIT AMENDMENT P-SA23-0005, AND MINOR SITE DEVELOPMENT PERMIT P-MS24-0145; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to SITE DEVELOPMENT PERMIT NO. SD22-0011, CONDITIONAL USE PERMIT NO. UP22-0005, SITE DEVELOPMENT PERMIT AMENDMENT P-SA23-0005, AND MINOR SITE DEVELOPMENT PERMIT P-MS24-0145, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(P)**

15. Previous Approvals. Permittee shall abide by and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**

16. Outdoor Dining Design Standards and Operational Standards: Permittee and/or tenants of the Project shall maintain compliance with all outdoor dining design and operational standards per MMC XI-10-13.19(F) and MMC XI-10-13.19(G)

17. Shared Parking: Project site shall prepare and maintain a shared parking plan in coordination with tenants of Building A, Building B, and Stratford School and submit any alterations to the Planning Department for review per MMC XI-10-53.11(H) containing the following:

    1. Site plan and required parking calculations of parking spaces intended for shared parking and their proximity to land uses that they will serve.
    2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
    3. A pedestrian circulation plan that shows connections and walkways between parking and land uses. These paths should be as direct and short as possible.

ENGINEERING DIVISION CONDITIONS OF APPROVAL

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met.* ***(E)***

18. Modifications: The Site Development Plan plans dated May 28, 2024 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.

19. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Solid Waste Program. The Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling, food waste, and yard trimmings shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; outreach and education to tenants/occupants, and procure sufficient service frequency based upon waste generation calculation volumes. The City's review will include compliance of the plans with local and state legislation, such as AB 827 and SB 1383.

20. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C.3.c.i measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

21. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.

22. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the approved City fee schedule at the time of application submittal.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

*The following conditions shall be addressed as part of the off-site improvement plan review and shall be met **prior to** encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

23. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
    a. Milpitas Design Guidelines: https://www.milpitas.gov/333/Standard-Details-Specifications);
    b. Standard details and specifications: (https://www.milpitas.gov/333/Standard-Details-Specifications);
    c. Americans with Disabilities Act (ADA) requirements, where applicable.

24. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

25. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

26. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

27. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.

28. Improvement Agreement and Securities: Permittee shall execute an Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit

all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

29. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
    a) Installation of separate water service tap and meter for each of the following services: non-residential, irrigation, and fire.
    b) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for non-residential.
    c) Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna.
    d) Installation of half-street width asphalt concrete-based repair and microsurface along the project street frontage on Beresford Ct to the City Engineer's satisfaction.
    e) Installation of 5.5' public sidewalk after the removal of driveway at intersection of Beresford Ct and North Milpitas Blvd within the 5.5' sidewalk easement.

30. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.

31. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.

32. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.

33. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

34. Pothole Encroachment Permit: Due to multiple new utility service connections on arterial/collector streets, Permittee shall pothole and verify all potential utility crossing conflict as part of the public improvement plan during the design stage.

PRIOR TO BUILDING PERMIT ISSUANCE

*The following conditions shall be addressed during the building plan check process and shall be met **prior to** any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

35. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).

36. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.

37. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.

38. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

39. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details, including but not limited to those associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, and storage area.

40. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
    a) What materials will be salvaged.
    b) How materials will be processed during demolition.
    c) Intended locations or businesses for reuse or recycling.
    d) Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

    Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

41. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.

42. Grease Interceptor: Provide grease interceptors for buildings with food service. Contact San Jose/Santa Clara Water Pollution Control Plant at http://www.sanjoseca.gov/index.aspx?NID=1641 for sizing and location requirements for grease interceptor(s). No grease interceptor(s) shall be located in any public right-of-way or public easement areas.

43. Flood Plain Management: This project is in the Flood Zone "AH" with 1' to 3' average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15. Permittee shall also submit a Flood Study for the Project demonstrating, to the satisfaction of the City Engineer, that the proposed development has no adverse impact to the surrounding flood plain within the Special Flood Hazard Area (SFHA) and to the flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments demonstrating the combined effects will not increase the water surface elevation of the Base Flood Elevation (BFE) more than one foot at any point. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. The study shall clearly identify the lowest floor elevation and shall be completely elevated out of the SFHA.

44. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
    a) Water connection fee at $1,164/unit for residential and $5.97/gpd for commercial, based upon increased water usage.
    b) Sewer connection fee at $1,406/unit for residential and $8.52/gpd for commercial, based upon increased average wastewater flow.
    c) Wastewater Treatment Plant fee per MMC VIII, Chapter 2, Section 7.04.
    d) Calaveras Boulevard Widening Traffic Impact fee per Resolution No. 7894.
    e) 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
    f) FEMA Flood Zone Designation Letter fee in the amount of $100.00 each.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

45. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

46. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.

47. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.

48. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** issuance of a certificate of occupancy of the approved project, unless otherwise approved by the Director of Engineering/City Engineer.*

49. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to N Milpitas Boulevard, frontage improvements along Beresford Ct, as shown on City approved plans.

50. LOMR-F: Permittee shall submit the FEMA approved LOMR-F for each unit/building associated with the requested occupancy, if project is located in the SFHA. In the event FEMA has not lifted the suspense on the LOMR-F process, lack of documentation will not preclude occupancy release.

51. Elevation and/or Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and/or Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.

52. Landscape Certificate of Completion: Permittee shall submit a Certificate of Substantial Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.

53. Certificate of Cross-Connection: Permittee shall ensure that the cross-connection specialist complete the required recycled water construction inspection checklist, cross connection test results and any special inspection checklist as required by the South Bay Recycling Program http://www.sanjoseca.gov/index.aspx?NID=1595 and forward them to the City.

54. Record Drawings: Permittee shall submit record drawings in Full size hard copy, AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.

55. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

BUILDING DEPARTMENT CONDITIONS OF APPROVAL

56. Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of

Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department.

FIRE DEPARTMENT CONDITIONS OF APPROVAL

57. Please do not consider this review an approval for construction from the Fire Department. The plans submitted are not reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). These notes are a general list of the applicable code requirements (2022 Edition), but not limited to, and are provided to assist with the construction permit process.

58. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or report(s). CFC Section 104.8.2.

59. Fire Department Access: Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. CFC Section 503

    a. Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from the same reference point (center). CFC Section 503

    b. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.

    c. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 503.7, added by MMC V-300-2.56

    d. Fire access roads shall be paved (concrete and/or asphalt cement, or other concrete type pavement approved by the Fire Dept.). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division if specifications are needed. CFC Section

503.2.3

e. Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. CFC Section 503.4

f. Emergency Vehicle Access (EVA) roads, when required, shall meet the fire department site access requirements specified herein this document. CFC Section 503

g. No parking in fire access roads. The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". CFC Section 503.3

   Minimum marking shall be pole signage and red curb with “FIRE LANE – CVC 22500.1” stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

h. Fire Protection. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). CFC Section 501.4

i. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

60. Fire Protection Water Supply (hydrants, on-site and public)
   a. An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted, CFC Section B103.2.

b. Water System Calculations Requirements. Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. CFC Section 507

   The minimum water flow at the worst case hydrant outlet within the private system shall be not less than 2,500 gpm.

c. Hydrant for automatic fire sprinkler and or standpipe systems. Buildings equipped with an automatic fire sprinkler system and or a standpipe system installed in accordance with Sections 903 and or 905 shall have a fire hydrant within 50 feet of the fire department connections. CFC Section 507.1.1, amended by MMC Section V-300-2.61

d. Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. CFC Section 507.5.7, added by MMC V-300-2.62

e. No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514. Provide stripping per CA Vehicle Code 22500.1. CFC Section 507.5.4

61. Fire service water laterals for building sprinkler systems.
    a. Each building shall have a fire service water laterals for the automatic fire sprinkler system and shall meet the California Fire Code requirements Chapter 9 and the NFPA 13 and other applicable Standards. Note, the utilities drawings provided are not reviewed nor approved for construction. CFC Section 912.1

    b. The location of the FDC's/PIV's (fire department connection/post indicator valve) shall be at a readily visible and accessible location off the fire access road and approved by the Fire Code Official. FDC's/PIV's shall not be located behind parking stalls nor behind any other obstruction. Final review for location for the FDC's/PIV's will be conducted during the construction permit process. CFC Section 912.2

    c. FDC/PIV Signage. A metal sign with raised letters at least 1 inch in size shall be mounted on all fire department connections. Signage shall be reflective, weather resistive and approved by the Fire Code Official. CFC Section 912.5

    d. Backflow Protection. Potable water supply to the automatic sprinkler and/or the standpipe systems shall be protected against backflow as required by the Health and Safety Code section 13114.7 and the City of Milpitas Utilities Engineering Division. CFC Section 912.6

e. Automatic fire sprinkler riser location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. California Fire Code Section 903.3.5.5, added by MMC Section V-300-2.66

62. Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.59

63. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505

    The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9

64. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.60

65. Fire Dept. emergency Key Box (Knox Box, Knox locks, Knox electric switches, etc). The Fire Code Official is authorized to require a key box(es) to be installed in an approved location(s) if necessary for life-saving or fire-fighting purposed. Quantify and location shall be as directed by the Fire Code Official. CFC Section 506

    Locked mechanical closets, electrical closets, fire alarm closets, sprinkler riser closets, etc. will need a Fire Dept. approved lock or “Knox” key box.

66. Building/Structure Requirements.
    a. The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 or NFPA 13D Standards. System type will depend on building/structure construction type and area analysis. California Fire Code Section 903.3

    b. All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Sprinkler system design shall include the proposed method for drainage of sprinkler system discharge. Storm Water Pollution Regulations

67. Landscape sheets. The proposed landscaping may be impacted by the comments above and the requirements for fire access, fire systems and devices (such as apparatus access, hydrants, fire service lines, fire department connections valves, etc.). The Fire Dept. reserves the right to relocate, delete or change the proposed landscaping when in conflict with fire systems and devices. CFC 507.5.4

68. Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2

POLICE DEPARTMENT CONDITIONS OF APPROVAL

69. All entrances to the facility shall be posted with appropriate signage such as "No Trespassing/ Loitering" and applicable towing advisements such as 22658(a) CVC to assist in the removal of unauthorized person and vehicles from the private premises.

70. Parking lots and associated driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided with lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness.

71. Parking issues presented by this project could create concerns if adjacent parking lots belonging to surroundings businesses are utilized. The parking procedures need to be clearly understood and followed by guests of the proposed property. The parking stalls within the property shall be clearly marked for guests and include disabled parking spaces as required by law.

72. Any and all areas controlled by electronic security devices (i.e. key fobs, access cards, keypads, etc.) shall have Knox boxes installed near such access points with the Knox boxes containing the appropriate security devices to gain entry. If access points are controlled by keypads, management shall provide the Police Department with the needed code(s) and regularly update the Police Department if such code(s) change.

73. An up-to-date map of the interior floor plan shall be provided to the Police Department. The map shall minimally identify the locations of each room, entry/exit points, storage areas, locations of security cameras, etc.

74. Landscaping shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged. Landscaping shall not conceal doors or windows from view, obstruct visibility of the parking lot from the street, nor hinder access to the roof, if needed.

75. Video/security cameras shall be implemented for the enclosed building and the exterior perimeter. The exterior video/security cameras shall record in high definition and cover the entire exterior which includes the parking lots, parking lot entrances/exits, and building entrances/exits. The interior video/security cameras shall record in high definition and cover

every floor's corridors/hallways, main lobby area, front-desk, and building entrances/exits. The video/security system shall have the capacity to save/store footage for 30 days and have the capability to be downloaded.

76. Property Manager shall file emergency notification form with the police department so law enforcement can contact property manager in the event of any major accident, emergency, or unforeseen circumstance.

77. All windows not visible from the public street shall have burglary resistant glazing; the type that attaches to the window frame are preferable.

Key:

(P) = Planning
(B) = Building
(E) = Engineering
(F) = Fire Prevention
(PD) = Police Department
(CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the project property on the terms and conditions set forth in this Permit.

Dated: _____ _____

Signature of Permittee

Hexagon Transportation Consultants, Inc.

Memorandum

Date: June 7, 2024

To: Brett Smith, Shapell Properties

From: Gary Black
Nivedha Baskarapandian

Subject: Transportation Analysis for the Proposed Retail Pad at Beresford Square Shopping Center in Milpitas, California

Hexagon Transportation Consultants, Inc. has completed a transportation analysis for the proposed retail pad at Beresford Square Shopping Center in Milpitas, California. The project site is located at the northwest corner of the intersection of Milpitas Boulevard and Town Center Drive/Beresford Court (see Figure 1). The project would construct a 6,245 square-foot (s.f.) retail pad in an existing parking lot (see Figure 2). The retail pad would have a restaurant, retail store, and a drive through restaurant or coffee place.

The transportation analysis was conducted for the purpose of identifying any impacts in accordance with the standards set forth by the City of Milpitas *Transportation Analysis Guidelines* dated March 2022.

VMT Analysis

Pursuant to Senate Bill (SB) 743, the California Environmental Quality Act (CEQA) 2019 Update Guidelines Section 15064.3, subdivision (b) states that VMT is the metric in analyzing transportation impacts for land use projects for CEQA purposes. VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle trips with one end within the project.

The City of Milpitas *Transportation Analysis Guidelines* establish the vehicle miles traveled (VMT) policy, screening criteria, standards, and methodologies for new development projects. The guideline outlines procedures for determining project impacts on VMT based on the project description, characteristics, and/or location. The guidelines screening criteria state that the following types of projects may be presumed to have a less than significant VMT impact:

- small projects (generating 110 daily trips or less)
- retail of 100,000 s.f. or less (local serving)
- locally serving public facilities (e.g., fire stations, neighborhood parks, libraries, and community centers)
- affordable housing
- projects near transit (typically located in areas supported by existing transit service)

The proposed project comprises 6,245 s.f. of local serving retail space, which meets the screening criteria outlined above. Therefore, the project would have a less-than-significant VMT impact.

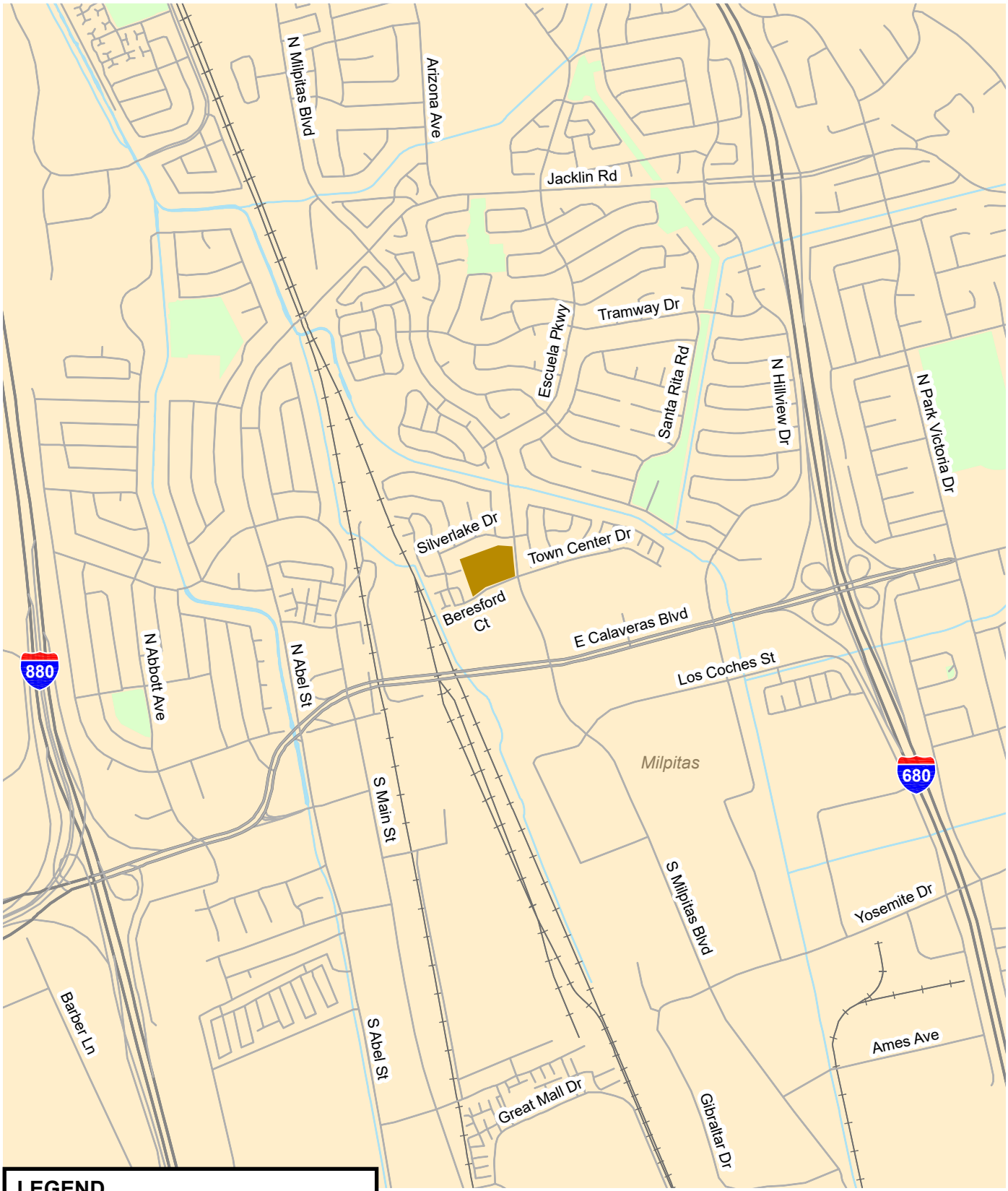


Figure 1
Project Site Location

NORTH
Not to Scale

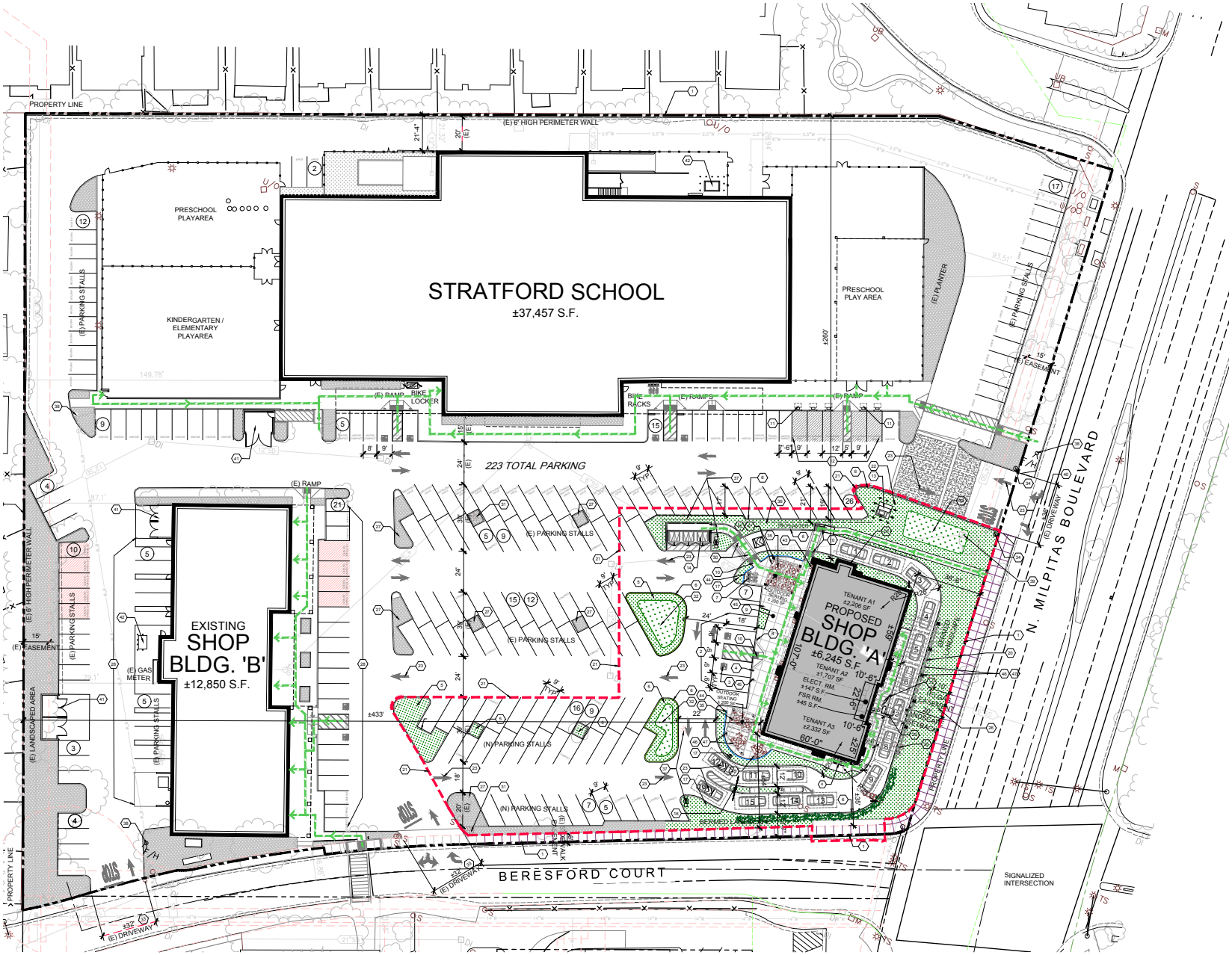


Figure 2
Site Plan

NORTH
Not to Scale

Project Trip Generation

Through empirical research, data have been collected that show trip generation rates for many types of land uses. The data are published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 11th Edition* (2021). The trip generation rates published for "Coffee/Donut Shop with Drive Through" (Land Use Code 937), "Strip Retail Plaza (<40k)" (Land Use Code 822), and "Fast Casual Restaurant" (Land Use Code 930) were used to estimate trips generated by the proposed drive through restaurant, retail space, and restaurant, respectively. Coffee/Donut Shop with Drive Through trip rates were used for the proposed drive-through restaurant because they are higher than the fast-food rates.

Based on the ITE trip generation rates, it is estimated that the retail use would generate 196 new AM peak-hour trips and 126 new PM peak-hour trips (see Table 1).

Table 1
Project Trip Generation

Land Use	Size	Units	Daily Trips	AM Peak-Hour Trips In	AM Peak-Hour Trips Out	AM Peak-Hour Trips Total	PM Peak-Hour Trips In	PM Peak-Hour Trips Out	PM Peak-Hour Trips Total
Proposed									
Drive Through Restaurant [1]	2,206	s.f.	1,177	96	93	189	43	43	86
Retail [2]	1,707	s.f.	93	2	2	4	6	5	11
Restaurant [3]	2,332	s.f.	227	2	1	3	16	13	29
Total Project Trips			**1,497**	**100**	**96**	**196**	**65**	**61**	**126**

Notes:
s.f. = square feet

[1] Drive through trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Coffee/Donut Shop with Drive-Through Widnow (Land Use Code 937).

[2] Retail trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Day Strip Retail Plaza (<40k) (Land Use Code 822).

[3] Restaurant trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Fast Casual Restaurant (Land Use Code 930).

Site Access and Circulation

The site access and on-site circulation evaluation is based on the site plan prepared by McKently Malak Architects dated May 28, 2024 (see Figure 2).

The project would be built in the parking lot of the existing Beresford Square shopping center. The project would close the existing driveway on Beresford Court nearest Milpitas Boulevard.

Driveway Closure

The Beresford Square Shopping Center currently has one two-way driveway on Milpitas Boulevard and three two-way driveways on Beresford Court. The project proposes to close the driveway on Beresford Court closer to the intersection at Milpitas Boulevard. This closure would reroute inbound and outbound vehicles to the next driveway to the east. Driveway counts at the three main driveways were collected on Wednesday May 24, 2023 (see Figure 3).

The counts show that the closure of the nearest Beresford Court driveway would add 63 inbound vehicles and two outbound vehicles during the AM peak hour and 84 inbound vehicles and one outbound vehicle during the PM peak hour to the Beresford Court driveway to the east. The proposed project would add 50 inbound vehicles and 48 outbound vehicles during the AM peak hour and 32 inbound vehicles and 30 outbound vehicles during the PM peak hour to this driveway, resulting in a total volume of 120 inbound vehicles and 77 outbound vehicles during the AM peak hour and 165 inbound vehicles and 110 outbound vehicles during the PM peak hour with the proposed project. This will equate to about one vehicle every 20 seconds during the AM peak hour and about one vehicle every 15 seconds during the PM peak hour. While this is a pretty constant volume of traffic at the driveway, due to the relatively low number of existing vehicles on Beresford Court, operational issues related to vehicle queuing and/or vehicle delay are not expected to occur due to the closure of the driveway.

On-Site Circulation

The project would redesign the southeast corner of the shopping center (see Figure 2). There would be a combination of one-way and two-way drive aisles, with angled parking. According to the City's Zoning Code (Section 53 XI-10-53.13), 9-foot parking stalls at a 60-degree angle shall have a minimum one-way drive aisle width of 18 feet. According to the same zoning code, standard parking stalls shall have a minimum two-way width of 24 feet. The site plan shows that the proposed project drive aisles would meet these standards.

A pedestrian and handicap walkway would be provided on site from the sidewalk on Milpitas Boulevard, around the proposed retail pad, to the rest of the parking lot. Hexagon recommends a raised crosswalk at the points where pedestrians would cross the drive-through aisle to improve the pedestrian safety while crossing (see Figure 4). Raised crosswalks make the pedestrian more prominent in the driver's field of vision and allow pedestrians to cross at grade with the sidewalk. They also reduce vehicle speeds and improve motorist yielding.

Stratford School

Part of the shopping center is occupied by the Stratford School. The school currently serves mostly the lower grades, so students are walked in and out by their parents. Vehicles dropping off/picking up students enter the site either from Beresford Court or from Milpitas Boulevard, park in designated parking spots in front of the school, escort students in and out of the building, and then leave via the Milpitas Boulevard driveway.

As the school adds upper grade levels, there will be a more significant drop-off and pick-up function. Figure 5 shows the planned drop-off/pick-up routes for the school. Currently, some parents are using the Beresford Court driveway closest to Milpitas Boulevard. This driveway would be closed with the retail pad project. Parents then could use the next driveway to the west, in accordance with the Stratford School drop-off and pick-up plan.

As part of the school's drop-off/pick-up plan, inbound traffic will be disallowed at the Milpitas Boulevard driveway during peak times. Figure 5 shows how the ingress and egress would work for the retail pad with the Milpitas driveway closed to inbound traffic. All driveways ae expected to operate acceptably with no queuing on to the street. Note that drop-off and pick-up operations at the school, and the partial driveway closure, would occur only for about 30 minutes before and after school. At all other times, the parking lot access and circulation would operate normally.

LEGEND

XX(XX) = AM(PM) Peak-Hour Trips

Figure 3
Driveway Counts

NORTH
Not to Scale

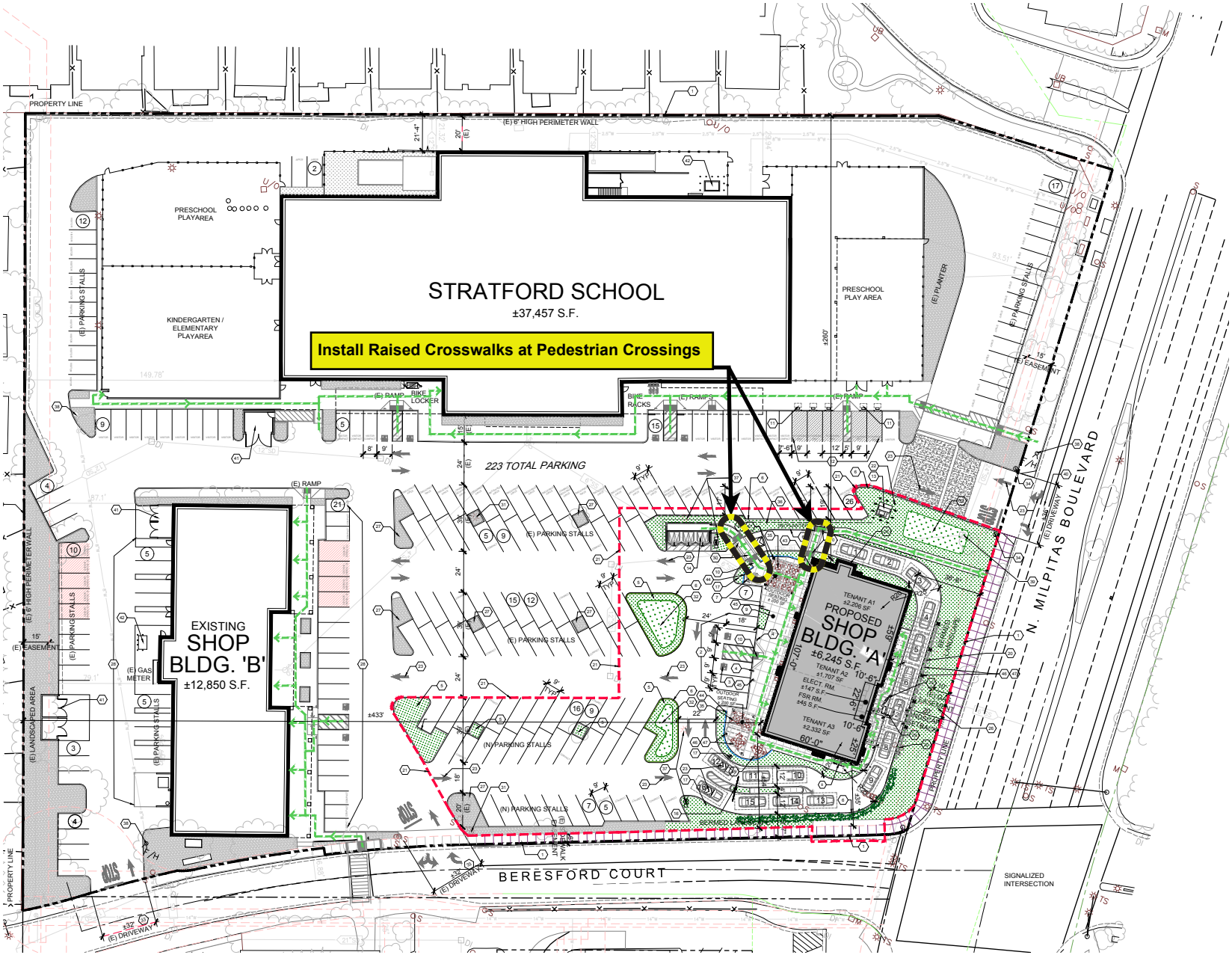


Figure 4
Proposed Site Circulation

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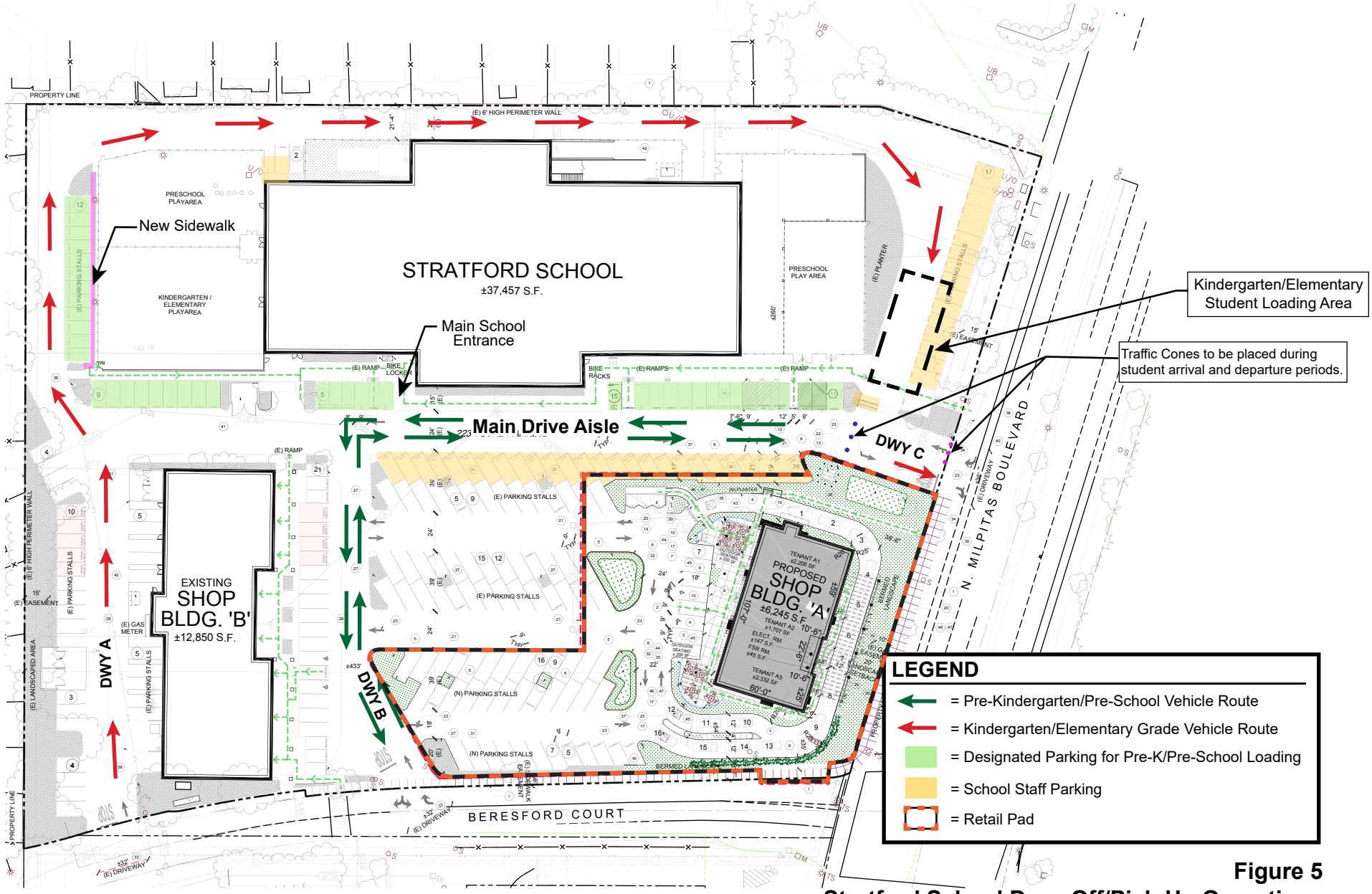

Figure 5
Stratford School Drop-Off/Pick-Up Operations

Parking

Refer to the *Parking Study for the Commercial Development at 125 N. Milpitas Boulevard* prepared by Hexagon and dated June 7, 2024.

Loading and Emergency Vehicle Access

The project would include a trash enclosure/trash pick-up area at the north side of the proposed retail pad which would serve as an access point for garbage trucks. Delivery vehicles, garbage trucks, and emergency vehicles would be able to circulate the site via the shopping center drive aisles.

Drive-Through Analysis

A queuing analysis was conducted to determine the appropriate storage requirements of the proposed drive through window. Data from a Starbucks were used to evaluate queue lengths because that is likely to be the most intense use of the space. Hexagon conducted queuing observations in February 2016 for a Starbucks drive-through located on Bernal Avenue in Pleasanton, California. Observations were conducted during peak morning periods from 7:00 AM to 10:00 AM on two typical weekdays and two typical Saturdays. The queues were recorded every minute and measured from the pick-up window. The results of the surveys were as follows:

Wednesday 2/10: 95th Percentile queue = 11 vehicles
Tuesday 2/16: 95th Percentile queue = 10 vehicles
Saturday 2/6: 95th Percentile queue = 12 vehicles
Saturday 2/13: 95th Percentile queue = 9 vehicles

For this analysis, the 95th percentile queue is defined as the queue that would be exceeded five percent of the time. Based on the 2016 surveys, the maximum 95th percentile vehicle queue length observed at the pick-up window was 12 vehicles.

Another drive-through queueing analysis was conducted by Hexagon at the Lathrop Marketplace in Lathrop, California. The drive-through counts for Starbucks were collected on Thursday, June 24, 2021, and Saturday June 26, 2021. The counts observed that the maximum queue occurred on Thursday at roughly 8:15 AM with a 14 vehicles queue from the pick-up window.

The site plan for the proposed drive through shows that the current design will incorporate two drive-through ordering lanes that merge into one drive-through lane with a total storage of 16 vehicles. Given the results of both the queuing analyses done by Hexagon, the maximum vehicle queue could be accommodated within the proposed drive-through lane(s).

Conclusions

The results of the transportation study for the Beresford Square Shopping Center project are summarized below.

- The project would generate 196 new AM and 126 new PM peak-hour trips.
- Since the project can be considered a local serving retail use, its impact on VMT would be less than significant according to City standards.
- Hexagon recommends raised crosswalks be installed at the two points where pedestrians cross the drive through lane to improve pedestrian crossing safety.
- No queuing issues are expected due to the proposed drive-through.

- The retail pad circulation would be compatible with circulation to and from Stratford School

Hexagon Transportation Consultants, Inc.

Memorandum

Date: June 7, 2024

To: City of Milpitas, Planning

From: Eric Tse, P.E., PTOE

Subject: Parking Study for the Commercial Development at 125 N. Milpitas Boulevard

Introduction

Hexagon Transportation Consultants, Inc. has completed this parking study for the proposed commercial development at 125 North Milpitas Boulevard in Milpitas, California. The site is located at the southeast corner of the Beresford Square Shopping Center, adjacent to the intersection of N. Milpitas Boulevard and Beresford Court/Town Center Drive. The proposed project would remove a section of the existing shopping center parking lot and construct a new 6,245 sq. ft. commercial building consisting of up to three individual tenants with a drive-thru. It would share parking at the Beresford Square Shopping Center.

Given that the proposed project would reduce the parking supply at the shopping center, the City has requested a shared parking analysis be conducted to demonstrate that the total parking supply under project conditions would be adequate.

The site currently contains a mix of retail and restaurant land uses, and a Stratford School. The shared parking analysis reflected the required 32 loading/unloading parking spaces for Stratford School as referenced in its Conditional Use Permit (CUP). The purpose of this parking analysis is to evaluate whether the shopping center would have sufficient parking supply overall to accommodate the total parking demand after the proposed project is completed. The study evaluated parking at the site using three methods. First, onsite parking was evaluated using City parking requirements. Second, parking was evaluated using City parking requirements AND land use and time of day factors. Third, existing parking demand was measured at the site and parking demand from the proposed project was added. The proposed project site plan layout within the shopping center is shown in Figure 1.

Existing Parking Inventory

The parking supply for the Beresford Square Shopping Center was inventoried in the field by Hexagon. The inventory was broken down for each of several parking subareas in the Shopping Center. The subareas are delineated in Figure 2. The total supply of existing parking spaces in the Shopping Center is currently 297 parking spaces. Zones 1 and 2 are currently designated for a mix of student drop off/pick up and staff parking at Stratford School. Zones 3 and 4 are currently designated for staff parking only at the school. Zones 5 and 6 currently serve the remaining shopping center uses.

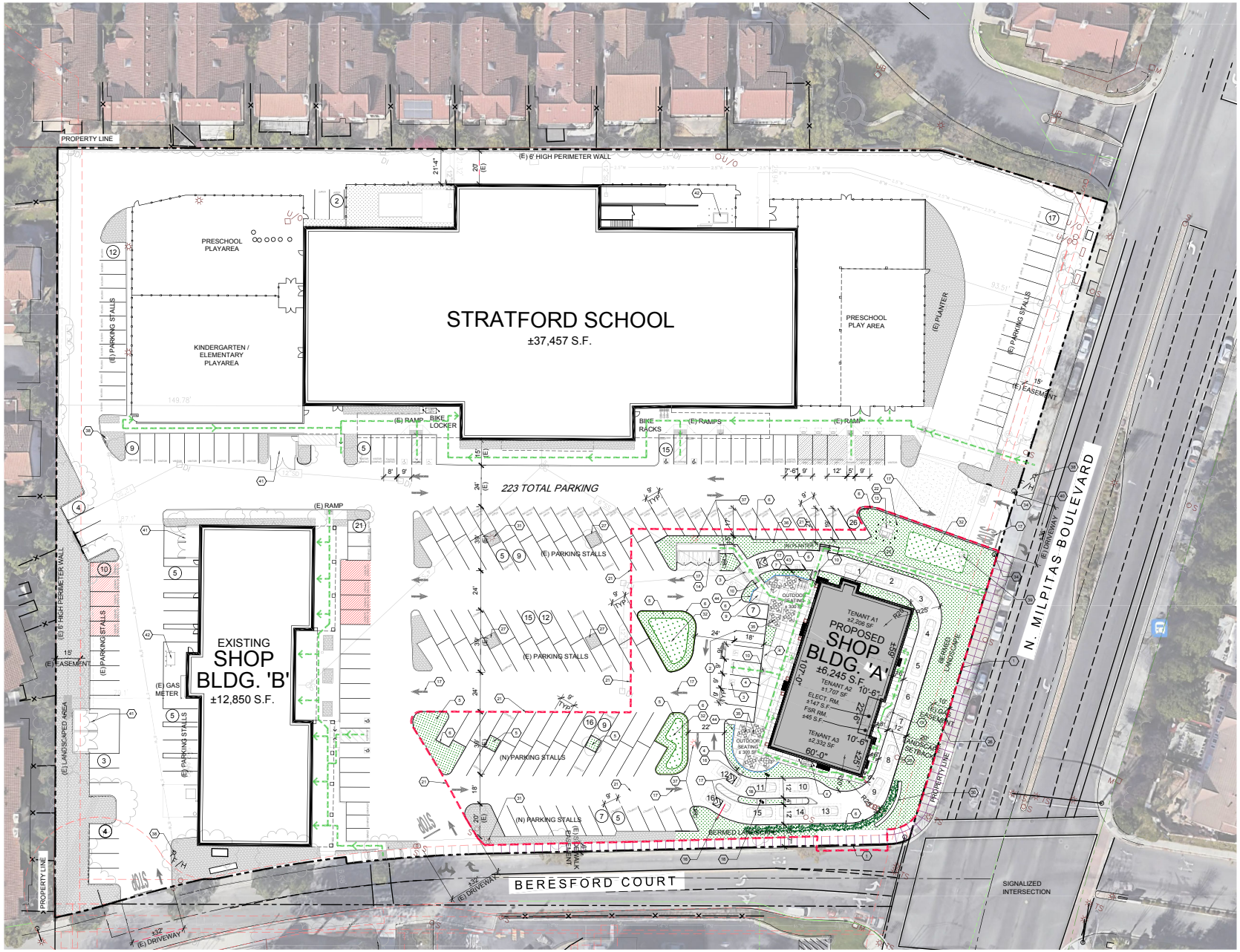

Figure 1
Project Site Plan

NORTH
Not to Scale

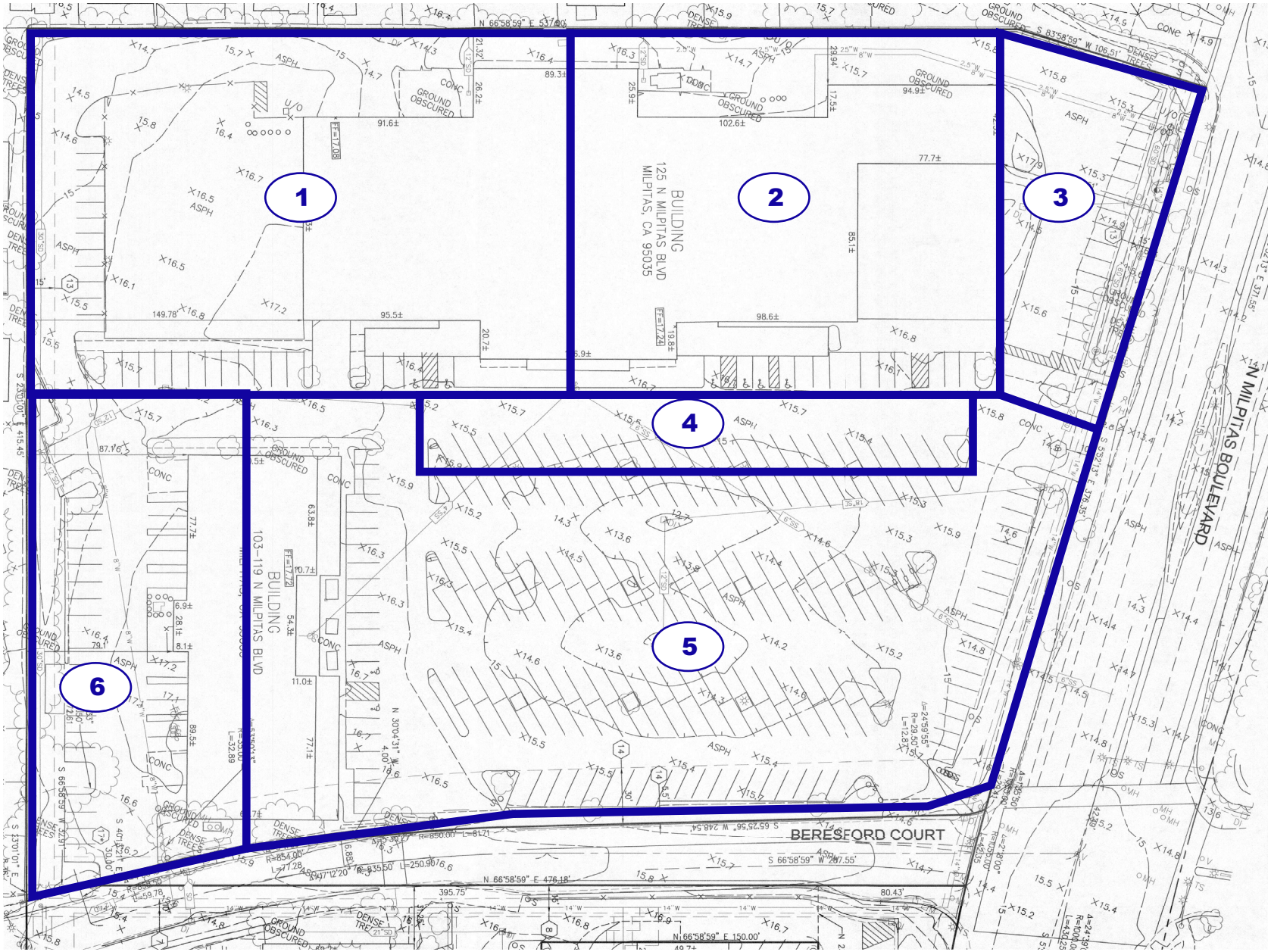

Figure 2
Beresford Square Parking Analysis Subareas

NORTH
Not to Scale

Existing Shopping Center Parking Demand

Existing parking demand was determined based on actual counts of parked cars throughout the Shopping Center. As with the parking inventory, data collection was broken down for each of the parking subareas in the Shopping Center. Parking at the Shopping Center was surveyed on a weekday and a Saturday in February and March 2024, respectively. The survey consisted of counting the number of occupied parking spaces in each parking subarea each hour, from 7:00 AM to 8:00 PM, on each day. The parking count data are shown in Tables 1 and 2.

Table 1
Beresford Square Parking Survey (Weekday)

WEDNESDAY, 2-28-24

	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Total Beresford Square		
Time	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	Surplus
7:00 AM	28	0	15	0	17	0	27	1	179	5	31	3	297	9	288
8:00 AM	28	0	15	0	17	1	27	6	179	7	31	5	297	19	278
9:00 AM	28	0	15	7	17	2	27	19	179	27	31	5	297	60	237
10:00 AM	28	1	15	3	17	1	27	16	179	29	31	9	297	59	238
11:00 AM	28	2	15	2	17	1	27	16	179	32	31	16	297	69	228
12:00 PM	28	4	15	1	17	1	27	15	179	56	31	18	297	95	202
1:00 PM	28	3	15	1	17	1	27	13	179	69	31	17	297	**104**	193
2:00 PM	28	0	15	1	17	0	27	12	179	55	31	17	297	85	212
3:00 PM	28	1	15	2	17	0	27	16	179	48	31	17	297	84	213
4:00 PM	28	1	15	5	17	0	27	12	179	39	31	12	297	69	228
5:00 PM	28	2	15	4	17	0	27	12	179	38	31	15	297	71	226
6:00 PM	28	3	15	10	17	0	27	12	179	44	31	14	297	83	214
7:00 PM	28	1	15	1	17	0	27	8	179	40	31	15	297	65	232
8:00 PM	28	2	15	1	17	0	27	8	179	33	31	16	297	60	237

Note 1: box indicates peak parking demand (# spaces).
Note 2: "total cap" = total capacity; "total occ" = total occupied spaces.

Table 2
Beresford Square Parking Survey (Weekend)

SATURDAY, 3-9-24

	Zone 1		Zone 2		Zone 3		Zone 4		Zone 5		Zone 6		Total Beresford Square		
Time	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	total cap	total occp	Surplus
7:00 AM	28	0	15	0	17	0	27	0	179	3	31	3	297	6	291
8:00 AM	28	0	15	0	17	0	27	0	179	6	31	6	297	12	285
9:00 AM	28	0	15	0	17	0	27	0	179	13	31	13	297	26	271
10:00 AM	28	0	15	0	17	1	27	1	179	24	31	15	297	41	256
11:00 AM	28	0	15	0	17	0	27	0	179	25	31	17	297	42	255
12:00 PM	28	0	15	0	17	1	27	1	179	36	31	15	297	53	244
1:00 PM	28	0	15	0	17	0	27	0	179	38	31	16	297	54	243
2:00 PM	28	0	15	0	17	0	27	0	179	35	31	17	297	52	245
3:00 PM	28	0	15	0	17	0	27	0	179	29	31	16	297	45	252
4:00 PM	28	0	15	0	17	0	27	0	179	37	31	13	297	50	247
5:00 PM	28	1	15	0	17	0	27	0	179	34	31	19	297	54	243
6:00 PM	28	0	15	0	17	1	27	1	179	56	31	17	297	**75**	222
7:00 PM	28	0	15	0	17	1	27	1	179	53	31	17	297	72	225
8:00 PM	28	0	15	0	17	0	27	0	179	28	31	16	297	44	253

Note 1: box indicates peak parking demand (# spaces).
Note 2: "total cap" = total capacity; "total occ" = total occupied spaces.

The data show the maximum parking demand occurred at 1:00 PM on a weekday, when 104 spaces of the 297 total spaces were occupied in the Shopping Center. At this same time, in Zone 4, the staff parking fronting Stratford School, 13 of the 27 spaces were occupied. In Zone 3, the staff parking area on the east side of the School, only one of the 17 spaces was occupied. In Zones 1 and 2, the pick up/drop off parking area fronting and on the west side of the School, only four of the 43 spaces were occupied. In Zones 5 and 6 where the parking spaces are designated for retail Building B, 86 of the 210 spaces were occupied. Parking demand was generally lower on Saturday as the School is closed on weekends. The peak parking time on Saturday occurred at 6:00 PM, when there were 75 total occupied spaces in the entire Shopping Center. The maximum Saturday demand in Zones 5 and 6 occurred at 6:00 PM, with 73 of the 210 parking spaces occupied.

City Code-Required Parking

The number of parking spaces needed to meet City requirements, with the project, was determined by applying the City-code parking ratios to each land use. The land uses were broken down as follows: retail, medical, bank, and restaurant. For Stratford School, the required parking of 32 loading/unloading spaces and 55 staff spaces as specified in the School CUP was applied. The inventory of land uses in the Shopping Center, and the parking rates applicable to each, are shown in Table 3. The table shows that the total Shopping Center parking required based on the City Parking code would be 259 spaces. The total proposed parking supply, with the project, would be 223 spaces, resulting in a deficit of 36 spaces.

Table 3
Beresford Square Shopping Center Parking per City Code

Parking ratios based on Ordinance 38.785 adopted 04.07.2009 (Zoning Section XI-10-53.09)

Retail 1/200 sf NFA
Medical 1/225 sf NFA
Financial 1/180 sf NFA
Office 1/240 sf NFA
Fitness 1/150 sf NFA

Restaurant (sit down) Indoor/Outdoor: 1/39 sf of dining area
Restaurant (Take Out) 1/2.5 seats, plus 1/ 60 SF of GFA for ordering or take out area

Address - Tenant Name	(GFA) GROSS S.F.	(NFA) Net Floor Area (80% of GFA)	USE	RATIO PER CODE	Assumptions	Required Parking Stalls Entire Shopping Center
Existing Shop Building B	**12,850**					
B1 - Koong's (sit down restaurant)	1,750	1,400	Restaurant	1/39 sf indoor dining area	Dinning Area is 60% of 1,400 sf *	22
B2 - Supercuts	1,400	1,120	PersonalServices	1/200 sf		6
B3 - La Milpa Mexican Restaurant	3,140	2,512	Restaurant	1/39 sf indoor dining area	Dinning Area is 60% of 2,512 sf *	39
B4 - Jeanne's Nail Spa	660	528	Personal Services	1/200 sf		3
B5 - Dental Clinic	1,200	960	Medical	1/225 sf		4
B6 - Subway (take-out restaurant)	1,200	960	Restaurant	1/2.5 seats + 1/60 sf counter space	20 seats, 34 sf take out area	9
B7 - Meriwest Credit Union (bank)	1,750	1,400	Bank	1/180 sf		8
B8 - Poki Run (take-out restaurant)	1,750	1,400	Restaurant	1/2.5 seats + 1/60 sf counter space	22 seats, 60 sf take out area	10
					Total =	101
Existing Stratford School						
Loading / Unloading per CUP						32
Parking - Staff per CUP						55
					Total =	87
Proposed Shop Building A	**6,245**					
A1 (Starbucks)	2,206	1,765	Restaurant	1/2.5 seats+1/60 sf counter space	65 seats	26
				1/39 sf outdoor dining area	200 sf outdoor seating	5
A2 (retail)	1,707	1,366	Retail	1/200 sf		7
A3 (restaurant)	2,332	1,866	Restaurant	1/39 sf indoor dining area	Dinning Area is 60% of 1,866 sf *	29
				1/39 sf outdoor dining area	160 sf outdoor seating	4
					Total =	71
					Total Required parking	**259**
					Total Parking Stalls Provided	223
					Stalls in Deficit	**36**

* Indoor dinning areas are used to calculate the required parking stalls for restaurants per Table 53.09-1 of the City Ordinance.

Shared Parking Analysis - Project Parking Demand (Based on City Code)

A shared parking analysis using the rates specified in the City of Milpitas Parking Code was conducted. Parking projections were developed for both the proposed project and the existing land uses, including Stratford School in the shopping center. As previously described, the proposed project (Building A) comprises 6,245 square feet of building space. At the adjacent existing Building B, there are eight individual stores, comprising 12,850 square feet of total building space. Each land use has its own time of day factors (or peaking curves) throughout the day as presented in the publication *Shared Parking* by the Urban Land Institute (ULI). This distribution also varies between weekdays and weekends. In order to determine the potential peak parking demand at the Shopping Center for each hour of the day, the estimated time of day factors for the existing businesses (Building B) and the proposed project (Building A) were applied to the City-code requirements for each use. For Stratford School, the time of day parking occupancy factors were developed based on the actual parking counts measured in the field for the use.

The total projected peak parking demand at the shopping center is the sum of parking demand from the existing businesses (Building B), the existing Stratford School, and the proposed project (Building A). Table 4 shows the projected distribution of the parking demand in the Shopping Center under the project conditions. On a typical weekday, peak occupancy of the Shopping Center would occur at 6:00 PM with 207 vehicles parked on-site. On a typical weekend day, peak occupancy of the parking lot would occur at 7:00 PM with 145 vehicles parked on-site. Under the proposed parking plan, the total parking supply at the Shopping Center would be 223 parking spaces.

Shared Parking Analysis (Based on Parking Survey)

A shared parking analysis was also conducted using data from the parking surveys at the site, taking into account the projected parking demand due to the proposed project, and assuming full enrollment of the Stratford School. The following methodology was applied:

- Parking projections for the proposed project were estimated using parking ratios specified in the City of Milpitas Parking Code and applying the aforementioned time of day factors.
- Hourly parking demand for the existing school was determined based on the hourly parking counts measured at the school, factoring up these counts to a projected full enrollment of 480 students. Currently, there are 253 students enrolled at the school.
- For all other uses at the existing shopping center, the parking demand is from the actual parking counts at the site.

Table 5 shows the total projected hourly distribution of parking demand at the Shopping Center on a typical weekday and weekend day. It shows that, for the entire site, the total peak parking demand, including the proposed project, is projected to occur at 12:00 PM on a typical weekday with a total of 177 occupied parking spaces. For the total retail and restaurant land uses under project conditions, the peak parking demand excluding the school is projected to occur at 12:00 PM on a typical weekday with a total of 137 occupied parking spaces.

Table 4
Shared Parking Analysis for Beresford Square Shopping Center (Based on City Code)

	Retail		Restaurant		Coffee Shop[1]		Dental Office		Bank		Stratford School[2]				Total	
Hour of Day	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday (students)	Wkday (staff)	Wkend (students)	Wkend (staff)	Wkday	Wkend
700am	1	1	0	0	28	28	0	0	0	0	0	3	0	0	31	29
800am	2	5	0	0	28	31	4	4	4	2	0	18	0	0	57	41
900am	6	8	0	0	24	29	4	4	7	3	17	55	0	0	112	44
1000am	10	11	17	0	25	29	4	4	8	6	10	45	0	2	118	52
1100am	12	14	45	17	22	27	4	4	4	8	10	45	0	0	142	71
1200pm	16	15	85	57	31	30	1	1	4	7	12	42	0	2	191	112
100pm	16	16	85	62	18	26	4	0	4	7	10	37	0	0	173	111
200pm	15	16	73	51	20	22	4	0	6	4	2	31	0	0	152	93
300pm	14	15	45	51	11	25	4	0	4	0	7	42	0	0	127	91
400pm	14	14	57	51	12	22	4	0	6	0	15	31	0	0	139	87
500pm	14	13	85	68	16	22	3	0	8	0	15	31	1	0	171	103
600pm	14	12	107	102	16	26	3	0	4	0	32	31	0	2	**207**	142
700pm	13	11	113	107	12	25	1	0	0	0	5	21	0	2	165	**145**
800pm	10	10	113	113	9	16	1	0	0	0	5	21	0	0	159	139
Proposed Parking Supply															**223**	**223**

Wkday=Weekday, Wkend=Weekend
Source: ULI *Shared Parking, Second Edition,* 2020, except the following:
[1] Coffee Shop factors were based on survey at a Starbuck's with drive-thru in Lathrop, CA.
[2] Stratford School student and staff factors were based on actual parking counts at Beresford Square Stratford School.

Table 5
Shared Parking Analysis for Beresford Square Shopping Center (Based on Parking Survey)

	Existing Parking Demand												Project Parking Demand						Total Retail & Restaurant Parking Demand (Existing+Project) *		Total Overall Parking Demand	
	Existing Building B				Existing Stratford School (Projected Full Enrollment of 480 students)[2]								Proposed Building A									
	Zone 5		Zone 6		Zone 1 (students + staff)		Zone 2 (students + staff)		Zone 3 (staff)		Zone 4 (staff)		Retail Use		Coffee Shop Use[1]		Restaurant Use					
Hour of Day	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend	Wkday	Wkend
700am	5	3	3	3	0	0	0	0	0	0	2	0	0	0	28	28	0	0	36	34	38	34
800am	7	6	5	6	0	0	0	0	2	0	11	0	1	2	28	31	0	0	41	45	55	45
900am	27	13	5	13	0	0	13	0	4	0	36	0	2	4	24	29	0	0	58	59	111	59
1000am	29	24	9	15	2	0	6	0	2	2	30	2	4	5	25	29	5	0	72	73	112	77
1100am	32	25	16	17	4	0	4	0	2	0	30	0	5	6	22	27	13	5	88	81	128	81
1200pm	56	36	18	15	8	0	2	0	2	2	29	2	7	7	31	30	25	17	**137**	105	**177**	108
100pm	69	38	17	16	6	0	2	0	2	0	25	0	7	7	18	26	25	18	136	105	170	105
200pm	55	35	17	17	0	0	2	0	0	0	23	0	7	7	20	22	21	15	120	96	145	96
300pm	48	29	17	16	2	0	4	0	0	0	30	0	6	7	11	25	13	15	95	91	131	91
400pm	39	37	12	13	2	0	10	0	0	0	23	0	6	6	12	22	17	15	86	93	120	93
500pm	38	34	15	19	4	2	8	0	0	0	23	0	6	6	16	22	25	20	99	100	133	102
600pm	44	56	14	17	6	0	19	0	0	2	23	2	6	5	16	26	31	30	111	**134**	159	**138**
700pm	40	53	15	17	2	0	2	0	0	2	15	2	6	5	12	25	33	31	106	131	125	135
800pm	33	28	16	16	4	0	2	0	0	0	15	0	5	5	9	16	33	33	96	97	117	97
Parking Supply (Project Conditions)	**106**	**106**	**31**	**31**	**28**	**28**	**15**	**15**	**17**	**17**	**26**	**26**							**137 (Zones 5 & 6 only)**	**137 (Zones 5 & 6 only)**	**223**	**223**

Wkday = Weekday, Wkend = Weekend

*** Total parking demand generated from existing and proposed land use except Stratford School at the Shopping Center**

Source: ULI *Shared Parking, Second Edition,* 2020, except the following:

[1] Coffee Shop factors were based on survey at a Starbuck's with drive-thru in Lathrop, CA.

[2] Stratford School student and staff factors were based on actual parking counts at Beresford Square Stratford School.

As shown in Table 5, during a typical weekend day, the total peak parking demand including the proposed project is projected to occur at 6:00 PM with 138 occupied parking spaces. For the total retail and restaurant land uses under project conditions, the peak parking demand excluding the School is projected to occur at 6:00 PM on a typical weekend day with a total of 134 occupied parking spaces.

There would be a total of 223 parking spaces available in the entire Shopping Center after construction of the proposed project. Therefore, the future parking demand generated by the proposed project and existing parking demand could be accommodated with an estimated surplus of 46 (223 – 177) spaces and 85 (223 - 138) spaces on a typical weekday and weekend day, respectively. In addition, the 137 parking spaces available in Zones 5 and 6 that are not designated for Stratford School would be sufficient to satisfy the peak parking demand generated from the total retail and restaurant land uses under project conditions.

Conclusions

Three methods were used to determine whether the site would have sufficient parking to accommodate the changes proposed by the project. The results were as follows:

1. Based on City code requirements, parking at the site would have a deficit of 36 parking spaces (see Table 3).
2. Using City code requirements and applying time of day factors, the site would have a surplus of 16 parking spaces (see Table 4, parking supply of 223 spaces minus a projected peak parking demand of 207 spaces).
3. Using actual parking counts at the site to reflect existing uses, adjusting Stratford School to full occupancy, and applying time of day factors to the City parking code for the proposed uses, the overall site would have an estimated surplus of 46 parking spaces (see Table 5, parking supply of 223 spaces minus a projected peak parking demand of 177 spaces).

Table 6 provides a summary of these three parking analysis methods. It is our opinion that methods #2 and #3 above are a more accurate prediction of parking conditions that would occur with the proposed project, as these methods reflect the hourly fluctuations of parking demand that would occur for each use.

Table 6
Summary of Three Parking Evaluation Methods

Day	Time	Total Parking Spaces		
		Max Spaces Required	Provided	Deficit/Surplus
Method 1 (Based on City Code Requirements)				
Weekday / Weekend	N/A	259	223	-36
Method 2 (Based on City Code Requirements and Applying Time of Day Factors)				
Weekday	6:00 PM	207	223	+16
Weekend	7:00 PM	145	223	+78
Method 3 (Based on Parking Counts, Adjusting Stratford School to Full Occupancy, and Applying Time of Day Factors)				
Weekday	12:00 PM	177	223	+46
Weekend	6:00 PM	138	223	+85

Memorandum

Date: June 12, 1997

To: Dan O'Hara

From: Steven Burkey

Subject: Sign Program for Beresford Square

Per today's telephone request and regarding a new sign(s) for City Bank, I have noted below the requirements of the Beresford Square shopping center sign program:

- Total sign area is limited to 0.038 sq. ft. per square foot of tenant space;
- Sign must consist of individual internally illuminated channel letters, maximum height of 24 ". Two lines of copy is acceptable provided sign does not exceed 24 ".
- One logo, maximum 24" x 36" is allowed.

As long as these provisions are met, no Planning Commission review of the proposed sign(s) is required-- a sign permit from the Building Division is needed, which typically is issued "over the counter". Please call the City's Zoning Phone (408-942-5185) if you have any other questions.

Beresford Square

SIGNS

Sign Program: Indiv. illum. channel letters 24" max. height
2 lines copy OK, not to exceed 24"; 1 logo OK 24" x 36" in length

Maximum square footage sign area for building/site: 3,422 ⌀
(street frontage: 1,711 ft.)

Square footage of sign area per square foot of building space: .038 ⌀ multiplier
(89,348 ⌀ bldg. area).

Name/Address	Building Space	Sign Area Allowed	Sign Area Approved	Date
~~Instant~~ Raviolis/57	1500 ⌀	57 ⌀	23.33 ⌀	4-23-92
~~Supercuts/55~~	~~~1,000~~ ⌀	~~41 ⌀~~		
revised Raviolis/57	1500	57 ⌀	24 ⌀	7-24-00 M Rush; 4-22-93
Ana's Gourmet/55	1500	57 ⌀	~24 ⌀	10-4-93
OK thru plan sek 6 sw 61 GNC /65	~1121	43 ⌀	20 ⌀	3-16-94
Sizes Unlimited	~2400	~91 ⌀	41 ⌀	9-12-94
~~B of A @ Lucky~~	~~32,135~~	~~1221~~	~~21 ⌀~~	~~12-15-95~~
Town Ctr. Pizza	2500	95 ⌀	22 ⌀	4-1-96
Score 33 N. Milpitas	1200 ⌀	45.6 ⌀	11.5 ⌀	4-21-98
Avenue	~2,400	~91 ⌀	~23 ⌀	6/8/99
B of A @ Lucky	32,135	1221	27 ⌀	2-23-00 M Rush
Albertsons	"		128 ⌀	10-13-99 A. Jindal
Quizno's Subs/55	1417 ⌀	54 ⌀	18 ⌀	5-31-01
SCORE 75 N. Milpitas	1650 ⌀	62.7 ⌀	11.25 ⌀	7-9-01
Aquatic Gallery	1200 ⌀	45.6 ⌀		10/22/02
Avenue → Washington Mutual 37 N Milpitas	2400	91 SF	33 SF	6/21/06 D Cannon
CVS 45 N. Milp. Blvd	27,200	1033.6	102.33 ⌀ orig; 12.98 ⌀ sq logo	12/4/14

Beresford Square Shopping Center

NWC N. Milpitas Boulevard & Beresford CT
Milpitas, CA 95035

Master Sign Program

Revised 06/14/2024

MASTER SIGN PROGRAM

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AT = Anchor Tenant Signs

PROJECT DIRECTORY

SIGN CRITERIA FOR·
Beresford Square North and South
Located at:
Beresford and Milpitas Blvd.
5-99 Milpitas Blvd.
103-125 Milpitas Blvd.

OWNER/MANAGEMENT
Shapell Properties, Inc.
11030 Bollinger Canyon Rd., #150
San Ramon, Ca 94582
Email: tjajeh@shapell.com

PROJECT ARCHITECTS

MMA Architecture
120 West Lime Avenue
Monrovia, CA 91016
626.583.8348

SIGNAGE CONTRACTOR
Tim Haines
SIGN SOLUTIONS, INC.
(510)388-1471
www.signsolutions.info

I. INTRODUCTION

The purpose of this Sign Program criteria is to establish sign design standards and general guidelines that assure consistency in quality and necessary to balance maximum identification within an overall harmony of design for the Beresford Square shopping center. Conformance to these criteria will be strictly enforced. Any installed non-conforming or unapproved signs shall be brought into conformance at the expense of the Tenant and/or his Sign Contractor. All signs installed or displayed on the premises of Beresford Square must have written approval of the Landlord/Developer. The aesthetic characteristics of the signs (i.e., placement, size, proportion, colors, textures, method of fabrication, location of transformers and electrical devices, etc.) are subject to the discretionary approval of the Landlord/Developer within the context of this criteria.

II. SIGN SUBMITTAL PROCEDURE

Upon securing Landlord/Developer approval first, and prior to sign fabrication and installation, Tenant or their designee shall submit Sign Drawings (including copy of Landlord/Developer approval) for review and obtain approval of a sign permit from the City of Milpitas. Tenant shall also be responsible for securing all necessary permit inspections of the installed sign(s) from the City of Milpitas. Following installation, the Tenant or their designee shall provide documentation of approval and permit final to the Landlord/Developer.

Provide a copy of landlord approval plan set signed and dated as part of the City planning and building permit application for the new sign as part of the application package to the City.

Applicants must first obtain approval from the Planning Department for a sign permit, and then may subsequently apply for the building permit. All permit must be approved by applicable City Departments prior to installation.

Sign Drawings shall include three (3) sets of professionally prepared drawings that include the following:

1. Colored Storefront Elevation Plan: Exhibit drawn to scale identifying: (a) the sign placement and lease space width on the storefront, (b) sign copy lettering and graphics with design details (e.g. materials, colors, etc), (c) dimensions square footage, (d) method of illumination, and (e) construction specifications, including attachment devices, openings for conduit sleeves and supports in sign panels and building walls.

2. Section Profile Plan: Section cut through the sign showing the dimensional thickness of the letters, wiring and attachment details.

3. Site Plan: Plan illustrating the location of the lease space on the site, including width of tenant space.

Note: All sign layouts shall include a digital image of the building frontage with proposed sign in a scaled format to include adjacent tenant signage.

III. GENERAL REQUIREMENTS

1. All work is to be performed by a professional sign company. Said Sign Company must be in possession of a current state contractor's license to perform such work.

2. Said Sign Company must maintain a minimum of $1,000,000 liability insurance to be working on property.

3. All signs must comply with current City of Milpitas building and electrical codes.

4. All building signs shall be constructed and installed at the Tenants' expense. Tenant is also responsible for the maintenance of their signs.

5. In the event a Tenant vacates the premises, Tenant shall be responsible for the removal of any wall and/or logo sign, with all holes being repaired and repainted to match the building exterior.

6. Tenant's sign contractor shall repair any damage to any work caused by his actions. Incomplete signs are the ultimate responsibility of Tenant.

7. Upon notice by the City of Milpitas or Landlord/Developer, a Tenant shall be required to repair or refurbish their sign structure, sign face and/or sign illumination within seven (7) working days.

8. Sign seams shall be concealed at tops of letters for returns and face trim caps. No light leaks at seams or edges of letters are permitted.

9. Where the Sign Program is silent, the sign provisions of the Milpitas Zoning Code shall apply. Minor exceptions to these criteria will be reviewed on a case-by-case basis by the Landlord/Developer and are also subject to approval by the City of Milpitas. Exceptions will usually only be granted if the proposal would result in a sign design that is better than one designed consistent with the criteria.

10. Signs must be architecturally compatible with the entire center.

GENERAL REQUIREMENTS (cont.)

11. All electrical signage shall bear the Underwriter Laboratories (UL) label of approval. All conduit, transformers, junction boxes, openings in the building surface, etc. shall be concealed. No raceways or sign cabinets (boxes) are allowed. The City of Milpitas and the Landlord/Developer shall approve the method of installation.

12. Tenant is responsible for maintenance and cost of electricity for their own signage. The Tenant or Landlord shall be responsible to provide a designated electrical circuit from electrical panel for their signage. Tenant to provide primary wiring from electrical sub panel to J-box at sign location.

13. Tenant shall be fully responsible for the operations of their sign contractor and shall indemnify, defend and hold harmless the Landlord/Developer and his agents from damages or liabilities resulting from his contractor's work.

14. Registered trademarks, herein referred to as Registered Corporate Identity, pertains to corporate logos and logotypes that have been registered and are on file with the UNITED STATES PATENT AND TRADEMARK OFFICE in Washington, D.C.

15. Signs not covered by these criteria are subject to prior review and approval of the Landlord/Developer and shall conform to the requirements of the City of Milpitas Sign Standards and the City Code.

16. Sign Manufacturer & U.L. Labels. Sign manufacturer name, & state license number to be inconspicuously labeled & attached on top of the exterior sign letters.

17. Leasing signs shall be restricted to the window of the available suite. These signs shall follow the same criteria as window graphics.

18. Signs shall be attached to the building parallel to the building face. No wall sign shall project above the roof line or below the bottom edge of the sign band. Special colors will only be accepted in cases of registered corporate trademarks subject to Landlord and City approval.

19. **Illegal Signs** - Any sign that is deemed not to be in conformance with the approved Sign Plan or erected without government approval or permits is considered an illegal sign. The Landlord may, as its sole discretion and at Tenant's expense, correct, replace or remove any illegal sign.

20. **Abandonment Of Signs** - A sign is considered abandoned when its use is discontinued because the premises upon which it is located becomes vacated and unoccupied for a period of more than 90 days. The Landlord may, at its sole discretion and at Tenants expense, replace or remove any abandoned sign.

21. **Inspection -** The Landlord reserves the right to hire an independent electrical engineer at the Tenants sole expense to inspect the installation of all signs and to require any discrepancies and/or code violations corrected at the Tenants expense.

IV. MISCELLANEOUS SIGNS:

1. **Grand Opening Banner -** Subject to Landlord/Developer approval and obtaining a temporary banner permit from the City of Milpitas, New businesses may mount a temporary "Grand Opening" or "New Business" banner on their storefront (up to 20 square feet in size) for a period of no More than 30 days.
   Grand Opening banner also must receive temporary banner permit from City's Planning department.
2. **Temporary ID Signs** - In addition to the temporary grand opening, new businesses may display a temporary identification sign banner during building facade reconstruction or remodel, provided that the size of the sign does not exceed the maximum size permitted for the permanent wall signs noted herein. Such temporary business identification signs are permitted for a period of 30 days, subject to the approval of the Landlord/ Developer and obtaining a temporary use permit from the City of Milpitas, and may be extended up to an additional 30 days if approved by the City.

V. PROHIBITED SIGNS

1. No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "LOOK", "DANGER", or any other words, phrases, symbols or characters in such a manner to interfere with, mislead or confuse traffic.

2. It shall be unlawful for any person to exhibit, post or display cause to be exhibited, posted or displayed upon any sign, anything of an obscene, indecent or immoral nature or unlawful activity.

3. No window signs will be permitted except as noted herein. Tenant shall not affix, tape, place or maintain within the interior of the premises any paper sign, cardboard signs, advertising placards, descriptive material or other such like items that can be seen from the community areas of the center.

4. Animated, spinning, flashing or audible signs are prohibited.

5. Additional advertisement, i.e., flags, pennants, cloth signs, inflatable advertising devices, banners or similar devices on the building are prohibited, except as otherwise approved by the Landlord in writing and with City of Milpitas approval and/or permit.

6. Any other sign prohibited by the City of Milpitas Sign Ordinance, unless otherwise stated herein or approved in writing by the Landlord/Developer and the City.

7. Signs in Proximity to Utility Lines: Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines that are prescribed by the laws of the State of California are prohibited.

8. Signs painted directly on a wall will not be permitted.

9. Wall signs may not project above the top of a Parapet, the roof line at the wall, or roof line. Signs on mansard roofs and equipment screens are prohibited.

10. No sign shall project above or below the signable area. The signable area is defined in the attached Exhibit for tenants.

11. Advertising & event signs on parked vehicles are prohibited. This includes signs on or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify or provide direction to a use or activity within the shopping center, and which are not related to the vehicle's lawful activity. This provision does not apply to service and delivery vehicles of Occupants when engaged in regular business activities (ie: Trucks making deliveries to businesses within the center).

12. The use of a permanent "sale" sign is prohibited. The temporary use of these signs are limited to a thirty-day period and is restricted to signs affixed to the interior of windows which do not occupy more than 10% of the window area. Each business is permitted a total of not more than ninety (90) days of temporary window sale signs per calendar year.

13. Banners are prohibited. Other than Grand Opening banners which are subject to landlord approval for a maximum of 30 days.

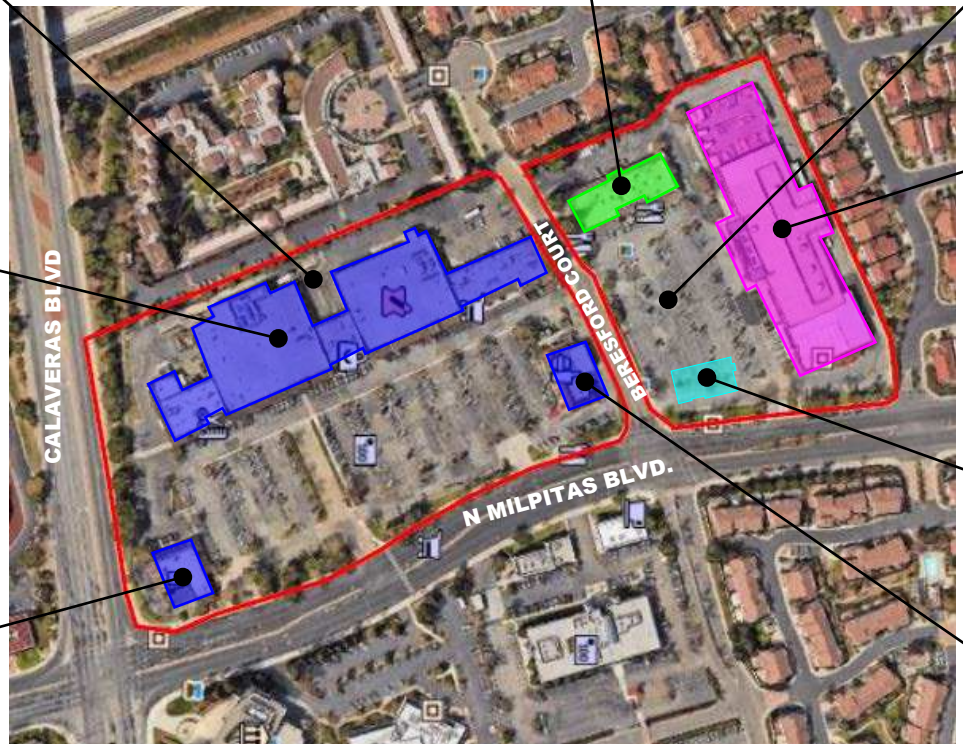
14. No used materials will be allowed in signage construction.

15. A-Frame signs and portable ground signs.

16. Hand-held portable signs, banners or flags (i.e. Sign dancers) either on or off site.

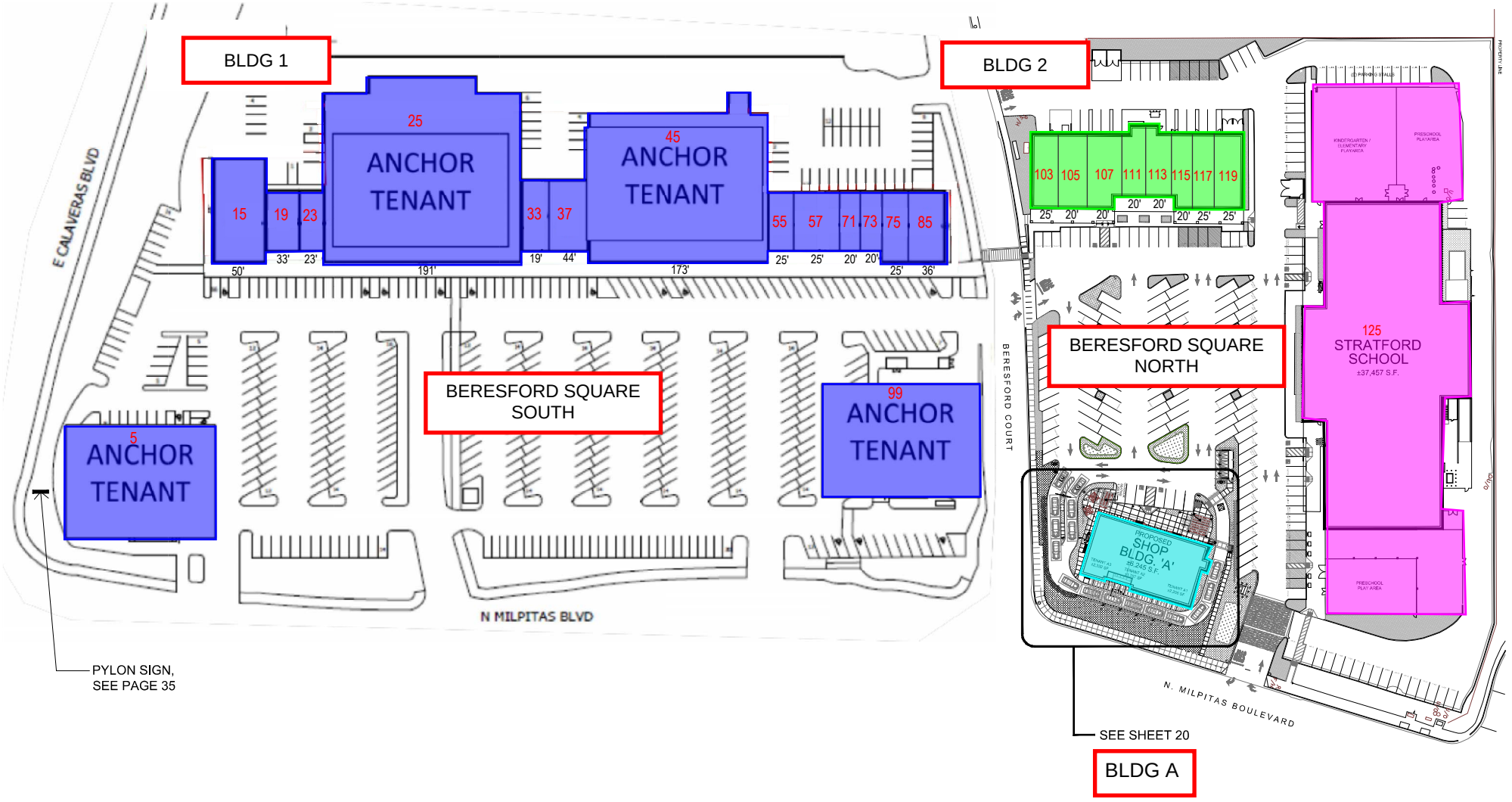
Beresford Square

MASTER SIGN PROGRAM



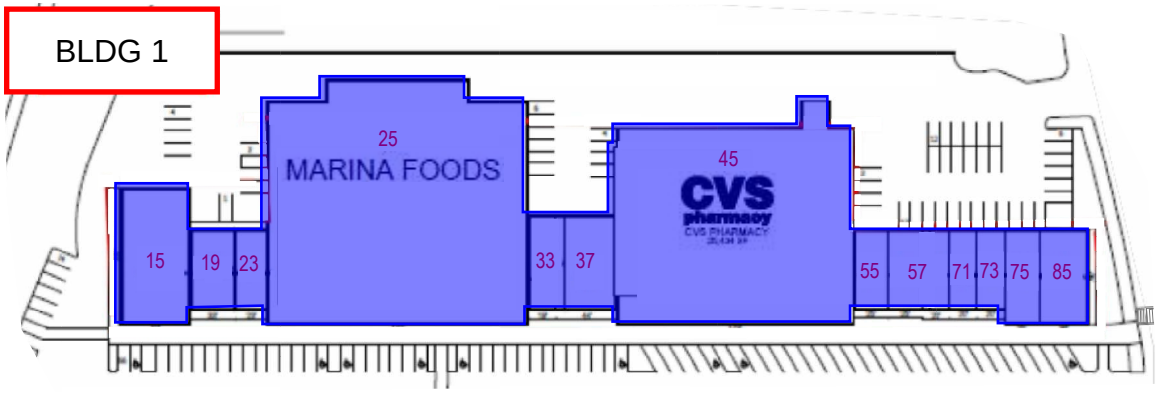
Beresford Square

MASTER SIGN PROGRAM



MASTER SIGN PROGRAM

BLDG 1



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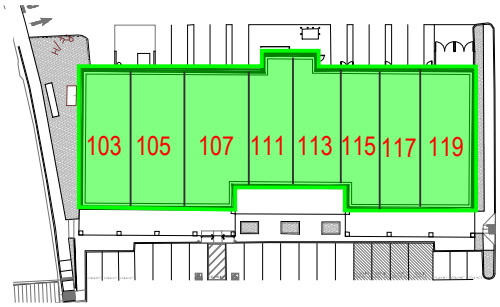
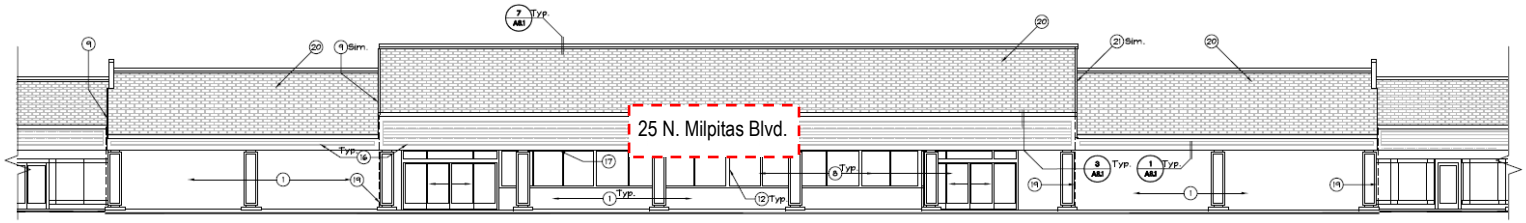


MASTER SIGN PROGRAM

BLDG 1

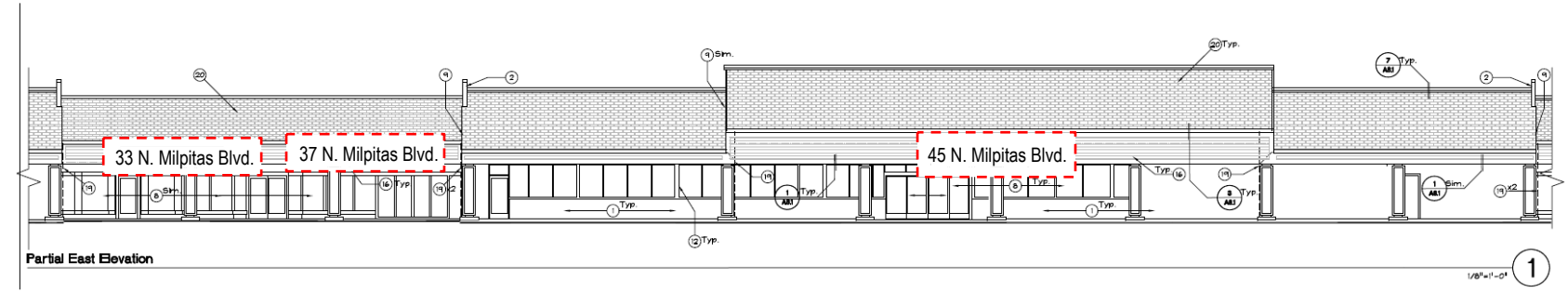
Partial East Elevation

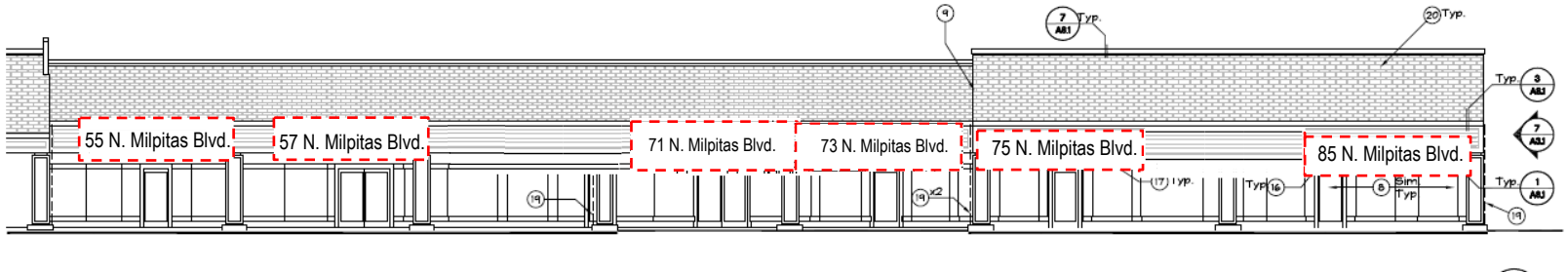
1/8" = 1'-0"



Partial East Elevation

MASTER SIGN PROGRAM





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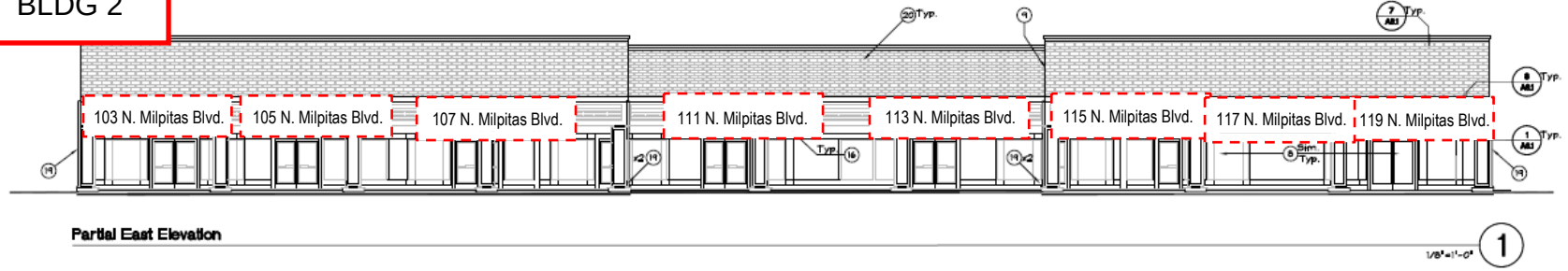


MASTER SIGN PROGRAM

AT - BUILDING 1 TENANT SIGN DETAIL - INTERNALLY ILLUMINATED

INSTALL ONE (1) SET

A

NEW SINGLE FACED INTERNALLY ILLUMINATED FASCIA DISPLAY
SCALE 3/8"=1'-0"
USE STANDARD ALUMINUM CONSTRUCTION WITH MAP SATIN FINISH,
FACES USE TRANSLUCENT ACRYLIC WITH OPTIONAL APPLIED TRANSLUCENT VINYL OVERLAYS,
ILLUMINATE WITH LED'S,
SIGN TO BE UL APPROVED AND BEAR UL LABEL.

- RED #33
- TEAL #246
- WHITE ACRYLIC
- BLACK TC & RETURNS

191'-0" LEASED PREMISES

PROPOSED ELEVATION

CENTER SIGN BETWEEN COLUMNS

AT = Anchor Tenant Signs

MASTER SIGN PROGRAM

BUILDING A TENANT SIGN DETAIL - INTERNALLY ILLUMINATED

A B **INSTALL (1) 48" AND (1) 60" SEE PAGE**

EXTERIOR ILLUMINATED FLEX FACE SIREN WALL SIGN - TRIMLESS

COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA

S1 **INSTALL (3) ONE ON EACH BULDING FACE**

NEW SINGLE FACED INTERNALLY ILLUMINTATED

WHITE ACRYLIC

BLACK TC & RETURNS

S2 **INSTALL (3) ONE ON EACH BULDING FACE**

NEW SINGLE FACED INTERNALLY ILLUMINTATED

WHITE ACRYLIC

BLACK TC & RETURNS

BUILDING A - PROPOSED ELEVATION

AT - ANCHOR TENANT SIGN DETAIL – INTERNALLY ILLUMINATED CHANNEL LETTERS WITH FIXED ARCHITECTURAL SHELF

ANCHOR TENANT STOREFRONT SIGN – TYPE- AT

WALL SIGN PROVISIONS:
Prior to sign fabrication and installation the Tenant or their sign contractor shall obtain applicable approvals and permits from both the Landlord/Developer and the City of Milpitas (See Section II of Sign Program for approval procedure).

1. **Number and Placement:** One (1) storefront wan sign on their frontage as depicted on this Elevation exhibit.

2. **Sign Copy:** Tenant shall display its established business name and/or type of establishment (such as John's Market or "Cleaners") as opposed to brand names or products (such as "beer", "wine".etc.), unless also part of business name (such as John's wine and spirits)

3. **Sign Width & Height:** Tenants are allowed to utilize a maximum of 75% of their leasehold frontage for the sign width or 75% of architectural elevation on which the sign will be located (if the architectural elevation does not extend across the entire leasehold frontage), with a maximum letter height of 61" and a maximum length of 55.67'.

4. **Logos:** Corporate logos may be permitted in conjunction with Individual letters up to a maximum of 25% of the permitted sign area and a maximum height of 24" and Length of 36". Corporate logos are required to be multi-dimensional graphic elements; Hat-faced logo signs (e.g., "can" or ·cabinet" style signs) are prohibited. The proposed design and fabrication details are subject to approval of the Landlord/Developer and the City of Milpitas. Logos can be any color.

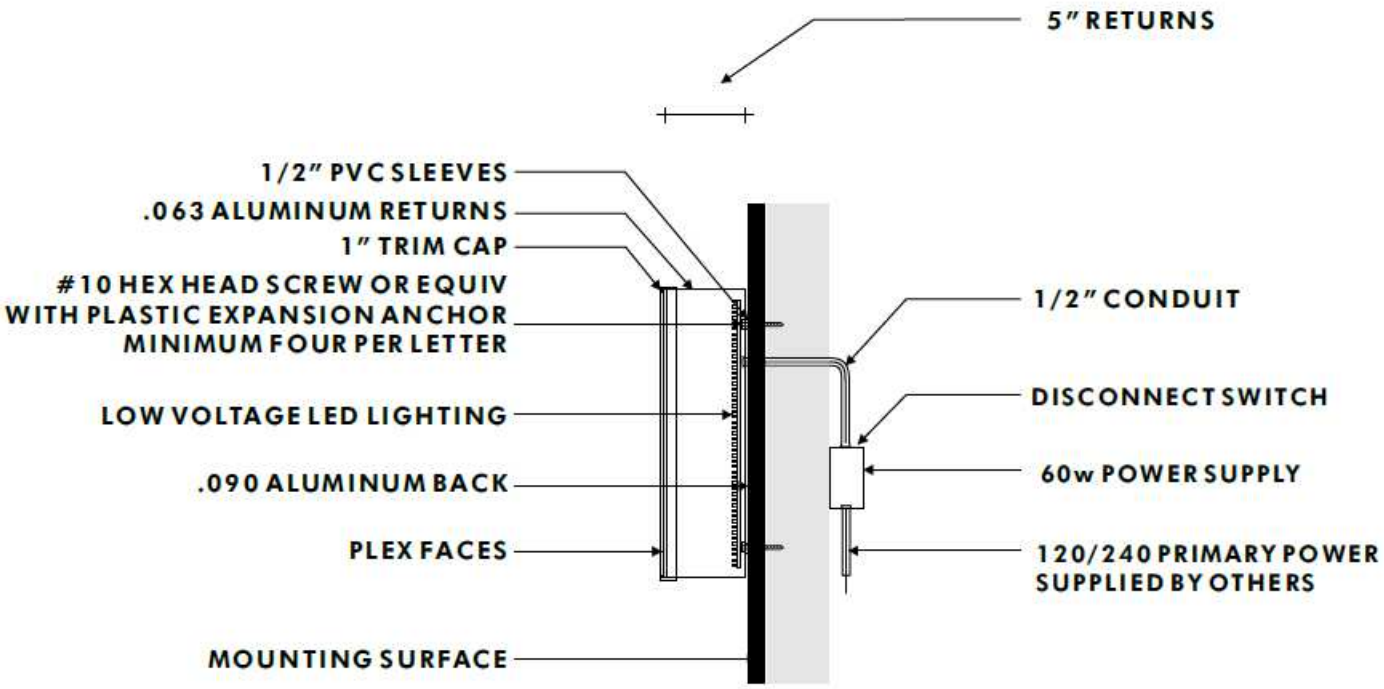
5. **Sign Area:** For Beresford Square South (5-99) signs may not exceed 0.038 multiplier x square footage of leased premises. For Beresford Square North (103-119) signs may not exceed 0.02 multiplier x square footage of leased premises. Additionally, for both South and North the maximum aggregate signage for one tenant shall be 75% of Tenant store frontage.

6. **Sign Colors:** Landlord/Developer recommended colors: white and red - day/night (Fluorescent, "day-glow· or other similar colors are not permitted). ¾" Trim Capping - must be painted to match face.

7. **Illumination:** All signs shall be designed to consist of LED internally-illuminated channel letters. Sign illumination shall be consistent in all letters and components of sign (I.e. no hot-spots or light leaks). Note: Sign maybe "Face-Lit, 'Halo" or "Dual- View" Illuminated letters.

AT - ANCHOR TENANT SIGN DETAIL – INTERNALLY ILLUMINATED CHANNEL LETTERS

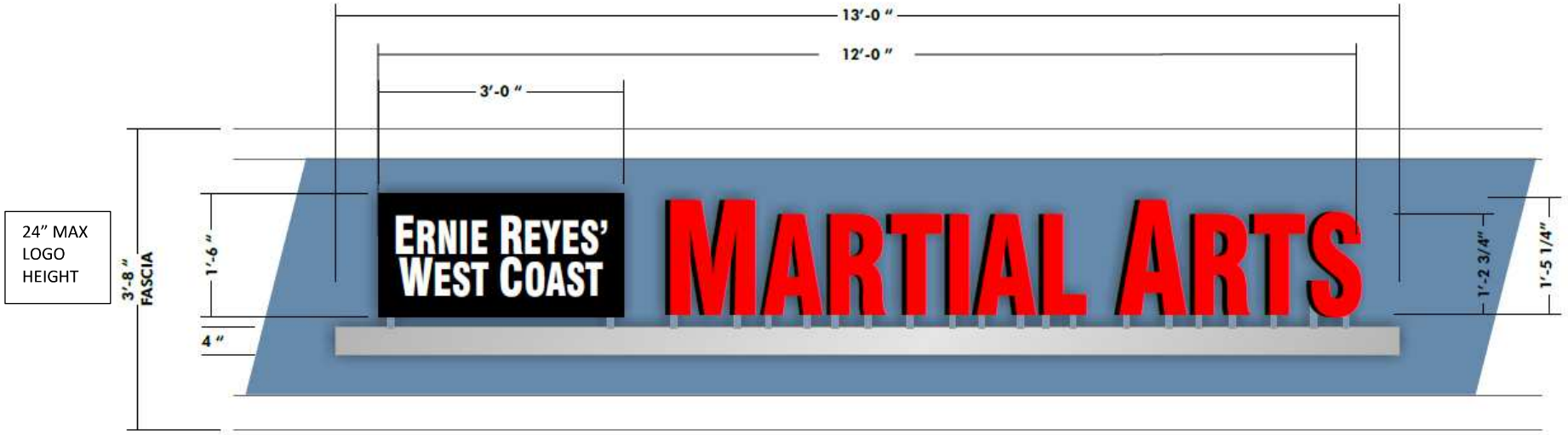
SIGN TYPE -AT



PLEX FACED CHANNELS WITH LED ILLUMINATION
UL APPROVED INSTALLATION DETAIL

MASTER SIGN PROGRAM

TYPICAL TENANT STOREFRONT SIGN • INLINE TENANTS - INTERNALLY ILLUMINATED CHANNEL LETTERS WITH FIXED ARCHITECTURAL SHELF



A MAKE ONE (1) SET

NEW SINGLE FACED INTERNALLY ILLUMINATED FASCIA DISPLAY
SCALE 3/4"=1'-0"
USE STANDARD ALUMINUM CONSTRUCTION WITH MAP SATIN FINISH,
FACES USE TRANSLUCENT ACRYLIC WITH
OPTIONAL APPLIED TRANSLUCENT VINYL OVERLAYS,
USE 3/4" BLACK TRIM CAP, PAINT RETURNS BLACK,
INSTALL ON EXPOSED ALUMINUM RACEWAY WITH SQUARE TUBE,
SIGN TO BE UL APPROVED AND BEAR UL LABEL.

RED #33
WHITE
BLACK #22

TYPICAL TENANT STOREFRONT SIGN • INLINE TENANTS

WALL SIGN PROVISIONS:

1. Number and Placement: Each Tenant is allowed One (1) storefront wall sign on their property frontage. However, corner tenant spaces may be permitted an additional wall sign on their secondary frontage. All signs to be centered both horizontally and vertically in the "net sign area" above their storefront or as directed by Landlord and approved by the City of Milpitas.

2. Sign Copy: Each tenant shall display its established business name and/or type of establishment (such as · John's Market or "Cleaners") as opposed to brand names or products (such as "beer" and "wine" .etc.), unless also part of business name (such as John's wine and spirits)

3. Sign Width & Height: Tenants are allowed to utilize a maximum of 75% of their leasehold frontage for the sign width or 75% of architectural elevation on which the sign will be located (if the architectural elevation does not extend across the entire leasehold frontage), with a maximum letter height of 24" and a maximum length of 24'-0".

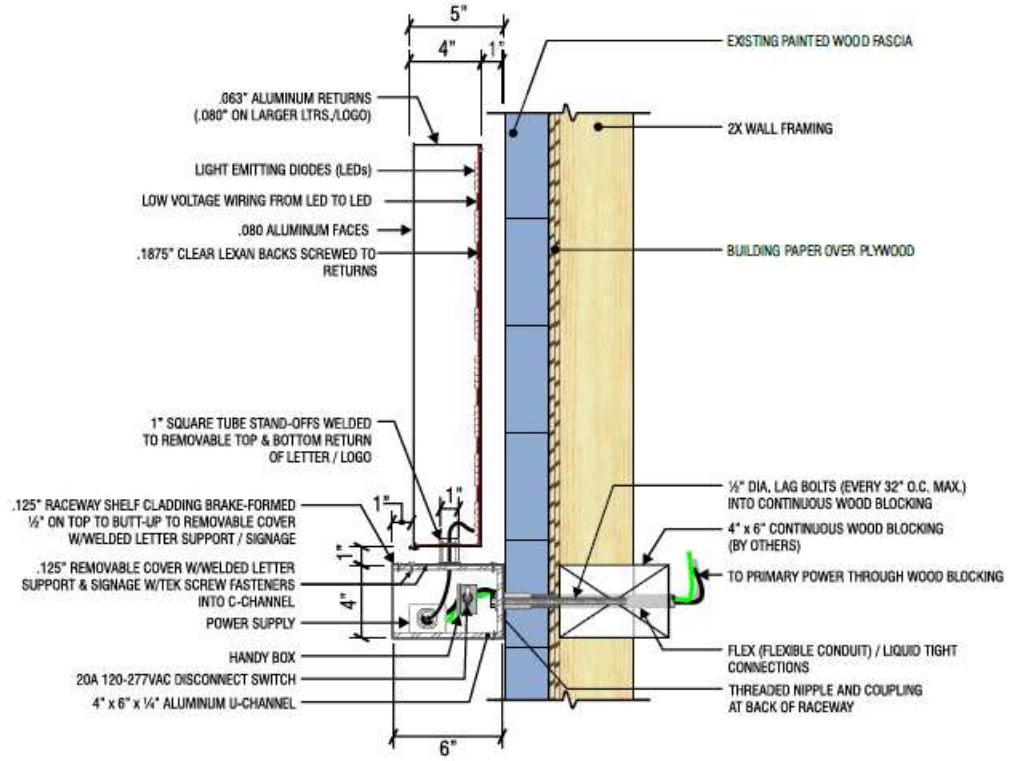
4. **Logos:** Corporate logos may be permitted in conjunction with Individual letters up to a maximum of 25% of the permitted sign area and a maximum height of 24" and Length of 36'. The proposed design and fabrication details are subject to approval of the Landlord/Developer and the City of Milpitas.

5. **Sign Area:** For Beresford Square South (5-99) signs may not exceed 0.038 multiplier x square footage of leased premises. For Beresford Square North (103-119) signs may not exceed 0.02 multiplier x square footage of leased premises. Additionally, for both South and North the maximum aggregate signage for one tenant shall be 75% of Tenant store frontage.

6. Sign Color: Landlord/Developer recommended colors: white and red - day/night (Fluorescent, "day-glow· or other similar colors are not permitted). ¾" Trim Capping - must be painted to match face.

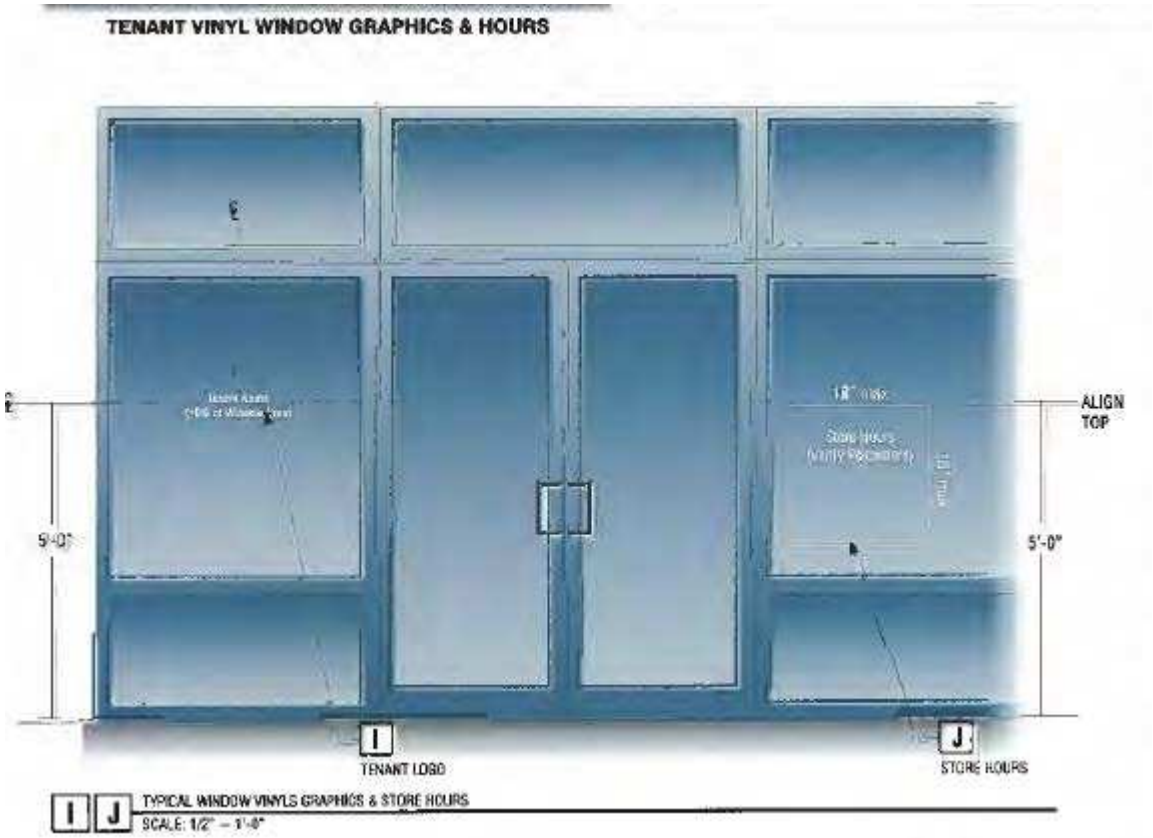
7. Illumination: All signs shall be designed to consist of LED internally-illuminated channel letters. Sign illumination shall be consistent in all letters and components of sign (I.e.. no hot-spots or light leaks). Note: Sign maybe "Face-Lit, 'Halo" or "Dual- View" Illuminated letters.

TYPICAL TENANT STOREFRONT SECTION DETAILS AND SPECIFICATIONS • INLINE TENANTS



SECTION
LED FACE LIT CHANNEL LETTER
PEG-MOUNTED TO ARCHITECTURAL SHELF

WINDOW VINYL SPECIFICATIONS



SPECIFICATIONS

1. Location of Window Vinyl Graphics: Tenant Storefront

2. Intent: Window graphics are included in this criteria to assist and guide reasonable design of identification and marketing graphics in a tasteful and controlled manner consistent with the design of the Beresford Squrare.

3. Tenant sign plans shall include desired window graphic designs. Failure to process the plans is considered a violation of this criteria. Tenant shall immediately remove window graphics installed without express written approval of the Landlord I Developer upon written demand by Landlord I Developer. Review and approval by

Landlord I Developer is at his sole and absolute discretion.

4. Number allowed: varies by design of tenant storefront.

5. Maximum size: No more than 20% of any storefront pane may be used for window graphics with an additional 1 (one) square foot for store hours. These graphics will not count against allowable square footage.

6. Sign Type: Individualized design may consist of applied decal, vinyl, painted or otherwise permanency installed graphics directly applied to the window glass. Designs may reflect corporate signage programs and colors where appropriate. Designs shall be organized in a coordinated and tasteful manner.

7. Restrictions: It is the intent of these criteria not to allow temporary and nonprofessional graphics from storefront windows including, but not limited to, paper flyers, lists of services and products, hand lettered messages, signage *taped* to windows, “going out of business", 'liquidation" and other such distress sale type messages and continuous use of window banner graphics for longer than one (1) week per month for a special product, service or event.

HOURS OF OPERATION SPECIFICATIONS

1. Location of Window Vinyl Graphics: Tenant Storefront

2. Intent: Hours of Operation are included in this criteria to assist and guide business hours of operation.

3. Maximum size: No more than 10% of any storefront pane may be used for hour’s graphics (Note: Not to exceed 18' x 18"). These graphics will not count against allowable square footage.

MASTER SIGN PROGRAM

EXISTING TENANT SIGN TO REMAIN
(SHOWN AS SAMPLE)

MASTER SIGN PROGRAM

SHOP BLDG A - SITE PLAN

TENANT A1 - KEY LEGEND

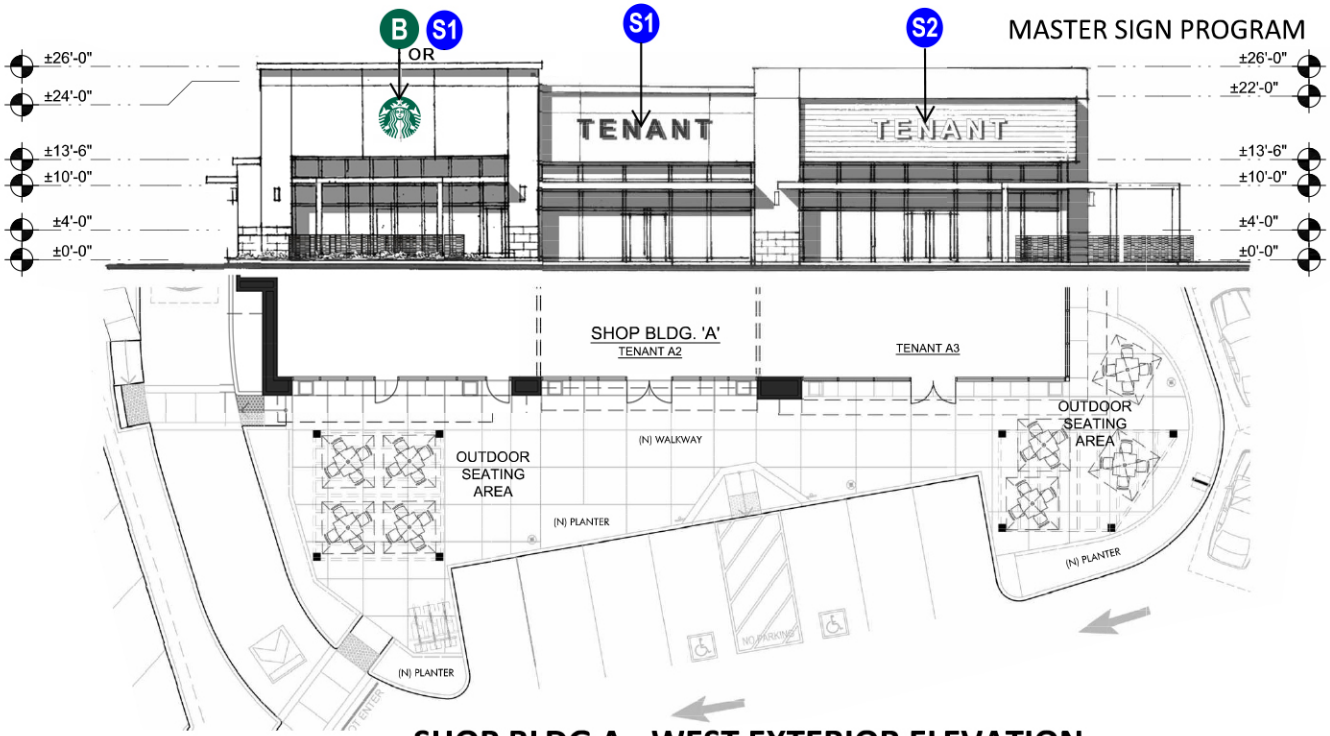
- A — 60" SIREN LOGO DISC, SEE PAGE 23
- B — 48" SIREN LOGO DISC, SEE PAGE 24
- C — 12" DT CHANNEL LETTERS, SEE PAGE 25
- D — DT ENTRANCE DIRECTIONAL, SEE PAGE 26
- E — DT EXIT/THANK YOU DIRECTIONAL , SEE PAGE 27
- F — YIELD AND MERGER DIRECTIONAL, SEE PAGE 28
- G — CLEARANCE BAR, SEE PAGE 29
- H — NOT USED
- I — DIGITAL ORDER SCREEN/CANOPY, SEE PAGE 31
- J — 5-PANEL MENU SIGN, SEE PAGE 32
- K — MOP PARKING SIGN, SEE PAGE 33

TENANT A2 - KEY LEGEND

- S1 — 30" INTERNALLY ILLUMINATED SIGN OVER STUCCO, SEE PAGE 11
- S2 — 30" INTERNALLY ILLUMINATED SIGN OVER COMPOSITE SIDING, SEE PAGE 11

TENANT A3 - KEY LEGEND

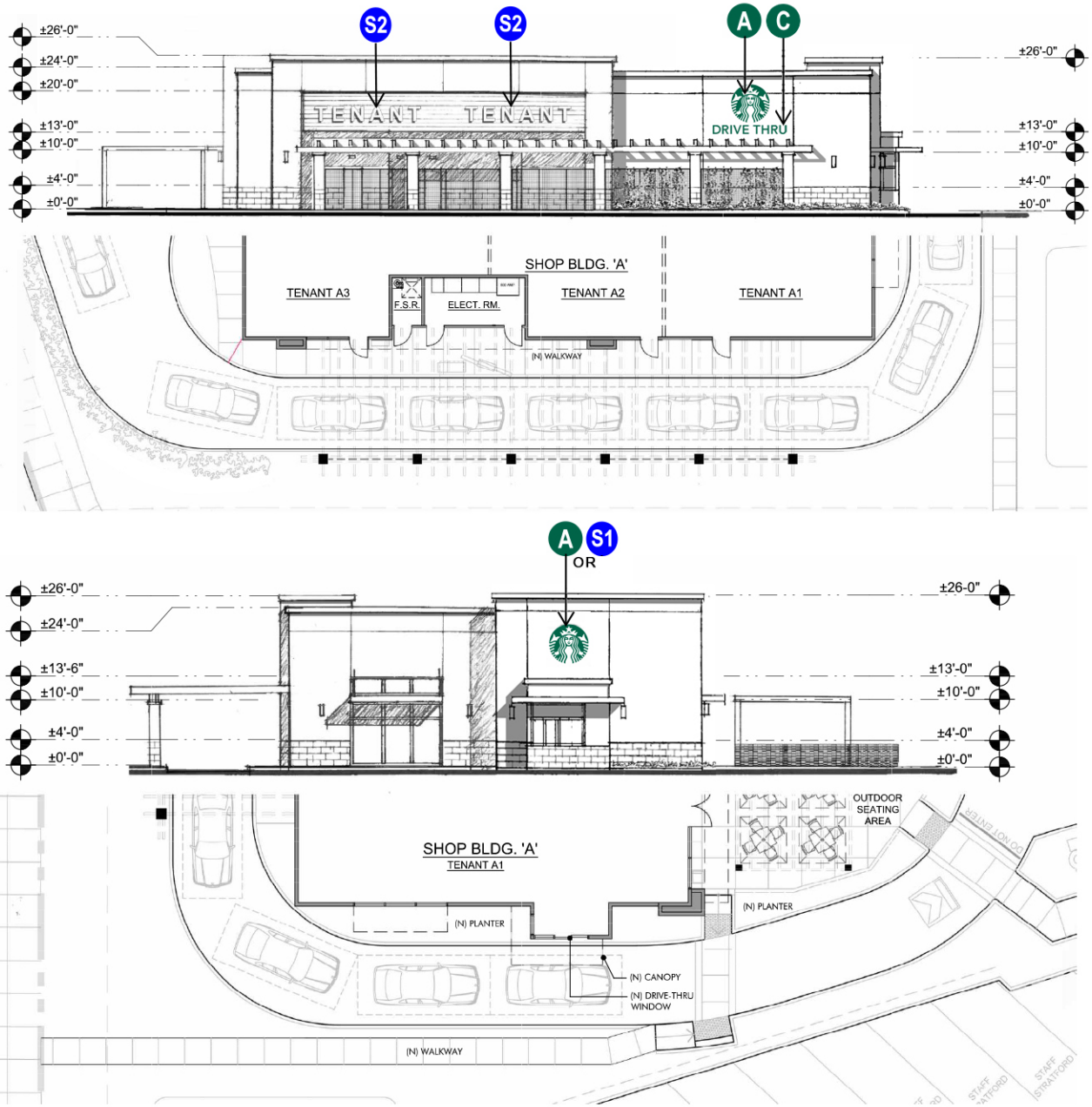
- S2 — 30" INTERNALLY ILLUMINATED SIGN OVER COMPOSITE SIDING, SEE PAGE 11



SHOP BLDG A - WEST EXTERIOR ELEVATION

SHOP BLDG A - SOUTH EXTERIOR ELEVATION

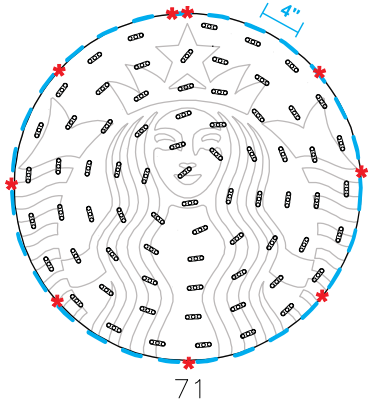
MASTER SIGN PROGRAM



MASTER SIGN PROGRAM

A 60" S/F EXTERIOR ILLUMINATED FLEX FACE SIREN WALL SIGN- TRIMLESS
QTY - 2

DESIGN ID # 13164



* #6 PAN HEAD SCREWS

1) ACTUAL CHANNEL LETTER POPULATION AND PRODUCT PLACEMENT MAY VARY FROM THIS LAYOUT
2) PRISM ENLIGHTEN WHITE 6500K LAID OUT AT 1.5 MODULES PER FOOT, 5.0" ON CENTER
3) EACH 60W3 POWER SUPPLY CAN RUN UP TO 72 PRISM ENLIGHTEN WHITE 6500K MODULES
4) LAYOUT BASED ON A 2.5" CAN DEPTH
5) DIMENSIONS ARE IN INCHES UNLESS STATED OTHERWISE
6) 701269-6WEJ1-MB WATTS PER MODULE: .75
7) PRIMARY SYSTEM POWER: 66.56 WATTS
8) LED MODULE POWER USAGE (secondary): 53.25 WATTS

ESTIMATED PRODUCT B.O.M. PER SIGN:
71 Each Prism Enlighten White 6500K Modules – 48'
PN: 701269-6WEJ1-MB
1 Each 60C2 (Damp/Dry locations) or 60W3 (Wet location) 60W Power Supply 12VDC
1 Each 100' Roll of Jacketed Cable

1 FRONT VIEW
Scale: 1/2" = 1' (11x17 Paper)

Specifications:

A Single face internally illuminated Excellart EC-Flex Standard flex face cabinet with bleed trim cover.

B White Flex faces with 3M 3630-126 Dark Emerald Green vinyl. Face retention clips spaced every 4".

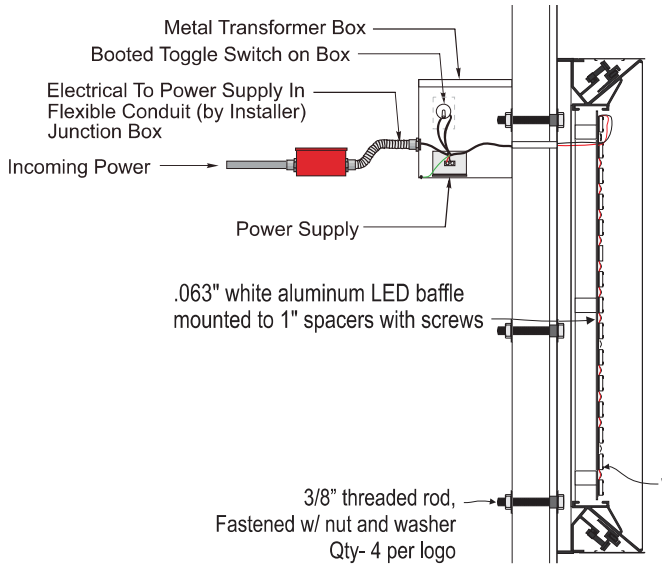
C Interior of cabinet painted reflective white and exterior painted satin black.

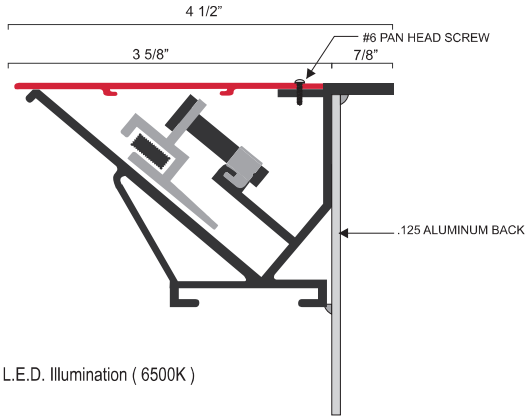
D Internally illuminated with 6500K Sloan Prism Enlighten LEDs with remote power supply.

E 1/4" drain holes located at the bottom of cabinet as required by UL 48 for Electric Signs.

F Drain holes to be covered with drain hole covers to reduce light leaks.

Mounting method to be confirmed





Excellart EC-Flex Standard with Bleed Trim Cover

LOGO SIREN DETAIL

COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA

Underwriters Laboratories Inc. DRY DAMP WET X

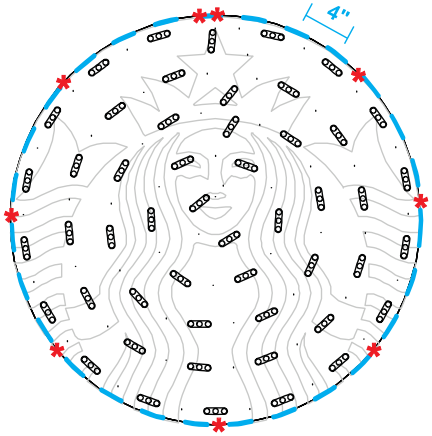
MASTER SIGN PROGRAM

DESIGN ID # 13163

B 48" S/F EXTERIOR ILLUMINATED FLEX FACE SIREN WALL SIGN- TRIMLESS
QTY - 2

1 FRONT VIEW
Scale: 3/4" = 1' (11x17 Paper)

Excellart Face Retention clips spaced at 4" on center.



50

* #6 PAN HEAD SCREWS

1) ACTUAL CHANNEL LETTER POPULATION AND PRODUCT PLACEMENT MAY VARY FROM THIS LAYOUT
2) PRISM ENLIGHTEN WHITE 6500K LAID OUT AT 1.5 MODULES PER FOOT, 5.0" ON CENTER
3) EACH 60W3 POWER SUPPLY CAN RUN UP TO 72 PRISM ENLIGHTEN WHITE 6500K MODULES
4) LAYOUT BASED ON A 2.125" CAN DEPTH
5) DIMENSIONS ARE IN INCHES UNLESS STATED OTHERWISE
6) 701269-6WEJ1-MB WATTS PER MODULE: .75
7) PRIMARY SYSTEM POWER: 46.88 WATTS
8) LED MODULE POWER USAGE (secondary): 57.90 WATTS

ESTIMATED PRODUCT B.O.M. PER SIGN:
50 Each Prism Enlighten White 6500K Modules – 34'
PN: 701269-6WEJ1-MB
1 Each 60C2 (Damp/Dry locations) or 60W3 (Wet location) 60W Power Supply 12VDC
1 Each 100' Roll of Jacketed Cable

Specifications:

A Single face internally illuminated Excellart EC-Flex Standard flex face cabinet with bleed trim cover.

B White Flex faces with 3M 3630-126 Dark Emerald Green vinyl. Face retention clips spaced every 4".

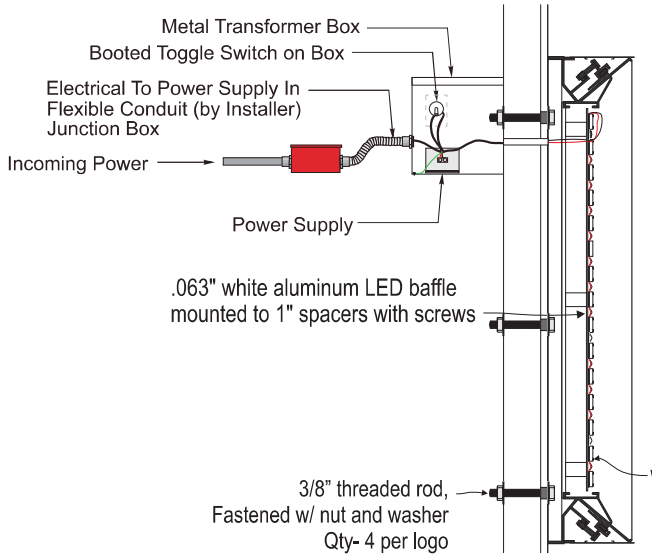
C Interior of cabinet painted reflective white and exterior painted satin black.

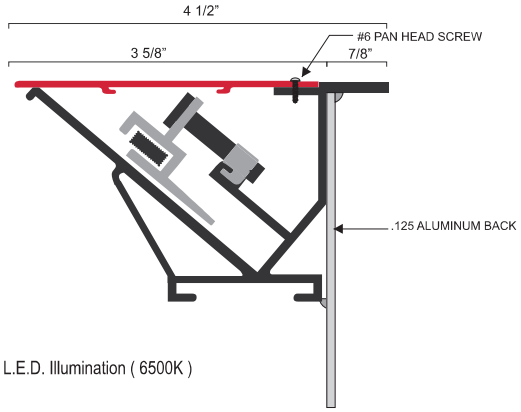
D Internally illuminated with 6500K Sloan Prism Enlighten LEDs with remote power supply.

E 1/4" drain holes located at the bottom of cabinet as required by UL 48 for Electric Signs.

F Drain holes to be covered with drain hole covers to reduce light leaks.

Mounting method to be confirmed





Excellart EC-Flex Standard with Bleed Trim Cover

LOGO SIREN DETAIL

COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA

Underwriters Laboratories Inc. DRY DAMP WET X

C TRIMLESS 12" GREEN DT CHANNEL LETTERS - REMOTE

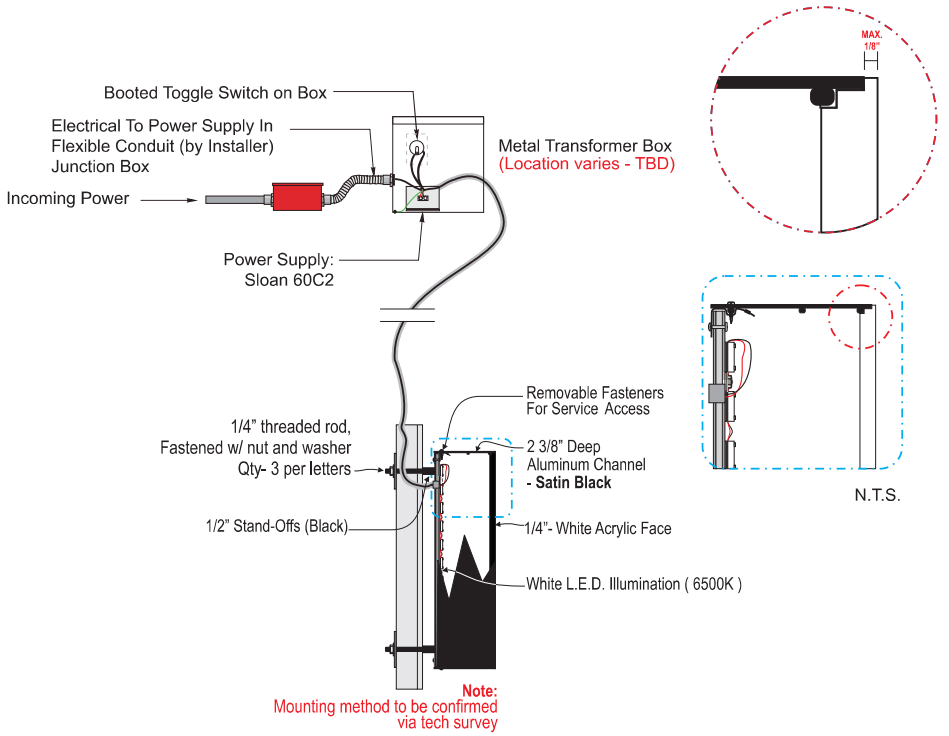
QTY - 1

1 12" DRIVE THRU LETTERS

Scale 1" = 1'-0"

Specifications:

- A Internally illuminated SDS LetterForm trimless channel letter with returns painted **satin black.**
- B Green faces to be 1/4" 7328 gloss white acrylic with 3M 3630-126 Dark Emerald Green vinyl applied first surface.
- C Internally illuminated letters with 6500K Sloan white LED
- D 1/4" drain holes located at the bottom of each letter as required by UL 48 for Electric Signs.
- E Drain holes to be covered with drain hole covers to reduce light leaks.



COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA

SloanLED
Leaders in LED Technology
SloanLED.com Tel 805.676.3200
Toll-free 888.747.4LED Fax 805.676.3206

Underwriters Laboratories Inc.

DRY	
DAMP	
WET	X

SB-DIR-IL-NF-DTA-44

- 44" is the Preferred Size
- Single Read of Drive Thru
- Arrows Point Opposite on Each Side

scale: 3/4" = 1'-0"
Sq Ft: 6.11

Colors:
- Painted Pantone #560 (satin finish)
- Painted Pantone 419 Black (RAL 7021M) (satin finish)
- Clear Acrylic (push thru)
- 3M White Translucent Vinyl (first surface)
- 3M Diffuser Film (second surface)

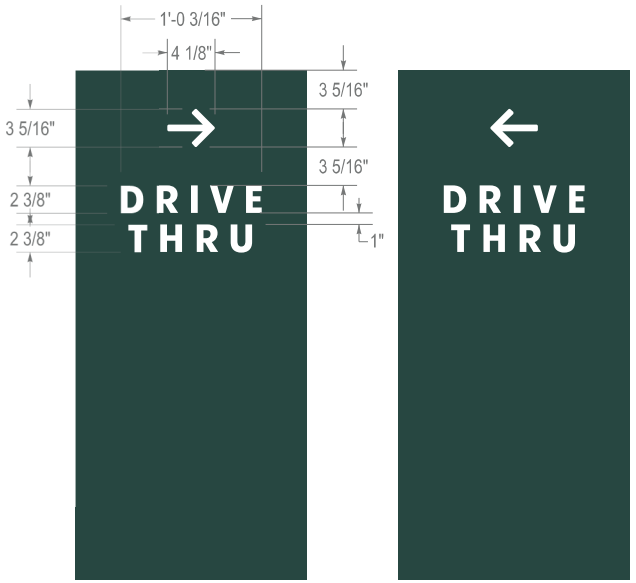
D D/F DRIVE THRU ILLUMINATED DIRECTIONAL SIGNS~ Qty (2)

- Double or Single Faced Illuminated Directional Sign.
- Aluminum construction & aluminum skin with painted finishes.
- Aluminum face to be routed to accommodate push thru graphics.
- Push thru graphics to have 3M vinyl applied to first and second surface.
- Illuminated with white LED modules with all electrical UL listed and labeled.
- Directional to be bolted to new concrete footing per engineering for site location and soil condition.

MASTER SIGN PROGRAM

Design ID#23083

Copy Dimensions & Artwork



scale: 1" = 1'-0"

2

SB-DIR-IL-NF-DTA-44

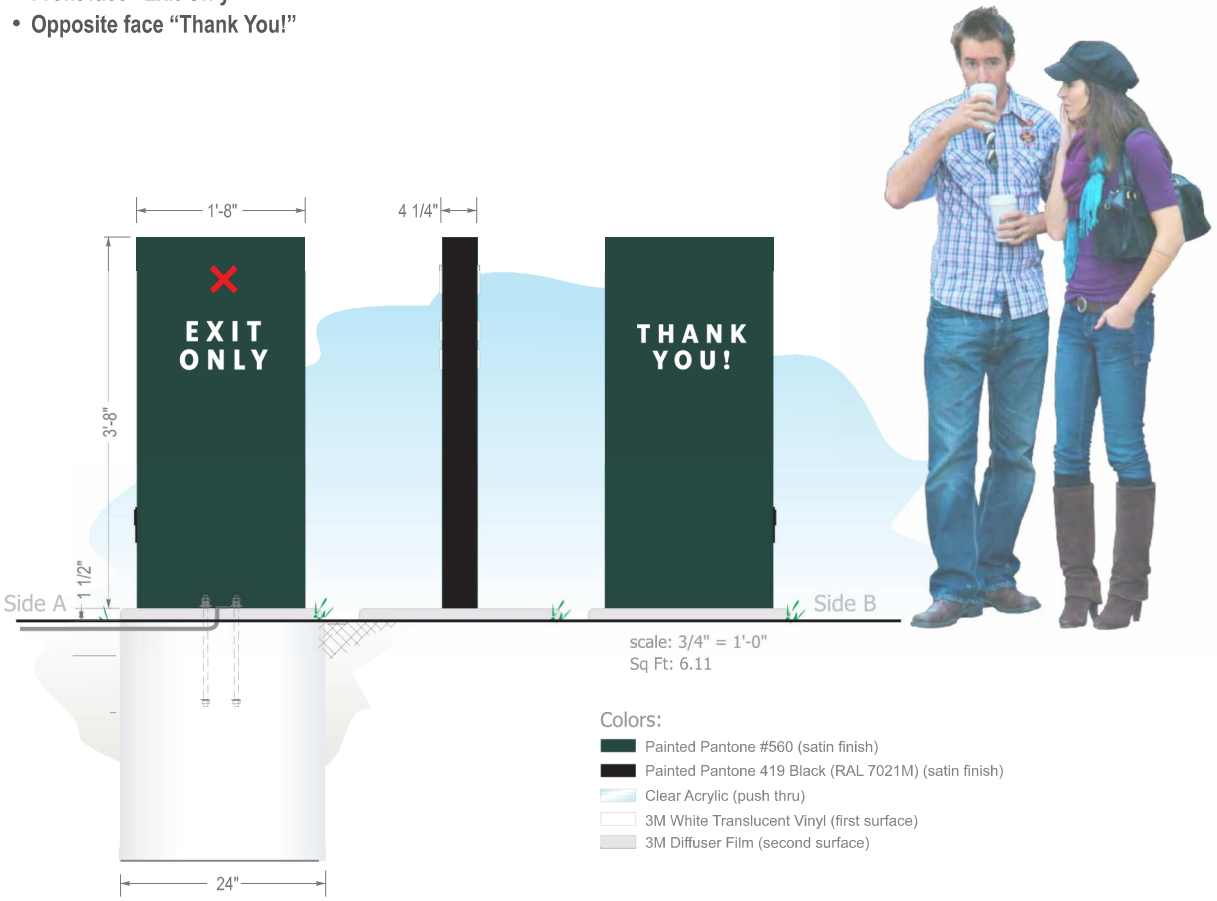
Starbucks | Directional | Illuminated | New Foundation | Drive Thru with Arrows | 44" Tall

MASTER SIGN PROGRAM

Design ID#23074

SB-DIR-IL-NF-XTY-44

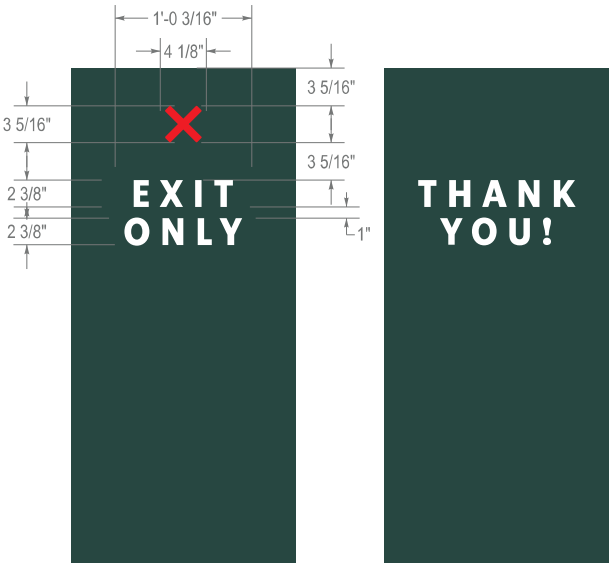
- Front face “Exit Only”
- Opposite face “Thank You!”



scale: 3/4" = 1'-0"
Sq Ft: 6.11

Colors:
- Painted Pantone #560 (satin finish)
- Painted Pantone 419 Black (RAL 7021M) (satin finish)
- Clear Acrylic (push thru)
- 3M White Translucent Vinyl (first surface)
- 3M Diffuser Film (second surface)

Copy Dimensions & Artwork



scale: 1" = 1'-0"

E D/F DRIVE THRU ILLUMINATED DIRECTIONAL SIGNS~ Qty (1)

- Double or Single Faced Illuminated Directional Sign.
- Aluminum construction & aluminum skin with painted finishes.
- Aluminum face to be routed to accommodate push thru graphics.
- Push thru graphics to have 3M vinyl applied to first and second surface.
- Illuminated with white LED modules with all electrical UL listed and labeled.
- Directional to be bolted to new concrete footing per engineering for site location and soil condition.

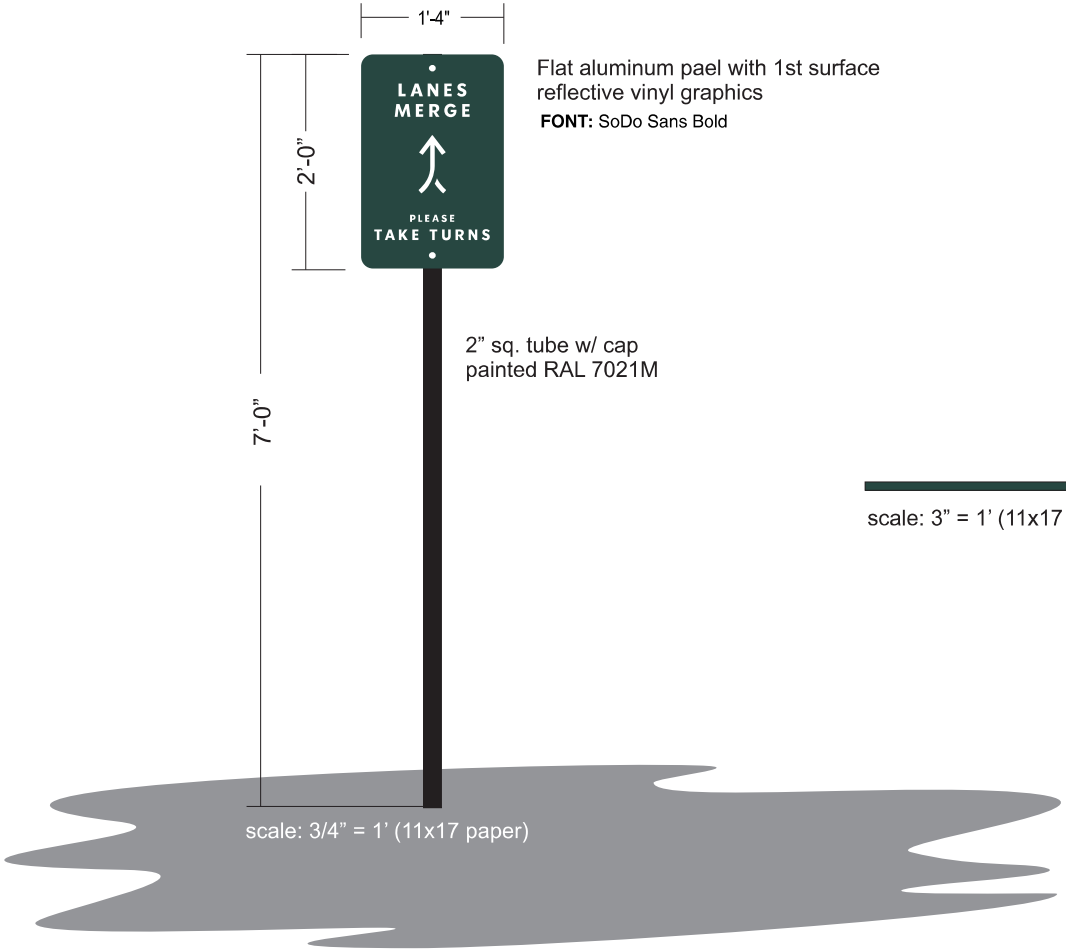
SB-DIR-IL-NF-XTY-44

Starbucks | Directional | Illuminated | New Foundation | Exit Only & Thank You | 44" Tall

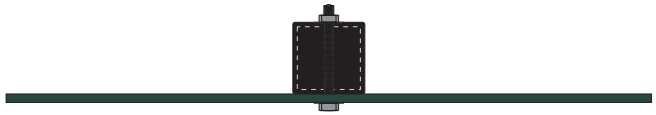
F YIELD & MERGE SIGN

SBC-#

QTY - 2



PLAN VIEW



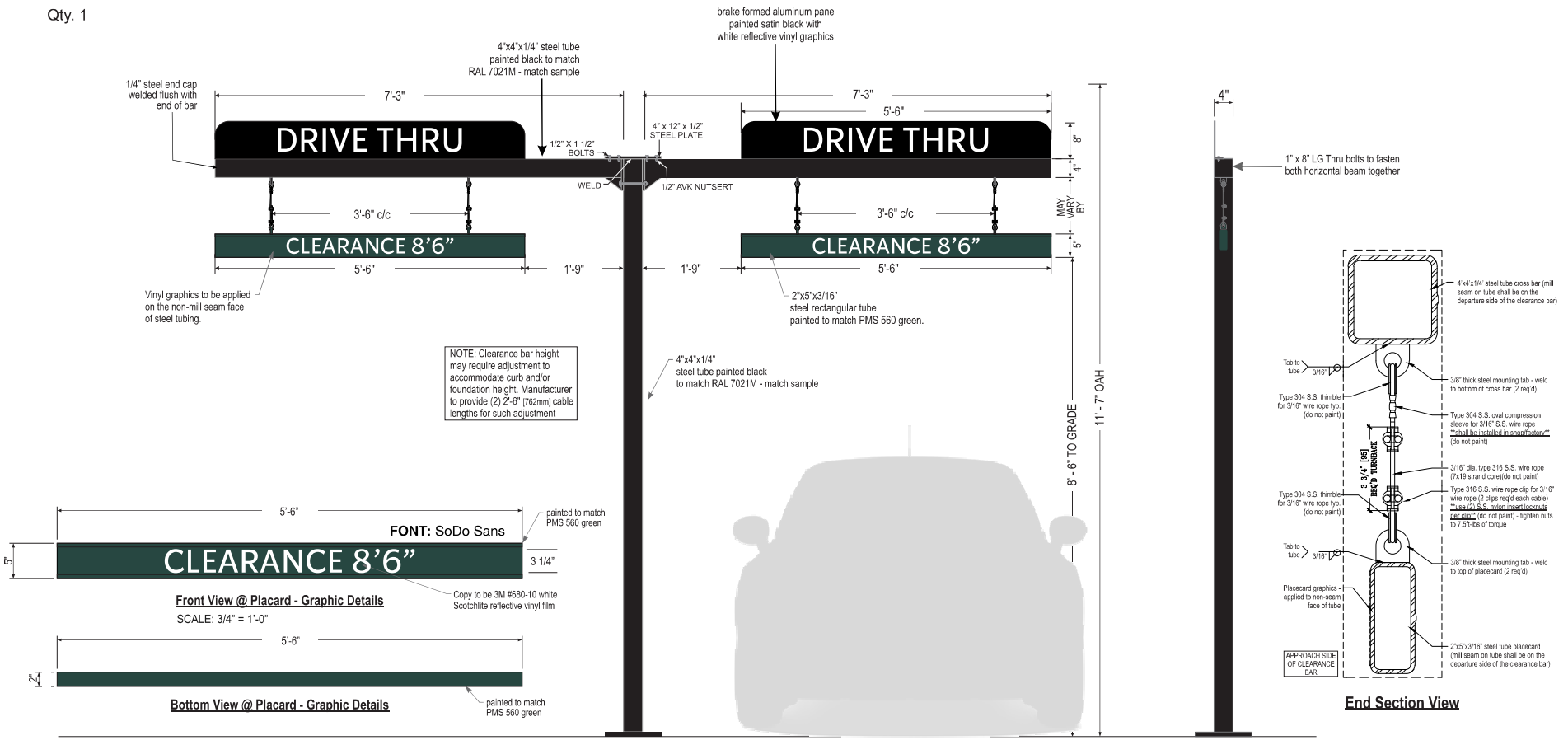
scale: 3" = 1' (11x17 paper)

COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 560 C	NA
	RAL 7021M	3M 3630-22
	REFL. WHITE	3M 680-10

G CLEARANCE BAR - NON-ILLUMINATED

SBC-#

Qty. 1



Front Elevation View
SCALE: 1/2" = 1'-0"

Front View @ Placard - Graphic Details
SCALE: 3/4" = 1'-0"

Bottom View @ Placard - Graphic Details

End Section View

Right Side View

SIGN SPECIFICATIONS:

Scraper Bar:

- 2" x 5'-6" x 5" steel tube painted to match PMS 560 green.
- Flush steel end caps painted to match PMS 560 green.
- Copy and chevrons to be 1st surface computer cut 3M #680-10 white Scotchlite reflective vinyl film.
- Bottom striping to be 1st surface computer cut 3M #680-10 white Scotchlite reflective vinyl film. Striping extends 3/8" [10mm] onto front face.
- Suspend from support with SS cable & hardware. Cable provided requires field adjustment for proper clearance height.

DT Panel(s):

- 8" x 66" brake formed aluminum painted satin black with white reflective vinyl graphics

Support:

- Supporting structure will be all welded steel tube construction painted black to match RAL 7021M as per approved shop drawings.
- New foundation may be required.
- Clearance bar will be mounted on a concrete pedestal. Will be attached with anchor bolts and base plate (engineering to be confirmed)

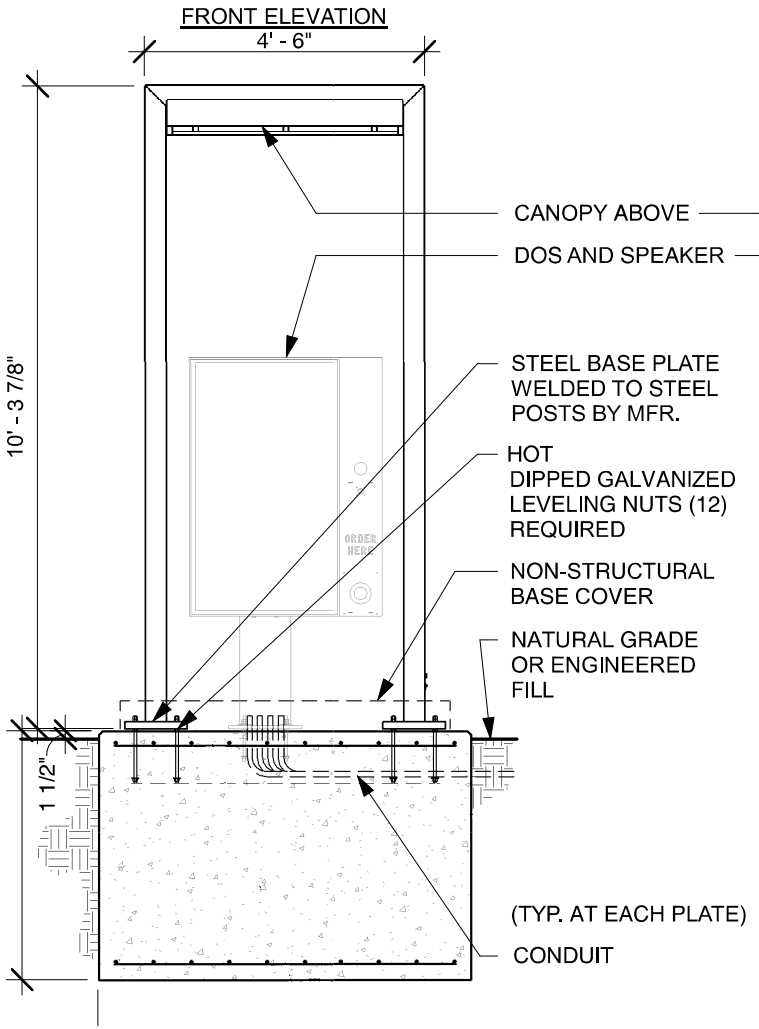
COLOR LEGEND		
	PMS/PAINT	VINYL
	PMS 560 C	NA
	RAL 7021M	3M 3630-22
	REFL. WHITE	3M 680-10

LEAVE THIS SHEET BLANK

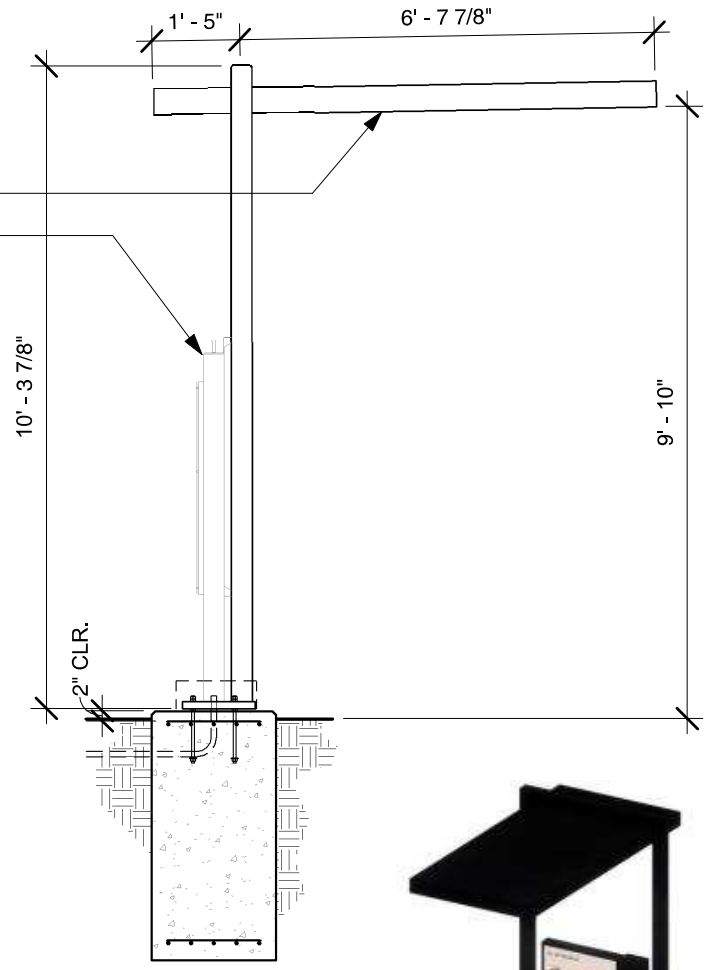
Design ID#22543 Design ID#22546

MASTER SIGN PROGRAM

FRONT ELEVATION



SIDE ELEVATION



CANOPY WITH DOS

I DRIVE THRU CANOPY WITH DIGITAL ORDER SCREEN~ Qty (1)
INSTALLATION ONLY

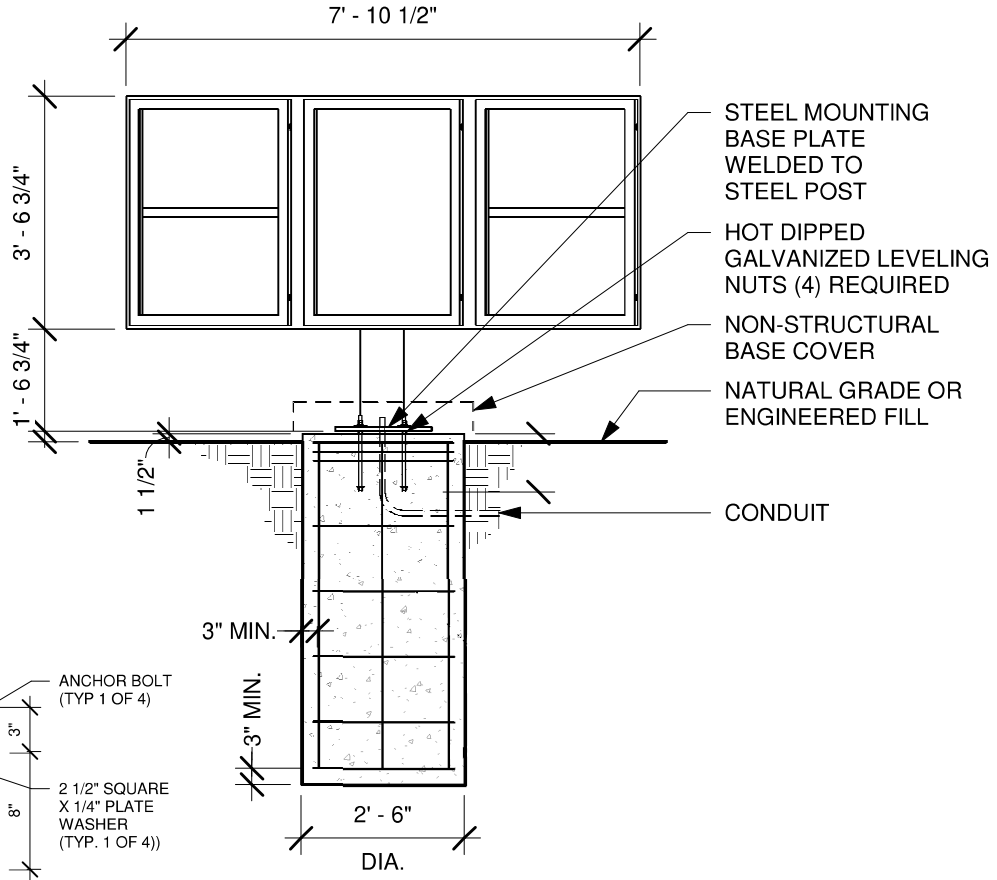
NTS

Design ID#22540

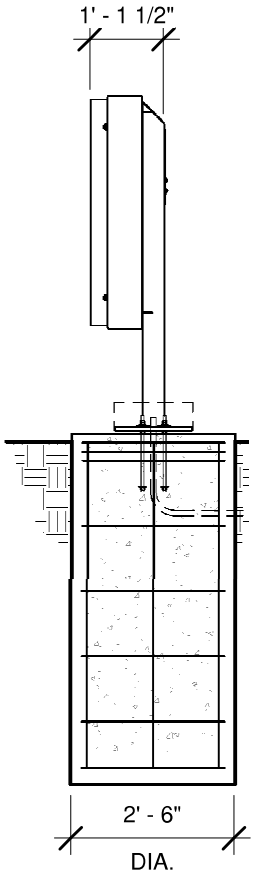
MASTER SIGN PROGRAM

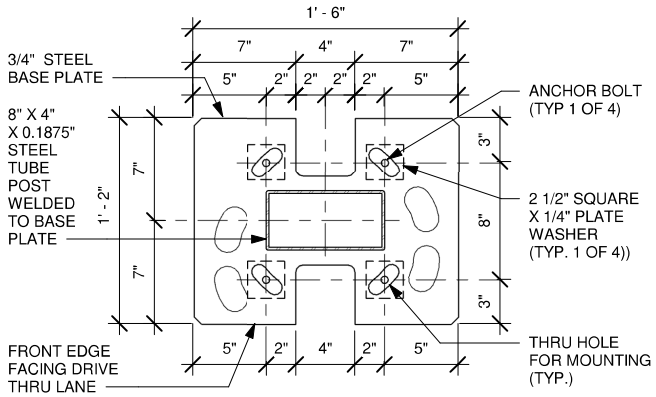
5- PANEL MENU SIGN

FRONT ELEVATION



SIDE ELEVATION





2 BASE PLATE

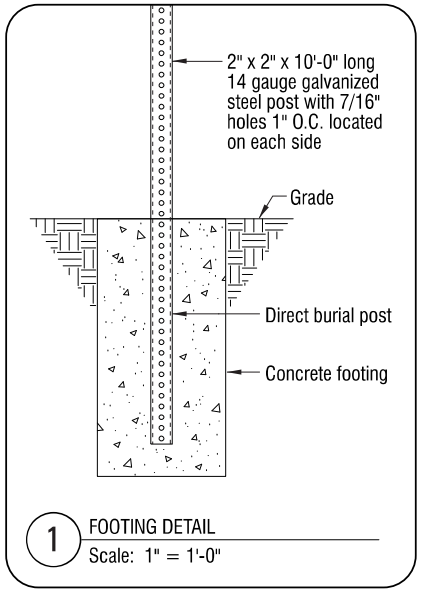
Scale: 1 1/2" = 1'-0"

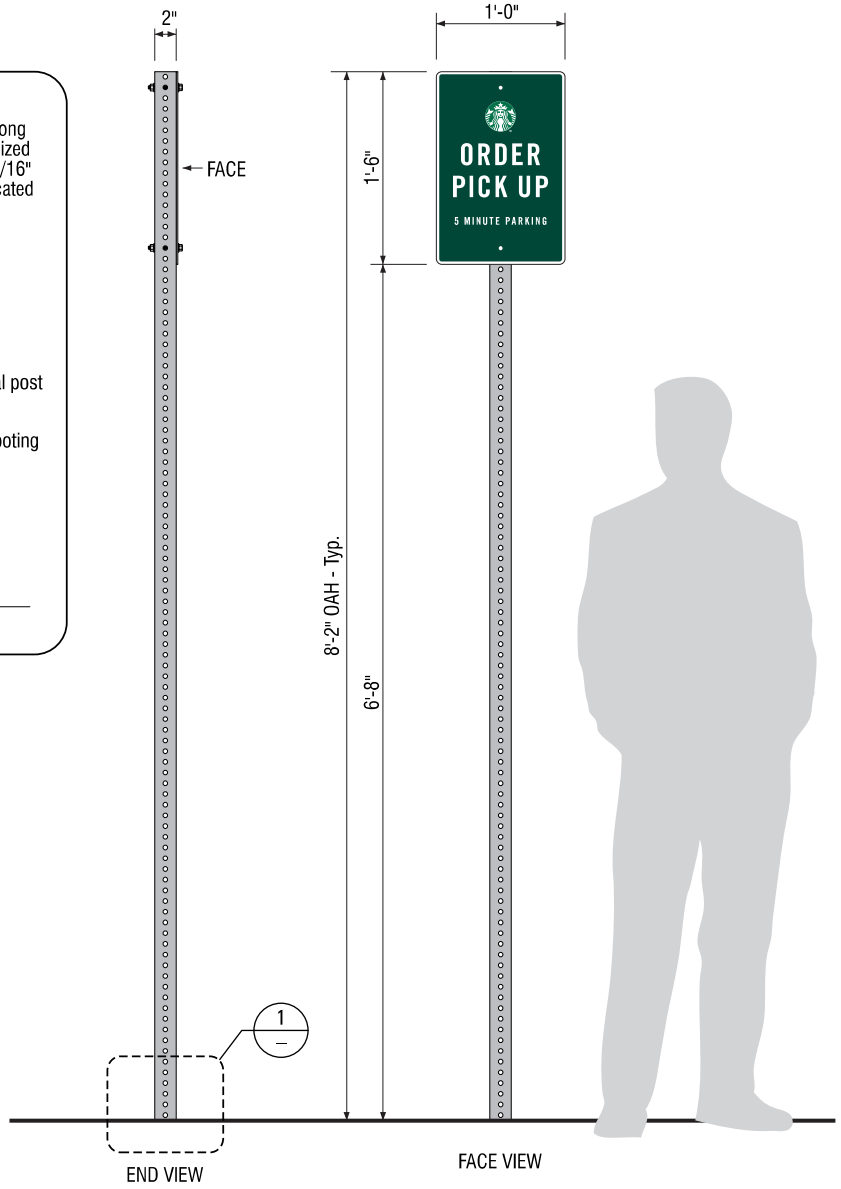
J **DRIVE THRU 5-PANEL MENU SIGN~ Qty (1)**

INSTALLATION ONLY

Scale: 1" = 3/4"

Sq. Ft.
36





K **NEW SINGLE-FACE "MOP 5 MINUTE PARKING" SIGN PANEL**

QUANTITY: TWO (2) - Manufacture & Ship Only, Installation by Others.

Scale: 3" = 1'-0"

MATERIAL SPECIFICATIONS:

PANELS ARE .080" THICK ROUTED ALUMINUM WITH 1/2" RADIUS CORNERS.

FACE TO HAVE APPLIED DIGITALLY PRINTED VINYL GRAPHICS ON WHITE REFLECTIVE VINYL FILM. SEE COLOR DETAIL FOR PRINT COLOR SPECIFICATIONS.

5/16" WHITE REFLECTIVE BORDER.

TWO MOUNTING HOLES PRE-DRILLED, SPACED 15" O.C.

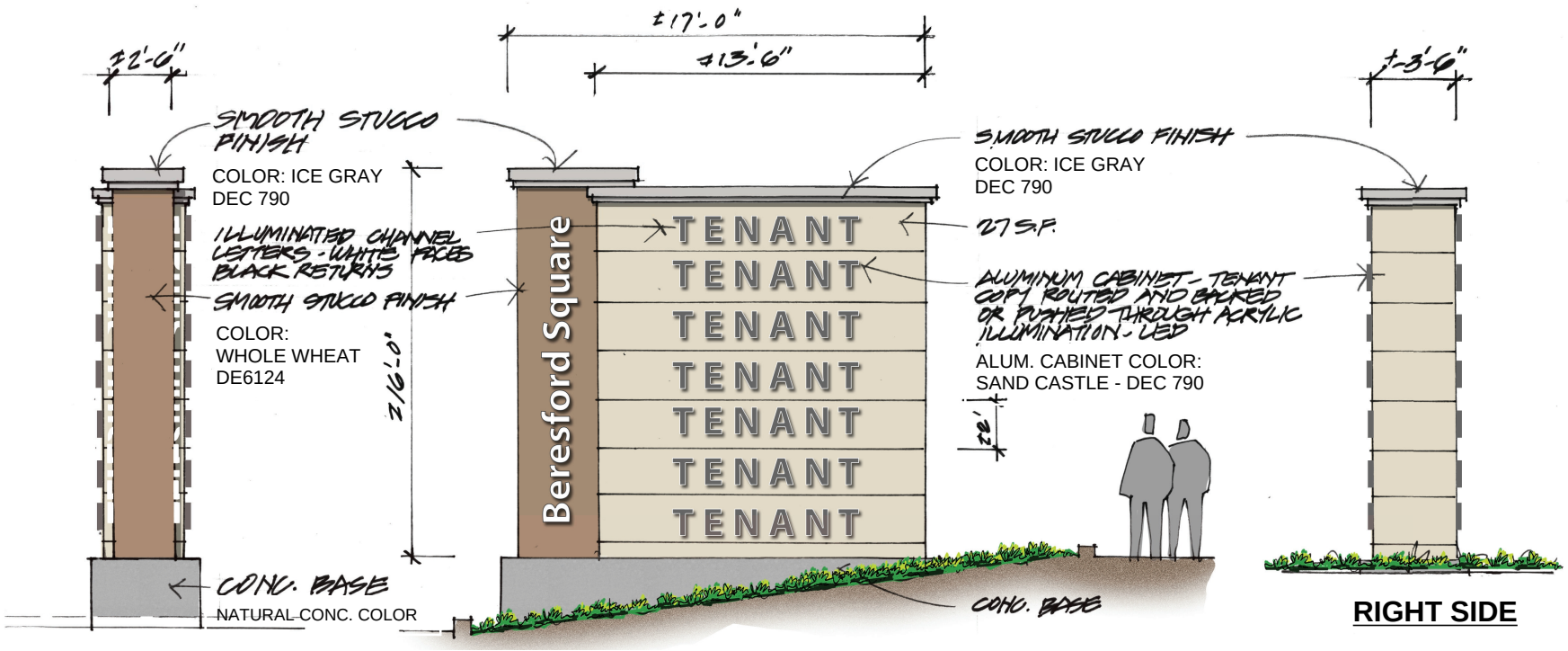
PRINT COLOR SPECIFICATIONS:

PMS 3425C PMS 560C

NEW S/F "MOP 5 MINUTE PARKING" POST & PANEL SIGN - TYPICAL Scale: 1" = 1'-0"

SIGN AREA: 1.5 Sq. Ft.

MASTER SIGN PROGRAM



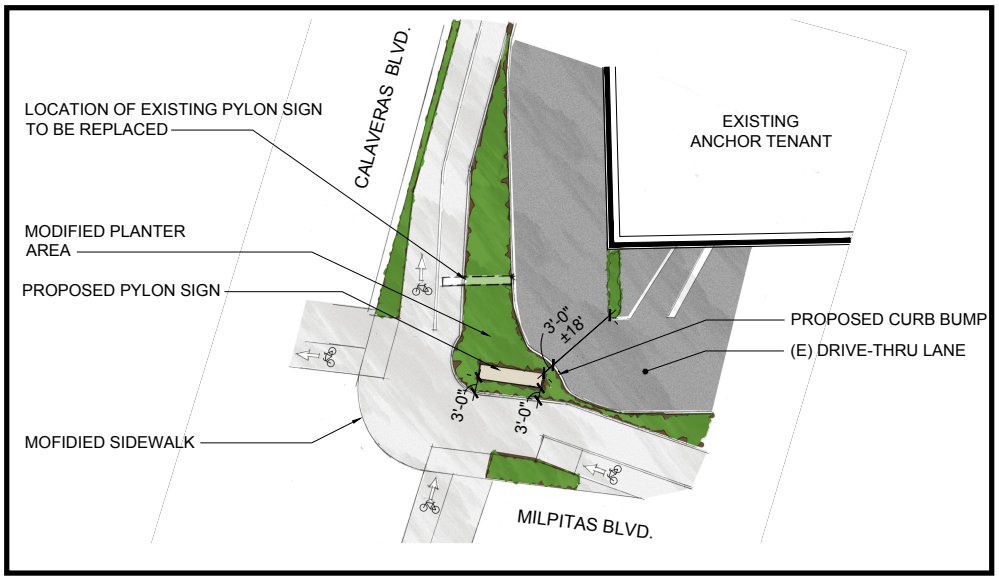
LEFT SIDE **FRONT VIEW** **RIGHT SIDE**

NOTES:

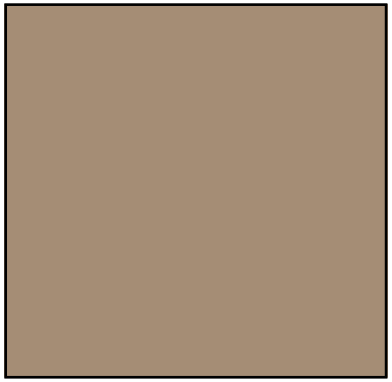
- The landlord will be responsible for maintaining the monument sign.
- Limited to seven (7) tenants only and must be the same max. size of the panel and fit within 27 square feet.
- The panels will be reserved for the majors and two of the three pads.
- The landlord will initially be responsible for applying and installing their sign.
- The maximum size of letter/logos or text for each tenant is 18 inches. Aluminum cabinet - tenant copy routed and backed or pushed through acrylic illumination – led. See page 36 for required paint colors.
- "Beresford Square" text size, +/-10 inches max. for the uppercase letters by 13 feet. Illuminated channel letters -white faces black returns.

PROPOSED MONUMENT SIGN

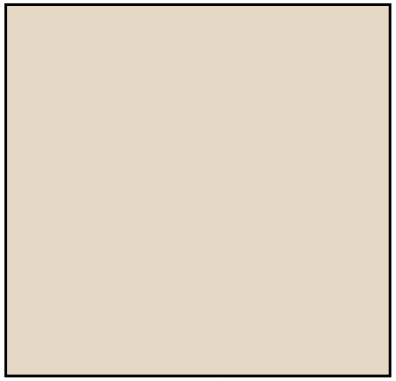
KEY MAP



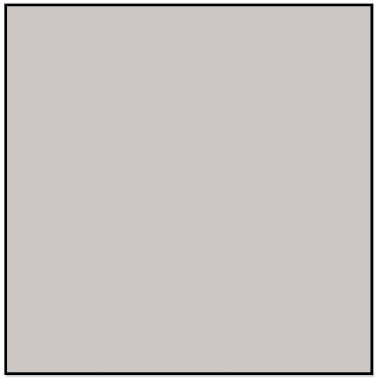
PROPOSED MONUMENT SIGN COLORS



COLOR: WHOLE WHEAT / DE6124
BY: DUNN EDWARDS



COLOR: SAND CASTLE / DEC740
BY: DUNN EDWARDS



COLOR: ICE GRAY / DEC790
BY: DUNN EDWARDS

AGENDA ITEM: IX-2

MILPITAS PLANNING COMMISSION STAFF REPORT

August 11, 2021

APPLICATION: **NEW PRIVATE ELEMENTARY SCHOOL – 125 N. MILPITAS BLVD. — UP20-0005, MS20-0089, EA21-0001:** A Conditional Use Permit, Minor Site Development Permit, and Environmental Assessment to allow the operation of a new 44,088-square foot private preschool and early elementary school (Stratford School) and allow exterior modifications to an existing building, new wrought iron fencing, modifications to the existing fencing, and other site improvements on a 5.5-acre lot located in the TC Town Center Zoning District at 125 North Milpitas Boulevard. The proposed action includes the adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the California Environmental Quality Act (CEQA).

RECOMMENDATION: **Staff recommends that the Planning Commission conduct a public hearing, consider the Initial Study/Mitigated Negative Declaration in accordance with CEQA, and adopt Resolution No. 21-018, approving Conditional Use Permit No. UP20-0005, Minor Site Development Permit No. MS20-0089, and Environmental Assessment No. EA21-0001 subject to the attached findings and Conditions of Approval.**

PROJECT LOCATION:

Address and Assessor's Parcel Number (APN):	125 North Milpitas Boulevard (APN 028-22-016)
Area of City:	West side of North Milpitas Boulevard, north of Beresford Court and East Calaveras Boulevard, south of Silverlake Drive

PEOPLE:

Project Applicant:	Mark Philpott, Spring Education Group/Stratford School
Project Architect:	Kartik Patel, Archevon
Consultant:	Sean Morley, Morley Brothers
Property Owner:	Stratford Schools
Project Planner:	Lillian VanHua, AICP, Associate Planner

LAND USE:

General Plan Designation:	Town Center (TWC)
Zoning District:	Town Center (TC)
Site Area:	5.5 acres

ENVIRONMENTAL: Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063, staff prepared an Initial Study to analyze the potential environmental effects of the proposed Project. Through the Initial Study, it was determined that the Project would not result in any significant environmental impacts that could not be mitigated to a level of less than significant. Therefore, staff prepared a Mitigated Negative Declaration (MND) pursuant to CEQA Guidelines Section 15070. The IS/MND was available for public review from June 23, 2021 through July 26, 2021. The IS/MND is available for public inspection at Milpitas Library, 160 North Main Street, Milpitas, CA 95035 and the City's website.

EXECUTIVE SUMMARY

The applicant, Spring Education Group/Stratford School, requests a Conditional Use Permit, Minor Site Development Permit, and Environmental Assessment to allow the operation of a new private preschool and early elementary school in an existing 44,088-square foot commercial building located at 125 North Milpitas Boulevard (the "Project"). The proposed school would serve up to 480 students and include 20 classrooms for pre-school, pre-kindergarten, kindergarten, first and second grade students, a multi-purpose hall, administrative offices, conference rooms, a work room, and a breakroom for teachers and administrative staff. The proposed Project also includes exterior alterations to the building façade, development of two outdoor play areas, and various site improvements such as new fencing and parking lot improvements. The project site has an existing surface parking lot that shares 298 parking spaces with an adjacent commercial building. Approximately 30 percent of the total parking spaces (87 spaces) will be dedicated to the proposed Project.

The following is a summary of the applicant's request:

- Conditional Use Permit*:* To allow the use of an existing commercial building for use as a private pre-school and early elementary school.

- Minor Site Development Permit*:* To allow changes to the building's façade, installation of new fencing, development of two external play areas, parking improvements, and other associated site improvements.

- Environmental Assessment*:* To review and adopt an Initial Study/Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070.

Staff reviewed the entitlement applications outlined above and found them to be consistent with the policies, standards, and processes outlined in the City of Milpitas General Plan and Zoning Code. The balance of this report provides specific details and analysis regarding each of these requests.

Staff recommends that the Planning Commission open and close the public hearing, consider the Initial Study/Mitigated Negative Declaration in accordance with CEQA, and adopt Resolution No. 21-018, approving the above entitlements, subject to the Conditions of Approval included in Exhibit 1 of the above-referenced Resolution.

BACKGROUND

History

In October 1981, the Milpitas Redevelopment Agency approved Use Permit No. 520 and 'S' Zone Application to allow the development of a commercial center, known as Beresford Square North. In 1983, the 44,088-square foot building was constructed and occupied by Orchard Supply Hardware (OSH). OSH occupied the site until November 2018. The building is currently vacant.

On July 23, 2020, the applicant submitted an application for a Conditional Use Permit, Minor Site Development Permit, and Environmental Assessment to occupy the vacant building with a private school. Figure 1 shows the location of the proposed Project.

Figure 1: Project Location

PROJECT DESCRIPTION

Overview

The project site is comprised of an existing single-story, 44,088-square foot building that previously operated as an Orchard Supply Hardware retail store and is currently vacant. The

applicant proposes to establish and operate a private school (Stratford School) for preschool, pre-kindergarten, and students from kindergarten to second grade, with a maximum capacity of 480 students.

To prepare the building for the proposed use, the applicant proposes to repaint the existing building and entry columns, add window and door openings on the west façade, replace exterior glazing in exterior openings, fill existing docks, and install fencing comprised of a mix of materials, including chain link and wrought iron materials, throughout the site.

A Conditional Use Permit is required for the proposed school use pursuant to Milpitas Municipal Code (MMC) Section XI-10-57.04(B)(1), and Planning Commission approval is required for a Conditional Use Permit. The purpose and intent of the Conditional Use Permit process is to provide a review of land uses that could have an impact on the surrounding environment because of their potential nature and to determine if the proposed use is appropriate for its proposed location.

A Minor Site Development Permit is required pursuant to MMC Table XI-10-57.03-1 and may be reviewed concurrently with related applications for the same project. A Minor Site Development Permit is required for new fencing materials in commercial zones and any minor exterior building changes provided the Project complements the colors, materials and design of the existing building.

Location and Context

The project site is located north of Calaveras Boulevard and west of North Milpitas Boulevard on a 5.5-acre site in the Town Center (TC) Zoning District. The site is surrounded by one- and two-story residential to the north, east, and west, and commercial buildings to the south. Figure 2 shows the existing zoning around the project site, and Table 1 summarizes the General Plan land use designations and zoning for the project site and surrounding area.

Figure 2: Zoning Map

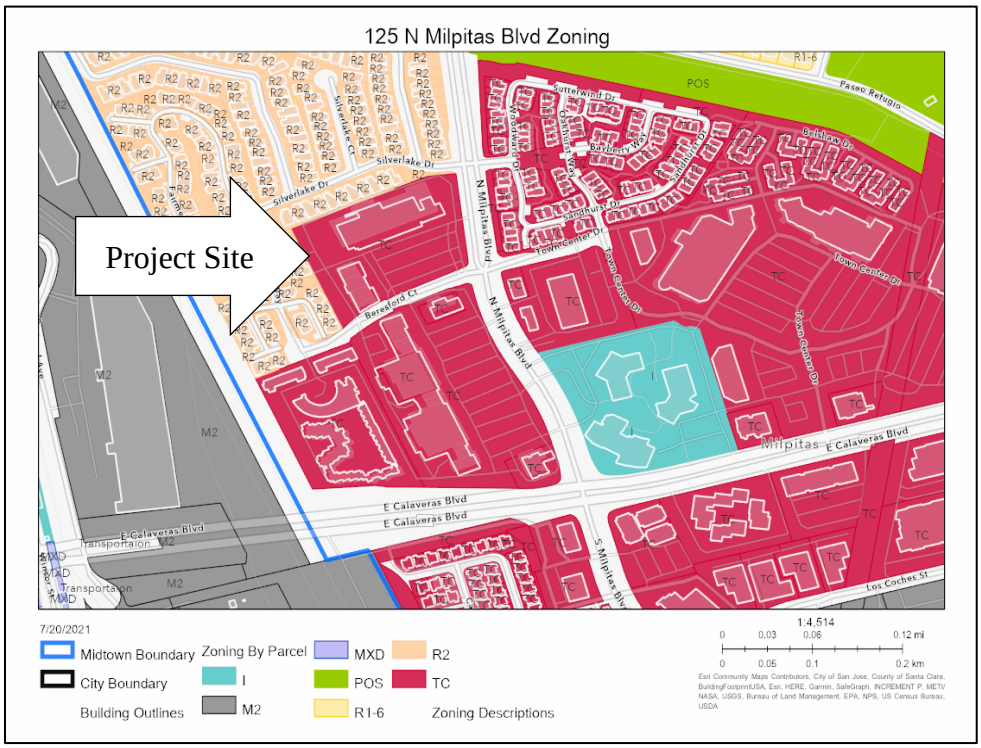


Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Uses
Subject Site	Town Center (TWC)	Town Center (TC)	Proposed Stratford School (preschool and private early elementary school)
North	Medium Density Residential (MDR)	One and Two-Family Residential (R2)	Beresford Meadows and Terrace (single-family residences)
South	Town Center (TWC)	Town Center (TC)	Beresford Shopping Center
East	Town Center (TWC)	Town Center (TC)	Beresford Village (townhome residences)
West	Medium Density Residential (MDR)	One and Two-Family Residential (R2)	Beresford Meadows and Terrace (townhome residences)

Site and Architectural Design

The project scope includes several site improvements and exterior façade upgrades to prepare the existing 44,088-square-foot commercial building for the school use. The tenant improvements include the interior demolition of most interior walls and windows. Proposed site improvements include the addition of two play structures and two outdoor play areas within the existing yard and nursery space on the east and west ends of the project site. The existing parking areas will be restriped and labeled to indicate dedicated staff parking, pick-up and drop-off zones for students, and new spaces for electric vehicle charging and accessible parking.

Architectural modifications to the existing building will modernize the older, existing commercial building. The design includes new windows and doors, metal awnings and siding, and fencing materials to convert an existing commercial building into an academic school setting, while still complementing the existing commercial buildings adjacent to the project site. The new paint color scheme consists of an off-white color (Kelly Moore "Canvas Cloth") with muted orange accent columns (Kelly Moore "Phoenix Rising"), as depicted in Figure 3 below.

Figure 3:
Rendering of Front Façade of Proposed School

Landscaping & Open Space Design

The Project will maintain the existing landscaped areas around the building, including a 20-foot landscape strip along North Milpitas Boulevard, landscaping along the front side of the building, and landscaped areas on the southeast, southwest, and northwest corners of the project site. The planting area on the eastern side of the building includes six new trees. Plantings include Chitalpa and European White Birch trees, as well as various shrubs, as shown on the Landscape Plan, Sheet L1.1 in the Project Plans (Attachment B). Two Chitalpa trees and various shrubs will also be planted in the employee patio along the northwest side of the building. All other existing landscaped areas remain unchanged.

Safety and Security

The Milpitas Police Department reviewed the Project and prescribed several measures to ensure the safety and security of the overall site and its occupants. These measures are included as project conditions of approval in the attached Resolution. For example, the Project proposes to install a new wrought iron fence and gate to enclose the play area along the southeastern side of the project site in response to the Police Department's safety and security recommendation, as depicted in

Figure 4 below. As conditioned, a security camera will monitor the outdoor play areas during normal operating hours. Other conditions require high-definition video surveillance, adequate exterior lighting, exterior site signage to discourage trespassing and loitering, and filing emergency contact information with the Police Department.

Figure 4:
Rendering of Southeastern Play Area

Floor Plan and Operations

The proposed floor plan includes the construction of 20 classrooms, a multi-purpose hall with an attached platform and green room, library, three offices, two conference rooms, two teacher's rooms, four offices, a staff break room, various restrooms facilities, and an entry lobby.

The private preschool and early elementary school serve up to 480 students, comprised of pre-school, pre-kindergarten, and kindergarten through second grades. The hours of operation of the school are Monday through Friday, 7:00 AM to 6:00 PM. Stratford also offers extended day programs from 7:00-7:45 AM and 3:00-6:00 PM. The day program includes outdoor playtime, homework time, organized arts and crafts projects, and a variety of science, technology, engineering, art, and math (STEAM) activities. Stratford estimates that seven to 10 percent of the Kindergarten through second grade students will be enrolled in the morning program, while 60 percent of the Kindergarten through second grade students will be enrolled in the afternoon program. Since the afternoon program will operate from 3:00 PM to 6:00 PM. The school will assign drop-off and pick-up times by program levels to stagger queueing and minimize traffic impacts. Pick-up and drop-off activity is coordinated by the school security guard.

PROJECT ANALYSIS

General Plan, Specific Plan, and Zoning Conformance

General Plan

The General Plan land use designation for the project site is Town Center (TWC). The General Plan details the goals, objectives, and policies for the City's Town Center. This designation allows commercial and professional offices, restaurants, hotels, residential, and entertainment uses. The proposed school use is generally consistent with the goals and policies of the General Plan because it will replace an existing vacant commercial building with an active use that serves the needs of the community. The intensity for the non-residential component in this area is a maximum floor

area (FAR) of 0.85. The project is in conformance with the applicable policies and standards in the City's General Plan, as outlined in Table 2:

Table 2: General Plan Consistency

Policy	Conformance
LU 6-5: *Promote reinvestment in strip commercial and shopping centers and maintain, revitalize, and redevelop aging and underperforming centers.*	**Consistent.** The proposed improvements to the building façade and site will revitalize a vacant commercial building and demonstrate reinvestment in the aging commercial center.
LU 1-6: *Ensure adequate school sites by allowing new schools to be located in a variety of compatible land use designations, including residential, commercial, public facilities, and mixed-use designations.*	**Consistent.** The Project is situated in an existing commercial shopping center and several low-density residential neighborhoods to the north, west, and east.
UCS 8-1: *Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.*	**Consistent.** The Project will increase preschool, prekindergarten, and early elementary school opportunities for Milpitas families and supports the City's goals of providing high quality and diverse educational opportunities.

Zoning Ordinance

The proposed Project is consistent with the development and parking standards of the Zoning Ordinance and the Town Center (TC) Zoning District, as set forth in Municipal Code Sections XI-10-5.03 and XI-10-53 and outlined in Tables 3 and 5.

Table 3: Town Center Development Standards Conformance

Standards	Required	Proposed	Complies
Front Setback (min.)	20 feet	No change	Yes, existing
Side Setback (min.)	15 feet when abutting R district	No change	Yes, existing

Standards	Required	Proposed	Complies
Street Side setback (min.)	20 feet	No change	Yes, existing
Rear Setback (min.)	15 feet when abutting R district	No change	Yes, existing
Building Height	None	25'4"	Yes, existing
Floor Area Ratio, Non-Residential	0.85	No Change	Yes, existing

Access and Circulation

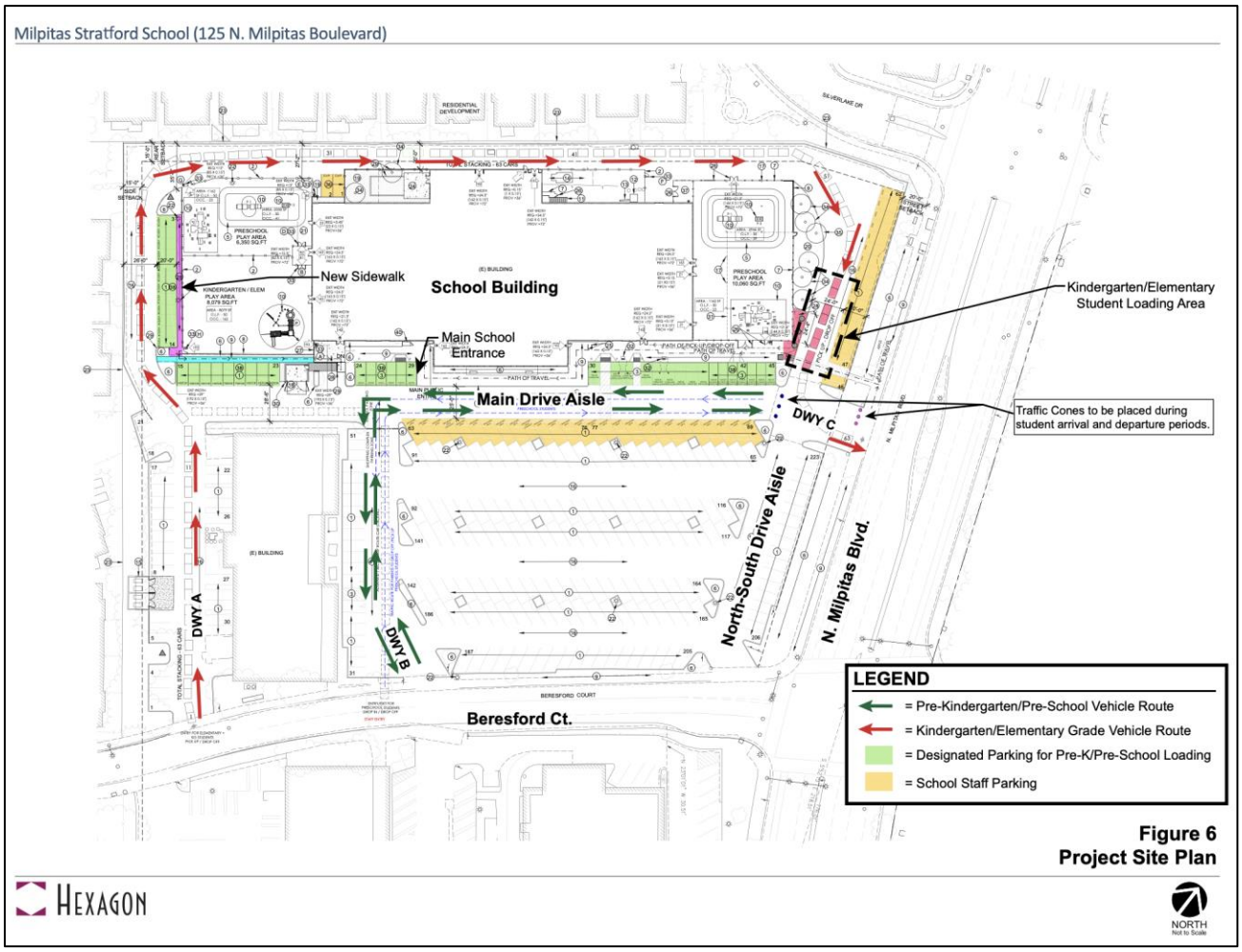
The project applicant proposes a pick-up and drop-off circulation pattern to facilitate a streamlined flow of traffic. Parents picking up or dropping off students will enter the site along Beresford Court in the western-most driveway, located 450 feet west of North Milpitas Boulevard, and follow the north-south drive aisle behind the adjacent commercial building and proceed straight to the west side of the school building. Vehicles will loop around the school building in a clockwise direction. A school security guard will monitor the flow of traffic to ensure safety and compliance with the arrival and departure procedures for students.

The student loading/unloading area is located along the east side of the building in four dedicated loading/unloading spaces. After loading/unloading students, the vehicles will be directed to exit onto North Milpitas Boulevard via a right turn from the existing driveway. Figure 4 demonstrates the planned vehicular circulation pattern, which will allow up to 63 cars to queue on the site in order to reduce traffic along Beresford Court.

In addition, a separate loading/unloading area for smaller pre-school and pre-kindergarten students will be located at the front of the building. As shown in blue in Figure 4, vehicles will enter the project site along Beresford Court in the center driveway, located 250 feet west of North Milpitas Boulevard. Upon entering the project site, vehicles follow the north-south drive aisle in front of the retail store building, turn right onto the east-west drive aisle in front of the school building main entrance, park their vehicles at one of the 32 designated parking spaces for loading, and then escort students to the designated classrooms inside the building.

For those arriving at the school on foot, a public sidewalk runs along the east end of the property and provides direct pedestrian access to the east side of the school. A new wrought iron fence and the existing chain link fence surrounding both outdoor play areas will prevent vehicles from entering or driving through the site from North Milpitas Boulevard and protect the play areas from the vehicular queuing in the parking lot. Traffic cones will also be placed along the driveway entrance from North Milpitas Boulevard to prevent cars from entering the site.

Figure 5: On-site Circulation Plan



Arrival and Departure Procedure

Preschool and pre-kindergarten students must be picked up and dropped off by their parents via loading and unloading spaces along the main drive aisle. Kindergarten through second grade students, for those not enrolled in the Extended Day program, will be picked up and dropped off by their parents via the Kindergarten/elementary student loading area. Students enrolled in the Extended Day Program must be signed out by a parent before departing, so no queueing will occur during the afternoon. Traffic generated by parents picking up their students during the afternoon program will occur sporadically based on the parents' schedule. Attachments D, E, and F and Table 4 outline the sample schedules and arrival times for preschool, pre-kindergarten, and kindergarten through second grade students:

Table 4: Drop-Off/ Pick-Up Schedule

Program	Arrival	Departure
Extended Day	7:00 AM – 7:45 AM	3:00 PM – 6:00 PM

Kindergarten through 2nd grade (for those not enrolled in the Extended Day program)	7:45 AM – 8:15 AM	3:00 PM – 3:15 PM
Preschool and Pre-Kindergarten (for those not enrolled in the Extended Day program)	8:15 AM – 8:45 AM	3:15 PM – 3:30 PM

For departure, the vehicles will be provided with placards with their child's name and room number to be placed in the visor of each car for easy viewing. School leaders and teachers will be positioned at each loading space to help load children into the appropriate vehicle. One school leader will use a walkie-talkie to walk along the stacking lane and relay names of students to the waiting area so students to be picked up are lined up in order and escorted to the right loading space. This will facilitate an efficient process so cars can load and exit quickly.

Parking

Table 5 below demonstrates how the proposed Project is compliant with the parking standards per MMC Section XI-10-53 (Off-Street Parking Regulations). Figure 6 demonstrates how the shared parking arrangement with businesses in the adjacent commercial building is compliant with the City's parking standards.

Table 5: Parking Summary

Uses	Parking Ratio	Required	Proposed	Complies
Day Care School	1 per class or 1 per 500 square feet, whichever is greater 1 per 1.5 employees	12 classrooms = 12 24 teachers / 1.5 = 16	55	Yes
Educational Institution for elementary (K-8)	1 space/classroom, plus 1 per 240 square feet of office	8 classrooms= 8 2,318 sq. ft./240 = 10 8 + 10 = 18		

Loading and Unloading	1 space per 6 children up to 5 spaces and thereafter 1 space per 10 children	288-30 = 258 (5 spaces for first 30 kids) 258/10 = 26 26 + 5 = 31	32	Yes
Bicycle Parking	5% of total required parking spaces	5% of 87 = 5	5	Yes
Compact Spaces	Up to 40% of the required parking may be compact	Up to 35 spaces may be compact (40% of the required 87)	13	Yes
Stalls required for adjacent building	Various uses (retail, sit-down restaurant, take-out restaurant, medical, financial). See Image 3.	100	238	Yes

Figure 6
Parking Analysis for Adjacent Building

PARKING ANALYSIS FOR

ADJACENT BUILDING

STALLS REQUIRED 100
STALLS PROVIDED/EXISTING 238

Location	ADD.	SQ.FT	Net SF Per Code (80%)	USE	Parking Stall Ratio Per Code	Dining Area	Total Seats	Take-Out Area	Stalls Req'd
Existing Shops (West)	103	1,750	1400	Sit-Down Restaurant	1:39 SF Dining Area. Dining area estimated at 60% of net.	840	55		22
Existing Shops (West)	105	1,400	1120	Retail	1:200 SF				6
Existing Shops (West)	107	3,140	2512	Sit-Down Restaurant	1:39 SF Dining Area. Dining area estimated at 60% of net.	1,507	104		39
Existing Shops (West)	111	660	528	Retail	1:200 SF				3
Existing Shops (West)	113	1,200	960	Medical	1:225 SF				4
Existing Shops (West)	115	1,200	960	Take-Out Restaurant	1:2.5 seats +1:60SF takeout area		24	34	10
Existing Shops (West)	117	1,750	1400	Financial	1:180 SF				8
Existing Shops (West)	119	1,750	1400	Take-Out Restaurant	1:2.5 seats +1:60SF takeout area	543	22	60	10
Subtotal, Existing Shops (West)		12,850	10,280		Subtotal, Existing Shops (West)				100

Child Care Master Plan

The Project is also consistent with the Milpitas Child Care Master Plan, dated April 2, 2002, by developing a new childcare facility within City limits that offers half-day, extended-day, full-day, and after school childcare programs to meet the varying childcare needs of Milpitas families. Table 6 outlines the Project's consistency with the Master Plan goals and implementation policies:

Table 6: Milpitas Child Care Master Plan Consistency

Policy	Consistency Finding
Long Range Goal: *Every child and family has access to affordable, safe, quality childcare.*	**Consistent.** The Project will accommodate approximately 288 children in their preschool and pre-kindergarten program, which will help serve local childcare needs.
Guiding Principle: *The City of Milpitas promotes the retention of existing and the development of new childcare facilities within the City limits.*	**Consistent.** The proposed new facility is located within City limits and will provide additional childcare services to Milpitas residents.

State Department of Social Services Regulations

Section 1596.70 of the Health and Safety Code, also known as the California Child Day Care Facilities Act (the "Act"), authorizes the State Department of Social Services (the "Department") to administer licensing for childcare facilities operating in the State. As part of its licensing authority, the Department is vested with the power to adopt regulations and standards necessary to

implement the Act. These standards include the size of the outdoor play area required and the number of toilets and sinks that must be provided, based on the number of children served by the school. These matters are regulated by the State of California and outside of the purview of the City of Milpitas and the Planning Commission.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to information that the Planning Commission has considered in making a decision. Findings identify the rationale behind taking a certain action.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The proposed private preschool and early elementary school facility will serve the community, and, as designed, will not have any detrimental or injurious impacts on the property or improvements in the vicinity of the property. As conditioned, the preschool and early elementary school will have no more than 480 students enrolled at one time and will maintain designated loading/unloading parking spaces staffed by school administrators and teachers during pick-up/drop-off hours during the day, ensuring orderly movement of vehicular traffic and pedestrians throughout the site.

   The Project applicant anticipates 60 percent of their students to enroll in the afternoon Extended Day program and seven to 10 percent of their students to enroll in the morning Extended Day program. Parents cannot park and leave their vehicles in the morning, which will allow traffic to continue from the stacking queue to the exit. The afternoon pick-up process requires parents to park and sign their child out of school. No queueing will occur during this timeframe.

   The overall programming of school operations will allow a smooth pick-up and drop-off process that will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare. Additionally, the operation of the school must remain in compliance with all local, state, and federal regulations as part of the Project's Conditions of Approval. These regulations are designed to protect students attending the school as well as the surrounding neighborhood.

2. *The proposed use is consistent with the Milpitas General Plan.*

   The proposed Project is consistent with the policies of the Milpitas General Plan, as demonstrated in Table 2, and particularly Policy *UCS 8-1*, which encourages the establishment of school facilities that are consistent with state standards and provide adequate school facilities for the City's residents. The Project is a new private elementary school expanding educational opportunities to Milpitas residents and families. Moreover,

the Project is also consistent with Policy *LU 6-5*, as the proposed improvements to the building façade and site will revitalize a vacant commercial building.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

   The proposed use is consistent with the Milpitas Zoning Ordinance in that a private elementary school and childcare facility is a conditionally permitted use within the Town Center (TC) Zoning District and complies with the applicable development standards and parking requirements. As demonstrated in Tables 3 and 5, the Project conforms to the development and parking standards as set forth in Municipal Code Sections XI-10-5.03 and XI-10-53.

4. *The proposed use is consistent with the Milpitas Child Care Master Plan.*

   The proposed Project is consistent with the goals and implementation policies of the Milpitas Child Care Master Plan, dated April 2, 2002, as outlined in Table 6, in that the proposed preschool and early elementary school use is located within City limits and provides 288 new childcare spots to Milpitas residents.

Minor Site Development Permit

To approve the Minor Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(G):

1. *The development recognizes and respects the nature of the neighborhood and site, development patterns, materials used, and the expectations of those who will see and use the building.*

   The architectural modifications to the existing building beautify and enhance the 38-year-old commercial building. The new storefront windows, doors, metal awnings and siding, and exterior glazing modernizes the existing building. The new paint color scheme consists of an off-white shade along with muted red orange accent entry columns.

   The site design includes the addition of two play structures and two outdoor play areas within the former garden and nursery space located on the east and west ends of the project site. These areas will be enclosed with wrought iron metal fencing for security and protection.

   The Project also proposes to add new landscaping, including six new trees, throughout the site. Proposed alterations to the project site and building will be compatible with the other recently developed projects along North Milpitas Boulevard. The exterior alterations and site improvements will recognize and respect the nature of the neighborhood and site development patterns, materials used, and the expectations of those who will view and use the building.

2. *The development assures that modifications satisfy functional requirements and are screened with appropriate compatible materials.*

The Project's proposed scope of work satisfies functional requirements, as the purpose of the exterior alterations, paint changes, wrought iron metal fencing and gates, and site work are to prepare the site for an elementary school use. All existing rooftop equipment will be screened behind the existing metal parapet wall.

3. *The development assures that the modification will not interfere with the privacy, quiet enjoyment or view of the surrounding properties.*

   The Project does not interfere with the privacy, quiet enjoyment, or view of the surrounding properties in that the building is not increasing in height and therefore, does not obstruct view of surrounding properties. The exterior modifications to the building provide a new, modern look to a 38-year-old vacant commercial building and enhance the quality of life in the Town Center.

ENVIRONMENTAL REVIEW

An Initial Study for this project was conducted by environmental consultant Impact Sciences, on behalf of the City, in accordance with the California Environmental Quality Act (CEQA). The Initial Study concluded that that the Project will not have a significant effect on the environment and, therefore, a Mitigated Negative Declaration (MND) has been prepared pursuant to CEQA Guidelines Section 15070.

CEQA requires a minimum review period of 20 days to circulate an MND for public review. The IS/MND was available for public review from June 23, 2021 through July 26, 2021 on the City's website and the Milpitas Library. Additionally, on June 23, 2021, the City provided a Notice of Intent (NOI) to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies, and the County Clerk. As of the drafting of this staff report, staff received two comments on the environmental document. The comments and responses are included in the Final Initial Study/Mitigated Negative Declaration. The Initial Study/Mitigated Negative Declaration and Appendices are attached to staff report as Attachment C.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines sections 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and
2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the Project will have a significant effect on the environment.

PUBLIC COMMENT/OUTREACH

Due to the Covid-19 Pandemic and shelter-in-place orders of the State of California and County of Santa Clara, the Planning Department established an "Online Public Forum" on the City's website to provide nearby residents and property owners with an opportunity to review the Project plans online and submit comments or questions via email. The applicant mailed postcards and

letters to all addresses within 1,000 feet of the project site and invited the public to use the "Online Public Forum" to review the plans and submit comments. The applicant also hosted three virtual open houses to provide a project overview and emailed all retail businesses in the nearby commercial centers. The applicant had one-on-one engagement with many residents and businesses following the mailings to answer questions.

Staff also provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on July 30, 2021. In addition, notices were sent to all owners and occupants within 1,000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.ci.milpitas.ca.gov, and at City Hall. As of the time of writing this report, there has been ten comments in support and four against the Project.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open and Close the Public Hearing;
2. Consider the Initial Study and Mitigated Negative Declaration in accordance with CEQA; and
3. Adopt Resolution No. 21-018 approving Conditional Use Permit No. UP20-0005, Minor Site Development Permit No. MS20-0089, and Environmental Assessment No. EA21-0001 to allow the operation of a new private preschool and early elementary school (Stratford School) and allow exterior modifications to an existing building, fencing, and other site improvements, subject to the findings and Conditions of Approval and adoption of the Initial Study and Mitigated Negative Declaration.

ATTACHMENTS

A: Resolution No. 21-018
B: Project Plans
C: Final Initial Study/Mitigated Negative Declaration for Stratford School
D: Pick-up and Drop-off Plan
E: Kindergarten Sample Schedule
F: Elementary Sample School Schedule
G: Color and Material Board
H: Community Engagement and Support Summary
I: Public Comments Received prior to August 6, 2021
J: Memorandums (Building, Fire, Police)

DocuSign Envelope ID: 913140FA-79E5-4EE7-BF1C-F3301497E309

STRATFORD SCHOOL

January 30, 2024

Kristina Phung, Associate Planner
Milpitas Planning Department
455 E. Calaveras Blvd., Milpitas CA 95035

RE: Letter of Support: Proposed Shapell Retail Development (PAD)

Stratford Schools ("Stratford") currently operates a campus in Beresford Square Shopping Center adjacent to the proposed new retail PAD development by Shapell Properties ("Shapell"). Our campus serves kids ages preschool through second (2nd) grade. This one of our newest and quickly becoming one of our most successful Stratford campuses in the area.

This letter is to acknowledge Stratford's support for the proposed new development by Shapell. Stratford and Shapell have developed a strong relationship through our lease agreement at Beresford Square. The strength of that relationship is evident through their efforts to work through the parking and circulation details of this project with our team. They have kept us updated and involved us throughout the design process to ensure the proposed traffic plan of their proposed new building does not interfere with our school's daily student pick-up and drop- off activities.

Specifically, Stratford has reviewed in detail the proposed site plan and alterations for this project and acknowledges that the proposed new building (and drive thru) should not interfere with our current student pick-up and drop-off operations. Attached hereto are Hexagon circulation plans pursuant to CUP Resolution No. 21-018. Stratford's current pick up/drop off procedure is essentially in line with the initial plan as outlined in the attached proposal by Hexagon. With the assigned staff parking and loading area we find no issues with either the parking or traffic flow and do not foresee a problem once the new retail pad is in place. Additionally, Shapell and Stratford will be working together on their construction schedule in an effort to minimize any potential disruptions to our campus.

We sincerely look forward to this project moving forward and please reach out if you would like to discuss.

Sincerely,

DocuSigned by:
1ED29449724C452...

Sean Powell

VP of Real Estate, Stratford Schools, Inc.

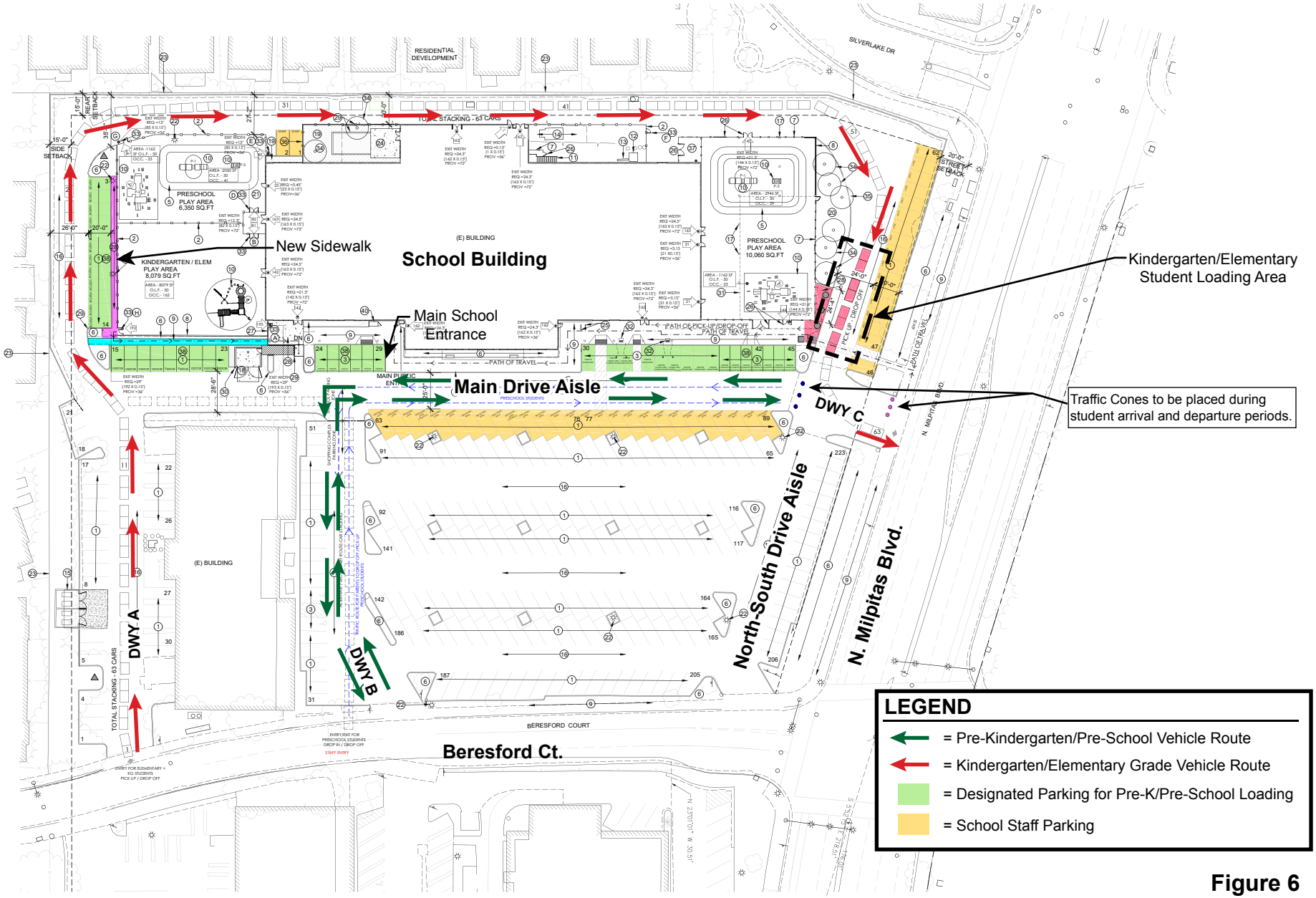


Figure 6
Project Site Plan

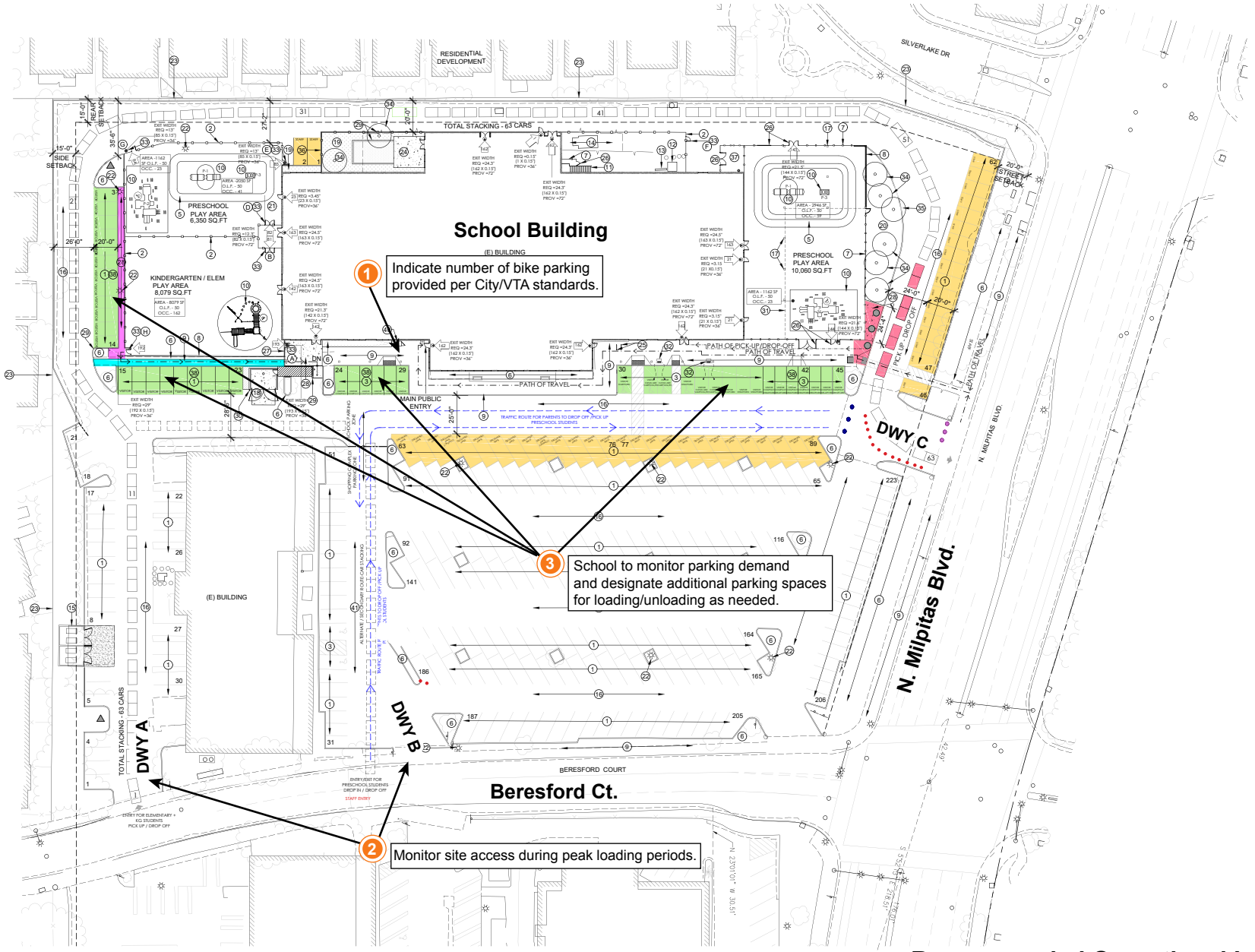


Figure 7
Recommended Operational Improvements

NORTH
Not to Scale

Beresford Pad

Tree Quantity: 5

December 14, 2023

Proposal #: 690994

Arborist Report

Tree Care Service Address/Location
Beresford Square North
100 N Milpitas Blvd
Milpitas, CA 95035

SavATree, LLC - NorCal Region
David hinault
dhinault@arborwell.com
tel:510-954-5291

	Species	Qty	DBH	
#64	Jacaranda	1	8	Non-Ordinance
#65	Jacaranda	1	6	Non-Ordinance
#66	Jacaranda	1	5"	Non-Ordinance
#67	Jacaranda	1	6	Non-Ordinance
#81	Crape Myrtle	1	5	Non-Ordinance

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Summary

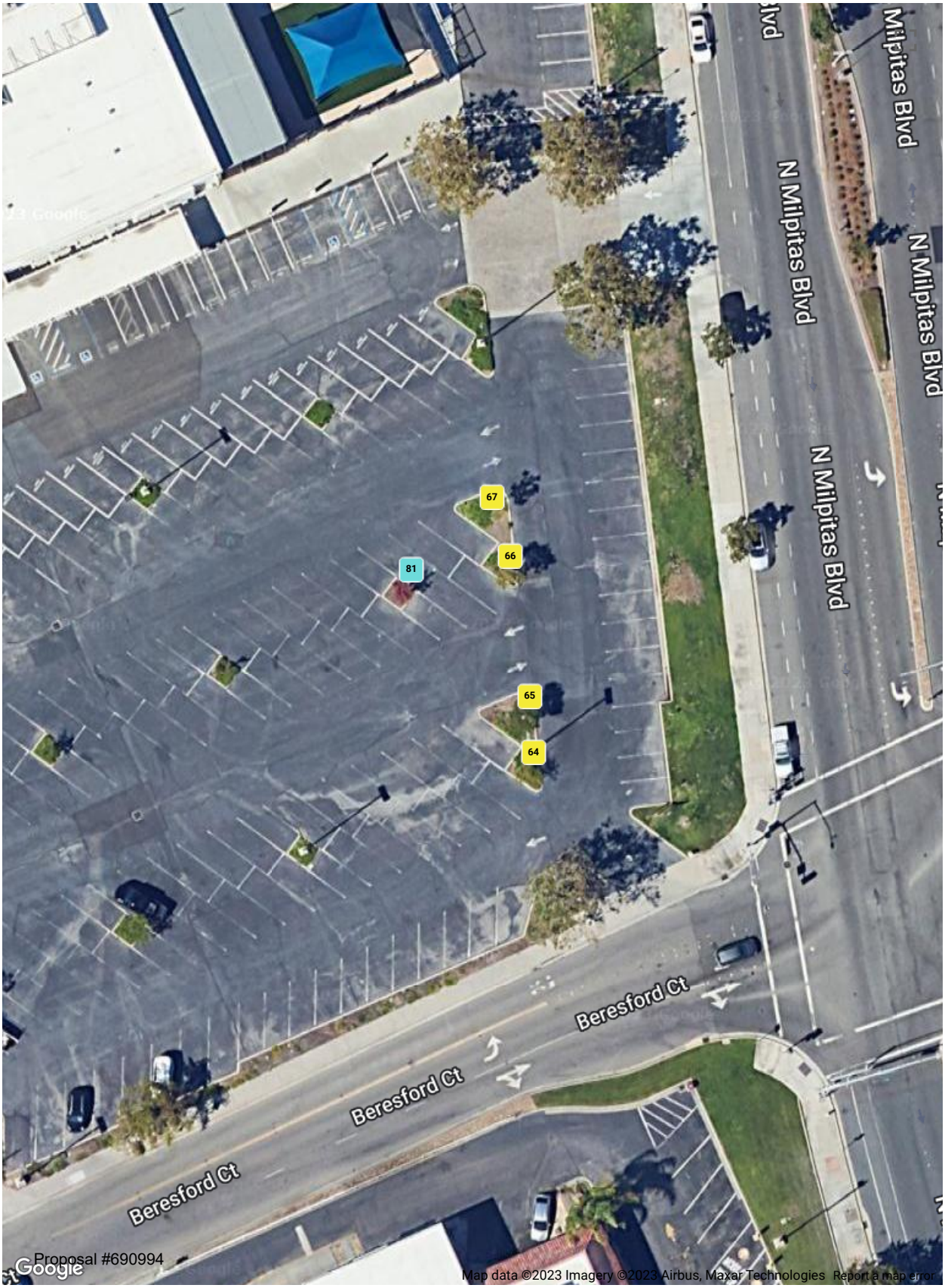
This report addresses the removal of five non-ordinance size trees at the designated construction site in the city of Milpitas, CA, intended for the establishment of a building pad. The project site includes Twenty-Six ordinance sized trees and Thirty Six non-ordinance sized trees. The project proposes to remove no ordinance sized trees, however Five non-ordinance size trees will be removed. The trees in question, identified as Jacarandas and a Crape Myrtle are found to be below the stipulated size criteria set by the city's ordinances for protection. An assessment of these trees has been conducted, taking into account factors such as health, structural integrity, and their compatibility with the proposed construction. The findings indicate that these trees are neither of significant historical importance nor vital to the local ecosystem.

Conclusions

Overall, this report concludes that the removal of the identified non-ordinance size trees aligns with the city's regulations.

SAVAYREE®
We Care For What You Love

Beresford Square North



Legend (5)

- Jacaranda (4)
- Crape Myrtle (1)

Beresford Square North

Beresford Pad

November 9, 2023

Jacaranda mimosifolia ID# 64
Jacaranda

DBH: 8

November 9, 2023

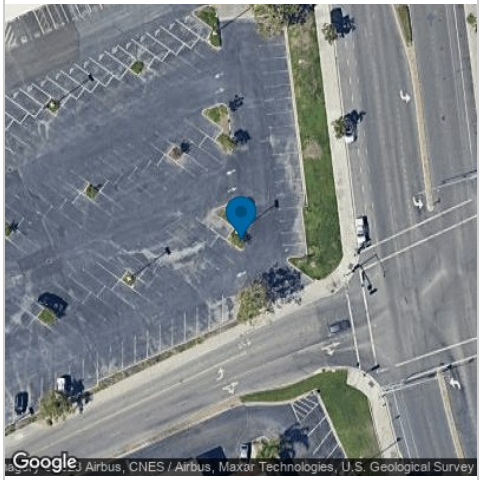
Jacaranda mimosifolia ID# 65
Jacaranda

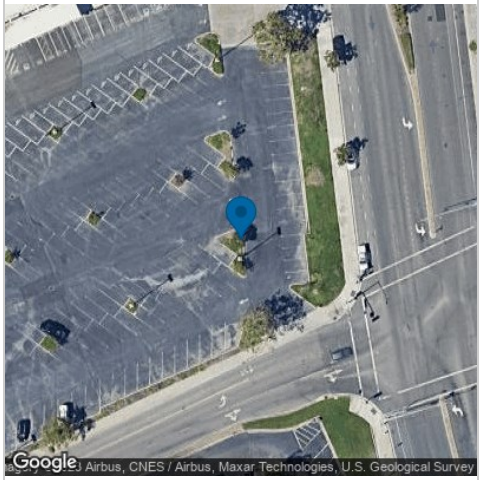
DBH: 6

November 9, 2023

Jacaranda mimosifolia ID# 66
Jacaranda

DBH: 5"





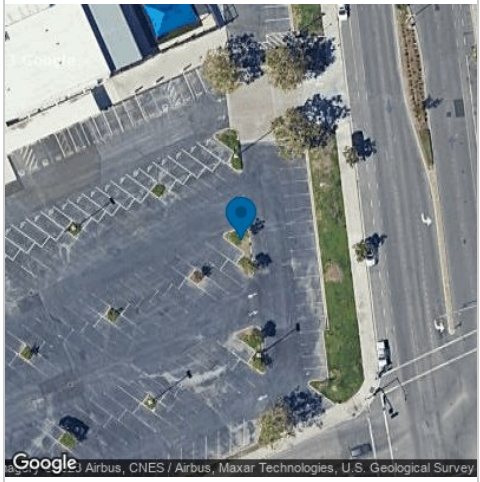
Beresford Square North

Beresford Pad

November 9, 2023

Jacaranda mimosifolia ID# 67
Jacaranda

DBH: 6



TERMS AND CONDITIONS

Thank you for choosing SavATree! The following terms and conditions, together with the terms, prices, and specifications outlined on your estimate, proposal, and/or services agreement and Plant Health Care and/or Lawn Care Datasheet ("Datasheet"), if applicable for your state, constitute your entire agreement with SavATree, LLC d/b/a SavATree, SavaLawn, Swingle Lawn, Tree and Landscape Care, Mountain High Tree Service, Thrive, Mike's Tree Surgeons, Integrity Tree Service, DeerTech, Red Cedar Arborists and Landscapers, Greenhaven Tree Care, Pauley Tree and Lawn Care, Vine & Branch, Wasatch Arborists, Ping's Tree Service, Arbor Experts, Downey Trees, Jordan's Tree Moving and Maintenance, Treecology, Big Twigs Arboricultural Services, Kaiser Tree Preservation, Glynn Tree Experts, Branches Tree Experts, TREE-TECH, Preservation Tree Services, Giroud Tree and Lawn, Arborwell, Northwest Tree Specialists, Urban Tree Service, Arbor Care, Nels Johnson Tree Experts, Bozeman Tree, Lawn & Pest, Lueders Environmental, Lueders Tree & Landscape and Integrity Tree Care (collectively referred to as "SavATree") ("Agreement").

PERFORMANCE BY SAVATREE – Our Plant Health Care and Lawn programs are designed to manage and not eradicate weeds, insects, mites, disease and deer browsing. Horticulturally tolerable levels of insects, mites, disease and deer browse may still be present after treatments. Epidemic infestations may require additional visits at additional cost to you, pending your approval.

Each time we are on your property, an evaluation card will be left or emailed indicating the service(s) performed and, if necessary, any additional recommendations and precautions to be observed. Remeasurement of your lawn, trees or shrubs may also be done if there is a discrepancy between the original estimate and the actual square footage or product(s) required. You will be notified of any price adjustments for future services.

Work crews will arrive at the job site unannounced unless otherwise noted herein. The Datasheet provides approximate and alternate dates of our service. SavATree shall not be liable for damage or losses due to delays for weather or causes beyond our control, or for failure to observe precaution notices. By accepting this Agreement and engaging our services, you accept that every day during the Agreement's term is a day on which applications may be applied, and you are continuously on notice that SavATree will perform applications on any day during the term of this Agreement if any other day becomes unnecessary or infeasible for performance (due to weather, scheduling conflicts, or weed, insect, mite and disease cycles) in which case you waive SavATree's performance on such a day. Absent extraordinary circumstances, you request that SavATree not further contact you concerning dates of application as such further contact would be a burden to you.

You understand that, in connection with rendering our services to you, SavATree may be required to bring trucks and other heavy equipment onto your driveway and other parts of your property. SavATree operates under the assumption that any and all parts of your property onto which we must bring such equipment can sustain the presence, weight, and movement of that equipment, and you hereby hold SavATree harmless for, and agree not to bring any claims against SavATree as a result of, any damage or degradation to any part of your property that results from the presence on it of such equipment.

You understand that certain work that SavATree will render for you, such as dismantling large trees, will likely have a visible impact on your lawn and other parts of your property (e.g., divots, holes, sawdust, etc.). While we will do our best to minimize, mitigate, and repair any such impact, you hereby hold SavATree harmless for, and agree not to bring any claims against SavATree as a result of, any such impact on your property.

You understand that after removal of stumps/roots that some shrubs/trees will continue to produce sprouts that may require multiple treatments, at additional cost to you, for control and that these treatments may result in damage to nearby plants/shrubs/trees and that you hereby hold SavATree harmless for, and agree not to bring any claims against SavATree as a result of, any damage to nearby plants/shrubs/trees.

The following provision applies to New York and Minnesota clients only: The term of this Agreement shall be for twenty years from the date it is signed by you; however this Agreement may be terminated without penalty at any time by either party. Minnesota clients are required to cancel this Agreement upon sale of property serviced with this Agreement.

WORKMANSHIP – All work is performed in a professional manner by experienced personnel outfitted with the appropriate tools and equipment to complete the job properly. Our work meets and exceeds the guidelines and standards set forth by ANSI (the American National Standards Institute) A300. As part of the Arbor Patrol Program, we may perform some minor deep root watering, minor fertilization and/or minor pruning of insect infested or diseased limbs. Any additional major work to be performed will be evaluated during a follow-up site inspection by an arborist who will submit an estimate, proposal, and/or services agreement for client approval. You are responsible for advising SavATree regarding the location of underground utilities in the area where work is to be done. SavATree shall not be responsible for damage to such utilities, unless the location has been indicated prior to the commencement of work. Recommendations are intended to minimize or reduce hazardous conditions associated with trees. The owner or owner's representative is responsible for the annual scheduling of the required inspection of supplemental support systems.

You have a duty to inspect your property within fifteen (15) calendar days of service and provide written notice within that time of alleged damage of any nature. If written notice is not provided within that time, you agree that any claims alleging damage of any nature and/or rights to withhold future payments under this Agreement are waived.

NO WARRANTIES – Except as expressly set forth in this agreement, no representations, warranties, or guarantees, express or implied, are intended with regard to products used or services performed.

INSURANCE – SavATree is insured for liability resulting from injury to persons or negligent damage to property, and all its employees are covered by Workers' Compensation Insurance. A certificate of insurance is available upon request.

OWNERSHIP – By accepting this Agreement and engaging our services, you warrant that all trees, plant material and property on which work is to be performed are either owned by you or that permission for the work has been obtained from the owner by you. It is further agreed that the property owner or representative shall be responsible for obtaining any and all permits which may be required by local authorities. You hereby hold SavATree harmless from all claims for damages resulting from your failure to obtain such permits.

TERMS OF PAYMENTS – The total cost estimates within this Agreement are valid for 60 days unless otherwise noted. All invoices are payable upon receipt. A deposit of 50% may be required prior to the commencement of General Tree Care work. A finance charge at the maximum rate allowed under applicable state law will be added to invoices after 30 days. Your next treatment may not be performed if your account is past due. Past due balances void any guarantees. If outside assistance is used to collect the account, you are responsible for all costs associated with the collection including, but not limited to, reasonable attorneys' fees and court costs. Sales tax, if applicable, will be added to the amounts of this Agreement per your local and state tax jurisdiction. Should any terms of this Agreement be amended, subsequent payment for our services shall constitute your written acceptance thereof. The following provision applies to New York clients only: By accepting this Agreement and engaging our services, you accept that the annual program total cost shall increase on January 1st of each year of this Agreement by the annual increase in the CPI (CPI-U) published on www.bls.gov for twelve months ending September 30 unless otherwise agreed, with a minimum annual increase of 1%. Further, you hereby acknowledge that you have received notice of and understand the total cost of SavATree's services.

CONCEALED CONTINGENCIES – You agree to pay SavATree on a time and materials basis for any additional work required to complete the job occasioned by concrete or other foreign matter; stinging insect nests in the tree, trees, or branches; rock, pipe, or underground utilities encountered in excavations; and work not described within this Agreement, or any other condition not apparent in estimating the work specified.

STATE NOTIFICATION REQUIREMENTS – Certain states require that specific product information be submitted to you. Attached to this Agreement is our Datasheet, which provides such information. The Datasheet also can be found at www.savatree.com/ds/index.html. Massachusetts clients should see the Consumer Information Bulletin at www.savatree.com/ds/macnsminfo. You have the right to receive specific date pre-notification for certain applications in certain states. Your written authorization on the Authorization Page of this Agreement waives any pre-notification requirement unless noted otherwise. In New York State, the property owner or owner's agent may request the specific date or dates of the application(s) to be provided and, if so requested, the pesticide applicator or business must inform of the specific dates and include that date or dates in the contract. Wisconsin clients hereby consent to receiving electronic pre-notification of materials to be used on their property via the Datasheet link listed above.

LIMIT OF LIABILITY – SavATree's total liability for any losses, damages, and expenses of any type whatsoever incurred by you or any of your guests, tenants, or invitees in connection with or resulting from SavATree's services under this Agreement ("Losses"), which are caused by wrongful acts or omissions of SavATree, shall be limited solely to proven direct and actual damages in an aggregate amount not to exceed the amounts actually paid to SavATree hereunder. In no event will SavATree be liable for special, indirect, incidental or consequential damages, irrespective of the form or cause of action, in contract, tort or otherwise, whether or not the possibility of such damages has been disclosed to SavATree in advance or could have reasonably been foreseen by SavATree.

ARBITRATION – Any dispute, controversy or claim arising out of or relating to this Agreement or the breach thereof, the work performed by SavATree for you, and/or any commission or omission by SavATree, shall be submitted to and determined by arbitration before a single arbitrator pursuant to the Commercial Rules of the American Arbitration Association. The arbitration shall be held at the American Arbitration Association office closest to the site at which SavATree performed the underlying services for you. The arbitration award shall be final and binding. Judgment on the award may be entered in any Court having competent jurisdiction thereof.

CUSTOMER REFERRAL PROGRAM – Word of mouth is our best advertising. When you are satisfied with our services, please tell a friend. Each time you refer a new customer to us who meets with an arborist, we will send you a thank you gift.

YOUR SATISFACTION IS IMPORTANT – Should our service fall short of your expectations, please contact us immediately and we will do everything we can to make it right.

Customer

Signature | Title

Printed Name | Date

SavATree, LLC - NorCal Region

David hinault

Signature

David hinault | December 14, 2023

Printed Name | Date

BERESFORD SQUARE SHOPPING CENTER - NORTH

NWC N. Milpitas Boulevard & Beresford Ct.

Milpitas, CA 95035

SITE DEVELOPMENT & CONDITIONAL USE PERMIT RESUBMITTAL

PROJECT DATA

PROJECT ADDRESS: NWC N. MILPITAS BOULEVARD & BERESFORD COURT MILPITAS, CALIFORNIA 95035

PROJECT DESCRIPTION: NEW +/-6,245 S.F. RETAIL BUILDING WITHIN EXISTING CENTER, WITH ASSOCIATED PARKING, LANDSCAPING, AND DRIVE-THRU LANE.

ZONING

ASSESSOR'S PARCEL NO: 028-22-016

GENERAL PLAN	TC (TOWN CENTER DISTRICT)
ZONING	TC (TOWN CENTER DISTRICT)
EXISTING PERMIT	

DEVELOPMENT STATISTICS TABLE

DEVELOPMENT STATISTICS	ALLOWED/ REQUIRED	PROPOSED
GROSS LOT AREA	5.67 AC	5.67 AC
NET LOT AREA	5.67 AC	5.67 AC
TOTAL FLOOR AREA	-	±56,744 S.F.
ADDITIONAL FLOOR AREA (ADDING AREA	NONE	±6,245 S.F.
EXISTING RETAIL BUILDING AREA	±12,850 S.F.	0
EXISTING STRATFORD BUILDING AREA	±37,457 S.F.	0
FLOOR AREA RATIO (IF NON RESIDENTIAL)	0.85	0.23
OPEN SPACE CALCULATION	NONE	NONE
LOT COVERAGE	NONE	22%
HEIGHT	35 FT. OR 3 STORIES	26 FT., 1 STORY
NUMBER OF STORIES	N/A	1
FRONT SETBACK	20 FT.	±38'-6" FROM (N) BLDG. TO PROPERTY LINE ALONG MILPITAS BLVD.
REAR SETBACK (ADJ. TO RES.)	15 FT.	±433' FROM (N) BLDG. TO REAR PROPERTY LINE ADJ. TO RESIDENTIAL
SIDE YARD SETBACK (ADJ. TO RES.)	15 FT.	±260' FROM (N) BLDG. TO SIDE PROPERTY LINE ADJ. TO RESIDENTIAL
SIDE STREET	20 FT.	±35' FROM (N) BLDG. TO PROPERTY LINE ALONG BERESFORD CT

PARKING STATISTICS

PARKING STATISTICS	REQUIRED	PROPOSED
STANDARD SPACES	MIN. 121	170
COMPACT SPACES	MAX. 89	31
PERCENT COMPACT	MAX. 40%	13%
COVERED SPACES	NONE	NONE
UNCOVERED SPACES	NONE	NONE
GUEST SPACES	-	-
HANDICAPPED CAR SPACES	-	6
HANDICAPPED VAN SPACES	-	2
MOTORCYCLE SPACES	NONE	NONE
CLEAN AIR SPACES	-	9
EV SPACES	-	3
EV HANDICAPPED SPACES	-	2
SHORT TERM BICYCLE PARKING	-	6
LONG TERM BICYCLE PARKING	-	4

BOUNDARIES INFORMATION: THIS PLAN HAS BEEN PREPARED BY USING THE ALTA/NSPS LAND TITLE SURVEY BY TAIT & ASSOCIATES, INC., DATED 02.29.2019.

PRELIMINARY BUILDING CODES ANALYSIS

BUILDING DEPARTMENT: CITY OF MILPITAS

BUILDING CODES: 2022 CALIFORNIA BUILDING CODE
2022 CALIFORNIA ELECTRICAL CODE
2022 CALIFORNIA MECHANICAL CODE
2022 CALIFORNIA PLUMBING CODE
2022 CALIFORNIA FIRE CODE
2022 CALIFORNIA BLDG. STANDARDS CODE
TITLE 24 (ADA) CALIFORNIA ADMINISTRATIVE CODE

OCCUPANCY CLASSIFICATION: PER CBC CHAPTER 3
A-2, B

TYPE OF CONSTRUCTION: PER CBC CHAPTER 6 (SEC. 602)
VB (FULLY SPRINKLERED THROUGHOUT)

ALLOWABLE FLOOR AREAS:

SECTION 505.1.2
SEPARATION ON THREE SIDES

40'-0" WIDE MIN. YARDS ON 3 SIDES: 50% INCREASE
8,000 S.F. BASIC + 50% = 12,000 S.F.
AUTOMATIC SPRINKLERS: (MULTIPLY BY 3)
12,000 S.F. x 3 = 36,000 S.F. ALLOWABLE

BUILDING AREA: (FOOTPRINT) ±6,527 S.F.
(INCLUDING ELEC. RM., F.S.R & PILASTERS OF (N) PAD BLDG.)

OCCUPANT LOADS: UNOCCUPIED SHELL

MAX. TRAVEL DISTANCE TO EXIT SECTION 1004.2.5
SPRINKLED BUILDING 250 FEET MAX.

FIRE PROTECTION SYSTEM: CHAPTER 9
STAND PIPE AND HOSE NOT REQUIRED.
ENTIRE STRUCTURE PROTECTED BY AN APPROVED AUTOMATIC SPRINKLERS THROUGHOUT.

PARKING ANALYSIS PER SHARED PARKING STUDY

PARKING STUDY METHOD	DAY	PEAK TIME	MAX. SPACES REQUIRED	PARKING SPACES PROVIDED	DEFICIT/ SURPLUS
1 - CITY CODE REQUIREMENTS	WEEKLY/ WEEKEND	N/A	259	223	-36
2 - CITY CODE REQUIREMENTS, APPLYING TIME OF THE DAY FACTORS FROM URBAN INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	6:00 PM	207	223	+16
	WEEKEND	7:00 PM	145	223	+78
3 - PARKING COUNTS, STRATFORD SCHOOL AT FULL OCCUPANCY, APPLYING TIME OF DAY FACTORS FROM URBAN LAND INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	12:00 PM	177	223	+46
	WEEKEND	6:00 PM	138	223	+85

SOURCE: HEXAGON TRANSPORTATION CONSULTANTS, INC. PARKING STUDY FOR THE COMMERCIAL DEVELOPMENT AT 125 N. MILPITAS BOULEVARD DATED JUNE 7, 2024.

NOTES:

PROJECT SEEKS APPROVAL OF SHARED PARKING BY THE PLANNING COMMISSION WITH CONDITIONAL USE PERMIT REQUEST P-UP22-0005. A SHARED PARKING STUDY WAS PREPARED IN ACCORDANCE WITH MMC XI-10-53.11, SHARED PARKING, BY HEXAGON TRANSFORTATION CONSULTANTS, INC. THAT EVALUATED THREE PARKING STUDY METHODS, TWO OF WHICH INCLUDED SHARED PARKING ANALYSIS WITH DIFFERENT FACTORS. THE PARKING STUDY DEMONSTRATED THAT THE PROJECT SITE CAN ACCOMMODATE ALL MAX. PEAK PARKING DEMAND USING SHARED PARKNG METHODS 2 AND 3 AND THAT THERE WILL BE A SURPLUS OF PARKING STALLS AT PEAK DEMAND TIMES. FURTHERMORE, A SHARED PARKING PLAN WAS DEVELOPED IN COMPLIANCE WITH MMC XI-10-53.11(H) AND IS ATTACHED TO THIS PLAN SET AS SHEETS A010 AND A011.

SHEET INDEX

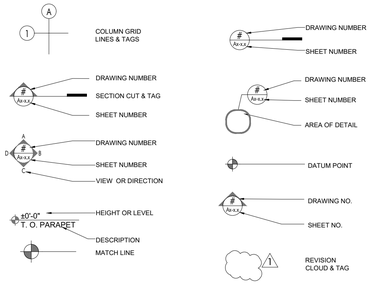
ARCHITECTURAL

T-100	TITLE SHEET	
A001	PROPOSED OVERALL SITE PLAN	
A010	PROPOSED SITE PLAN	
A011	ENLARGED SITE PLAN	
A100	PROPOSED FLOOR PLAN	(SHOP BLDG. 'A')
A200	EXTERIOR ELEVATIONS	(SHOP BLDG. 'A')
A201	EXTERIOR ELEVATIONS	(SHOP BLDG. 'A')
A300	BUILDING SECTIONS	(SHOP BLDG. 'A')
A400	TRASH ENCLOSURE & DETAILS	(SHOP BLDG. 'A')
C-01	ALTA/NSPS LAND TITLE SURVEY	(FOR REFERENCE ONLY)
C-02	ALTA/NSPS LAND TITLE SURVEY	(FOR REFERENCE ONLY)
C1	PRELIMINARY CIVIL SITE PLAN	
C2	EXISTING CONDITIONS PLAN - DEMOLITION PLAN	
C3	PRELIMINARY GRADING PLAN	
C4	PRELIMINARY UTILITY PLAN	
C5	CONCEPTUAL STORMWATER MANAGEMENT PLAN	
L-01	TREE SURVEY	
L1	LANDSCAPE PLAN	
L2	IRRIGATION CONCEPT PLAN	
L3	PLANT PALLETE	
EL-01	COLORED ELEVATIONS	(SHOP BLDG. 'A')
CM-01	COLOR MATERIAL BOARD	
PH-01	SITE PHOTOS	

GENERAL NOTES

1. ALL ENTRANCES TO THE FACILITY SHALL BE POSTED WITH APPROPRIATE SIGNAGE SUCH AS "No Trespassing/ Loitering" AND APPLICABLE TOWING ADVISEMENTS SUCH AS 22658(a) CVC TO ASSIST IN THE REMOVAL OF UNAUTHORIZED PERSON AND VEHICLES FROM THE PRIVATE PREMISES.

SHEET LEGEND



PROJECT TEAM

OWNER: Shapell Properties Inc.
11030 Bollinger Canyon Rd #150
San Ramon, CA 94582
408.324.7160 TEL.
CONTACT: Mr. Brett Smith
E-mail Address: bsmith@shapell.com

ARCHITECTS: MMA ARCHITECTURE
120 W. Lime Avenue
Monrovia, California 91016
714.335.9104 CELL 626.583.8348 TEL
626.583.8387 FAX
CONTACT: Mr. Greg James
E-mail Address: gjames@mmaarchitecture.com

LANDSCAPE ARCHITECT: GATES + ASSOCIATES
1655 N. Main Street, Suite 365
Walnut Creek, California 94596
925.736.8176 TEL
CONTACT: Mr. Chuck Gardella
E-mail Address: chuck@dgates.com

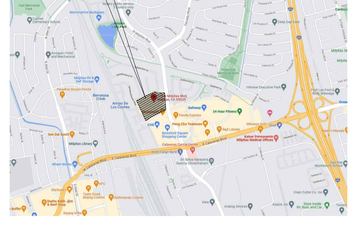
CIVIL ENGINEERS: TAIT & Associates, Inc.
11280 Trade Center Drive
Rancho Cordova, CA 95742
916.669.1817 TEL 916.899.3457 CELL
CONTACT: Mr. Jon Romaguera
E-mail Address: jromaguera@TAIT.COM

TRAFFIC: ENGINEERS: Hexagon Transportation Consultants, Inc.
5776 Stoneridge Mall Road, Suite 175
Pleasanton, CA 94588
Main: 408.971.6100 Direct: 669.205.1780
CONTACT: Mr. Eric Tse
E-mail Address: etse@hextrans.com

VICINITY MAP

SCALE: N.T.S

PROJECT SITE:
NWC N. MILPITAS BLVD. & BERESFORD CT.
MILPITAS, CA 95035

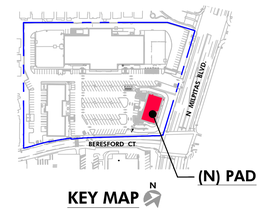


NORTH

mma Architecture
120 W Lime Avenue Monrovia, CA 91016
TEL:626.583.8348 | mmaarchitecture.com

A PROJECT FOR:

SHAPELL PROPERTIES
11030 BOLLINGER CANYON RD, #150
SAN RAMON, CA 94582
TEL. (408) 324-7160



BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
3	08.11.2023	SITE DEV. RESUBMITTAL & C.U.P.
4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
5	03.26.2024	SITE DEV. RESUBMITTAL & C.U.P.
6	05.28.2024	SITE DEV. RESUBMITTAL & C.U.P.

AS INSTRUMENTS OF SERVICE, ALL DESIGNS, IDEAS, AND INFORMATION SHOWN ON THESE DRAWINGS ARE AND SHALL REMAIN THE PROPERTY OF MMA ARCHITECTURE. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS, OR USED IN CONNECTION WITH ANY WORK OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF MMA ARCHITECTURE. VISUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

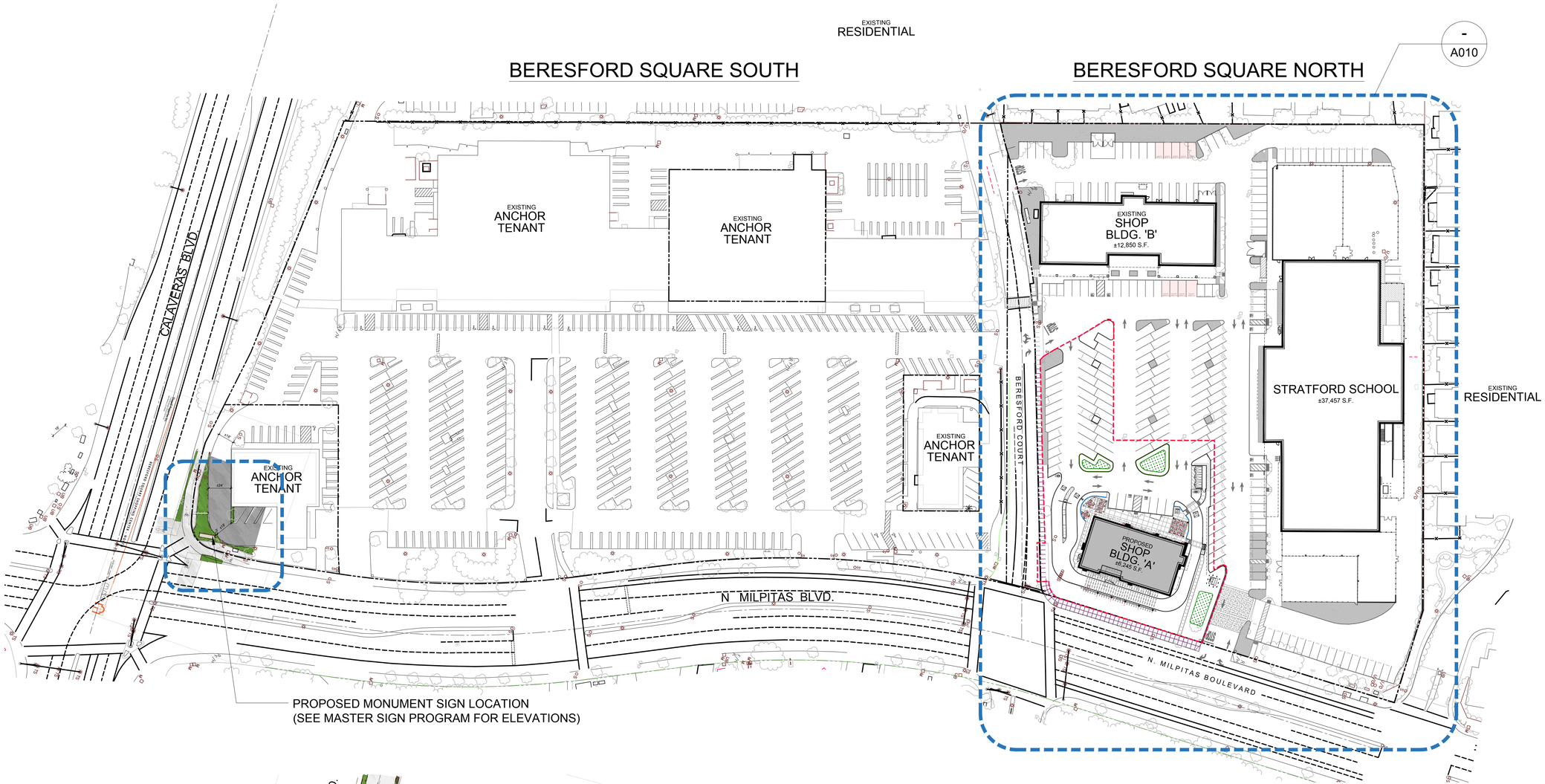
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 06.10.2024
SHEET DESCRIPTION:

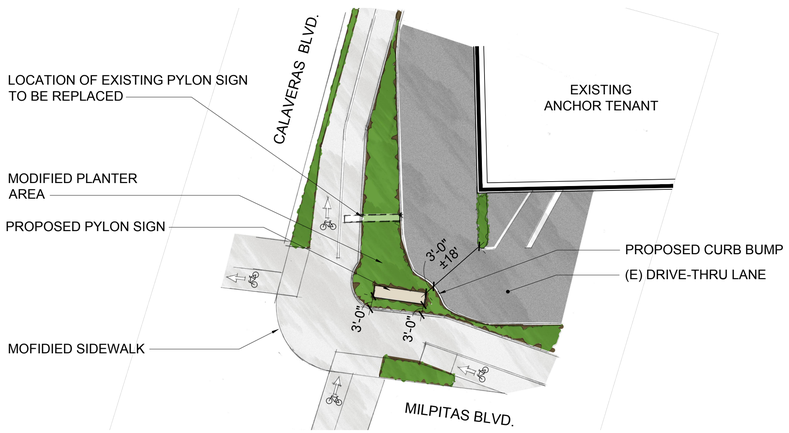
TITLE SHEET

SHEET NUMBER:

T100

BASED ON SCHEME SP-07





ENLARGED PROPOSED MONUMENT SIGN PLAN

SCALE: 1" = 30'-0"

GRAPHIC SCALE

60 0 30 60 120 180

1 inch = 60 feet

NORTH

NOTE:

See sheet T100 for proposed building and parking summary.
See sheet A011 for Enlarged Site Plan.

OVERALL PROPOSED SITE PLAN

SCALE: 1" = 30'-0"

1

mma Architecture
120 W Lime Avenue Monrovia, CA 91016
TEL:626.583.8348 | mmaarchitecture.com

A PROJECT FOR:

SHAPELL PROPERTIES
11030 BOLLINGER CANYON RD, #150
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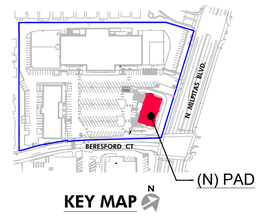

BERESFORD SQUARE SHOPPING CENTER - NORTH

NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

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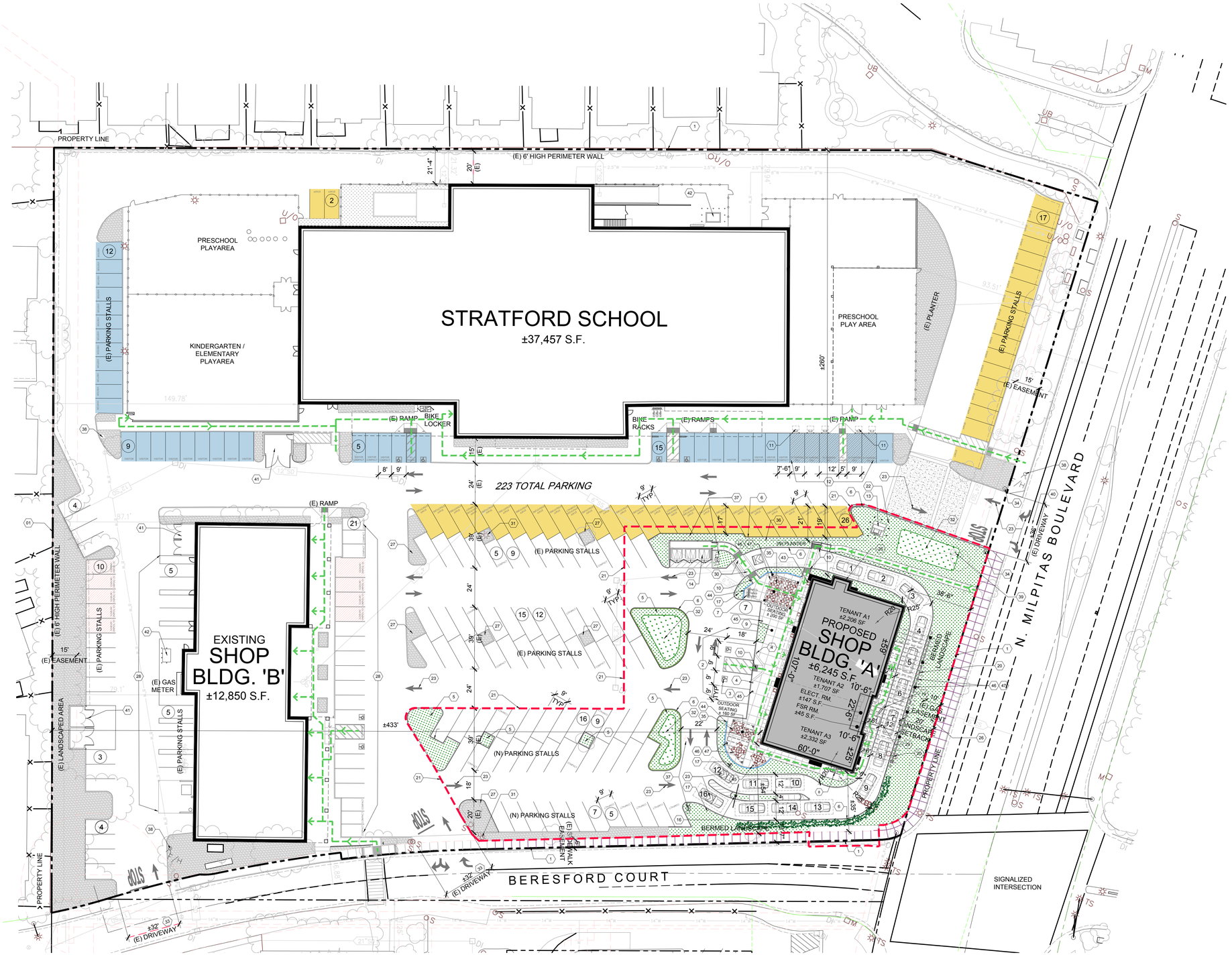
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 05.23.2024
SHEET DESCRIPTION:

PROPOSED
OVERALL SITE PLAN

SHEET NUMBER:

A001

BASED ON SCHEME SP-07



KEY NOTES

1. EXISTING PROPERTY LINE
2. NEW STRIPING (WITHIN THE SCOPE OF WORK LINE)
3. NEW PAINTED DISABLED SYMBOL
4. NEW DISABLED SIGN
5. NEW PLANTER
6. NEW CURB
7. NEW SHORT TERM BIKE RACKS (3 BICYCLES)
8. NEW LONG TERM BIKE STORAGE PROVIDED: 2 BICYCLE (1 DOUBLE LOCKER)
9. NEW DECORATIVE CONCRETE PAVING. FINISH: TOP CAST 15 COLOR: SAN DIEGO BUFF
10. NEW RAMP WITH TRUNCATED DOMES
11. (E) ELECTRIC VEHICLE CHARGING UNIT WITH BOLLARD
12. (E) ELECTRIC VEHICLE STALL
13. NEW TRANSFORMER
14. NEW TRASH ENCLOSURE
15. NOT USED.
16. NEW T-SHAPE CLEARANCE BAR - NON ILLUMINATED (1)
17. NEW DRIVE-THRU ILLUMININATED DIRECTIONAL SIGN (3)
18. NOT USED.
19. NEW DRIVE-THRU 5-PANEL MENU SIGN (1)
20. NEW GREENSCREEN
21. PROPOSED SAWCUT LINE
22. NEW BOLLARD
23. NEW DIRECTIONAL ARROW
24. NEW METAL CANOPY
25. NEW DRIVE-THRU WINDOW
26. EXISTING PG & E EASEMENT
27. EXISTING PLANTER
28. EXISTING STRIPING
29. ORDER POINT CANOPY WITH DIGITAL ORDER SCREEN
30. THE CROSSWALK TO THE TRASH ENCLOSURE WILL NOT BE RAISED DUE TO DRAINAGE CONCERN.
31. EXISTING LIGHT POLE TO REMAIN
32. NEW BIORETENTION
33. EXISTING DRIVEWAY
34. EXISTING BOLLARD
35. NEW OUTDOOR FURNITURES (TABLE & CHAIR, NO UMBRELLA FOR NOW)
36. NEW TWO (2) FT. PARKING OVERHANG
37. EXISTING LIGHT POLE TO BE RELOCATED
38. EXISTING FIRE HYDRANT
39. EXISTING CATCH BASIN TO BE ADJUSTED TO NEW GRADE
40. EXISTING 36 FT. RIGHT-IN/ RIGHT OUT DRIVEWAY TO REMAIN
41. EXISTING TRASH ENCLOSURE
42. EXISTING TRANSFORMER
43. NEW POTS
44. NEW DECORATIVE METAL FENCE
45. NEW PEDESTRIAN LIGHT
46. NEW TRELLIS
47. NEW TRELLIS COLUMN

LEGEND

- EXISTING BUILDING
- NEW BUILDING
- (E) PROPERTY LINE
- NEW LANDSCAPE AREA (SEE LANDSCAPE PLANS)
- EXISTING LANDSCAPE AREA
- REQUIRED EVCS
- HANDICAP INDICATION PATH OF TRAVEL
- DESIGNATED PARKING FOR PRE-K/PRE-SCHOOL LOADING
- SCHOOL STAFF PARKING
- REQUIRED CLEAN AIR/ EV VEHICLE STALL
- LIMIT OF WORK

PARKING ANALYSIS PER SHARED PARKING STUDY

PARKING STUDY METHOD	DAY	PEAK TIME	MAX. SPACES REQUIRED	PARKING SPACES PROVIDED	DEFICIT/ SURPLUS
1 - CITY CODE REQUIREMENTS	WEEKLY/ WEEKEND	N/A	259	223	-36
2 - CITY CODE REQUIREMENTS, APPLYING TIME OF THE DAY FACTORS FROM URBAN INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	6:00 PM	207	223	+16
	WEEKEND	7:00 PM	145	223	+78
3 - PARKING COUNTS, STRATFORD SCHOOL AT FULL OCCUPANCY, APPLYING TIME OF DAY FACTORS FROM URBAN LAND INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	12:00 PM	177	223	+46
	WEEKEND	6:00 PM	138	223	+85

SOURCE: HEXAGON TRANSPORTATION CONSULTANTS, INC. PARKING STUDY FOR THE COMMERCIAL DEVELOPMENT AT 125 N. MILPITAS BOULEVARD DATED JUNE 7, 2024.

NOTES:
PROJECT SEEKS APPROVAL OF SHARED PARKING BY THE PLANNING COMMISSION WITH CONDITIONAL USE PERMIT REQUEST P-UP22-0005. A SHARED PARKING STUDY WAS PREPARED IN ACCORDANCE WITH MMC 10.10.03.11, SHARED PARKING, BY HEXAGON TRANSPORTATION CONSULTANTS, INC. THAT EVALUATED THREE PARKING STUDY METHODS, TWO OF WHICH INCLUDED SHARED PARKING ANALYSIS WITH DIFFERENT FACTORS. THE PARKING STUDY DEMONSTRATED THAT THE PROJECT SITE CAN ACCOMMODATE ALL MAX. PEAK PARKING DEMAND USING SHARED PARKING METHODS 2 AND 3 AND THAT THERE WILL BE A SURPLUS OF PARKING STALLS AT PEAK DEMAND TIMES. FURTHERMORE, A SHARED PARKING PLAN WAS DEVELOPED IN COMPLIANCE WITH MMC 10.10.03.11H1 AND IS ATTACHED TO THIS PLAN SET AS SHEETS A010 AND A011.

GRAPHIC SCALE
30 0 15 30 60 90
1 inch = 30 feet

NORTH

NOTE:
See sheet T100 for proposed building and parking summary.
See sheet A011 for Enlarged Site Plan.

OVERALL PROPOSED SITE PLAN

SCALE: 1" = 30'-0"

1

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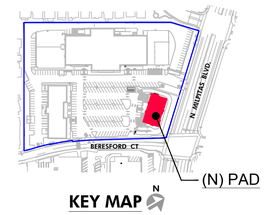
A PROJECT FOR:

SHAPELL PROPERTIES
11030 BOLLINGER CANYON RD, #150
SAN RAMON, CA 94582
TEL. (408) 324-7160



BERESFORD SQUARE SHOPPING CENTER - NORTH

NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
3	08.11.2023	SITE DEV. RESUBMITTAL & C.U.P.
4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
5	03.26.2024	SITE DEV. RESUBMITTAL & C.U.P.
6	05.28.2024	SITE DEV. RESUBMITTAL & C.U.P.

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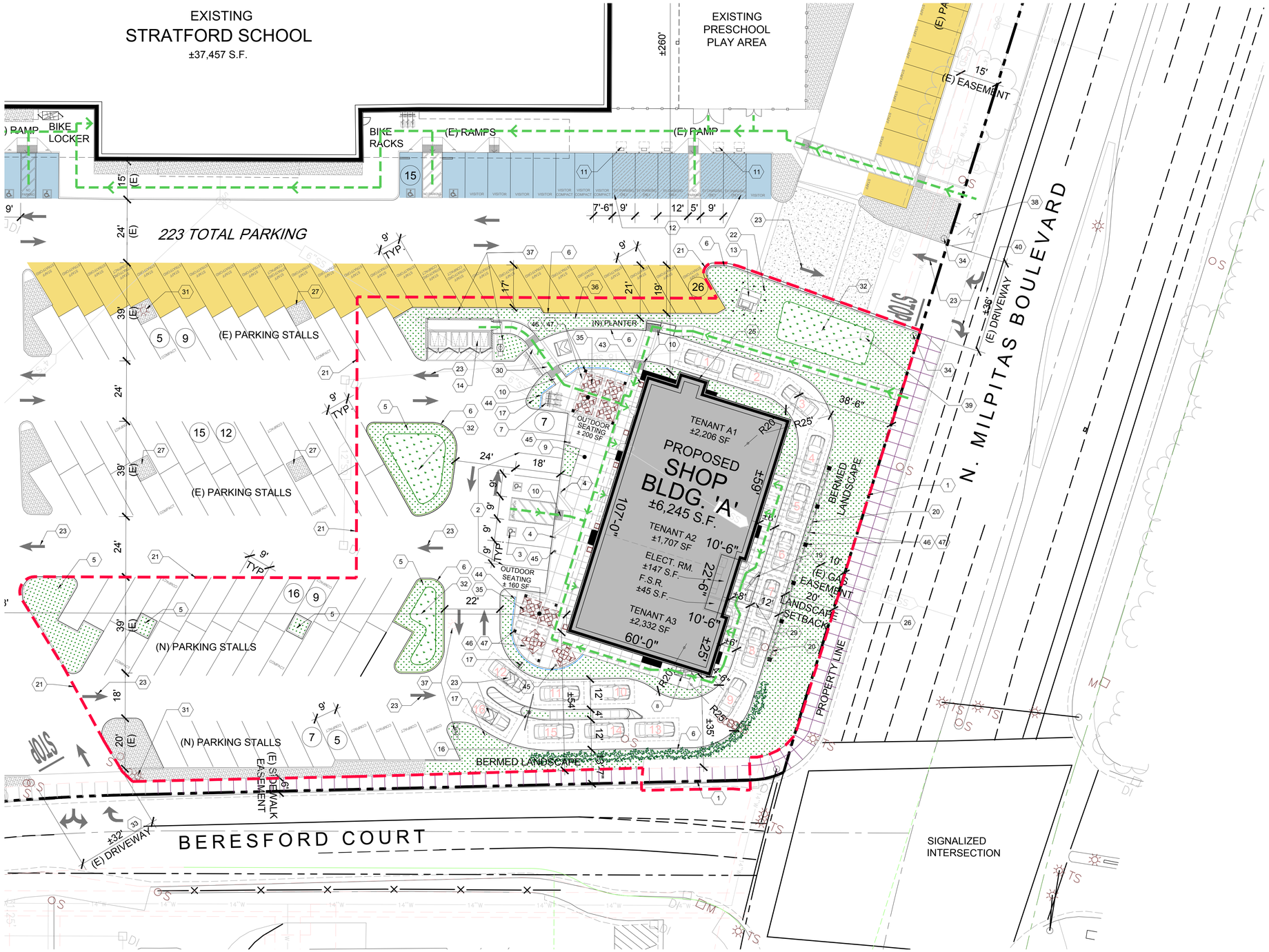
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 06.10.2024
SHEET DESCRIPTION:

PROPOSED
OVERALL SITE PLAN

SHEET NUMBER:

A010

BASED ON SCHEME SP-07



LEGEND

- EXISTING BUILDING
- NEW BUILDING
- (E) PROPERTY LINE
- NEW LANDSCAPE AREA (SEE LANDSCAPE PLANS)
- EXISTING LANDSCAPE AREA
- REQUIRED EVCS
- HANDICAP INDICATION PATH OF TRAVEL
- DESIGNATED PARKING FOR PRE-K/PRE-SCHOOL LOADING
- SCHOOL STAFF PARKING
- REQUIRED CLEAN AIR/ EV VEHICLE STALL
- LIMIT OF WORK

PARKING ANALYSIS PER SHARED PARKING STUDY

PARKING STUDY METHOD	DAY	PEAK TIME	MAX. SPACES REQUIRED	PARKING SPACES PROVIDED	DEFICIT/ SURPLUS
1 - CITY CODE REQUIREMENTS	WEEKLY/ WEEKEND	N/A	259	223	-36
2 - CITY CODE REQUIREMENTS, APPLYING TIME OF THE DAY FACTORS FROM URBAN INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	6:00 PM	207	223	+16
	WEEKEND	7:00 PM	145	223	+78
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	WEEKEND	6:00 PM	138	223	+85

SOURCE: HEXAGON TRANSPORTATION CONSULTANTS, INC. PARKING STUDY FOR THE COMMERCIAL DEVELOPMENT AT 125 N. MILPITAS BOULEVARD DATED JUNE 7, 2024.

NOTES:

PROJECT SEEKS APPROVAL OF SHARED PARKING BY THE PLANNING COMMISSION WITH CONDITIONAL USE PERMIT REQUEST P-UP22-0005. A SHARED PARKING STUDY WAS PREPARED IN ACCORDANCE WITH MMC 10-10-53.11, SHARED PARKING, BY HEXAGON TRANSPORTATION CONSULTANTS, INC. THAT EVALUATED THREE PARKING STUDY METHODS, TWO OF WHICH INCLUDED SHARED PARKING ANALYSIS WITH DIFFERENT FACTORS. THE PARKING STUDY DEMONSTRATED THAT THE PROJECT SITE CAN ACCOMMODATE ALL MAX. PEAK PARKING DEMAND USING SHARED PARKING METHODS 2 AND 3 AND THAT THERE WILL BE A SURPLUS OF PARKING STALLS AT PEAK DEMAND TIMES. FURTHERMORE, A SHARED PARKING PLAN WAS DEVELOPED IN COMPLIANCE WITH MMC 10-10-53.11(H) AND IS ATTACHED TO THIS PLAN SET AS SHEETS A010 AND A011.

GRAPHIC SCALE

20 0 10 20 40 60

1 inch = 20 feet

NORTH

NOTE:

See sheet T100 for proposed building and parking summary.
See sheet A010 for Overall Site Plan.

ENLARGED SITE PLAN

SCALE: 1" = 20'-0"

1

KEY NOTES

1. EXISTING PROPERTY LINE
2. NEW STRIPING (WITHIN THE SCOPE OF WORK LINE)
3. NEW PAINTED DISABLED SYMBOL
4. NEW DISABLED SIGN
5. NEW PLANTER
6. NEW CURB
7. NEW SHORT TERM BIKE RACKS (3 BICYCLES)
8. NEW LONG TERM BIKE STORAGE PROVIDED: 2 BICYCLE (1 DOUBLE LOCKER)
9. NEW DECORATIVE CONCRETE PAVING. FINISH: TOP CAST 15 COLOR: SAN DIEGO BUFF
10. NEW RAMP WITH TRUNCATED DOMES
11. (E) ELECTRIC VEHICLE CHARGING UNIT WITH BOLLARD
12. (E) ELECTRIC VEHICLE STALL
13. NEW TRANSFORMER
14. NEW TRASH ENCLOSURE
15. NOT USED.
16. NEW T-SHAPE CLEARANCE BAR - NON ILLUMINATED (1)
17. NEW DRIVE-THRU ILLUMININATED DIRECTIONAL SIGN (3)
18. NOT USED.
19. NEW DRIVE-THRU 5-PANEL MENU SIGN (1)
20. NEW GREENSCREEN
21. PROPOSED SAWCUT LINE
22. NEW BOLLARD
23. NEW DIRECTIONAL ARROW
24. NEW METAL CANOPY
25. NEW DRIVE-THRU WINDOW
26. EXISTING PG & E EASEMENT
27. EXISTING PLANTER
28. EXISTING STRIPING
29. ORDER POINT CANOPY WITH DIGITAL ORDER SCREEN
30. THE CROSSWALK TO THE TRASH ENCLOSURE WILL NOT BE RAISED DUE TO DRAINAGE CONCERN.
31. EXISTING LIGHT POLE TO REMAIN
32. NEW BIORETENTION
33. EXISTING DRIVEWAY
34. EXISTING BOLLARD
35. NEW OUTDOOR FURNITURES (TABLE & CHAIR, NO UMBRELLA FOR NOW)
36. NEW TWO (2) FT. PARKING OVERHANG
37. EXISTING LIGHT POLE TO BE RELOCATED
38. EXISTING FIRE HYDRANT
39. EXISTING CATCH BASIN TO BE ADJUSTED TO NEW GRADE
40. EXISTING 36 FT. RIGHT-IN/ RIGHT OUT DRIVEWAY TO REMAIN
41. EXISTING TRASH ENCLOSURE
42. EXISTING TRANSFORMER
43. NEW POTS
44. NEW DECORATIVE METAL FENCE
45. NEW PEDESTRIAN LIGHT
46. NEW TRELLIS
47. NEW TRELLIS COLUMN

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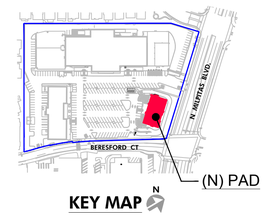

BERESFORD SQUARE SHOPPING CENTER - NORTH

NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
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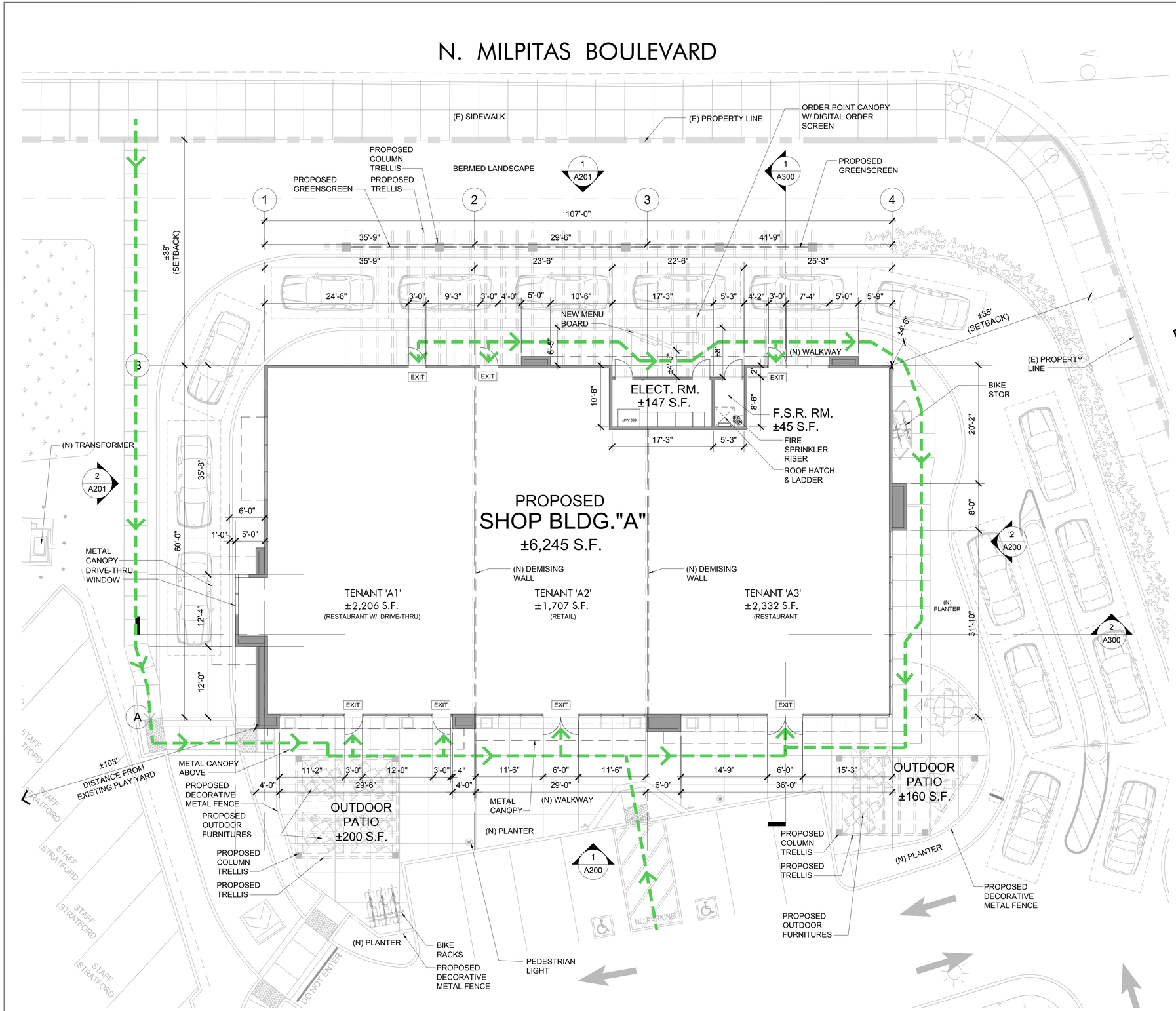
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 06.10.2024
SHEET DESCRIPTION:

ENLARGED SITE PLAN
(SHOPS BLDG. "A")

SHEET NUMBER:

A011

BASED ON SCHEME SP-07



FLOOR PLAN LEGEND

x / x-xxx	ELEVATION SHEET NUMBER ELEVATION NUMBER
(N) COL.	(N) STRUCTURAL COLUMNS.
EXIT	EXIT SYMBOL. ILLUMINATED EXIT SIGN WITH EMERGENCY BACK-UP POWER.
SALES FLOOR ± 0,000 11.10'	ROOM NAME AREA SQUARE FOOTAGE FINISH FLOOR ELEVATION
	MODULAR STOREFRONTS
	NEW WALL
	HANDICAP INDICATION PATH OF TRAVEL

NOTE:

See Sheet T 100 for proposed building and parking summary.
See Sheet A010 for overall site plan.

PROPOSED FLOOR PLAN (SHOP BLDG. "A")

SCALE: 1/8" = 1'-0"

1

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120 W Lime Avenue Monrovia, CA 91016
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A PROJECT FOR:

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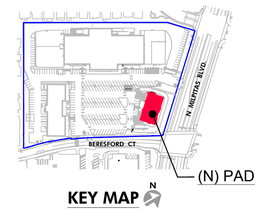

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NWC N. Milpitas Blvd. & Beresford Court
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ISSUES / REVISIONS

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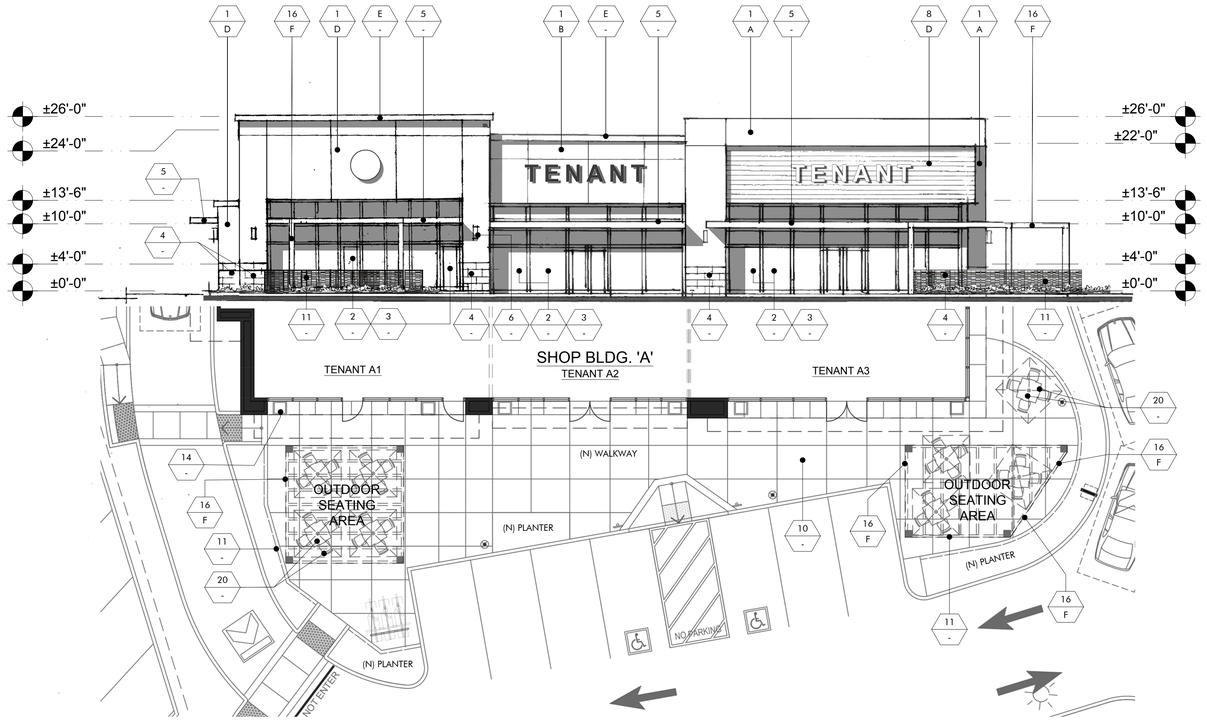
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 06.10.2024
SHEET DESCRIPTION:

PROPOSED FLOOR PLAN (SHOP BLDG. "A")

SHEET NUMBER:

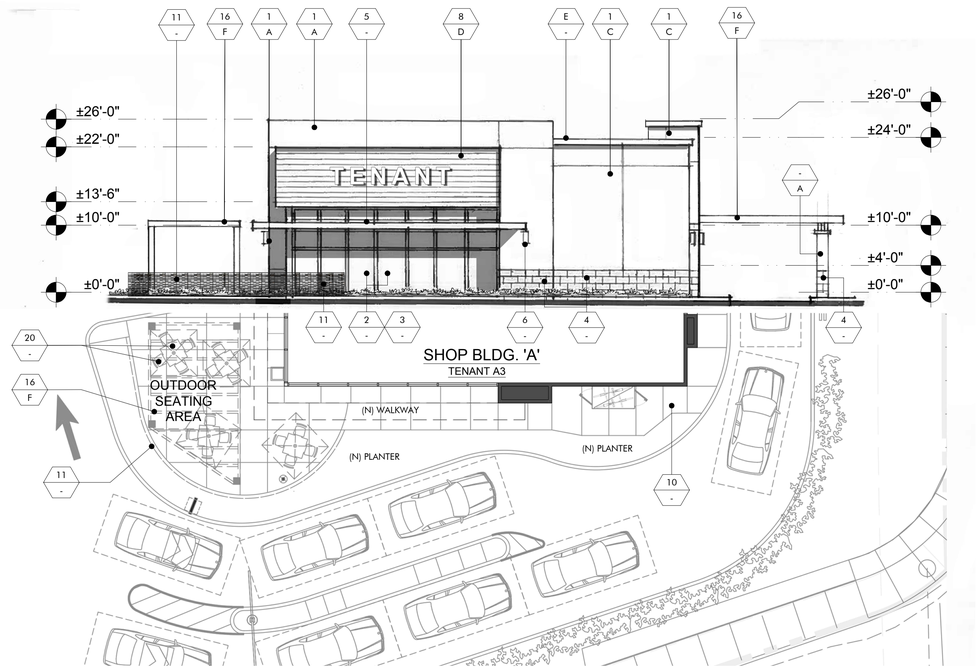
A100

BASED ON SCHEME SP-07



WEST EXTERIOR ELEVATION (SHOP BLDG. 'A')

SCALE: 3/32" = 1'-0" | 1



SOUTH EXTERIOR ELEVATION (SHOP BLDG. 'A')

SCALE: 3/32" = 1'-0" | 2

FINISH LEGEND

KEY	MATERIAL
1 -	STUCCO MANUFACTURER: HIGHLAND STUCCO (SMOOTH STUCCO FINISH) PAINT COLOR: BY DUNN EDWARDS
2 -	STOREFRONT MANUFACTURER: BY ARCADIA FINISH: CLEAR ALUMINUM
3 -	STOREFRONT GLASS MANUFACTURER: BY VITRO ARCHITECTURAL GLASS MODEL: 1" CLEAR FLOAT GLASS
4 -	TILE BASE MANUFACTURER: DALTILE MODEL: EXHIBITION - COLORBODY PORCELAIN 12 x 24 COLOR: DARK GRAY EX04 GROUT COLOR: #45 RAVEN - LATICRETE
5 -	METAL CANOPY MANUFACTURE: NEW CONSTRUCTION FINISH: PAINTED STEEL COLOR: DE 6369 LEGENDARY GRAY BY: DUNN EDWARDS
6 -	WALL SCONCE MANUFACTURER: TMS LIGHTING MODEL: ADMIRAL SCONCE - LED COLOR: F09 PEWTER
7 -	WALL SCONCE MANUFACTURER: US ARCHITECTURAL LIGHTING MODEL: LASER SERIES - LAS5562-LED-NF COLOR: GRAY RAL-7004-T
8 -	COMPOSITE SIDING MANUFACTURER: HARDIE BOARD MODEL: ARTISAN V-GROVE SIDING COLOR: PRIME TO PAINT
9 -	TRASH RECEPTACLES MANUFACTURER: VICTOR STANLEY MODEL: SDC-36 COLOR: BLACK
10 -	DECORATIVE CONCRETE PAVING FINISH: TOP CAST 15 COLOR: SAN DIEGO BUFF
11 -	DECORATIVE METAL FENCE MANUFACTURER: BOK MODERN MODEL: DIVIDER/ LOW FENCE
12 -	BIKE LOCKER MANUFACTURER: BIKEPARKING.COM MODEL: PERFORATED BIKE LOCKER
13 -	BIKE RACKS MANUFACTURER: BIKE PARKING.COM MODEL: RIBBON RACK
14 -	POTS MANUFACTURER: TOURNESOL MODEL: BOULEVARD WOOD PLANTERS
15 -	GREENSCREEN COLOR: MATTE TEXTURE GREEN BY: GREENSCREEN
16 -	ALUMINUM TRELLIS MANUFACTURER: BY GENERAL CONTRACTOR FINISH: PAINTED ALUMINUM, SEMI GLOSS COLOR: DE6369 LEGENDARY GRAY BY: DUNN EDWARDS
17 -	PEDESTRIAN LIGHT MANUFACTURER: BEGA LED MODEL: POLE TOP LUMINAIRTE 99 401 SYMMETRIC SINGLE COLOR: BLACK POLE: 12 RFNS1 (12" HIGH) COLOR: BLACK
18 -	TRELLIS LIGHT MANUFACTURER: LIGHTWAY MODEL: PDSW-5-LED COLOR: SATIN BLACK
19 -	BLOCK (TRASH ENCLOSURE) MANUFACTURER: ANGELUS BLOCK MODEL: SPLITFACE COLOR: GREYSTONE
20 -	PATIO FURNITURE MANUFACTURER: EMU CONTRACT SEGNO #268 - ARM CHAIR, 22 A/ IRON CAMBI #802 MESH TABLE - 36" SQ., 22 A/ IRON NOTE: NO UMBRELLA FOR NOW

CON'T. FINISH LEGEND

PAINT COLORS

- A	PAINT COLOR: DEW 379 IGLOO BY: DUNN EDWARDS
- B	PAINT COLOR: DEC 740 SANDCASTLE BY: DUNN EDWARDS
- C	PAINT COLOR: DEC 790 ICE GRAY BY: DUNN EDWARDS
- D	PAINT COLOR: DE 6124 WHOLE WHEAT BY: DUNN EDWARDS
- E	PAINT COLOR: DE 6375 CASTLEROCK BY: DUNN EDWARDS
- F	PAINT COLOR: DE6369 LEGENDARY GRAY BY: DUNN EDWARDS
- G	PAINT COLOR: DE6367 COVERED IN PALTINUM BY: DUNN EDWARDS

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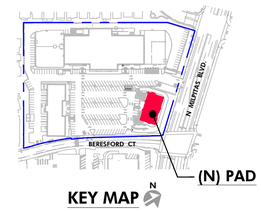

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ISSUES / REVISIONS

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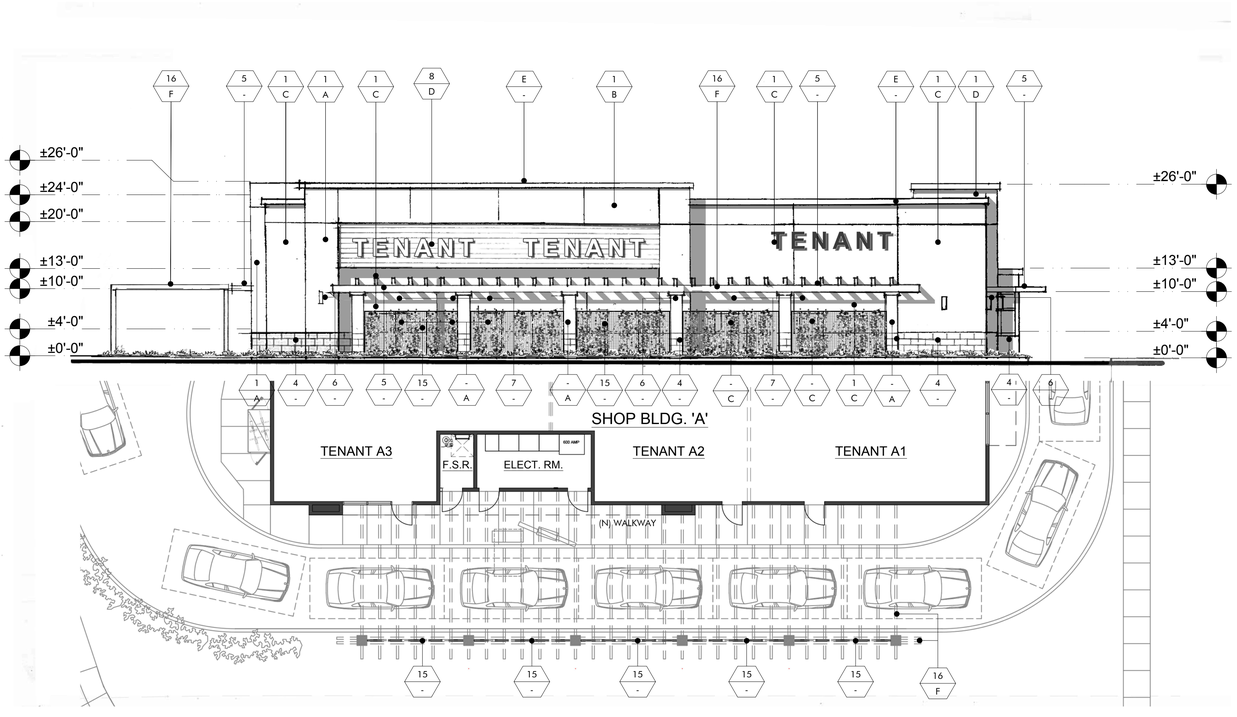
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 05.23.2024
SHEET DESCRIPTION:

PROPOSED
EXTERIOR ELEVATIONS
(SHOP BLDG. 'A')

SHEET NUMBER:

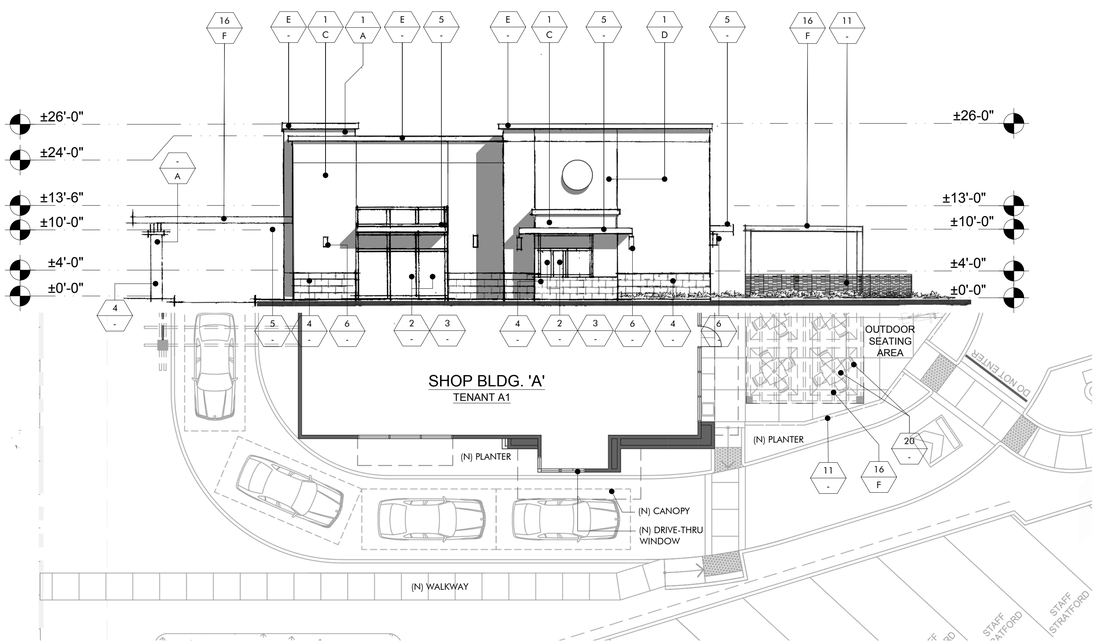
A200

BASED ON SCHEME SP-07



EAST EXTERIOR ELEVATION (SHOP BLDG. 'A')

SCALE: 3/32" = 1'-0" | 1



NORTH EXTERIOR ELEVATION (SHOP BLDG. 'A')

SCALE: 3/32" = 1'-0" | 2

FINISH LEGEND

KEY	MATERIAL
1 -	STUCCO MANUFACTURER: HIGHLAND STUCCO (SMOOTH STUCCO FINISH) PAINT COLOR: BY DUNN EDWARDS
2 -	STOREFRONT MANUFACTURER: BY ARCADIA FINISH: CLEAR ALUMINUM
3 -	STOREFRONT GLASS MANUFACTURER: BY VITRO ARCHITECTURAL GLASS MODEL: 1" CLEAR FLOAT GLASS
4 -	TILE BASE MANUFACTURER: DALTILE MODEL: EXHIBITION - COLORBODY PORCELAIN 12 x 24 COLOR: DARK GRAY EX04 GROUT COLOR: #45 RAVEN - LATICRETE
5 -	METAL CANOPY MANUFACTURE: NEW CONSTRUCTION FINISH: PAINTED STEEL COLOR: DE 6369 LEGENDARY GRAY BY: DUNN EDWARDS
6 -	WALL SCONCE MANUFACTURER: TMS LIGHTING MODEL: ADMIRAL SCONCE - LED COLOR: F09 PEWTER
7 -	WALL SCONCE MANUFACTURER: US ARCHITECTURAL LIGHTING MODEL: LASER SERIES - LAS5562-LED-NF COLOR: GRAY RAL-7004-T
8 -	COMPOSITE SIDING MANUFACTURER: HARDIE BOARD MODEL: ARTISAN V-GROVE SIDING COLOR: PRIME TO PAINT
9 -	TRASH RECEPTACLES MANUFACTURER: VICTOR STANLEY MODEL: SDC-36 COLOR: BLACK
10 -	DECORATIVE CONCRETE PAVING FINISH: TOP CAST 15 COLOR: SAN DIEGO BUFF
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CON'T. FINISH LEGEND

PAINT COLORS	
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- B	PAINT COLOR: DEC 740 SANDCASTLE BY: DUNN EDWARDS
- C	PAINT COLOR: DEC 790 ICE GRAY BY: DUNN EDWARDS
- D	PAINT COLOR: DE 6124 WHOLE WHEAT BY: DUNN EDWARDS
- E	PAINT COLOR: DE 6375 CASTLEROCK BY: DUNN EDWARDS
- F	PAINT COLOR: DE6369 LEGENDARY GRAY BY: DUNN EDWARDS
- G	PAINT COLOR: DE6367 COVERED IN PALTINUM BY: DUNN EDWARDS

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SHAPELL PROPERTIES
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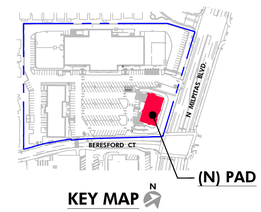
SAN RAMON, CA 94582
TEL. (408) 324-7160



BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
3	08.11.2023	SITE DEV. RESUBMITTAL & C.U.P.
4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
5	03.26.2024	SITE DEV. RESUBMITTAL & C.U.P.
6	05.28.2024	SITE DEV. RESUBMITTAL & C.U.P.

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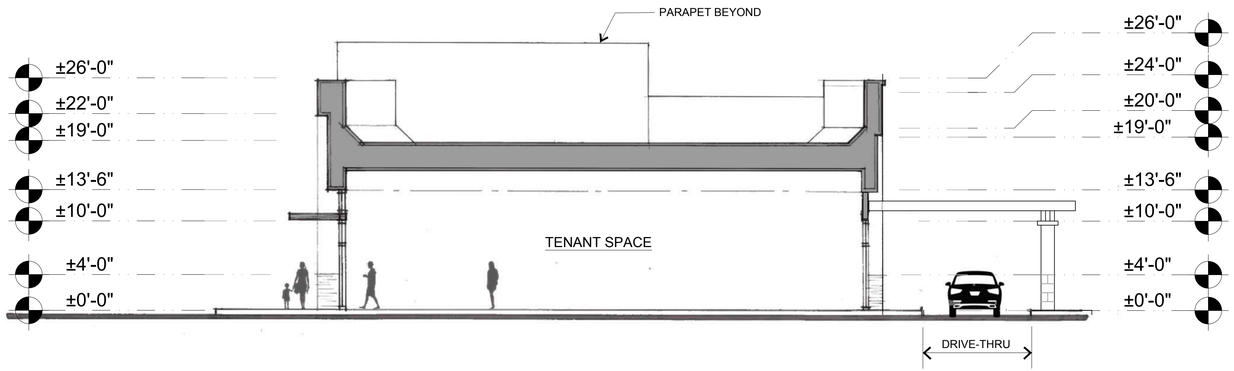
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 05.23.2024
SHEET DESCRIPTION:

PROPOSED
EXTERIOR ELEVATIONS
(SHOP BLDG. 'A')

SHEET NUMBER:

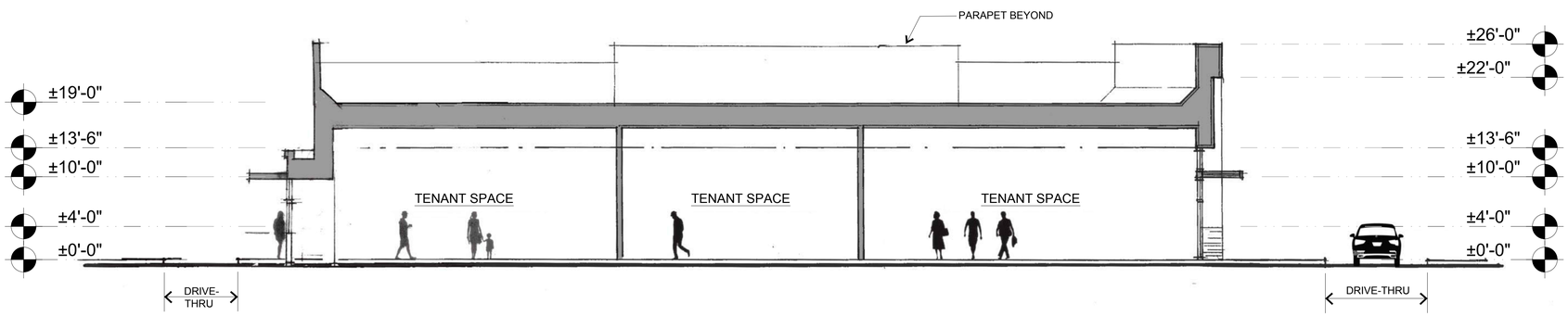
A201

BASED ON SCHEME SP-07



BUILDING SECTION A (SHOP BLDG. 'A')

SCALE: 1/8" = 1'-0" | 1



BUILDING SECTION B (SHOP BLDG. 'A')

SCALE: 1/8" = 1'-0" | 2

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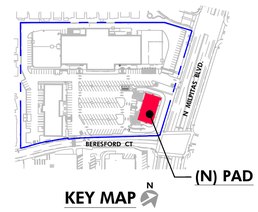

BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
3	08.11.2023	SITE DEV. RESUBMITTAL & C.U.P.
4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
5	03.26.2024	SITE DEV. RESUBMITTAL & C.U.P.

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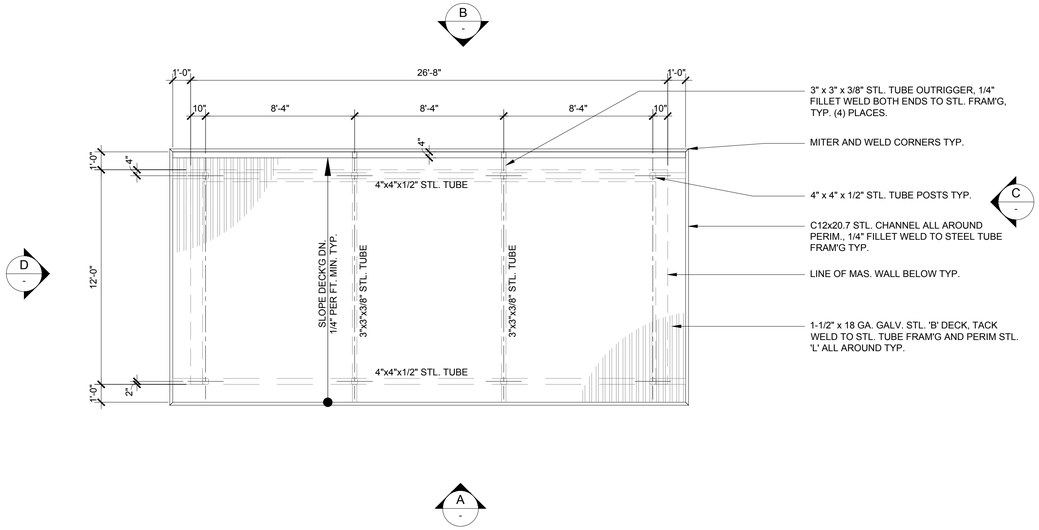
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 03.22.2024
SHEET DESCRIPTION:

PROPOSED
BUILDING SECTIONS
(SHOP BLDG. 'A')

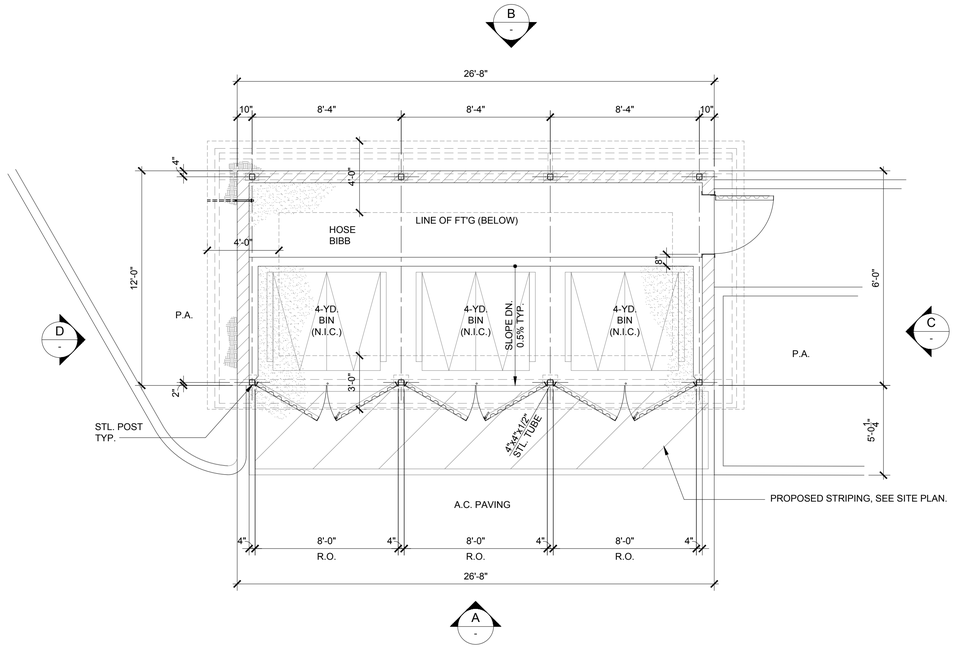
SHEET NUMBER:

A300

BASED ON SCHEME SP-07

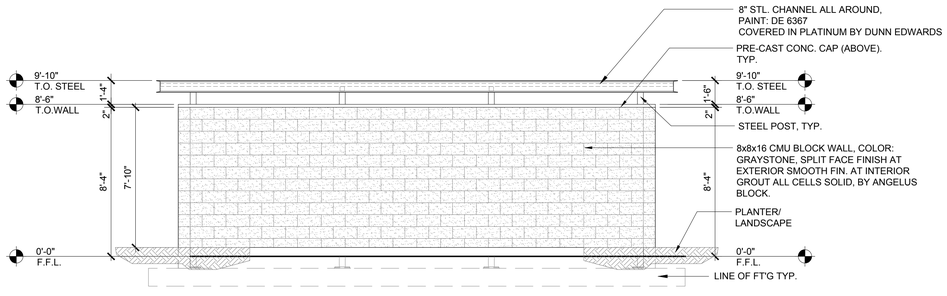


ENLARGED TRASH ENCLOSURE ROOF PLAN — SCALE: 1/4" = 1'-0" — 2

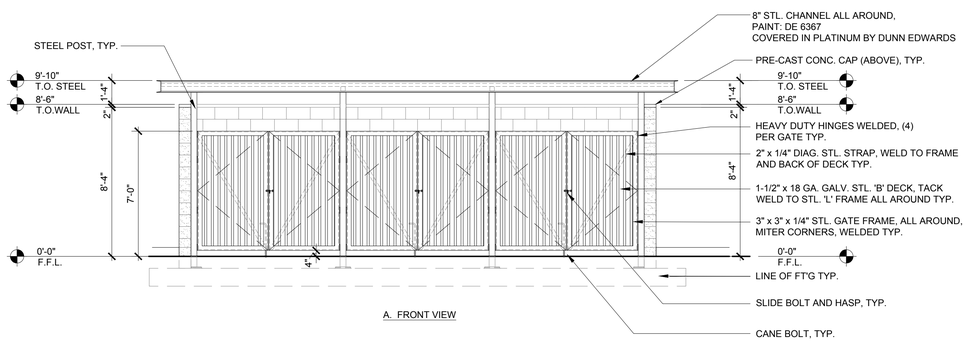


SEE CIVIL FOR GRADING AND ADN'L INFO.

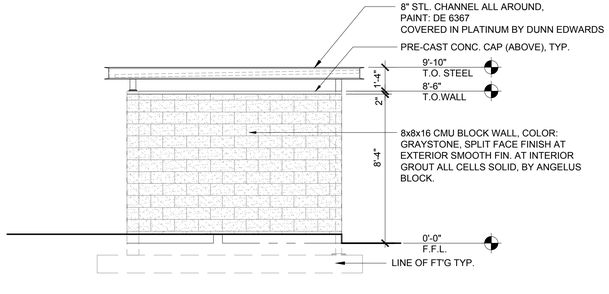
ENLARGED TRASH ENCLOSURE FLOOR PLAN — SCALE: 1/4" = 1'-0" — 1



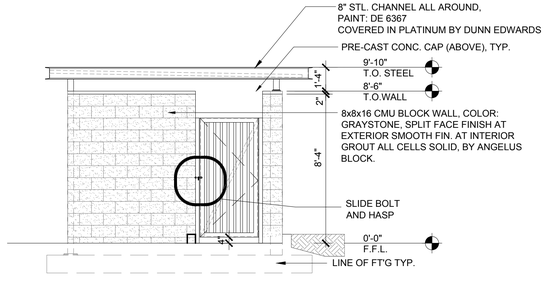
B. REAR VIEW



A. FRONT VIEW



D. LEFT SIDE VIEW



C. RIGHT SIDE VIEW

ENLARGED TRASH ENCLOSURE EXTERIOR ELEVATIONS — SCALE: 1/4" = 1'-0" — 3

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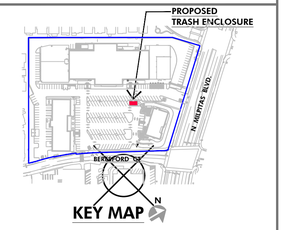

BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
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JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 03.22.2024
SHEET DESCRIPTION:

PROPOSED TRASH ENCLOSURE AND DETAILS

SHEET NUMBER:

A400

BASED ON SCHEME SP-07

FOR REFERENCE ONLY

BASIS OF BEARINGS:

THE CALCULATED LINE BETWEEN FOUND MONUMENTS SHOWN ON THE CENTERLINE OF NORTH MILPITAS BLVD. AS SHOWN ON THAT PARCEL MAP FILED IN BOOK 452 OF MAPS, PAGES 1-2 SANTA CLARA COUNTY RECORDS. SAID BEARING BEING S 15° 11' 57" E.

BENCHMARK:

DESCRIPTION: BRASS DISK IN MONUMENT WELL AT INTERSECTION, CALAVERAS BOULEVARD AND MILPITAS BOULEVARD
ELEVATION: 21.971 FEET
DATUM: NAVD88

PARKING SUMMARY:

STANDARD PARKING	290 STALLS
ACCESSIBLE PARKING	8 STALLS
TOTAL PARKING	298 STALLS

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

IMPORTANT NOTICE
Section 4216/4217 of the Government de requires a Dig Alert Identification Number be issued before a Permit to Excavate will be valid For your Dig Alert ID Number Call
UNDERGROUND SERVICE ALERT
1-800-422-4133
For Underground Locating
2 Working Days before You Dig

Engineers Note to Contractor:
The existence and location of any underground utilities, pipes, and/or structures shown on these plans were obtained by a search of available RECORDS. To the best of our knowledge, there are no existing utilities except as shown on these plans. The Contractor shall ascertain the true vertical and horizontal location of those underground utilities to be used and shall be responsible for any damage to any public or private utilities, shown or not shown hereon.

LEGEND

ASPH	ASPHALT PAVEMENT
○	BOLLARD
CONC	CONCRETE PAVEMENT
00	CONTOUR LINE
□ DI	DRAIN INLET
—x—	FENCE
	FIRE DEPARTMENT CONNCETION
F/H	FIRE HYDRANT
INV	INVERT ELEVATION
○ MH	MANHOLE
	FOUND 2" DIA BRASS DISK IN MONUMENT WELL PER 452-M-1/2,S.C.C.R.
	PALM TREE
	POST INDICATOR VALVE
	RETAINING WALL
RIM	RIM ELEVATION
	SANITARY SEWER CLEANOUT
SS	SANITARY SEWER LINE
Ⓢ	SANITARY SEWER MANHOLE
S.C.C.R.	SANTA CLARA COUNTY RECORDS
○ S	SIGN
×00.0	SPOT ELEVATION
SD	STORM DRAIN LINE
Ⓡ	STORM DRAIN MANHOLE
	STREET LIGHT
TS	TRAFFIC SIGNAL
	TRAFFIC SIGNAL LIGHT ARM
	TREE
○ U/O	UNIDENTIFIED OBJECT
□ UB	UTILITY BOX
	WATER LINE
□ M	WATER METER
WV	WATER STRUCTURE
○ V	WATER VALVE
	YARD LIGHT

SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED CERTIFIES TO SHAPELL NORCAL RENTAL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS AFFILIATES AND SUBSIDIARIES AND THEIR SUCCESSORS, NOMINEES AND ASSIGNS AND FIDELITY NATIONAL TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR LICENSED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

2-26-19

DUSTIN BYRON WILTON LS 8080
LICENSE EXPIRES 12/31/2019

PROFESSIONAL LAND SURVEYOR DUSTIN BYRON WILTON No. 8080 EXP. 12-31-2019 STATE OF CALIFORNIA

TAIT
Since 1964
Los Angeles
Georgia
Sacramento
San Diego
Boise
Dallas
Houston
Denver
11260 Trade Center Drive
Rancho Cordova, CA 95742
p: 916/635/2444
f: 916/635/2606
www.tait.com

ALTA/NSPS LAND TITLE SURVEY
BERESFORD SQUARE SHOPPING CENTER - NORTH
103-125 N. MILPITAS BOULEVARD
MILPITAS, CA 95035
SHAPELL NORCAL RENTAL PROPERTIES, LLC
1990 S. BUNDY DRIVE, SUITE 500
LOS ANGELES, CA 90025

DRAWN: STB
DATE: 02/01/19
CHECKED: DW
DATE:
REVISION #:
DATE:
JOB NO: SP8457

1 OF 2

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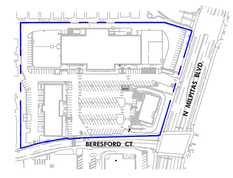
TEL. (408) 324-7160



KEY MAP

BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
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4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
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JOB NUMBER: 21257TMA
DRAWN BY: CHECKED: GJ
DATE: 03.22.2024
SHEET DESCRIPTION:

A.L.T.A./N.S.P.S.
LAND TITLE SURVEY
(FOR REFERENCE ONLY)

SHEET NUMBER:

C-01

BASED ON SCHEME SP-07

TITLE REPORT:

TITLE COMPANY: FIDELITY NATIONAL TITLE COMPANY
TITLE ORDER NO. : 991-30024341-1MP
DATED: JANUARY 10, 2019
TITLE OFFICER: MICHI PERKINS (MA BAY-NOCAL)
PHONE: (415) 276-0220

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MILPITAS IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

ALL OF PARCEL 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A RESUBDIVISION OF PARCEL 5, AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 452 OF MAPS AT PAGE 1 AND 2", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 30, 1982 IN BOOK 504 OF MAPS, AT PAGES 42 AND 43.

PARCEL TWO:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 452 AT PAGE 1, SANTA CLARA COUNTY RECORDS;

THENCE FROM SAID POINT OF BEGINNING NORTH 23° 01' 01" WEST 44.54 FEET;

THENCE ALONG THE ARC OF CURVE TO THE RIGHT FROM A TANGENT THAT BEARS NORTH 31° 35' 18" EAST, WITH A RADIUS OF 44.50 FEET, THROUGH A CENTRAL ANGLE OF 93° 29' 37", FOR AN ARC LENGTH OF 72.61 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT FROM A TANGENT THAT BEARS SOUTH 54° 55' 05" EAST, WITH A RADIUS OF 35.00 FEET, THROUGH A CENTRAL ANGLE OF 53° 50' 13", FOR AN ARC LENGTH OF 32.89 FEET, TO A POINT OF CURVE INTERSECTION;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT FROM A TANGENT THAT BEARS SOUTH 54° 04' 26" WEST, WITH A RADIUS OF 855.50 FEET, THROUGH A CENTRAL ANGLE OF 4° 00' 09", FOR AN ARC LENGTH OF 59.76 FEET;

THENCE SOUTH 66° 58' 59" WEST 32.93 FEET TO THE POINT OF BEGINNING.

PARCEL THREE:

BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 452 AT PAGE 1, SANTA CLARA COUNTY RECORDS;

THENCE FROM SAID POINT OF BEGINNING NORTH 66° 58' 59" EAST 32.93 FEET;

THENCE ALONG THE ARC OF CURVE TO THE LEFT FROM A TANGENT THAT BEARS SOUTH 50° 04' 17" WEST, THROUGH A CENTRAL ANGLE OF 0° 17' 38", WITH A RADIUS OF 855.50 FEET, FOR AN ARC LENGTH OF 4.39 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT FROM A TANGENT THAT BEARS SOUTH 49° 46' 39" WEST, THROUGH A CENTRAL ANGLE OF 4° 39' 19", WITH A RADIUS OF 366.00 FEET, FOR AN ARC LENGTH OF 29.74 FEET;

THENCE NORTH 23° 01' 01" WEST 8.92 FEET TO THE POINT OF BEGINNING.

APN: 028-22-016

AREA SUMMARY:

247,242 SF / 5.676 ACRES

ZONING:

PER CITY OF MILPITAS MUNICIPAL CODE:

ZONING: (TC) TOWN CENTER

DEVELOPMENT STANDARDS:

MAXIMUM BUILDING HEIGHT:	NONE
SETBACKS:	
FRONT YARD	20 FEET, 35 FEET ALONG E. CALAVERAS BLVD.
SIDE YARD (INTERIOR)	0 FEET, 15 FEET WHEN ABUTTING R DISTRICT
STREET SIDE YARD	20 FEET, 35 FEET ALONG E. CALAVERAS BLVD.
REAR YARD	0 FEET, 15 FEET WHEN ABUTTING R DISTRICT
FLOOR AREA RATIO:	0.85

FLOOD ZONE INFORMATION:

ZONE "X":
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

SANTA CLARA COUNTY, CALIFORNIA AND INCORPORATED AREAS
PANEL 67 OF 830

COMMUNITY:	NUMBER:	PANEL:	SUFFIX:
MILPITAS, CITY OF	060344	0067	J
SAN JOSE, CITY OF	060349	0067	J

MAP NUMBER: 06085C0067J
EFFECTIVE DATE: FEBRUARY 19, 2014

EASEMENTS AND EXCEPTIONS:

⬡ INDICATES SHOWN HEREON. NUMBERED ACCORDING TO THE ABOVE REFERENCED TITLE REPORT.

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LEVIED FOR THE FISCAL YEAR 2019-2020.

2. PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES ARE AS FOLLOWS:

CODE AREA:	012-029
TAX IDENTIFICATION NO.:	028-22-016
FISCAL YEAR:	2018-2019
1ST INSTALLMENT:	$44,106.51, PAID
2ND INSTALLMENT:	$44,106.51, OPEN
EXEMPTION:	$0.00
LAND:	$4,224,398.00
IMPROVEMENTS:	$3,038,562.00
PERSONAL PROPERTY:	$0.00
BILL NO.:	028-22-016-00

3. PRIOR TO CLOSE OF ESCROW, PLEASE CONTACT THE TAX COLLECTOR'S OFFICE TO CONFIRM ALL AMOUNTS OWING, INCLUDING CURRENT FISCAL YEAR TAXES, SUPPLEMENTAL TAXES, ESCAPED ASSESSMENTS AND ANY DELINQUENCIES.

4. SPECIAL TAX FOR SANTA CLARA COUNTY LIBRARY DISTRICT JOINT POWERS AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2013-1, UNDER THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AS DISCLOSED BY A PROPOSED BOUNDARY MAP FILED FOR RECORD ON APRIL 26, 2013 IN BOOK 48 OF ASSESSMENT MAPS, PAGE(S) 36-37 AS INSTRUMENT NO. 22194943, OFFICIAL RECORDS, AND FURTHER DISCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED JANUARY 22, 2014, INSTRUMENT NO. 22502535, OFFICIAL RECORDS, PAYABLE IN CONTINUING INSTALLMENTS COLLECTED WITH THE REAL PROPERTY TAXES.

5. THE LIEN OF SUPPLEMENTAL OR ESCAPED ASSESSMENTS OF PROPERTY TAXES, IF ANY, MADE PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OR PART 2, CHAPTER 3, ARTICLES 3 AND 4, RESPECTIVELY, OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA AS A RESULT OF THE TRANSFER OF TITLE TO THE VESTEE NAMED IN SCHEDULE A OR AS A RESULT OF CHANGES IN OWNERSHIP OR NEW CONSTRUCTION OCCURRING PRIOR TO DATE OF POLICY.

6. A MATTER AFFECTING THE PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES, SHOWN OR DEDICATED BY THE MAP OF TRACT NO. 6154, RECORDED IN BOOK 406 OF MAPS, AT PAGES 34 AND 35:

FOR:	PUBLIC SERVICE AND UTILITY EASEMENT
AFFECTS:	THE EASTERLY 10.00 FEET

7. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	A 10.00 FOOT WIDE EASEMENT FOR ANY AND ALL PUBLIC SERVICE FACILITIES, INCLUDING POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, WATER MAINS, PUBLIC UTILITIES AND APPURTENANCES
RECORDING DATE:	JUNE 18, 1979
RECORDING NO:	6406469, BOOK E573, PAGE 726, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

8. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	ACCESS
RECORDING DATE:	SEPTEMBER 13, 1979
RECORDING NO:	6496177, BOOK E787, PAGE 193, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

9. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION
PURPOSE:	UNDERGROUND PIPES AND CONNECTIONS
RECORDING DATE:	MARCH 24, 1980
RECORDING NO:	6683337, BOOK F220, PAGE 43, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

AN EASEMENT-QUITCLAIM DEED ABANDONING A PORTION OF AN EASEMENT CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, HEREINABOVE, BY INSTRUMENT EXECUTED BY PACIFIC GAS AND ELECTRIC COMPANY, DATED MAY 17, 1982 AND RECORDED JULY 1, 1982 IN BOOK G880, PAGE 377, AS INSTRUMENT NO. 7404024, SANTA CLARA COUNTY RECORDS, AND DESCRIBED AS FOLLOWS:

THE RIGHTS GRANTED BY SHAPELL INDUSTRIES OF NORTHERN CALIFORNIA, INC., TO PACIFIC BY DEED DATED MARCH 11, 1980 AND RECORDED IN BOOK F220 OF OFFICIAL RECORDS, PAGE 43, AS INSTRUMENT NO. 6683337, SANTA CLARA COUNTY RECORDS, INSOFAR AS SAID RIGHTS AFFECT A STRIP OF LAND OF THE UNIFORM WIDTH OF 1.5 FEET LYING CONTIGUOUS TO AND NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY LINE OF THE STRIP OF LAND 10 FEET IN WIDTH DESCRIBED AND DESIGNATED S., IN THE DEED DATED MARCH 11, 1980, AND EXTENDING FROM THE SOUTHWESTERLY TERMINUS THEREOF NORTHEASTERLY 80.0 FEET TO THE NORTHEASTERLY TERMINUS THEREOF.

10. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT

ENTITLED:	MEMORANDUM OF LEASE
LESSOR:	SHAPELL INDUSTRIES OF NORTHERN CALIFORNIA, INC., A CALIFORNIA CORPORATION
LESSEE:	MCDONALD'S CORPORATION, DBA MCDONALDS, A DELAWARE CORPORATION
RECORDING DATE:	JULY 30, 1981
RECORDING NO:	7125470, BOOK G244, PAGE 693, OF OFFICIAL RECORDS

THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

SUPPLEMENT TO LEASE AS DISCLOSED BY INSTRUMENT FILED FOR RECORD DECEMBER 6, 1982 IN BOOK H185 OF OFFICIAL RECORDS, PAGE 361, AS INSTRUMENT NO. 7534823, SANTA CLARA COUNTY RECORDS.

AN AMENDED MEMORANDUM OF LEASE

DATED:	JULY 2, 1996
EXECUTED BY:	SHAPELL INDUSTRIES OF NORTHERN CALIFORNIA, A DIVISION OF SHAPELL INDUSTRIES, INC., AND MCDONALD'S CORPORATION DBA DELAWARE MCDONALDS CORPORATION, A DELAWARE CORPORATION
RECORDED:	OCTOBER 17, 1996 AS INSTRUMENT NO. 13487322 OF OFFICIAL RECORDS

11. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, CITIZENSHIP, IMMIGRATION STATUS, PRIMARY LANGUAGE, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT

RECORDING DATE:	JULY 31, 1981
RECORDING NO:	7127236, BOOK G249, PAGE 477, OF OFFICIAL RECORDS

SAID COVENANTS, CONDITIONS AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

12. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THE DOCUMENT

ENTITLED:	MEMORANDUM OF LEASE
LESSOR:	SHAPELL INDUSTRIES OF NORTHERN CALIFORNIA, INC., A CALIFORNIA CORPORATION
LESSEE:	W.R. GRACE & CO., A CONNECTICUT CORPORATION
RECORDING DATE:	JUNE 22, 1982
RECORDING NO:	BOOK G856 AT PAGE 79, AS INSTRUMENT NO. 7394734 OF OFFICIAL RECORDS

THE PRESENT OWNERSHIP OF THE LEASEHOLD CREATED BY SAID LEASE AND OTHER MATTERS AFFECTING THE INTEREST OF THE LESSEE ARE NOT SHOWN HEREIN.

AN ASSIGNMENT OF THE LESSEE'S INTEREST IN SAID LEASE WAS

EXECUTED BY:	W.R. GRACE & CO., A CONNECTICUT CORPORATION
TO:	WICKES COMPANIES, INC., A DELAWARE CORPORATION
RECORDED:	JULY 29, 1986 IN BOOK J782 AT PAGE 1560, AS INSTRUMENT NO. 8877924 OF OFFICIAL RECORDS

AN ASSIGNMENT OF THE LESSEE'S INTEREST IN SAID LEASE WAS

EXECUTED BY:	WICKES COMPANIES, INC., A DELAWARE CORPORATION
TO:	OSH ACQUISITION CORPORATION, A DELAWARE
RECORDED:	MAY 31, 1989 IN BOOK K969 AT PAGE 912, AS INSTRUMENT NO. 10129285 OF OFFICIAL RECORDS

13. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT/PLAT;

PURPOSE:	PUBLIC SERVICE AND UTILITY EASEMENT
AFFECTS:	THE WESTERLY 15.00 AND THE EASTERLY 15.00

EASEMENTS AND EXCEPTIONS CONTINUED:

⬡ INDICATES SHOWN HEREON. NUMBERED ACCORDING TO THE ABOVE REFERENCED TITLE REPORT.

14. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	SIDEWALK
RECORDING DATE:	MARCH 24, 1988
RECORDING NO:	9637340, BOOK K480, PAGE 48, OF OFFICIAL RECORDS
AFFECTS:	THE SOUTHEASTERLY 5.50 FEET

15. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION
PURPOSE:	TO CONSTRUCT, RECONSTRUCT, INSTALL, INSPECT, MAINTAIN, REPLACE, REMOVE AND USE FACILITIES
RECORDING DATE:	JUNE 21, 1988
RECORDING NO:	9732246, BOOK K576, PAGE 1957, OF OFFICIAL RECORDS
AFFECTS:	STRIP OF LAND OF THE UNIFORM WIDTH OF 10 FEET THE CENTER LINE OF WHICH IS DELINEATED BY THE HEAVY DASHED LINE SHOWN UPON THE PRINT OF SECOND PARTYS DRAWING NO. SJL-12716 ATTACHED TO THE ABOVE DOCUMENT (COPY OF DOCUMENT ILLEGIBLE-UNABLE TO PLOT

16. A DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW,

AMOUNT:	$7,350,000.00
DATED:	NOVEMBER 18, 1996
TRUSTOR/GRANTOR	SHAPELL INDUSTRIES, INC., A DELAWARE CORPORATION
TRUSTEE:	RONALD B. FRANKLIN
BENEFICIARY:	PRINCIPAL MUTUAL LIFE INSURANCE COMPANY, AN IOWA CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR
LOAN NO.:	D-751218
RECORDING DATE:	NOVEMBER 21, 1996
RECORDING NO:	13530416, OF OFFICIAL RECORDS
AFFECTS:	SAID LAND AND OTHER PROPERTY

AN AGREEMENT TO MODIFY THE TERMS AND PROVISIONS OF SAID DEED OF TRUST AS THEREIN PROVIDED

EXECUTED BY:	PRINCIPAL LIFE INSURANCE COMPANY, AN IOWA CORPORATION; SHAPELL INDUSTRIES, INC., A DELAWARE CORPORATION; SHAPELL NORCAL RENTAL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
RECORDING DATE:	DECEMBER 6, 2013
RECORDING NO:	22465544, OF OFFICIAL RECORDS

THE EFFECT OF A FULL RECONVEYANCE RECORDED FEBRUARY 16, 2017 AT 23583639, OF OFFICIAL RECORDS, WHICH PURPORTS TO RECONVEY THE ABOVE-MENTIONED DEED OF TRUST.

NO STATEMENT IS MADE HERETO AS TO THE EFFECT OR VALIDITY OF SAID RECONVEYANCE.

THE REQUIREMENT THAT THIS COMPANY BE FURNISHED WITH CONFIRMATION FROM THE LENDER THAT THE DEED OF TRUST HAS BEEN RELEASED PRIOR TO ISSUANCE OF A POLICY OF TITLE INSURANCE.

17. ⬡ EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS
PURPOSE:	TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLES, WIRES, POLES AND OTHER CONVENIENT STRUCTURE, EQUIPMENT AND FIXTURES FRO THE OPERATION OF GAS PIPELINES, TELEGRAPHIC AND TELEPHONE LINES, AND FOR THE TRANSPORTATION OR DISTRIBUTION OF ELECTRICAL ENERGY, PETROLEUM AND ITS PRODUCTS, AMMONIA, AND WATER, AND FOR INCIDENTAL PURPOSES, INCLUDING ACCESS
RECORDING DATE:	MAY 19, 1989
RECORDING NO:	10117938, BOOK K957, PAGE 1660, OF OFFICIAL RECORDS
AFFECTS:	PARCELS TWO AND THREE

*(THIS DOCUMENT IS ACTUALLY A RIGHT-OF-WAY VACATION GRANTED BY THE CITY OF MILPITAS).

18. A NOTICE THAT SAID LAND IS INCLUDED WITHIN A PROJECT AREA OF THE REDEVELOPMENT AGENCY SHOWN BELOW, AND THAT PROCEEDINGS FOR THE REDEVELOPMENT OF SAID PROJECT HAVE BEEN INSTITUTED UNDER THE REDEVELOPMENT LAW (SUCH REDEVELOPMENT TO PROCEED ONLY AFTER THE ADOPTION OF THE REDEVELOPMENT PLAN) AS DISCLOSED BY A DOCUMENT

RECORDING DATE:	MAY 11, 2011
RECORDING NO:	20708005, OF OFFICIAL RECORDS
REDEVELOPMENT AGENCY:	CITY OF MILPITAS REDEVELOPMENT PROJECT AREA NO. 1

SAID "STATEMENT OF PROCEEDING" RECORDED MAY 11, 2010 AS INSTRUMENT NO. 20708005, OFFICIAL RECORDS, HAS BEEN REPEALED BY THAT CERTAIN "STATEMENT OF AMENDED PROCEEDING" RECORDED MAY 9, 2012 AS INSTRUMENT NO. 21862249, OFFICIAL RECORDS. SAID MATTER STATES IN PART: "THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 1, AS IT EXISTED PRIOR TO THE THIRTEENTH AMENDMENT, HAS BEEN REINSTATED."

19. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT

ENTITLED:	STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT
DATED:	OCTOBER 10, 2016
EXECUTED BY:	SHAPELL NORCAL RENTAL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE CITY OF MILPITAS, A MUNICIPAL CORPORATION
RECORDING DATE:	JUNE 28, 2017
RECORDING NO:	23685898, OF OFFICIAL RECORDS

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

20. THE SEARCH DID NOT DISCLOSE ANY OPEN MORTGAGES OR DEEDS OF TRUST OF RECORD, THEREFORE THE COMPANY RESERVES THE RIGHT TO REQUIRE FURTHER EVIDENCE TO CONFIRM THAT THE PROPERTY IS UNENCUMBERED, AND FURTHER RESERVES THE RIGHT TO MAKE ADDITIONAL REQUIREMENTS OR ADD ADDITIONAL ITEMS OR EXCEPTIONS UPON RECEIPT OF THE REQUESTED EVIDENCE.

21. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

THE COMPANY WILL REQUIRE, FOR REVIEW, A FULL AND COMPLETE COPY OF ANY UNRECORDED AGREEMENT, CONTRACT, LICENSE AND/OR LEASE, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS THERETO, BEFORE ISSUING ANY POLICY OF TITLE INSURANCE WITHOUT EXCEPTING THIS ITEM FROM COVERAGE.

THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS AFTER REVIEWING SAID DOCUMENTS.

22. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/NSPS LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THE COMPANY, AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.

23. THE COMPANY WILL REQUIRE THAT AN OWNER'S AFFIDAVIT BE COMPLETED BY THE PARTY(S) NAMED BELOW BEFORE THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE.

PARTY(S):	SHAPELL NORCAL RENTAL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY

THE COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL ITEMS OR MAKE FURTHER REQUIREMENTS AFTER REVIEW OF THE REQUESTED AFFIDAVIT.

24. THE COMPANY WILL REQUIRE THE FOLLOWING DOCUMENTS FOR REVIEW PRIOR TO THE ISSUANCE OF ANY TITLE INSURANCE PREDICATED UPON A CONVEYANCE OR ENCUMBRANCE FROM THE ENTITY NAMED BELOW:

LIMITED LIABILITY COMPANY: SHAPELL NORCAL RENTAL PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY

A) A COPY OF ITS OPERATING AGREEMENT, IF ANY, AND ALL AMENDMENTS, SUPPLEMENTS AND/OR MODIFICATIONS THERETO, CERTIFIED BY THE APPROPRIATE MANAGER OR MEMBER.

B) IF A DOMESTIC LIMITED LIABILITY COMPANY, A COPY OF ITS ARTICLES OF ORGANIZATION AND ALL AMENDMENTS THERETO WITH THE APPROPRIATE FILING STAMPS.

C) IF THE LIMITED LIABILITY COMPANY IS MEMBER-MANAGED, A FULL AND COMPLETE CURRENT LIST OF MEMBERS CERTIFIED BY THE APPROPRIATE MANAGER OR MEMBER.

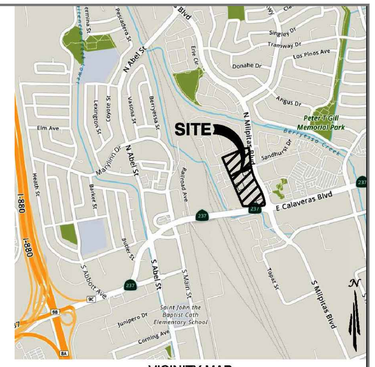
D) A CURRENT DATED CERTIFICATE OF GOOD STANDING FROM THE PROPER GOVERNMENTAL AUTHORITY OF THE STATE IN WHICH THE ENTITY IS CURRENTLY DOMICILED.

E) IF LESS THAN ALL MEMBERS, OR MANAGERS, AS APPROPRIATE, WILL BE EXECUTING THE CLOSING DOCUMENTS, FURNISH EVIDENCE OF THE AUTHORITY OF THOSE SIGNING.

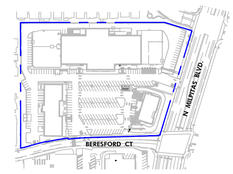
F) IF LIMITED LIABILITY COMPANY IS A SINGLE MEMBER ENTITY, A STATEMENT OF INFORMATION FOR THE SINGLE MEMBER WILL BE REQUIRED.

G) EACH MEMBER AND MANAGER OF THE LLC WITHOUT AN OPERATING AGREEMENT MUST EXECUTE IN THE PRESENCE OF A NOTARY PUBLIC THE CERTIFICATE OF CALIFORNIA LLC (WITHOUT AN OPERATING AGREEMENT) STATUS AND AUTHORITY FORM.

25. THE TRANSACTION CONTEMPLATED IN CONNECTION WITH THIS REPORT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE COMPANY'S CORPORATE UNDERWRITING DEPARTMENT. THE COMPANY RESERVES THE RIGHT TO ADD ADDITIONAL ITEMS OR MAKE FURTHER REQUIREMENTS AFTER SUCH REVIEW.



VICINITY MAP
NOT TO SCALE



KEY MAP

FOR REFERENCE ONLY

TAIT
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11280 Trade Center Drive
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p: 916/635/2444 f: 916/635/2606
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Boise
Dallas
Houston
Denver

ALTA/NSPS LAND TITLE SURVEY
BERESFORD SQUARE SHOPPING CENTER - NORTH
103-125 N. MILPITAS BOULEVARD
MILPITAS, CA 95035
SHAPELL NORCAL RENTAL PROPERTIES, LLC
1990 S. BUNDY DRIVE, SUITE 500
LOS ANGELES, CA 90025

DRAWN: STB
DATE: 02/01/19
CHECKED: DW
DATE:
REVISION #:
DATE:
JOB NO: SP8457

2 OF 2

mma Architecture
120 W Lime Avenue Monrovia, CA 91016
TEL:626.583.8348 | mmaarchitecture.com

A PROJECT FOR:

SHAPELL PROPERTIES
11030 BOLLINGER CANYON RD, #150
SAN RAMON, CA 94582
TEL. (408) 324-7160

BERESFORD SQUARE SHOPPING CENTER - NORTH

NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.
2	03.29.2023	SITE DEV. RESUBMITTAL & C.U.P.
3	08.11.2023	SITE DEV. RESUBMITTAL & C.U.P.
4	12.19.2023	SITE DEV. RESUBMITTAL & C.U.P.
5	03.26.2024	SITE DEV. RESUBMITTAL & C.U.P.

AS INSTRUMENTS OF SERVICE, ALL DESIGNS, IDEAS, AND INFORMATION SHOWN ON THESE DRAWINGS ARE AND SHALL REMAIN THE PROPERTY OF MMA ARCHITECTURE. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS, OR USED IN CONNECTION WITH ANY WORK OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF MMA ARCHITECTURE. VISUAL CONTACT WITH THESE DRAWINGS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

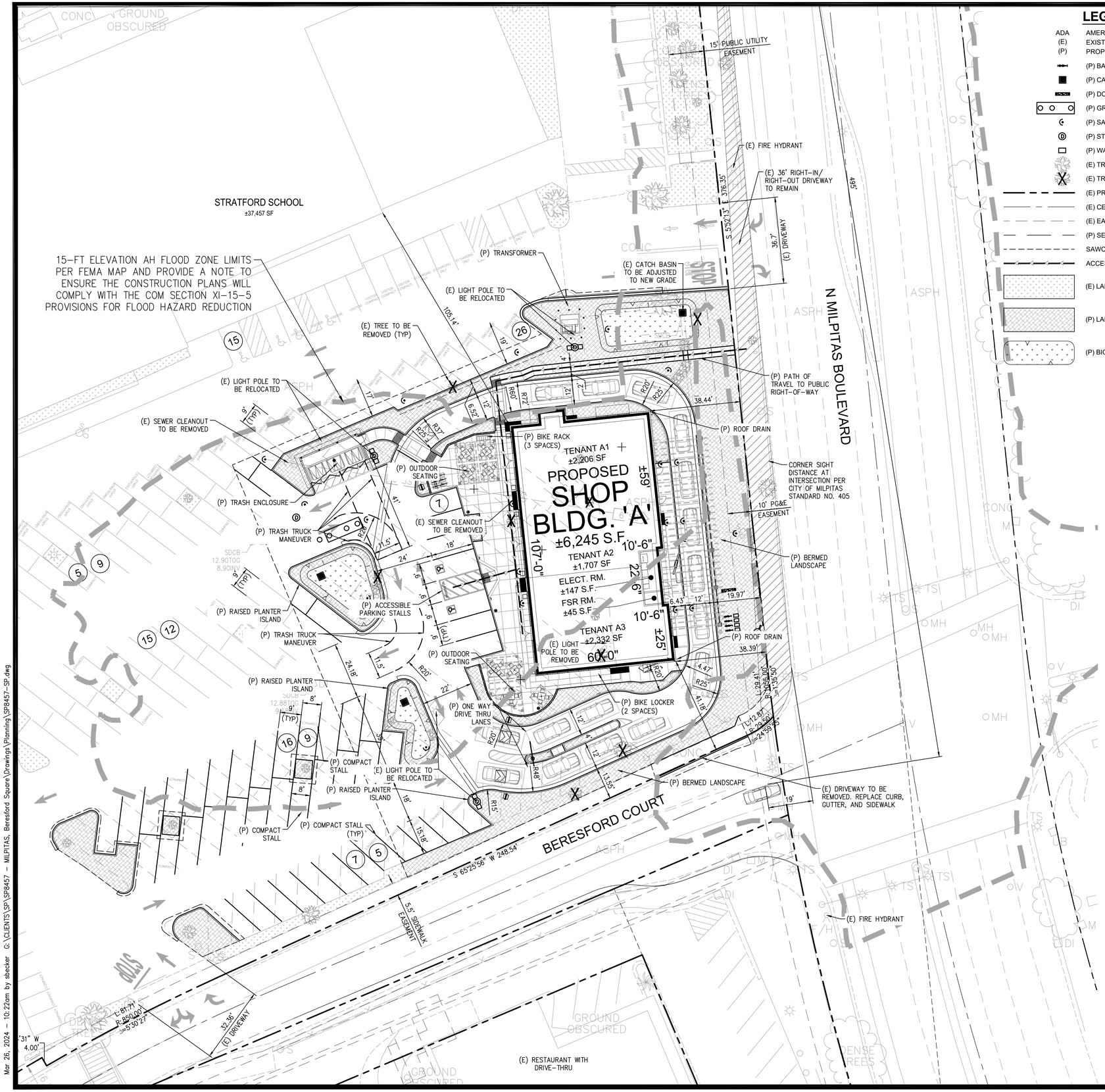
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 03.22.2024
SHEET DESCRIPTION:

A.L.T.A./N.S.P.S.
LAND TITLE SURVEY
(FOR REFERENCE ONLY)

SHEET NUMBER:

C-02

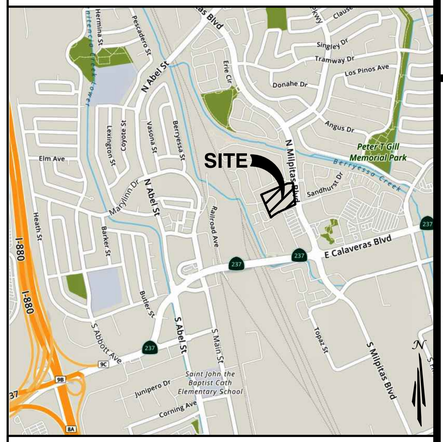
BASED ON SCHEME SP-07



LEGEND

ADA	AMERICANS WITH DISABILITIES ACT
(E)	EXISTING
(P)	PROPOSED
	(P) BACKFLOW PREVENTER
	(P) CATCH BASIN
	(P) DOUBLE CHECK DETECTOR ASSEMBLY
	(P) GREASE INTERCEPTOR
	(P) SANITARY SEWER CLEANOUT
	(P) STORM DRAIN MANHOLE
	(P) WATER METER
	(E) TREE TO REMAIN
	(E) TREE TO BE REMOVED
	(E) PROPERTY LINES
	(E) CENTER LINE
	(E) EASEMENT LINE
	(P) SETBACK LINE
	SAWCUT LINE
	ACCESSIBLE PATH OF TRAVEL
	(E) LANDSCAPE AREA
	(P) LANDSCAPE AREA
	(P) BIORETENTION AREA

VICINITY MAP



SITE DATA

PROJECT INFORMATION:	
ASSESSOR'S PARCEL NUMBER:	028-22-016
ADDRESS:	NWC N. MILPITAS BOULEVARD & BERESFORD COURT MILPITAS, CA 95035
PARCEL SIZE:	±250,533 SF (±5.75 ACRES)
PROJECT DESCRIPTION:	NEW CONSTRUCTION
EXISTING ZONING:	TC (TOWN CENTER DISTRICT)
EXISTING LAND USE:	SHOPPING CENTER
PROPOSED LAND USE:	RETAIL / RESTAURANT
SETBACKS:	
FRONT:	20'
REAR:	15' (ADJACENT TO RESIDENTIAL)
SIDE:	15' (ADJACENT TO RESIDENTIAL)
SIDE (STREET):	20'
FLOODPLAIN:	ZONE "X": AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AH: FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED

BUILDING DATA:	
PROPOSED BUILDING A	±6,245 SF
PROPOSED ELEC ROOM	±192 SF
EXISTING BUILDING B	±12,850 SF
STRATFORD SCHOOL	±37,457 SF
TOTAL BUILDING AREA:	±56,744 SF

PARKING ANALYSIS PER SHARED PARKING STUDY

PARKING STUDY METHOD	DAY	PEAK TIME	MAX SPACES REQUIRED	PARKING SPACES PROVIDED	DEFICIT/ SURPLUS
1 - CITY CODE REQUIREMENTS	WEEKLY/ WEEKEND	N/A	259	223	-36
2 - CITY CODE REQUIREMENTS, APPLYING TIME OF THE DAY FACTORS FROM URBAN INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	6:00 PM	207	223	+16
	WEEKEND	7:00 PM	145	223	+78
3 - PARKING COUNTS, STRATFORD SCHOOL AT FULL OCCUPANCY, APPLYING TIME OF DAY FACTORS FROM URBAN LAND INSTITUTE (SHARED PARKING ANALYSIS)	WEEKLY/	12:00 PM	177	223	+46
	WEEKEND	6:00 PM	138	223	+85

NOTES:
PROJECT SEEKS APPROVAL OF SHARED PARKING BY THE PLANNING COMMISSION AS PART OF THE USE PERMIT REQUEST # UP21-005. A SHARED PARKING STUDY WAS PREPARED IN ACCORDANCE WITH CITY CODE BY TRANSPORTATION CONSULTANTS, HEXAGON TRANSPORTATION CONSULTANTS, INC. THAT EVALUATED THREE PARKING STUDY METHODOLOGIES, INCLUDING CITY CODE AND SHARED PARKING ANALYSIS WITH DIFFERENT FACTORS. THE PARKING STUDY DEMONSTRATED THAT THE PROJECT WOULD HAVE SUFFICIENT PARKING AT PEAK PARKING DEMAND USING SHARED PARKING METHODS 2 AND 3 AND THAT THERE WILL BE A SURPLUS OF PARKING SPACES DURING OFF-PEAK PARKING TIMES. FURTHERMORE, A SHARED PARKING PLAN IS REQUIRED AS A CONDITION OF APPROVAL. SEE ALSO SHEET C1.0 ATTACHED TO THIS PLAN SET AS SHEETS A320 AND A321.

STANDARD STALLS	170 STALLS
COMPACT STALLS (40% MAX)	31 STALLS
ADA STALLS	8 STALLS
ELECTRIC/CLEAN AIR VEHICLE	14 STALLS
TOTAL PARKING PROVIDED:	223 STALLS

UTILITY INFORMATION:	
ELECTRICAL:	PACIFIC GAS & ELECTRIC (PG&E)
GAS:	PACIFIC GAS & ELECTRIC (PG&E)
WATER:	CITY OF MILPITAS
STORMWATER:	CITY OF MILPITAS
SEWER:	CITY OF MILPITAS

PROJECT DIRECTORY

APPLICANT: SHAPELL PROPERTIES
39650 LIBERTY STREET, SUITE 490
FREMONT, CA 94538
TEL: (408) 329-1528
EMAIL: bsmith@shapell.com
BRETT SMITH

CIVIL ENGINEER: TAIT & ASSOCIATES
11280 TRADE CENTER DRIVE
RANCHO CORDOVA, CA 95742
TEL: (916) 669-1817
EMAIL: jromaguera@tait.com
JON ROMAGUERA, PE

ARCHITECT: MCKENTLY MALAK ARCHITECTS
35 HUGUS ALLEY, SUITE 200
PASADENA, CA 91103
TEL: (626) 583-8348
EMAIL: gjames@mckently.com
GREG JAMES

LANDSCAPE ARCHITECT: GATES + ASSOCIATES
1655 N. MAIN STREET, SUITE 365
WALNUT CREEK, CA 94596
TEL: (925) 736-8176
EMAIL: chuck@dgates.com
CHUCK GARDELLA

DRAWN: STB 3/26/24
CHECKED: JR 3/26/24
JOB NO: SP8457A

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PRELIMINARY CIVIL SITE PLAN

BERESFORD SQUARE SHOPPING CENTER - NORTH
SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT
MILPITAS, CA 95035

FOR PLAN CHECK ONLY

C1

1 OF 5

Mar 26, 2024 - 10:22am by sbecker G:\CLIENTS\SP\SP8457 - MILPITAS, Beresford Square\Drawings\Planning\SP8457-SP.dwg

LEGEND

ASPH	ASPHALT PAVEMENT		STREET LIGHT
	BOLLARD	TS	TRAFFIC SIGNAL
CONC	CONCRETE PAVEMENT	TS	TRAFFIC SIGNAL LIGHT ARM
00	CONTOUR LINE		TREE
DI	DRAIN INLET	U/O	UNIDENTIFIED OBJECT
	FENCE	UB	UTILITY BOX
F/H	FIRE HYDRANT	W	WATER LINE
INV	INVERT ELEVATION	M	WATER METER
MH	MANHOLE	WV	WATER STRUCTURE
	POST INDICATOR VALVE	V	WATER VALVE
	RETAINING WALL		YARD LIGHT
RIM	RIM ELEVATION		DEMOLITION AREA
	SANITARY SEWER CLEANOUT		
SS	SANITARY SEWER LINE		
S	SANITARY SEWER MANHOLE		
S.C.C.R.	SANTA CLARA COUNTY RECORDS		
S	SIGN		
00.0	SPOT ELEVATION		
SD	STORM DRAIN LINE		
D	STORM DRAIN MANHOLE		

S 83°58'59" W 106.51'

N 66°58'59" E 537.00'

S 23°01'01" E 415.45'

N 23°01'01" W 44.53'

S 55°25'56" W 248.54'

S 55°21'3" E 376.35'

RESIDENTIAL USE

RESIDENTIAL USE

RESIDENTIAL USE

N MILPITAS BOULEVARD

BERESFORD COURT

BUILDING
125 N MILPITAS BLVD
MILPITAS, CA 95035

BUILDING
103-119 N MILPITAS BLVD
MILPITAS, CA 95035

BUILDING
99 S MILPITAS BLVD
MILPITAS, CA 95035

RESTAURANT WITH DRIVE-THRU

RETAIL BUILDING

(E) FIRE HYDRANT

(E) FIRE HYDRANT

(E) FIRE HYDRANT

PROTECT (E) TREE IN PLACE

(E) LIGHT POLE TO BE RELOCATED

(E) TREE TO BE REMOVED (TYP)

(E) LIGHT POLE TO BE RELOCATED

(E) SEWER CLEANOUT TO BE REMOVED

(E) SEWER LINE TO BE REMOVED

(E) TREE TO BE REMOVED

(E) TREE TO BE REMOVED

(E) TREE TO BE REMOVED

(E) SEWER CLEANOUT TO BE REMOVED

(E) TREE TO BE REMOVED

(E) LIGHT POLE TO BE REMOVED

(E) LIGHT POLE TO BE RELOCATED

(E) SIGN TO BE REMOVED

(E) POSTS TO BE REMOVED

(E) TREE TO BE REMOVED

(E) DRIVEWAY TO BE REMOVED

PROTECT (E) TREE IN PLACE

PROTECT (E) TREE IN PLACE

PROTECT (E) TREE IN PLACE

L=135.50'
R=855.00'
Δ=9°04'41"

L=81.71'
R=850.00'
Δ=5°30'27"

N 30°04'31" W
4.00'

L=77.28'
R=854.00'
Δ=5°11'06"

L=10.08'
R=35.00'
Δ=16°30'19"

L=59.78'
R=855.50'
Δ=4°00'13"

L=33.97'
R=855.00'
Δ=2°16'59"

N

0 30' 60'

SCALE: 1" = 30'

EASEMENTS AND EXCEPTIONS:

(1) INDICATES SHOWN HEREON. NUMBERED ACCORDING TO THE ABOVE REFERENCED TITLE REPORT.

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

(7.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	A 10.00 FOOT WIDE EASEMENT FOR ANY AND ALL PUBLIC SERVICE FACILITIES, INCLUDING POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, WATER MAINS, PUBLIC UTILITIES AND APPURTENANCES
RECORDING DATE:	JUNE 18, 1979
RECORDING NO:	6406469, BOOK E573, PAGE 726, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

(8.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	ACCESS
RECORDING DATE:	SEPTEMBER 13, 1979
RECORDING NO:	6496177, BOOK E787, PAGE 193, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

(9.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION
PURPOSE:	UNDERGROUND PIPES AND CONNECTIONS
RECORDING DATE:	MARCH 24, 1980
RECORDING NO:	6683337, BOOK F220, PAGE 43, OF OFFICIAL RECORDS
AFFECTS:	AS DESCRIBED THEREIN

AN EASEMENT-QUITCLAIM DEED ABANDONING A PORTION OF AN EASEMENT CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, HEREINABOVE, BY INSTRUMENT EXECUTED BY PACIFIC GAS AND ELECTRIC COMPANY, DATED MAY 17, 1982 AND RECORDED JULY 1, 1982 IN BOOK G880, PAGE 377, AS INSTRUMENT NO. 7404024, SANTA CLARA COUNTY RECORDS, AND DESCRIBED AS FOLLOWS:

THE RIGHTS GRANTED BY SHAPELL INDUSTRIES OF NORTHERN CALIFORNIA, INC., TO PACIFIC BY DEED DATED MARCH 11, 1980 AND RECORDED IN BOOK F220 OF OFFICIAL RECORDS, PAGE 43, AS INSTRUMENT NO. 6683337, SANTA CLARA COUNTY RECORDS, INSOFAR AS SAID RIGHTS AFFECT A STRIP OF LAND OF THE UNIFORM WIDTH OF 1.5 FEET LYING CONTIGUOUS TO AND NORTHWESTERLY OF THE SOUTHEASTERLY BOUNDARY LINE OF THE STRIP OF LAND 10 FEET IN WIDTH DESCRIBED AND DESIGNATED 5., IN THE DEED DATED MARCH 11, 1980, AND EXTENDING FROM THE SOUTHWESTERLY TERMINUS THEREOF NORTHEASTERLY 80.0 FEET TO THE NORTHEASTERLY TERMINUS THEREOF.

(13.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT/PLAT;

PURPOSE:	PUBLIC SERVICE AND UTILITY EASEMENT
AFFECTS:	THE WESTERLY 15.00 AND THE EASTERLY 15.00

(14.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS, A MUNICIPAL CORPORATION
PURPOSE:	SIDEWALK
RECORDING DATE:	MARCH 24, 1988
RECORDING NO:	9637340, BOOK K480, PAGE 48, OF OFFICIAL RECORDS
AFFECTS:	THE SOUTHEASTERLY 5.50 FEET

(17.) EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:

GRANTED TO:	CITY OF MILPITAS
PURPOSE:	TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLES, WIRES, POLES AND OTHER CONVENIENT STRUCTURE, EQUIPMENT AND FIXTURES FRO THE OPERATION OF GAS PIPELINES, TELEGRAPHIC AND TELEPHONE LINES, AND FOR THE TRANSPORTATION OR DISTRIBUTION OF ELECTRICAL ENERGY, PETROLEUM AND ITS PRODUCTS, AMMONIA, AND WATER, AND FOR INCIDENTAL PURPOSES, INCLUDING ACCESS
RECORDING DATE:	MAY 19, 1989
RECORDING NO:	10117938, BOOK K957, PAGE 1660, OF OFFICIAL RECORDS
AFFECTS:	PARCELS TWO AND THREE

*(THIS DOCUMENT IS ACTUALLY A RIGHT-OF-WAY VACATION GRANTED BY THE CITY OF MILPITAS).

TITLE REPORT:

TITLE COMPANY:	FIDELITY NATIONAL TITLE COMPANY
TITLE ORDER NO. :	991-30024341-1MP
DATED:	JANUARY 10, 2019
TITLE OFFICER:	MICHI PERKINS (MA BAY-NOCAL)
PHONE:	(415) 276-0220

BENCHMARK:

DESCRIPTION:	BRASS DISK IN MONUMENT WELL AT INTERSECTION, CALAVERAS BOULEVARD AND MILPITAS BOULEVARD
ELEVATION:	21.971 FEET
DATUM:	NAVD88

PARKING SUMMARY:

STANDARD PARKING	290 STALLS
ACCESSIBLE PARKING	8 STALLS
TOTAL PARKING	298 STALLS

AREA SUMMARY:

250,533 SF / 5.75 ACRES

DRAWN: STB
DATE: 3/26/24
CHECKED: JR
DATE: 3/26/24
JOB NO. SP8457A

TAIT & ASSOCIATES
11280 Trade Center Drive
Rancho Cordova, CA 95742
p: 916.635.2444
www.tait.com
ENGINEERING ENVIRONMENTAL BUILDING LAND
Since 1964
Sacramento Denver Dallas
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Orange County Phoenix
San Luis Obispo

EXISTING CONDITIONS PLAN - DEMOLITION PLAN

BERESFORD SQUARE SHOPPING CENTER - NORTH

SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT
MILPITAS, CA 95035

REGISTERED PROFESSIONAL ENGINEER
JONATHAN M. JR
No. 31-2022
CIVIL
STATE OF CALIFORNIA

FOR PLAN CHECK ONLY

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2 OF 5

Mar 26, 2024 - 10:22am by sbecker G:\CLIENTS\SP\SP8457 - MILPITAS, Beresford Square\Drawings\Planning\SP8457-DM.dwg

STRATFORD SCHOOL
±37,457 SF

PROPOSED SHOP BLDG. 'A'
±6,245 S.F.
TENANT A1
±2,206 SF
TENANT A2
±1,707 SF
ELECT. RM.
±147 S.F.
FSR RM.
±45 S.F.
TENANT A3
±2,332 SF
FF:16.00

N MILPITAS BOULEVARD

BERESFORD COURT

BIORETENTION #1
TOP: 14.15
BOTTOM: 13.40

BIORETENTION #2
TOP: 13.95
BOTTOM: 13.20

BIORETENTION #3
TOP: 14.33
BOTTOM: 13.50

(P) UNDER SIDEWALK DRAIN

(E) CATCH BASIN RIM TO BE ADJUSTED TO 6" ABOVE BIORETENTION BASIN SURFACE

TRANSITION FROM 6" TO 8" CURB

CURB CUT 14.70FL

CURB CUT 13.96FL

CURB CUT 14.23FL

CURB CUT 14.19FL

(P) 8" CURB

16.00 CONC

SDCB
14.00RIM
8.09INV
(13.97)BW

SDCB
13.70RIM
9.39INV

SDCB
13.90RIM
10.03INV

SDCB
12.90TOG
8.90INV

SDCB
12.88TOG
9.68INV

SDMH
±13.9RIM
8.82INV

OVR

S 5°54'15" E 376.35'

S 65°25'56" W 248.54'

L=81.71'
R=55.00'
Δ=85°05'27"

L=27.50'
R=50.00'
Δ=31°30'00"

L=29.41'
R=135.00'
Δ=12°28'55"

L=72.87'
R=29.00'
Δ=144°00'00"

BENCHMARK:

DESCRIPTION: BRASS DISK IN MONUMENT WELL AT INTERSECTION, CALAVERAS BOULEVARD AND MILPITAS BOULEVARD
ELEVATION: 21.971 FEET
DATUM: NAVD88

EARTHWORK QUANTITIES:

CUT = 209 CY
FILL = 404 CY
REQUIRED EXPORT = 195 CY

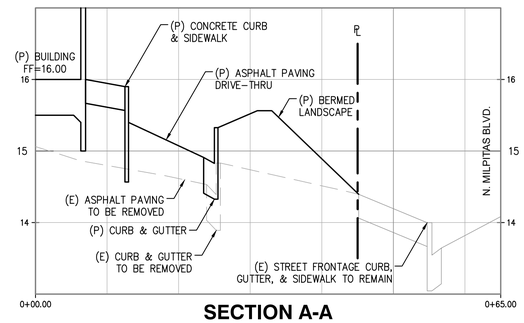
0 20' 40'
SCALE: 1" = 20'

CURB NOTE:

ALL SHOWN CURBS ARE 6" TALL, UNLESS OTHERWISE NOTED ON PLANS.

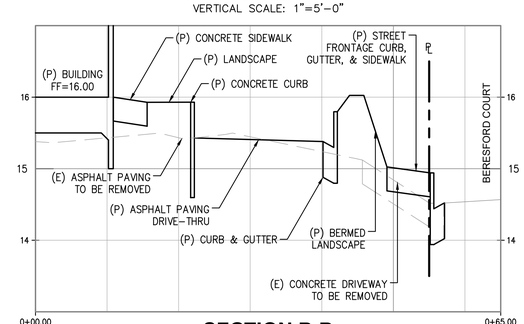
LEGEND

ADA	AMERICANS WITH DISABILITIES ACT
BW	BACK OF WALK
(E)	EXISTING
FF	FINISH FLOOR
FS	FINISH SURFACE
FL	FLOW LINE
INV	INVERT
LIP	LIP OF GUTTER
(P)	PROPOSED
RIM	MANHOLE RIM
TC	TOP OF CURB
TOG	TOP OF GRATE
	(P) BACKFLOW PREVENTER
	(P) CATCH BASIN
DCDA	(P) DOUBLE CHECK DETECTOR ASSEMBLY
	(P) GREASE INTERCEPTOR
	(P) SANITARY SEWER CLEANOUT
	(P) STORM DRAIN MANHOLE
	(P) WATER METER
	(E) TREE TO REMAIN
00.00' XX 00.00' XX	(E) ELEVATION
(00.00)XX (00.00)XX JOIN EX.	(E) ELEVATION
00.00XX 00.00XX	(P) ELEVATION
	DRAINAGE ARROWS
	(E) PROPERTY LINES
	(E) CENTER LINE
	(E) EASEMENT LINE
	(P) SETBACK LINE
	SAWCUT LINE
(00)	(E) CONTOUR LINE
00	(P) CONTOUR LINE
R R R	RIDGE LINE
SS	(E) SANITARY SEWER LINE
SD	(E) STORM DRAIN LINE
SS	(P) SANITARY SEWER LINE
SD	(P) STORM DRAIN LINE
	(E) LANDSCAPE AREA
	(P) LANDSCAPE AREA
	(P) BIORETENTION AREA



SECTION A-A

HORIZONTAL SCALE: 1"=10'-0"
VERTICAL SCALE: 1"=5'-0"



SECTION B-B

HORIZONTAL SCALE: 1"=10'-0"
VERTICAL SCALE: 1"=5'-0"

DRAWN: STB
DATE: 3/26/24
CHECKED: JR
DATE: 3/26/24
JOB NO. SP8457A

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PRELIMINARY GRADING PLAN

BERESFORD SQUARE SHOPPING CENTER - NORTH
SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT
MILPITAS, CA 95035

REGISTERED PROFESSIONAL ENGINEER
JONATHAN M. RAGSDALE
No. 93457
CIVIL
STATE OF CALIFORNIA
EXP. 6-30-2025

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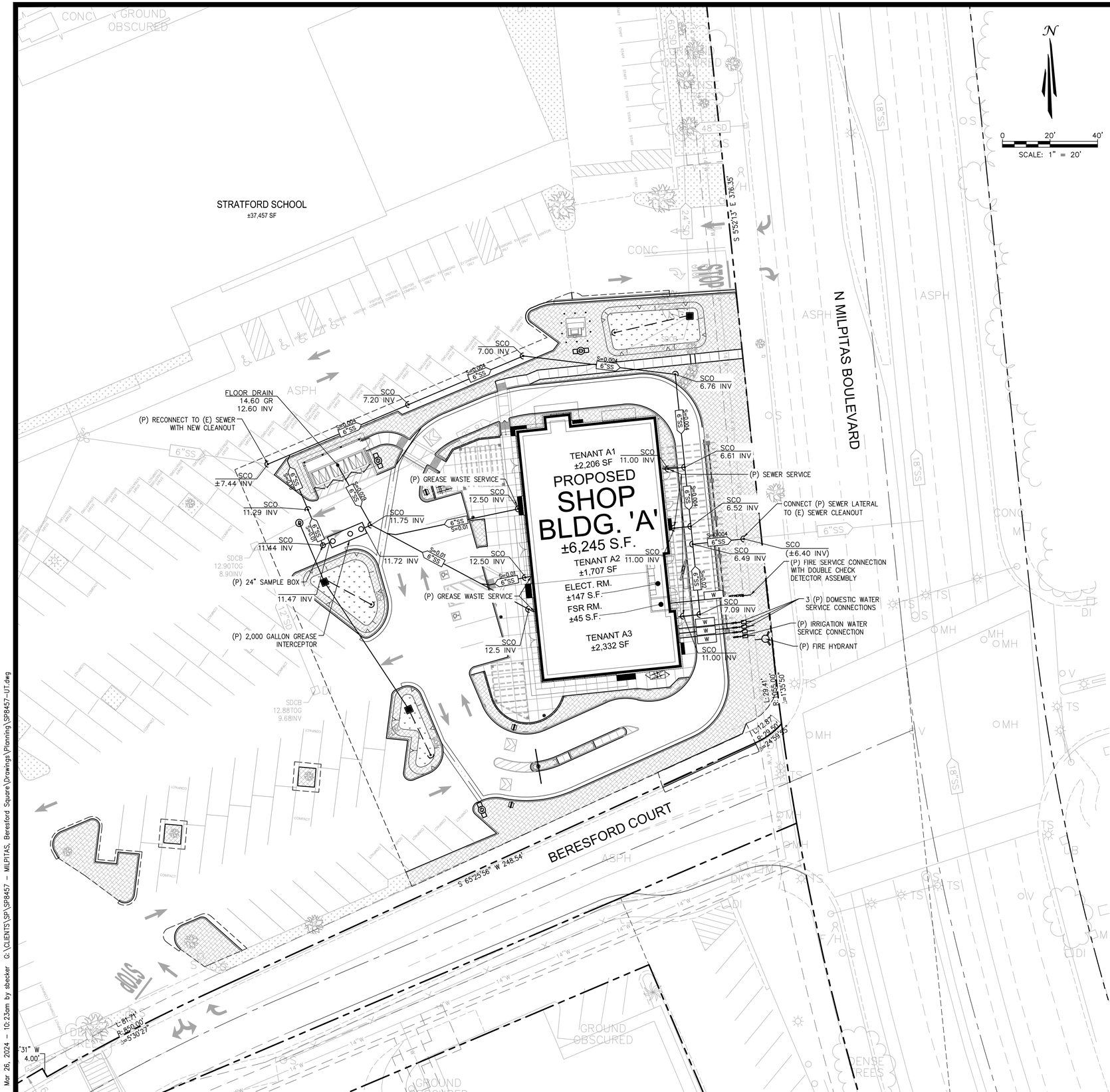

LEGEND

ADA	AMERICANS WITH DISABILITIES ACT
(E)	EXISTING
FF	FINISH FLOOR
INV	INVERT
(P)	PROPOSED
RIM	MANHOLE RIM
TOG	TOP OF GRATE
	(P) BACKFLOW PREVENTER
	(P) CATCH BASIN
DCDA	(P) DOUBLE CHECK DETECTOR ASSEMBLY
	(P) GREASE INTERCEPTOR
	(P) SANITARY SEWER CLEANOUT
	(P) STORM DRAIN MANHOLE
	(P) WATER METER
	(E) TREE TO REMAIN
	(E) PROPERTY LINES
	(E) CENTER LINE
	(E) EASEMENT LINE
	(P) SETBACK LINE
	SAWCUT LINE
SS	(E) SANITARY SEWER LINE
SD	(E) STORM DRAIN LINE
W	(E) WATER LINE
SS	(P) SANITARY SEWER LINE
SD	(P) STORM DRAIN LINE
W	(P) WATER LINE
	(E) LANDSCAPE AREA
	(P) LANDSCAPE AREA
	(P) BIORETENTION AREA

DRAWN: STB
DATE: 3/26/24
CHECKED: JR
DATE: 3/26/24
JOB NO: SP8457A

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PRELIMINARY UTILITY PLAN

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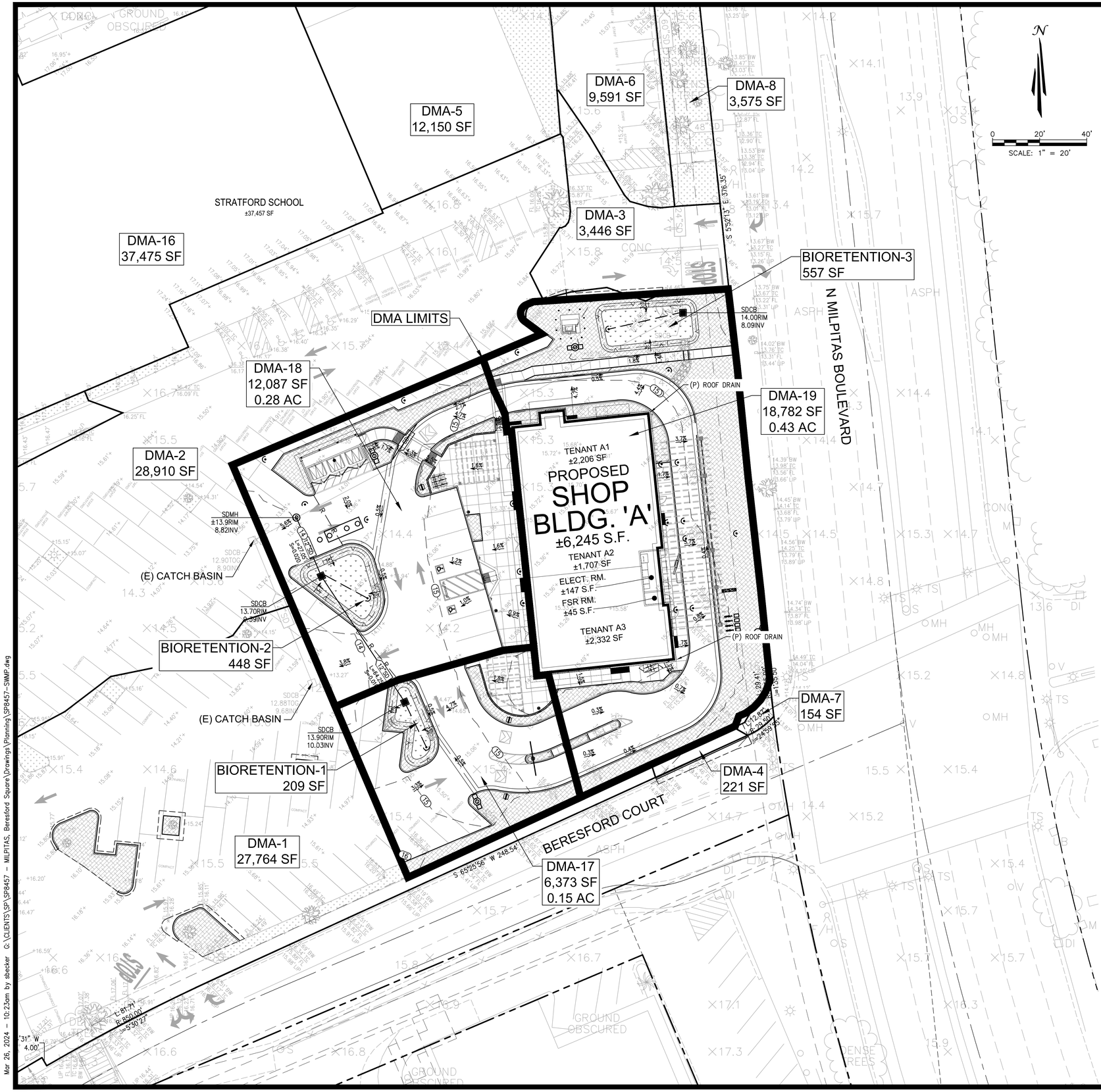

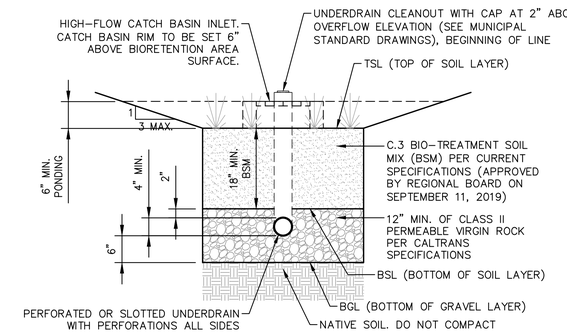

BIORETENTION AREA CROSS SECTION
SCALE: 3/4"=1'-0"

a. Total Site Area: 5.75 acres		b. Total Site Area Disturbed: 0.87 acres (including clearing, grading, or excavating)			
Site Totals	Total Existing (Pre-project) Area (ft²)	Existing Area Retained[1] (ft²)	Existing Area Replaced[2] (ft²)	New Area Created[2] (ft²)	Total Post-Project Area (ft²)
c. Total Impervious Area **(IA)**	227,901	194,885	21,396	6,240	222521
d. Total new and replaced impervious area			27,636		
e. Total Pervious Area **(PA)**[3]	22,632				28,012
f. Total Area **(IA+PA)**	250,533				250,533
g. Percent Replacement of IA in Redevelopment Projects: (Existing IA Replaced ÷ Existing Total IA) x 100% 9.39 %					

BIORETENTION AREA SIZING

Bioretention Area	DMA #	Watershed Area [sf]	Watershed Area [ac]	Landscape Area [sf]	Impervious Area [sf]	Minimum Bioretention Area [sf]	Design Bioretention Area [sf]	Minimum Stormwater Ponding Depth
1	17	6,373	0.15	1,486	4,887	195	209	6"
2	18	12,087	0.28	1,751	10,336	413	448	6"
3	19	18,782	0.43	6,369	12,413	497	557	6"
		37,242	0.86	9,606	27,636	1,105	1,214	

BIORETENTION AREA SIZING:

BIORETENTION AREA SIZED PER THE SIMPLIFIED SIZING METHOD AS FOUND IN THE SANTA CLARA VALLEY C.3 STORMWATER HANDBOOK

CURB CUT SIZING:

2' WIDE CURB CUT MAX FLOW RATE, ASSUMING 2% SLOPE = 6.75 CFS

MAXIMUM 100-YR FLOW RATE CONTRIBUTING TO A CURB CUT AREA = 5.64 CFS

DRAWN: STB
DATE: 3/26/24
CHECKED: JR
DATE: 3/26/24
JOB NO: SP8457A

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CONCEPTUAL STORMWATER MANAGEMENT PLAN

BERESFORD SQUARE SHOPPING CENTER - NORTH
SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT
MILPITAS, CA 95035

REGISTERED PROFESSIONAL ENGINEER JOSHUA M. RUST No. 91135 CIVIL STATE OF CALIFORNIA 31-2022

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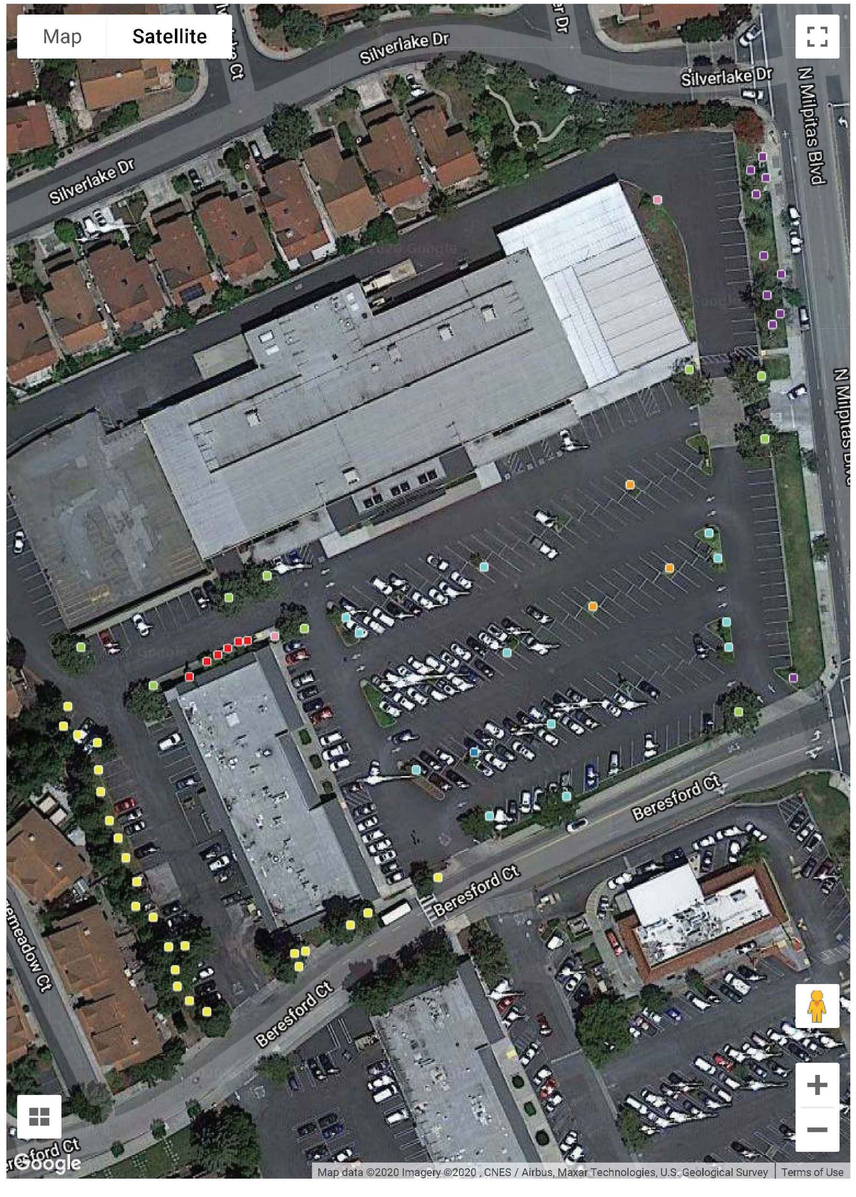
Arborview
Tree Management Technology

Beresford Square North



Legend (67)
- Pine, Canary... (24)
- Jacaranda (12)
- Birch (10)
- Sycamore (9)
- Tristania (6)
- Crape Myrtle (3)
- Podocarpus (2)
- Hackberry (1)

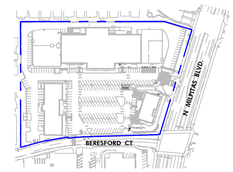
There are a total of 67 trees located throughout the property
•14 Canary Island Pine
oMostly along the rear perimeter of property adjacent to residential type units and along the side of the one building along Beresford Ct.
oThese tree are looking health and do not exhibit excessive limb weights at this time.
oWill assess prior to 2021 budgeted tree maintenance month for exact scope required for 2021
•12 Jacaranda
oMostly located the parking lot islands and in lawn along Beresford Ct
oThe ones located in the small parking lot islands are doing moderate to poor just because of size of planting space.
oAsphalt in Summer months “cooks” the fine roots, thus moderate to poor performance overall.
oAssess current irrigation and adjust accordingly
oConsider removal and replacement with a species more suited for parking lot islands
oOnes planted along Beresford Ct are performing better and the extra water they receive from lawn irrigation as a result.
•10 White Birch
oMostly located along N Milpitas Blvd in the lawn
oSeveral dead White Birch were removed along N Milpitas Blvd in 2020 outside of routine maintenance
oAdditional dead White Birch are located Along the North/West perimeter of property along N Milpitas Blvd.
oThe White Birch are mature in age and it is expected that more of these trees will decline in the next several years
oTrees are currently dormant. Outward signs that one or several of them are dead. Will re-assess tree condition during Spring leaf out.
•9 Sycamore
oLocated site wide; mostly at driveway entrances and at building corners throughout
oTrees are currently dormant and appear to be healthy
oWill re-assess tree conditions during Spring leaf out.
•6 Tristania
oYoung trees located along the side of the small building.
oAppear to be healthy
•3 Crape Myrtle
oYoung trees located in the small parking lot islands
oModerate health due to limited growing space as with some of the Jacarandas
oTypically good tree for small parking lot islands
oAssess current irrigation and adject accordingly
oAssess fertilization needs for 2021 as time of 2021 Spring leaf out
•2 Podocarpus
oLocated adjacent to both buildings
oGood health
•1 Chinese Hackberry
oLocated in parking lot island
oModerate health
oRe-assess in Spring 2021 after leaf out
oTree is very susceptible to insect infestation that causes a sticky by-product – possible vehicle nuisance.

Future considerations – removal and replacement of all trees in the small parking lot islands. Currently mis-matched tree species throughout parking lot.
Replacement tree plantings for the dead trees removed in 2020 (budget did not account for dead trees and replacements outside of maintenance budget)
Removal and replacement of the dead Birch trees along N Milpitas Blvd.
Possible insect and or fertilization requirements (tbd Spring 2021)
Pine trees would be the species to be monitored or serviced every year, because of their fast growing nature and them being located over parking spaces and over the backyards of the residential units.

McKently Malak
ARCHITECTS
35 Hugus Alley Suite 200
Pasadena California 91103-3648
TEL 626 583 8348 FAX 626 583 8387

A PROJECT FOR:

SHAPELL PROPERTIES
39650 LIBERTY STREET, SUITE 490
FREEMONT, CALIFORNIA 94538
TEL. (408) 329-1528



KEY MAP N

BERESFORD SQUARE SHOPPING CENTER - NORTH
NWC N. Milpitas Blvd. & Beresford Court
Milpitas, California 95035

ISSUES / REVISIONS

No.	DATE	DESCRIPTION
1	09.28.2022	SITE DEV. SUBMITTAL & C.U.P.

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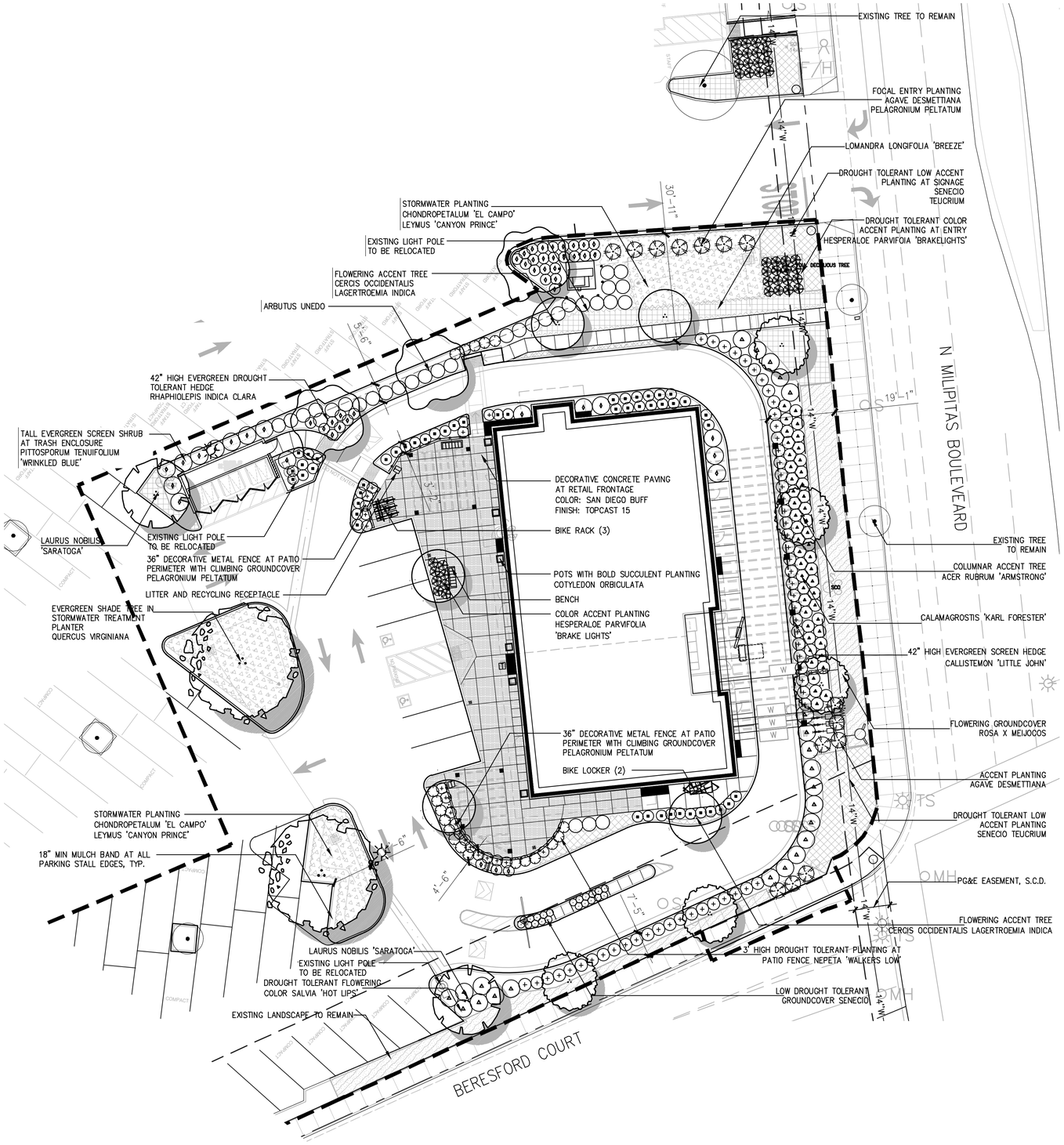
JOB NUMBER: 21257TMA
DRAWN BY: CHECKED BY: GJ
DATE: 09.28.2022
SHEET DESCRIPTION:

TREE SURVEY

SHEET NUMBER:

L-01

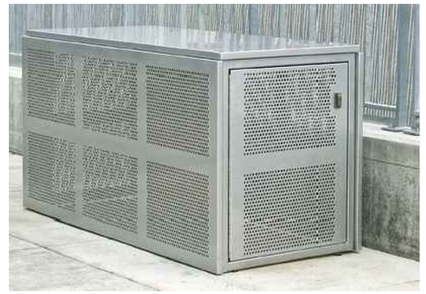
BASED ON SCHEME SP-05



PATH: P:\WILP7143\BERESFORD\CAD\SHEETS_DP-P BERESFORD.DWG
PLOT DATE: 5/24/2024 4:44 PM

SITE ELEMENTS

BIKE RACK
MANUFACTURER: BIKEPARKING.COM
MODEL: RIBBON RACK



BIKE LOCKER
MANUFACTURER: BIKEPARKING.COM
MODEL: PERFORATED BIKE LOCKER

BENCH

POTS
MANUFACTURER: TOURNESOL
MODEL: BOULEVARD WOOD PLANTERS

DECORATIVE CONCRETE PAVING
COLOR: SAN DIEGO BUFF
FINISH: TOP CAST 15

LITTER & RECYCLING UNIT
MANUFACTURER: LANDSCAPE FORMS
MODEL: MULTIPLICITY

DECORATIVE METAL FENCE
MANUFACTURER: BOK MODERN
MODEL: DIVIDER/LOW FENCE

PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	SPACING	CALIFORNIA NATIVE
ACR	ACER RUBRUM 'ARMSTRONG'	COLUMNAR MAPLE	24" BOX	M	AS SHOWN	N
ARM	ARBUTUS X 'MARINA'	STRAWBERRY TREE	24" BOX	L	AS SHOWN	N
COO	CERCIS OCCIDENTALIS	WESTERN REDBUD	24" BOX	L	AS SHOWN	Y
LAM	LAGERTROEMIA INDICA 'MUSKOGEE'	CRAPE MYRTLE	24" BOX	L	AS SHOWN	N
LAN	LAURUS NOBILIS 'SARATOGA'	BAY LAUREL	24" BOX	L	AS SHOWN	Y
QUV	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	24" BOX	M	AS SHOWN	N
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE	SPACING	
AD	AGAVE DESMETTIANA	SMOOTH AGAVE	5 GAL	L	60" o.c.	N
AA	ALOE ARBORESCENS	CANDELABRA ALOE	5 GAL	L	48" o.c.	N
CA	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	1 GAL	M	42" o.c.	N
CS	CALANDRINIA SPECTABILIS 'SHINING PINK'	ROCK PURSLANE	1 GAL	L	36" o.c.	N
CV	CALLISTEMON VIMINALIS 'LITTLE JOHN'	DWARF CALLISTEMON	5 GAL	L	60" o.c.	N
CT	CHONDROPETALUM TECORUM 'EL CAMPO'	DWARF CAPE RUSH	1 GAL	L	42" o.c.	N
CO	COTYLEDON ORBICULATA 'OBLONGA'	FINGER ALOE	1 GAL	L	24" o.c.	N
DG	DIETES GRANDIFOLRA 'VARIEGATA'	FORTNIGHT LILY	1 GAL	L	36" o.c.	N
HP	HESPERALOE PARVIFOLIA 'BRAKELIGHTS'	RED YUCCA	1 GAL	L	30" o.c.	N
LC	LEYMUS CONDENSATUS 'CANYON PRINCE'	WILD RYE	1 GAL	L	36" o.c.	Y
LL	LOMADRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	1 GAL	L	36" o.c.	N
NF	NEPETA FAASSENII 'WALKERS LOW'	CATMINT	1 GAL	L	36" o.c.	N
PP	PELAGRONIUM PELTATUM	IVY GERANIUM	1 GAL	L	36" o.c.	N
PT	PITTOSPORUM TENUIFOLIUM 'WRINKLED BLUE'	KOHUHU	5 GAL	M	60" o.c.	N
RI	RHAPHIOLEPIS INDICIA 'CLARA'	INDIAN HAWTHORN	5 GAL	L	60" o.c.	N
RM	ROSA X 'MEIJOCOS'	DRIFT ROSES PINK	2 GAL	M	36" o.c.	N
SM	SALVIA MICROPHYLLA 'HOT LIPS'	LITTLE LEAF SAGE	5 GAL	L	60" o.c.	N
SE	SENECIO MANDRALISCAE	BLUE CHALKSTICKS	1 GAL	L	24" o.c.	N
TC	TEUCRIUM CHAMAEDRYS	WALL GERMANDER	1 GAL	L	24" o.c.	N

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T 925.736.8176 www.dgates.com

BERESFORD SQUARE SHOPPING CENTER -NORTH

MILPITAS BOULEVARD &
BERESFORD COURT
MILPITAS, CA

NO:	DESCRIPTION:	DATE:
1	SITE DEV SUBMITTAL & C.U.P	09/28/2022
2	SITE DEV SUBMITTAL & C.U.P	03/29/2023
3	SITE DEV SUBMITTAL & C.U.P	08/11/2023
4	SITE DEV SUBMITTAL & C.U.P	12/19/2023
5	SITE DEV SUBMITTAL & C.U.P	03/26/2024

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CHRIS CASE No. 6132
5/30/2024
XX/XX/XXXX
STATE OF CALIFORNIA

PROJECT NUMBER:	6065
DRAWN:	MM, JT
CHECK:	CG
DATE:	05/28/2024
SCALE:	1"=16'-0"

0 8 16 32
0" 1/2" 1" 2"

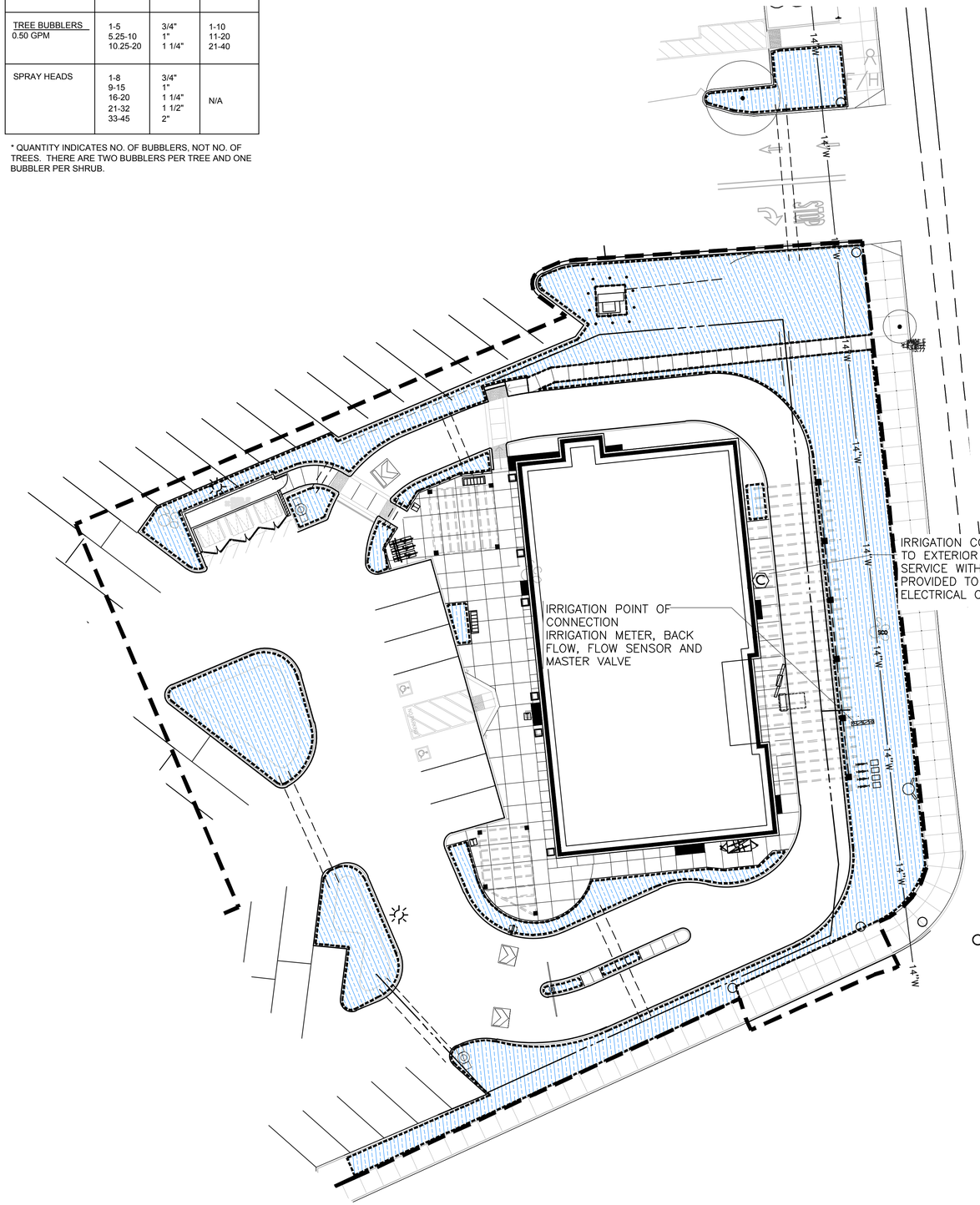
LANDSCAPE PLAN

L1

LATERAL LINE SIZING CHART

SPRINKLER TYPE	GPM	PIPE SIZE	NO. OF BUBBLERS*
DRIPLINE VARIES	1-5 5.25-10	3/4" 1"	N/A
TREE BUBBLERS 0.50 GPM	1-5 5.25-10 10.25-20	3/4" 1" 1 1/4"	1-10 11-20 21-40
SPRAY HEADS	1-8 9-15 16-20 21-32 33-45	3/4" 1" 1 1/4" 1 1/2" 2"	N/A

* QUANTITY INDICATES NO. OF BUBBLERS, NOT NO. OF TREES. THERE ARE TWO BUBBLERS PER TREE AND ONE BUBBLER PER SHRUB.



SYMBOL	MODEL NUMBER	DESCRIPTION	PSI	FLOW (GPM)	RADIUS	PRECIP (in/hr)
■	RWS-M-B-C-1402	RAINBIRD ROOT WATERING SYSTEM BUBBLER WITH CHECK VALVE AND LOCKING GRATE. INSTALL (2) TWO BUBBLERS PER TREE ON OPPOSITE SIDES OF ROOTBALL.	30	.50 / .50	–	6"
•	PCB-R	HUNTER FLOOD BUBBLER WITH PURPLE CAP ON FLEXIBLE RISER FOR POTS	30	.25	–	3"
	P-220-26	TORO REMOTE CONTROL VALVE				
	T-ALFS10150-S T-PMR40	TORO 1" FILTER WITH 150 MESH SCREEN WITH TORO 1" IN-LINE PRESSURE REDUCING VALVE				
	T-113-K	NIBCO GATE VALVE (LINE SIZE) IN ROUND BOX				
	44NP	RAINBIRD QUICK COUPLING VALVE WITH LOCKING PURPLE CAP FOR RECYCLED WATER				
	IC-600-M ICM-600 (X2) WSS-SEN	HUNTER ICC SERIES 18 STATION CONTROLLER (6 STATION WITH TWO 6 STATION EXPANSION MODULES) INSIDE METAL WALL MOUNT LOCKING ENCLOSURE. INCLUDE SOLAR SYNC WIRELESS ET SENSOR MOUNTED AT ROOF EDGE IN CLOSE PROXIMITY TO CONTROLLER AND ET RECEIVER TO BE HARDWIRED TO CONTROLLER				
	FCT-150 / 3100-1.5"	HUNTER 1.5" FLOW SENSOR ASSEMBLY (5 – 35 GPM) WITH 1.5" SUPERIOR 3200 NORMALLY CLSOED MASTER VALVE. WIRE FLOW SENSOR TO CONTROLLER WITH #18 GAUGE DIRECT BURIAL SENSOR CABLE INSIDE 1" PVC CONDUIT.				
	FEBCO	BACKFLOW PREVENTOR WITH ENCLOSURE				
W	REFER TO CIVIL PLANS	POTABLE WATER METER				
		IRRIGATION INSIDE DASHED OUTLINE AREA FOR SHRUB AND GROUNDCOVER: TORO DL2000 SERIES PC DRIP EMITTER TUBING PART NUMBER: RGP-418-10-6.5G.50 SPACED 18" ON CENTER DRIPLINE DRIPLINE IN TRIANGULAR PATTERN AT 12" O.C. WATER COMPENSATING DL2000S TUBING SPACED 18" O.C. BELOW 3" OF MULCH INSTALLED 2-4" BELOW FINISH GRADE PER INSTALLATION DETAILS				
		MAINLINE: 1120-SCHEDULE 40 PURPLE PVC PLASTIC PIPE. MAINLINE FITTINGS SHALL BE SCHEDULE 40 PVC SOLVENT WELD UNLESS OTHERWISE SPECIFIED. 18" COVER IN PLANTING AREAS.				
		LATERAL LINE: 1120-200 PURPLE PSI PVC PLASTIC PIPE WITH SCHEDULE 40 PVC PLASTIC FITTINGS. 12" COVER IN PLANTED AREAS.				
		SLEEVE:1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD PLASTIC FITTINGS. 24" COVER BELOW BOTTOM OF STREET PAVEMENT SECTION. SLEEVES TO BE COORDINATED WITH CIVIL PLANS.				

WATER EFFICIENT LANDSCAPE WORKSHEET

WATER TYPE	POTABLE
SITE ETo=	45.4 Milpitas

Beresford

REGULAR LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY (IE)	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
A-1	TREES	LOW	0.3	BUBBLER	0.81	0.37	300	111	3,128	0.010	4.18	3%
A-2	TREES	MOD	0.5	BUBBLER	0.81	0.62	550	340	9,556	0.029	12.78	6%
A-3	SHRUBS	LOW	0.3	DRIP	0.81	0.37	8,236	3,050	85,862	0.264	114.79	82%
A-4	SHRUBS	MOD	0.5	DRIP	0.81	0.62	907	560	15,759	0.048	21.07	9%
					TOTALS		9,993	4,061	114,305	0.35	152.81	100%

SPECIAL LANDSCAPE AREAS

HYDROZONE #	HYDROZONE NAME											
					1		0					0%
					TOTALS		0					0%

MAWA	GALLONS/YR	154,706
	ACRE FEET/YR	0.47
	HCF/YR	206.83
ETWU	GALLONS/YR	114,305
	ACRE FEET/YR	0.35
	HCF/YR	152.81

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
24.7%	0.25	YES

ETAF Calculations	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	4,061
TOTAL AREA	9,993
AVG. ETAF	40.64%

MAWA FORMULA

MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR

MAWA = (ETo)(0.62)[(LA x 0.55) + (0.45 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION
0.55= ET ADJUSTMENT FACTOR
LA=LANDSCAPED AREA (SQUARE FEET)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

ETWU FORMULA

ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR

ETWU= ((ETo)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION
PF = PLANT FACTOR FOR HYDROZONES
HA = HYDROZONE AREA (SQ.FT)
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP
IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE

03/22/2024

LANDSCAPE ARCHITECT SIGNATURE DATE

WATER CONSERVATION STATEMENT

1. THE PLANT LIST IS PRELIMINARY IN NATURE. SPECIES SHALL BE ADDED AND SUBTRACTED TO FULFILL THE DESIGN AND HORTICULTURAL REQUIREMENTS AS NECESSARY.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED WITH WATER CONSERVATION IN MIND WHILE ACHIEVING THE GOAL OF EFFECTIVELY AND EFFICIENTLY PROVIDING THE LANDSCAPE WITH WATER BY MEANS OF SPRAY IRRIGATION TO THE TURF, DRIP AND BUBBLER IRRIGATION FOR SHRUBS/GROUNDCOVER AREAS AND BUBBLERS WITHIN DEEP WATER TUBES TO THE TREES.
3. THE SPRAY SYSTEM SHALL BE TORO SPRAY HEADS WITH HIGH EFFICIENCY PRESSURE COMPENSATING NOZZLES IN A HEAD TO HEAD LAYOUT TO ACHIEVE AN EVEN LEVEL OF PRECIPITATION THROUGHOUT THE IRRIGATION SYSTEM.
4. A STATE-OF-THE-ART HUNTER ET BASED IRRIGATION CONTROLLER SHALL BE SPECIFIED FOR THIS PROJECT TO CONTROL THE WATER ALLOCATED TO EACH VALVE GROUPED PER INDIVIDUAL HYDROZONE (BASED ON PLANT TYPE AND EXPOSURE).

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BERESFORD SQUARE SHOPPING CENTER -NORTH

MILPITAS BOULEVARD & BERESFORD COURT
MILPITAS, CA

NO:	DESCRIPTION:	DATE:
1	SITE DEV SUBMITTAL & C.U.P	09/28/2022
2	SITE DEV SUBMITTAL & C.U.P	03/29/2023
3	SITE DEV SUBMITTAL & C.U.P	08/11/2023
4	SITE DEV SUBMITTAL & C.U.P	12/19/2023
5	SITE DEV SUBMITTAL & C.U.P	03/26/2024

NOT FOR CONSTRUCTION

REGISTERED LANDSCAPE ARCHITECT
CHRISTOPHER J. GATES
5/30/2024
Renewal date
X/XX/XXXX
CA
L.A.
STATE OF CALIFORNIA

PROJECT NUMBER:	6065
DRAWN:	MM, JT
CHECK:	CG
DATE:	05/28/2024
SCALE:	1"=16'-0"

0 8 16 32
0" 1" 2"

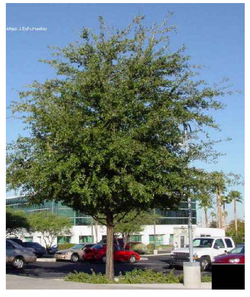
IRRIGATION PLAN

L2

PATH: P:\MILPITAS\BERESFORD\ACAD\SHEETS_DG-IRR BERESFORD.DWG
PLOT DATE: 5/24/2024 4:38 PM

Acer rubrum 'Armstrong'
Columnar Maple

Laurus noblis 'Saratoga'
Bay Laurel



Quercus virginiana
Southern Live Oak

Lagerstroemia indica 'Muskogee'
Crape Myrtle

ARBUTUS X 'MARINA'
MARINA STRAWBERRY TREE

Agave desmettiana
Smooth Agave

Aloe arborescens
Candelabra Aloe

Hesperaloe parvifolia 'Brakelights'
Red Yucca

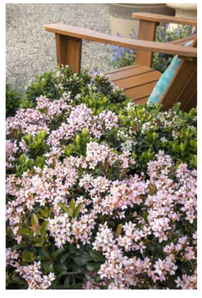
Cotyledon orbiculata 'oblonga'
Finger Aloe

Rosa x 'Meijocos'
Coral Drift Rose

Callistemon viminalis 'Little John'
Dwarf Callistemon

Senecio mandraliscae
Blue Chalksticks

Pittosporum tenuifolium 'Wrinkled Blue'
Kohuhu

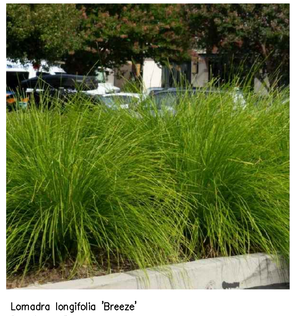


Rhapiolepis indicia 'Clara'
Indian Hawthorn

Nepeta faassenii 'Walkers Low'
Catmint

Pelagronium peltatum
Ivy Geranium

Leymus condensatus 'Canyon Prince'
Wild Rye



Lomadra longifolia 'Breeze'
Dwarf Mat Rush

Chondropetalum tecorum 'El Campo'
Dwarf Cape Rush

Teucrium chamaedrys
Wall Germander

Calandrinia spectabilis
Rock Purslane

Salvia microphylla 'Hot Lips'
Little Leaf Sage

Calamagrostis x acutifolora 'Karl Forester'
Feather Reed Grass

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BERESFORD
SQUARE SHOPPING
CENTER -NORTH

MILPITAS BOULEVARD &
BERESFORD COURT
MILPITAS, CA

NO:	DESCRIPTION:	DATE:
1	SITE DEV SUBMITTAL & C.U.P	09/28/2022
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NOT FOR CONSTRUCTION

PROJECT NUMBER:	6065
DRAWN:	MM, JT
CHECK:	CG
DATE:	05/28/2024
SCALE:	

0 0" ½" 1" 2"

PLANT PALLETE

L3

1 WEST ELEVATION

SCALE: 3/32" = 1'-0"

2 SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

A
DEW379
IGLOO
BY: DUN EDWARDS

B
DEC740
SANDCASTLE
BY: DUN EDWARDS

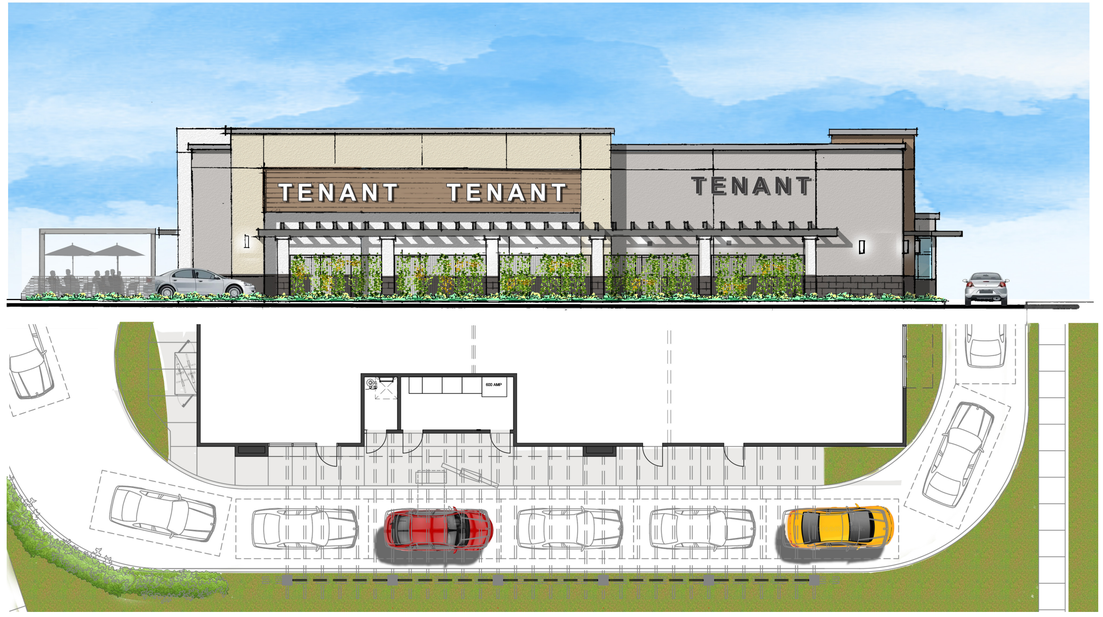
C
DEC790
ICE GRAY
BY: DUN EDWARDS

D
DE61244
WHOLE WHEAT
BY: DUN EDWARDS

E
DE6375
CASTLE ROCK
BY: DUN EDWARDS

4
TILE BASE
MODEL: EXHIBITION-COLORBODY
PORCELAIN 12X24
COLOR: DARK GRAY - EX04
BY: DALTILE

5
METAL CANOPY
FINISH: PAINTED STEEL
COLOR: DE6369 LEGENDARY GRAY
BY: DUNN EDWARDS

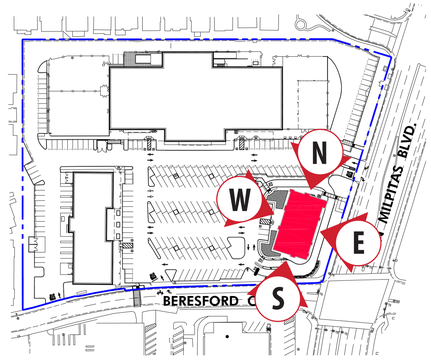


3 EAST ELEVATION

SCALE: 3/32" = 1'-0"

4 NORTH ELEVATION

SCALE: 3/32" = 1'-0"



KEY MAP N

Shapell Properties Inc.
11030 Bollinger Canyon Rd #150
San Ramon, CA 94582

BERESFORD SQUARE SHOPPING CENTER - NORTH

N.W.C. of N. Milpitas Boulevard & Beresford Court
Milpitas, California 95035

ELEVATIONS
05.28.2024 | 21257TMA
EL-01

mmaarchitecture.com
mma Architecture

A
DEW379
IGLOO
BY: DUNN EDWARDS

B
DEC740
SANDCASTLE
BY: DUNN EDWARDS

C
DEC790
ICE GRAY
BY: DUNN EDWARDS

D
DE61244
WHOLE WHEAT
BY: DUNN EDWARDS

E
DE6375
CASTLE ROCK
BY: DUNN EDWARDS

F
METAL CANOPY
FINISH: PAINTED STEEL
COLOR: DE6369 LEGENDARY GRAY
BY: DUNN EDWARDS

G
DE6367
COVERED IN PLATINUM
BY: DUNN EDWARDS

1 STUCCO
MANUFACTURER: HIGHLAND STUCCO
(SMOOTH STUCCO FINISH)
PAINT COLOR: BY DUNN EDWARDS

2 STOREFRONT
MANUFACTURER: BY ARCADIA
FINISH: CLEAR ALUMINUM

3 STOREFRONT GLASS
MANUFACTURER: BY VITRO ARCHITECTURAL GLASS
MODEL: 1" CLEAR FLOAT GLASS

4 TILE BASE
MANUFACTURER: DALTILE
MODEL: EXHIBITION - COLORBODY PORCELAIN 12 x 24
COLOR: DARK GRAY EX04
GROUT COLOR: #45 RAVEN - LATICRETE

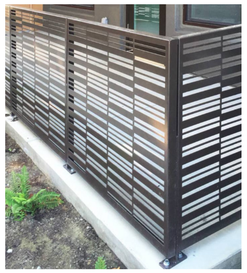
5 METAL CANOPY
MANUFACTURE: NEW CONSTRUCTION
FINISH: PAINTED STEEL
COLOR: DE 6369 LEGENDARY GRAY
BY: DUNN EDWARDS

6 WALL SCONCE
MANUFACTURER: TMS LIGHTING
MODEL: ADMIRAL SCONCE - LED
COLOR: F09 PEWTER

7 WALL SCONCE
MANUFACTURER: US ARCHITECTURAL LIGHTING
MODEL: LASER SERIES - LAS5562-LED-NF
COLOR: GRAY RAL-7004-T

8 COMPOSITE SIDING
MANUFACTURER: HARDIE BOARD
MODEL: ARTISAN V-GROVE SIDING
COLOR: PRIME TO PAINT

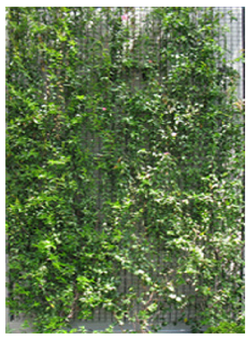
9 TRASH RECEPTACLES
COLOR: BLACK
MODEL: SSDC-36
BY: VICTOR STANLEY



11 DECORATIVE METAL FENCE
MANUFACTURER: BOK MODERN
MODEL: DIVIDER/LOW FENCE

13 BIKE RACK
MANUFACTURER: BIKEPARKING.COM
MODEL: RIBBON RACK

14 POTS
MODEL: BOULEVARD WOOD PLANTERS
BY: TOURNESOL

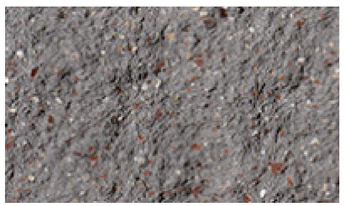


15 GREEN SCREEN:
COLOR: GRAY
BY: GENERAL CONTRACTOR

16 ALUMINUM TRELLIS
FINISH: PAINTED ALUMINUM SEMI-GLOSS
COLOR: DE6369 LEGENDARY GRAY
BY DUNN DEWARDS
MANUFACTURER BY: GENERAL
CONTRACTOR

17 PEDESTRIAN LIGHT
MODEL:POLE TOP
LUMINAIRETE 99 401
SYMETRIC SINGLE
COLOR: BLACK
POLE:12RFNS1 (12' HIGH)
BY:BEGA

18 TRELLIS LIGHT:
MODEL: PDSW-5-LED
COLOR: SATIN BLACK
BY: LIGHTWAY



19 CMU BLOCK
MANUFACTURER: ANGELUS BLOCK
MODEL: SPLIT FACE
COLOR: GREYSTONE

20
PATIO FURNITURE

Segno # 268 - Arm Chair,
22 A/ Iron
Cambi #802 Mesh Table - 36"Sq.,
22 A/ Iron
Umbrella - Aluminum Square
(118"x118")
Color: Canopy Beige
Steel Base (24"sq.) Silver

FINISH LEGEND

KEY	MATERIAL
1	STUCCO MANUFACTURER: HIGHLAND STUCCO (SMOOTH STUCCO FINISH) PAINT COLOR: BY DUNN EDWARDS
2	STOREFRONT MANUFACTURER: BY ARCADIA FINISH: CLEAR ALUMINUM
3	STOREFRONT GLASS MANUFACTURER: BY VITRO ARCHITECTURAL GLASS MODEL: 1" CLEAR FLOAT GLASS
4	TILE BASE MANUFACTURER: DALTILE MODEL: EXHIBITION - COLORBODY PORCELAIN 12 x 24 COLOR: DARK GRAY EX04 GROUT COLOR: #45 RAVEN - LATICRETE
5	METAL CANOPY MANUFACTURE: NEW CONSTRUCTION FINISH: PAINTED STEEL COLOR: DE 6369 LEGENDARY GRAY BY: DUNN EDWARDS
6	WALL SCONCE MANUFACTURER: TMS LIGHTING MODEL: ADMIRAL SCONCE - LED COLOR: F09 PEWTER
7	WALL SCONCE MANUFACTURER: US ARCHITECTURAL LIGHTING MODEL: LASER SERIES - LAS5562-LED-NF COLOR: GRAY RAL-7004-T
8	COMPOSITE SIDING MANUFACTURER: HARDIE BOARD MODEL: ARTISAN V-GROVE SIDING COLOR: PRIME TO PAINT
9	TRASH RECEPTACLES MANUFACTURER: VICTOR STANLEY MODEL: SSDC-36 COLOR: BLACK
10	DECORATIVE CONCRETE PAVING FINISH: TOP CAST 15 COLOR: SAN DIEGO BUFF
11	DECORATIVE METAL FENCE MANUFACTURER: BOK MODERN MODEL: DIVIDER/ LOW FENCE
12	BIKE LOCKER MANUFACTURER: BIKEPARKING.COM MODEL: PERFORATED BIKE LOCKER
13	BIKE RACKS MANUFACTURER: BIKE PARKING.COM MODEL: RIBBON RACK
14	POTS MANUFACTURER: TOURNESOL MODEL: BOULEVARD WOOD PLANTERS
15	GREENSCREEN COLOR: MATTE TEXTURE GREEN BY: GREENSCREEN
16	ALUMINUM TRELLIS MANUFACTURER: BY GENERAL CONTRACTOR FINISH: PAINTED ALUMINUM, SEMI GLOSS COLOR: DE6369 LEGENDARY GRAY BY: DUNN EDWARDS
17	PEDESTRIAN LIGHT MANUFACTURER: BEGA LED MODEL: POLE TOP LUMINAIRTE 99 401 SYMMETRIC SINGLE COLOR: BLACK POLE: 12 RFNS1 (12" HIGH) COLOR: BLACK
18	TRELLIS LIGHT MANUFACTURER: LIGHTWAY MODEL: PDSW-5-LED COLOR: SATIN BLACK
19	BLOCK (TRASH ENCLOSURE) MANUFACTURER: ANGELUS BLOCK MODEL: SPLITFACE COLOR: GREYSTONE
20	PATIO FURNITURE MANUFACTURER: EMU CONTRACT SEGNO #268 - ARM CHAIR, 22 A/ IRON CAMBI #802 MESH TABLE - 36" SQ., 22 A/ IRON NOTE: NO UMBRELLA FOR NOW

CON'T. FINISH LEGEND

PAINT COLORS

A	PAINT COLOR: DEW 379 IGLOO BY: DUNN EDWARDS
B	PAINT COLOR: DEC 740 SANDCASTLE BY: DUNN EDWARDS
C	PAINT COLOR: DEC 790 ICE GRAY BY: DUNN EDWARDS
D	PAINT COLOR: DE 6124 WHOLE WHEAT BY: DUNN EDWARDS
E	PAINT COLOR: DE 6375 CASTLEROCK BY: DUNN EDWARDS
F	PAINT COLOR: DE6369 LEGENDARY GRAY BY: DUNN EDWARDS
G	PAINT COLOR: DE6367 COVERED IN PALTINUM BY: DUNN EDWARDS

Shapell Properties Inc.
11030 Bollinger Canyon Rd #150
San Ramon, CA 94582

BERESFORD SQUARE SHOPPING CENTER - NORTH

N.W.C. of N. Milpitas Boulevard & Beresford Court
Milpitas, California 95035

COLOR MATERIAL BOARD

05.28.2024 | 21257TMA

CM-01

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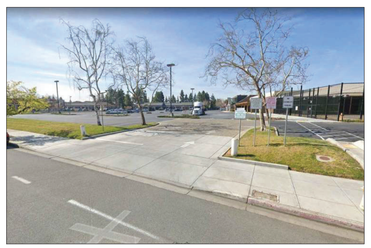
BERESFORD & MILPITAS 12

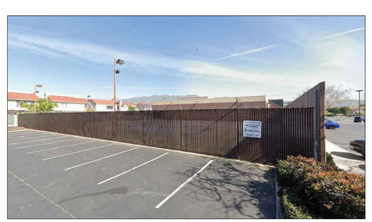
VACANT BUILDING 11



N MILPITAS ENTRANCE 10

MAIN DRIVE TO ALLEY 9

BERESFORD ENTRANCE 8

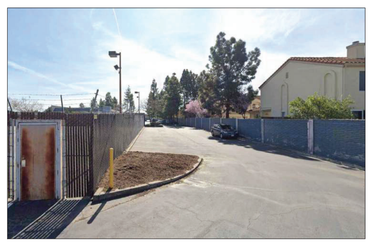


VACANT YARD 7

NORTH ALLEY 6

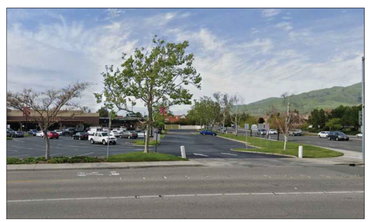
VIEW WEST 5

WEST BERESFORD ENTRANCE 4

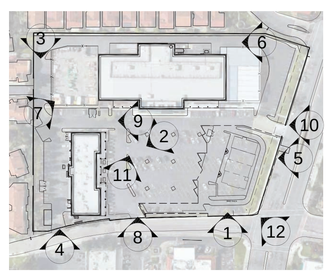


WEST ALLEY 3

EXISTING RETAIL 2



PROPOSED PAD LOCATION 1



KEY MAP

Shapell Properties Inc.
11030 Bollinger Canyon Rd #150
San Ramon, CA 94582

BERESFORD SQUARE SHOPPING CENTER - NORTH

N.W.C. of N. Milpitas Boulevard & Beresford Court
Milpitas, California 95035

SITE PHOTOS
12.18.2023 | 21257TMA

PH-01

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SHAPELL
PROPERTIES

Memo

March 20, 2024

By: Thomas Jajeh, Regional Director, Shapell Properties

RE: Beresford Square Retail Pad, Public Meeting

Background:

Shapell mailed out 838 copies of the postcard below to the addresses provided by the City as noted in the attached tracking report provided by My Postcard Mania, a mailing service provider.

Front:

SHAPELL PROPERTIES

Back:

EXCITING NEWS

BERESFORD SQUARE SHOPPING CENTER

Shapell Properties is pleased to announce early-stage plans to construct a new 6,245 square foot retail building pad at 125 N Milpitas Blvd, Milpitas, CA 95035.

- The contemplated tenant mix for the building is planned for a restaurant, shop or service-retail use, and drive-through restaurant/coffee purveyor.
- The new development will provide the local community access to more options for dining and shopping needs with the convenience of drive-thru service.
- The construction of a new retail building will have positive effects on the local community, including job creation and economic growth.
- The proposed building will benefit the surrounding community and current shopping center tenants and is architecturally compatible with the overall project.

A remote/video conference meeting will be held on **Wednesday, December 20th** from **4pm-6pm**. To register for the event, please email your name, address, phone number and email address to: beresford.north.pad@gmail.com

For questions or comments for the City of Milpitas about the project, please email the Project Planner, Kristina Phung at: kphung@milpitas.gov.

To view proposed plans, please visit this Microsoft OneDrive link by QR code:

or by navigating through your web browser to: https://tinyurl.com/BSN-PAD

THIS SPACE RESERVED FOR ADDRESSING

Presorted FIRST-CLASS U.S. Postage PAID St. Pete, FL Permit No. 888

Shapell Properties conducted a remote video conference meeting on Wednesday, December 20th, 2023, from 4pm to 6pm. The purpose of the meeting was to discuss the preliminary phases of construction for the retail pad located at 125 N Milpitas Blvd, Milpitas, CA 95035.

Below is a list of participants that were present during the meeting:

1. Rummel Adriano (radriano@mail.com), 180 Fairmeadow Way Milpitas, CA 95035
2. Ravishangar Kalyanam (ravishangar.k@gmail.com) 258 Silverlake Dr, Milpitas, CA 95035
3. Subhashree Ravishangar (vgsubhashree@gmail.com) 258 Silverlake Dr, Milpitas, CA 95035
4. Shah - joined later (didn't pre-register with Shapell. Only received their first name)
5. Sean Powell, Stratford Schools
6. Kristina Phung, City of Milpitas Planning Dept.
7. Gary Black, Hexagon Transportation Consultants
8. Greg James, MMA Architects
9. Thomas Jajeh, Shapell Properties
10. Brett Smith, Shapell Properties

SHAPELL PROPERTIES

Public emails/questions:

Per Kristina - Two questions were received before and responded to RAVI K <ravishangar.k@gmail.com> and ponnathpore@earthlink.net

Notes from meeting:

Shapell spoke about 70-year company history, ownership and management of shopping centers in Milpitas and history of community partnership.

Shapell shared images from the entitlement package and talked about the proposed development.

The following points were noted by Shapell and its architect:

- The building and drive through were designed to minimize disruption with the operation of the Stratford School and existing retail building. The queue of the proposed drive thru was designed in a manner to avoid traffic and pedestrian conflicts with the pickup and dropoff queue of the school. Stratford schools indicated that Shapell had kept them appraised of the plans throughout the design process and that they were supportive of the development.

- Green screens behind drive thru land shield the view from the public right of way

- Order point is at car 7 in the queue and the speaker and traffic was shown to not cause an unacceptable level of noise or adverse air quality as studied by Illingworth and Rodkin, Inc. in their report dated July 28, 2023 as submitted along with the entitlement package.

- A pickup window is located at the north side of the building

Questions During Meeting:

Question raised by a participant: “Does school have summer program which would conflict with the construction of the project?” – Answer from Shapell and Stratford indicated that they were not aware of issues with construction and conflicts; Project buildout timeframe is estimated at 16 months, weather dependent, quick build, they'd work closely with Stratford to prevent disruption

Question raised by Ravishangar Kalyanam and Subhashree Ravishangar had questions surrounding a metal vault cover in the drive aisle behind Stratford School. The metal cover rattles when cars drive on it and were wondering if it can be removed. *The vault was subsequently repaired by Shapell through Paragon, a California GC; it was tested by Shapell Property Management on March 20, 2024 and verified with Ashley the school Principal.*

Meeting concluded at the prescribed time.

myPostcardMania

Marketing Results Report

RESULTS REPORT FOR:

Shapell Properties

All Time

Mail Tracking

Total Delivered: 774

#522480 12/6/2023 12/20 something exciting is coming Mailing Quantity: 828 Delivered: 774

Date	Projected	Delivered	% of Total Delivered
12/11/2023	4	5	0.60%
12/12/2023	62	7	0.85%
12/13/2023	760	760	91.79%
12/14/2023	2	2	0.24%

BERESFORD SQUARE SHOPPING CENTER DRIVE-THRU AIR QUALITY & GREENHOUSE GAS ASSESSMENT

Milpitas, California

July 28, 2023

Prepared for:

Greg James
Principal
MMA Architecture
120 West Lime Avenue
Monrovia, CA 91016

Prepared by:

Zachary Palm
Jordyn Bauer
James A. Reyff

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
429 E. Cotati Avenue
Cotati, CA 94931
(707) 794-0400

I&R Project: #23-086

Executive Summary

This executive summary presents the key findings of a comprehensive California Environmental Quality Act (CEQA) analysis focused on predicting air quality and greenhouse gas (GHG) impacts for the Beresford Square Shopping Center project. The study assessed both construction and operational phases of the project, aiming to evaluate compliance with the Bay Area Air Quality Management District (BAAQMD) significance thresholds.

Findings:

1. Construction Period Emissions: The analysis indicates that the unmitigated construction period emissions associated with the project were found to be below the BAAQMD significance thresholds. This finding demonstrates that the construction phase of the project is unlikely to have significant adverse effects on air quality in the project area.

2. Operational Period Emissions: Like the construction phase, the unmitigated operational period emissions were found to be below the BAAQMD significance thresholds. This result suggests that the project's ongoing operations are not expected to cause significant air quality and GHG impacts during its operational lifespan.

3. Health Risk Impacts: The study evaluated potential health risk impacts resulting from the project's toxic air contaminant (TAC) emissions during construction and operation. The findings revealed that without mitigation measures, the project's health risk impacts were below the BAAQMD significance thresholds. This outcome indicates that the project's construction and operation are unlikely to pose significant health risks to the surrounding community.

4. Greenhouse Gas Compliance: The analysis required the City of Milpitas CAP consistency checklist to measure compliance with GHG thresholds, and it was assumed that the project will comply with this checklist. This assumption implies that the project aligns with the stipulated guidelines and regulations concerning GHG emissions, contributing to regional efforts to mitigate climate change.

Introduction

The purpose of this report is to address air quality, health risk, odor impacts, and greenhouse gas (GHG) impacts associated with the proposed drive-thru restaurant located at the northwest corner of Beresford Court and North Milpitas Boulevard in Milpitas, California. Air quality and GHG impacts would be associated with demolition of the existing land uses, construction of the new building and infrastructure, and operation of the project. Odor impacts would be associated with operation of the project. Air pollutants and GHG emissions associated with construction and operation of the project were predicted using appropriate computer models. In addition, the potential project health risk impacts (construction and operation) and the impact of existing toxic air contaminant (TAC) sources affecting the nearby sensitive receptors were evaluated. The

analysis was conducted following guidance provided by the Bay Area Air Quality Management District (BAAQMD).[1]

Project Description

The project proposes to demolish the existing surface parking lot and construct a drive-thru restaurant on the 1.05-acre project site. The proposed project would include a 2,206-square foot (sf) drive-thru restaurant, a 1,707-sf retail shop, and a 2,332-sf restaurant. The drive-thru restaurant would include two drive-thru ordering lanes that merge into one lane. Parking will be provided in a 79-space surface parking lot.

Air Quality 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 (PM_{10}), and fine particulate matter ($PM_{2.5}$).

Air Pollutants of Concern

High ozone concentrations in the air basin are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_X). These precursor pollutants react under certain meteorological conditions to form ozone. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ambient ozone concentrations. The highest ozone concentrations in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone concentrations aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant in the air basin. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter concentrations aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Odors

Odor impacts are subjective in nature and are generally regarded as an annoyance rather than a health hazard. The ability to detect and react to odors varies considerably among people. A strong or unfamiliar odor is more easily detected and is more likely to cause complaints. BAAQMD responds to odor complaints from the public and considers a source to have a substantial number of odor complaints if the complaint history includes five or more confirmed complaints per year averaged over a 3-year period. Facilities that are regulated by CalRecycle (e.g. landfill,

[1] Bay Area Air Quality Management District, *2022 CEQA Guidelines*, April 2023.

composting, etc.) are required to have *Odor Impact Minimization Plans* in place. The proposed project will not be regulated by CalRecycle.

Toxic Air Contaminants

TACs are a broad class of compounds known to cause morbidity or mortality, often because they cause cancer. 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 of TACs can result in adverse health effects, they 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 from diesel exhaust exposure a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Health risks from TACs are estimated using the Office of Environmental Health Hazard Assessment (OEHHA) risk assessment guidelines, which were published in February of 2015 and incorporated into BAAQMD's CEQA guidance.[2]

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. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptors to the project site are the residents in the multi-family housing to the north, east, and west of the project site. There are also children located at the Stratford School adjacent to the project site. There are additional sensitive receptors located at further distances. This project would not introduce new sensitive receptors (i.e., residents) to the area.

Regulatory Setting

Federal Regulations

The United States Environmental Protection Agency (EPA) sets nationwide ambient air quality standards (NAAQS) and emission standards for mobile sources, which include on-road (highway)

[2] 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.

motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The EPA also sets nationwide fuel standards.

In the past twenty years, the EPA has established a number of emission standards for on- and non-road heavy-duty diesel engines used in trucks and other equipment. This was done in part because diesel engines are a significant source of NO_X and particulate matter ($PM_{2.5}$) and because the EPA has identified DPM as a probable carcinogen. Implementation of the heavy-duty diesel on-road vehicle standards and the non-road diesel engine standards are estimated to reduce particulate matter and NO_X emissions from diesel engines up to 95 percent in 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.[3]

In concert with the diesel engine emission standards, the EPA has also substantially reduced the amount of sulfur allowed in diesel fuels. The sulfur contained in diesel fuel is a significant contributor to the formation of particulate matter in diesel-fueled engine exhaust. The current standards limit the amount of sulfur allowed in diesel fuel to 15 parts per million by weight (ppmw). Ultra-low sulfur diesel (ULSD), as it is referred to, is required for use by all vehicles in the U.S.

All of the above federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

State Regulations

The California Air Resources Board (CARB) has set statewide ambient air quality standards (CAAQS) and emission standards for on-road and off-road mobile sources that are more stringent than those adopted by the EPA. 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 regulation to reduce emissions of DPM and NO_X from on-road heavy-duty diesel fueled vehicles.[4] 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 have been phased in over the compliance period and depend on the model year of the vehicle.

CARB has also adopted and implemented regulations to reduce DPM and NO_X emissions from in-use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, etc.). The regulations apply to diesel-powered off-road vehicles with engines 25 horsepower (hp) or greater. The regulations are intended to reduce DPM and NO_X exhaust emissions by requiring owners to turn over their fleet (replace older equipment with newer

[3] USEPA, 2000. *Regulatory Announcement, Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*. EPA420-F-00-057. December.
[4] Available online: http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm. Accessed: November 21, 2014.

equipment) or retrofit existing equipment in order to achieve specified fleet-averaged emission rates. Implementation of this regulation, in conjunction with the Federal off-road equipment engine emission limits for new vehicles, has significantly reduce emissions of DPM and NOx.

To address the issue of diesel emissions in the state, CARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*[5]. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel Risk Reduction Plan have been approved and adopted, including the Federal on-road and non-road emission standards for new diesel engines, as well as adoption of regulations for ULSD fuel in California.

Bay Area Air Quality Management District (BAAQMD)

BAAQMD has jurisdiction over an approximately 5,600-square mile area, commonly referred to as the San Francisco Bay Area (Bay Area). The District's boundary encompasses the nine San Francisco Bay Area counties, including Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County, Santa Clara County, Napa County, southwestern Solano County, and southern Sonoma County.

BAAQMD is the lead agency in developing plans to address attainment and maintenance of the NAAQS and CAAQS. The District also has permit authority over most types of stationary equipment utilized for the proposed project. The BAAQMD is responsible for permitting and inspection of stationary sources; enforcement of regulations, including setting fees, levying fines, and enforcement actions; and ensuring that public nuisances are minimized.

BAAQMD's Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area.[6] The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust, which is a major contributor to airborne health risk in California. The CARE program is an on-going program that encourages community involvement and input. The technical analysis portion of the CARE program has been implemented in three phases that includes an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TAC, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses has been used to develop emission reduction activities in areas with high TAC exposures and high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area. Seven areas have been identified by BAAQMD as impacted communities. They include Eastern San Francisco, Richmond/San Pablo, Western Alameda, San José, Vallejo, Concord, and Pittsburgh/Antioch. The project site is not within a BAAQMD CARE area.

[5] California Air Resources Board, 2000. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. October.
[6] See BAAQMD: https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program.

Overburdened communities are areas located (i) within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0 implemented by OEHHA, as having an overall score at or above the 70th percentile, or (ii) within 1,000 feet of any such census tract.[7] The BAAQMD has identified several overburdened areas within the air district's boundaries. However, the project site is not within an overburdened area as identified by BAAQMD as the Project site is scored at the 42nd percentile on CalEnviroScreen.[8]

BAAQMD CEQA Air Quality Guidelines

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. In 2023, the BAAQMD revised the *California Environmental Quality Act* (*CEQA) Air Quality Guidelines* that included the original significance thresholds to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The thresholds contained in this CEQA guidance are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA.

The updated guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process consistent with CEQA requirements including thresholds of significance, mitigation measures, and background air quality information. They include assessment methodologies for air toxins, odors, and GHG emissions. The current BAAQMD guidelines and thresholds were used in this analysis and are summarized in Table 1.[9] Air quality impacts and health risks are considered potentially significant if they exceed these thresholds.

[7] See BAAQMD: https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20210722_01_appendixd_mapsofoverburdenedcommunities-pdf.pdf?la=en.
[8] OEHAA, CalEnviroScreen 4.0 Maps https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[9] Bay Area Air Quality Management District, 2023. *2022 CEQA Guidelines.* April.

Table 1. BAAQMD CEQA Significance Thresholds

Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices (BMPs)*	Not Applicable	
Health Risks and Hazards	**Single Sources/ Individual Project**	**Combined Sources (Cumulative from all sources within 1000-foot zone of influence)**	
Excess Cancer Risk	>10 in a million	OR Compliance with Qualified Community Risk Reduction Plan	>100 in a million; OR Compliance with Qualified Community Risk Reduction Plan
Hazard Index	>1.0		>10.0
Incremental annual $PM_{2.5}$	>0.3 µg/m^3		>0.8 µg/m^3
Greenhouse Gas Emissions			
Land Use Projects – (Must Include A or B)	A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. 2. Transportation a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: i. Residential projects: 15 percent below the existing VMT per capita ii. Office projects: 15 percent below the existing VMT per employee iii. Retail projects: no net increase in existing VMT b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2. B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).		

Note: ROG = reactive organic gases, NO_X = nitrogen oxides, PM_{10} = course 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.

* BAAQMD strongly recommends implementing all feasible fugitive dust management practices especially when construction projects are located near sensitive communities, including schools, residential areas, or other sensitive land uses.

Source: Bay Area Air Quality Management District, 2022

The BAAQMD recommends all projects include a "basic" set of best management practices (BMPs) to manage fugitive dust and consider impacts from dust (i.e., fugitive PM_{10} and $PM_{2.5}$) to be less than significant if BMPs are implemented.

Basic Best Management Practices: **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. The contractor shall implement the following BMPs 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. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

9. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

BAAQMD strongly encourages enhanced BMPs for construction sites near schools, residential areas, or other sensitive land uses. Enhanced measures include:

- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.

- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

City of Milpitas General Plan 2040

The *City of Milpitas General Plan 2040* outlines a vision for the long-range physical and economic development of the community through 2040. It includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution, toxic air contaminants, and GHG emissions. The following goals and policies are applicable to the proposed project:

Goals

CIR-1: Provide a transportation system that efficiently, equitably, and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.

CIR-6: Support and expand the City's efforts to promote economic, environmental, and social sustainability through initiatives to reduce greenhouse gas emissions and other air pollutants, reduce runoff, promote public health, equity and engage the community in an inclusive planning process.

CON-7: Implement a proactive approach to maintain and improve air quality within Milpitas and the region.

Policies

CIR 1-3: Promote interconnectivity of the transportation network in existing and new developments and actively measure the quality of conditions in neighborhoods to better understand what barriers exist in order to support use of and access to the network.

CIR 1-4: Coordinate development of safe, inclusive, and health-promoting transportation infrastructure with local, county, regional, and state agencies to optimize efficiency of the transportation network for all users and increase opportunities for physical activity for all types of users.

CIR 6-2: Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.

CON 7-1: Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

CON 7-2: Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.

CON 7-4: Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).

CON 7-5: Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.

CON 7-7: Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.

CON 7-8: Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.

CON 7-11: Encourage improvements and design features that reduce vehicle delay such as bus turnouts, and synchronized traffic signals for new development to reduce excessive vehicle emissions caused by idling.

CON 7-12: Encourage and prioritize infrastructure investments and improvements that promote safe walking, bicycling and increased transit ridership.

Actions

Action CIR-1j: Seek opportunities to eliminate close walking and bicycling network gaps across barriers to mobility, including I-680, I-880, SR 237, and the Union Pacific and BART tracks.

Action CIR-4q: Make improvements to roads, signs, and traffic signals as needed to improve accessible, safe, and convenient bicycle and pedestrian travel.

Action CON-7e: Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control Program, and BAAQMD's Best Management Practices for fugitive dust control during construction.

Action CON-7f: Use the BAAQMD "Air Quality Guidelines", as amended, or replaced, in identifying thresholds, evaluating the potential project and cumulative impacts, and determining appropriate mitigation measures.

Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD, and General Plan requirements, which includes analysis and identification of:

- Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions;
- Potential exposure of sensitive receptors to toxic air contaminants;
- Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions; and
- Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.

Action CON-7i: Require construction activity plans and grading and drainage plans to include and/or provide for dust management to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Project applicants, or their assigned agents/contractors, shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project grading and construction.

AIR QUALITY IMPACTS AND MITIGATION MEASURES

Impact AIR-1: Conflict with or obstruct implementation of the applicable air quality plan?

BAAQMD, with assistance from the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), implements specific plans to meet the applicable federal and State laws, regulations, and programs. The most recent and comprehensive plan is the *Bay Area 2017 Clean Air Plan*.[10] The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. The BAAQMD has also recently updated its CEQA guidelines to assist lead agencies in evaluating the significance of air quality impacts. In formulating compliance strategies, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel, which in turn affects region-wide emissions of air pollutants and GHGs.

The 2017 Clean Air Plan, adopted by BAAQMD in April 2017, includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Plans must show consistency with the control measures listed within the Clean Air Plan. At the project-level, there are no consistency measures or thresholds. The proposed project would not conflict with the latest Clean Air planning efforts since 1) project would have construction and operational emissions below the BAAQMD thresholds, 2) the project would be considered urban infill, 3) the project would be located near employment centers, 4) the project would be located near transit with regional connections.

Impact AIR-2: 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?

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the NAAQS and the CAAQS. The area is also considered non-attainment for PM_{10} under the CAAQS, but not the NAAQS. The area has attained both State and Federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3, $PM_{2.5}$ and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. The O_3 precursor pollutant thresholds are for ROG and NOx, while PM_{10}, and $PM_{2.5}$ have specific thresholds. The thresholds apply to both construction period emissions and operational period emissions.

Construction Period Emissions

The California Emissions Estimator Model (CalEEMod) Version 2022 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The CalEEMod model output along with construction inputs are included in *Attachment 1*.

[10] Bay Area Air Quality Management District (BAAQMD), 2017. *Final 2017 Clean Air Plan.*

CalEEMod Inputs

Land Uses

The proposed project land uses were entered into CalEEMod as described in Table 2.

Table 2. Summary of Project Land Use Inputs

Project Land Uses	Size	Units	Square Feet	Acreage
Fast Food Restaurant with Drive Thru	2.206	1,000-sf	2.206	0.05*
Strip Mall	1.707	1,000-sf	1,707	0.04*
Fast Food Restaurant w/o Drive Thru	2.332	1,000-sf	2,332	0.05*
Parking Lot	79	Parking Spaces	-	0.71*
*CalEEMod Defaults Used				

Construction Inputs

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. The model provides emission estimates 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. The construction build-out scenario, including equipment list and schedule, were based on CalEEMod default information for a project of this type and size and then reviewed and authorized by the project applicant with the applicant providing the demolition start date.

The default CalEEMod construction equipment worksheet included the schedule for each phase (included in *Attachment 1*). Within each phase, the quantity of equipment to be used along with the average hours per day and total number of workdays were set to the CalEEMod default values. Since different equipment would have different estimates of the working days per phase, the hours per day for each phase were computed by dividing the total number of hours that the equipment would be used by the total number of days in that phase. The default construction schedule assumed that the earliest possible start date would be January 2024 and the project would be built out over a period of approximately 6 months, or 127 construction workdays. The earliest full year of operation was assumed to be 2025.

Construction Traffic Emissions

Construction would produce traffic in the form of worker trips and truck traffic. The traffic-related emissions are based on worker and vendor trip estimates produced by CalEEMod and haul trips that were computed based on the soil imported and/or exported to the site and the amount of concrete to and from the site. CalEEMod provides daily estimates of worker and vendor trips for each applicable phase. Haul trips for grading were estimated by CalEEMod using the provided grading volumes. The number of total concrete round haul trips were provided for the project and converted to daily one-way trips, assuming two trips per delivery.

Summary of Computed Construction Period Emissions

Average daily emissions were annualized for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 3 shows the unmitigated annualized average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 3, predicted unmitigated annualized project construction emissions would not exceed the BAAQMD significance thresholds during construction.

Table 3. Construction Period Emissions

Year	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (Tons)				
2024	0.07	0.34	0.02	0.01
Average Daily Construction Emissions Per Year (pounds/day)				
2024 (127 construction workdays)	1.14	5.31	0.24	0.22
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD recommends all projects include a "basic" set of best management practices (BMPs) to manage fugitive dust and considers impacts from dust (i.e., fugitive PM_{10} and $PM_{2.5}$) to be less-than-significant if BMPs are implemented to reduce these emissions. Milpitas General Plan Policy CON 7-4 and 7-5 requires projects to assess air quality guidelines per the BAAQMD's CEQA Air Quality Guidelines and implement the BAAQMD-recommended measures to control construction emissions. Specifically, Action CON-7f requires projects to assess projected air emissions from new developments in conformance with the BAAQMD guidelines and implement feasible air emission reduction measures requires construction projects to implement these measures. The project would be required to implement the following BMPs recommended by BAAQMD, per Milpitas General Plan Action CON-7e and CON-7i.

Action CON-7e and CON-7i: **Require dust control measures, including those included in the Santa Clara Valley Non-Point Source Pollution Control Program, and BAAQMD's BMPs for fugitive dust control during construction.**

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. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

9. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Effectiveness of Action CON-7e and CON-7i

The measures above are consistent with BAAQMD-recommended basic BMPs for reducing fugitive dust contained in the BAAQMD CEQA Air Quality Guidelines. For this analysis, only the basic set of BMPs are required as the unmitigated fugitive dust emissions from project sources were below the BAAQMD single-source threshold.

Operational Period Emissions

ROG, PM, and NO_x air emissions from the project would be generated primarily from autos driven by future employees and customers. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are also typical ROG emission sources from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

CalEEMod Inputs

Land Uses

The project operational land uses were entered into CalEEMod as described above for the construction period modeling.

Model Year

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest full year of operation

would be 2025 if construction begins in 2024. Emissions associated with build-out later than 2025 would be lower.

Traffic Information

Project-specific daily trip generation rate provided by the traffic consultant was entered into the CalEEMod model.[11] The daily trip generation was calculated by the traffic consultant using ITE trip generation rates and the size of the project land uses. The project would produce approximately 1,497 daily trips that are assumed to be weekday trips. The Saturday and Sunday trip rates were derived by multiplying the ratio of the CalEEMod default rates for Saturday and Sunday trips to the default weekday rate with the project-specific daily weekday trip rate. For the fast-food land uses, the trip lengths were set to 5 miles to capture all Milpitas originating traffic since the provided traffic study concludes that the fast-food restaurant will be local serving[12]. Also for the fast-food land uses, the fleet mix was adjusted to capture a light duty fleet using the restaurant. For all other land uses, the default trip lengths and trip types specified by CalEEMod were used.

Idling Vehicles

The CalEEMod model does not account for additional emissions due to vehicle queuing that could occur during busy periods at a drive-thru restaurant. Therefore, the CARB EMFAC2021 model was used, which predicts motor vehicle emission rates. Emissions were computed assuming vehicles idle at the drive-thru restaurant. Idle emission rates in grams per minute were computed using the methods recommended by CARB for light-duty vehicles that convert five mile-per hour emissions rates into hourly emissions.[13] This analysis assumed the peak-hour would have 14 vehicles queuing constantly during the peak hour. This was based on the project plans that showed that 14 vehicles were the maximum number of vehicles that could fit into the drive-thru lane.[14] All vehicles were assumed to be light-duty or medium-duty vehicles. Since there were no predictions for daily queuing conditions, the peak hour was assumed to represent 10 percent of the daily queuing emissions. Traffic studies typically assume that peak hour is approximately 10 percent of the daily volume; therefore, this relationship was used for this analysis. Annual emissions assumed similar operating conditions 365 days per year. The analysis of queuing emissions is included in *Attachment 2.*

Energy – Electricity

CalEEMod defaults for energy use were used, which include the 2019 Title 24 Building Standards. GHG emissions modeling includes those indirect emissions from electricity consumption. The model has a default rate of 2 pounds of CO_2 per megawatt of electricity produced, which is based on Silicon Valley Clean Energy (SVCE) 2019 emissions rate. SVCE is the official electricity provider for Milpitas. SVCE purchases carbon-free electricity and partners with PG&E to deliver this electricity over existing power lines that they maintain. SVCE provides 100-percent carbon-

[11] Hexagon Transportation Consultants, Inc., *Transportation Analysis for the Proposed Retail Pad at Beresford Square Shopping Center in Milpitas, California*, June 15, 2023.
[12] Hexagon Transportation Consultants, Inc., *Transportation Analysis for the Proposed Retail Pad at Beresford Square Shopping Center in Milpitas, California*, June 15, 2023.
[13] See *http://www.arb.ca.gov/msei/modeling.htm* - accessed on April 15, 2014
[14] W-Trans, *Draft Report: Traffic Impact Study for the Yolanda Mixed-Use Project.* 30 October 2018.

free energy and customers in the City of Milpitas are automatically enrolled in the SVCE GreenStart default program, which offers electricity that is carbon-free and with 50 percent of the power from renewable sources.[15]

Energy – Natural Gas

According to the project applicant, some of the project may use natural gas, as well as electric appliances. [16] CalEEMod defaults were utilized for the natural gas supplier (PG&E) and the annual natural gas usage of the project.

Other Inputs

Default model assumptions for emissions associated with solid waste generation use were used. Wastewater treatment was changed to 100 percent aerobic conditions to represent the use of city sewer services (i.e., project would not send wastewater to septic tanks or facultative lagoons).

Summary of Computed Operational Period Emissions

Annual emissions were predicted using CalEEMod and daily emissions were estimated assuming 365 days of operation. Table 4 shows unmitigated net average daily operational emissions of ROG, NO_X, total PM_{10}, and total $PM_{2.5}$ during operation of the project. Operational period emissions would not exceed the BAAQMD significance thresholds.

Table 4. Operational Period Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2025 Annual Project Operational Emissions (*tons/year*)	0.70	0.49	0.76	0.20
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2025 Daily Project Operational Emissions (*pounds/day*)[1]	3.85	2.70	4.17	1.09
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*
Notes: [1]Assumes 365-day operation.				

Impact AIR-3: Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased health risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity or by significantly exacerbating existing cumulative TAC impacts. This project would introduce new sources of TACs during construction (i.e., on-site construction and truck hauling emissions) and operation (i.e., mobile sources idling).

Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors and the project would generate some traffic consisting of mostly light-duty gasoline-powered vehicles.

[15] See: https://www.svcleanenergy.org/choices/
[16] File: *2023_0613_Data Needs for Beresford Square Shopping Center Project*, July 6, 2023.

Project impacts to existing sensitive receptors were addressed for temporary construction activities and long-term operational conditions. There are also several sources of existing TACs and localized air pollutants in the vicinity of the project. The impact of the existing sources of TAC was assessed in terms of the cumulative risk which includes the project contribution.

Health Risk Methodology for Construction and Operation

Health risk impacts were addressed by predicting increased cancer risk, the increase in annual $PM_{2.5}$ concentrations, and by computing the Hazard Index (HI) for non-cancer health risks. The risk impacts from the project are the combination of risks from construction and operation sources. These sources include on-site construction activity, construction truck hauling, and increased traffic from the project. To evaluate the increased cancer risks from the project, a 30-year exposure period was used, per BAAQMD guidance,[17] with the sensitive receptors being exposed to both project construction and operation emissions during this timeframe.

The project increased cancer risk is computed by summing the project construction cancer risk and operation cancer risk contributions. Unlike the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI values are not additive but based on the annual maximum values for the entirety of the project. The project maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction and operation.

The methodology for computing health risks impacts is contained in Appendix E of the BAAQMD CEQA Guidelines. TAC and $PM_{2.5}$ emissions are calculated, a dispersion model used to estimate ambient pollutant concentrations, and cancer risks and HI calculated using DPM concentrations.

Modeled Sensitive Receptors

Receptors for this assessment included locations where sensitive populations would be present for extended periods of time (i.e., chronic exposures). This includes the nearby existing residences to the north, east, and west, of the project site, as well as the school adjacent to the north of the site as shown in Figure 1. Residential receptors are assumed to include all receptor groups (i.e., third trimester, infants, children, and adults) with almost continuous exposure to project emissions. Health risks were also computed for child receptors at the school. While there are additional sensitive receptors within 1,000 feet of the project site, the receptors chosen are adequate to identify maximum impacts from the project.

Health Risks from Project Construction

The primary health risk impact issues associated with construction projects are cancer risks associated with diesel exhaust (i.e., DMP), which is a known TAC, and exposure to high ambient concentrations of dust (i.e., $PM_{2.5}$) DPM 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

[17]BAAQMD, 2022. Appendix E of the *BAAQMD CEQA Guidelines*. April 2023.

DPM and $PM_{2.5}$.[18] This assessment included dispersion modeling to predict the offsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be estimated.

Construction Emissions

The CalEEMod model provided total uncontrolled annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles. Total DPM emissions were estimated to be 0.02 tons (30 pounds) and fugitive dust emissions ($PM_{2.5}$) to be 0.001 tons (2 pounds) from all construction stages. The on-road emissions are a result of haul truck travel during 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 the emissions from on-road vehicles traveling at or near the site would occur at the construction site.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict DPM and $PM_{2.5}$ concentrations at sensitive receptors (i.e., residences, school) 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.[19] Emission sources for the construction site were grouped into two categories: exhaust emissions of DPM and fugitive $PM_{2.5}$ dust emissions.

Construction Sources

To represent the construction equipment exhaust emissions, an area source emission release height of 20 feet (6 meters) was used for the area source.[20] The release height incorporates both the physical release height from the construction equipment (i.e., the height of the exhaust pipe) and plume rise after it leaves the exhaust pipe. Plume rise is due to both the high temperature of the exhaust and the high velocity of the exhaust gas. It should be noted that when modeling an area source, plume rise is not calculated by the AERMOD dispersion model as it would do for a point source (exhaust stack). Therefore, the release height from an area source used to represent emissions from sources with plume rise, such as construction equipment, should be based on the height the exhaust plume is expected to achieve, not just the height of the top of the exhaust pipe.

For modeling fugitive $PM_{2.5}$ emissions, a near-ground level release height of 7 feet (2 meters) was used for the area source. Fugitive dust emissions at construction sites come from a variety of sources, including truck and equipment travel, grading activities, truck loading (with loaders) and unloading (rear or bottom dumping), loaders and excavators moving and transferring soil and other materials, etc. All of these activities result in fugitive dust emissions at various heights at the point(s) of generation. Once generated, the dust plume will tend to rise as it moves downwind across the site and exit the site at a higher elevation than when it was generated. For all these

[18] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.
[19] BAAQMD, 2023, *Appendix E of the 2022 BAAQMD CEQA Guidelines.* April.
[20] California Air Resource Board, 2007. *Proposed Regulation for In-Use Off-Road Diesel Vehicles, Appendix D: Health Risk Methodology*. April. Web: https://ww3.arb.ca.gov/regact/2007/ordiesl07/ordiesl07.htm

reasons, a 7-foot release height was used as the average release height across the construction site. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources. Figure 1 shows the project construction site and receptors.

AERMOD Inputs and Meteorological Data

The modeling used a five-year meteorological data set (2013-2017) from the San José Airport prepared for use with the AERMOD model by the BAAQMD. Construction emissions were modeled as occurring Monday through Saturday between 7:30 a.m. to 7:00 p.m., according to the provided construction schedule. Annual DPM and $PM_{2.5}$ concentrations from construction activities during the 2024 period were calculated using the model. DPM and $PM_{2.5}$ concentrations were calculated at nearby sensitive receptor locations. Receptor heights of 5 feet (1.5 meters) and 15 feet (4.5 meters) used to represent the breathing heights on the first and second floors of sensitive receptors in the nearby multi-family residences. A receptor height of 3 feet (1 meter) was used to represent the breathing height of children at the Stratford School.

Summary of Construction Health Risk Impacts

The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with BAAQMD CEQA guidance for age sensitivity factors and exposure parameters. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Third trimester, infant, child, and adult exposures were assumed to occur at all residences during the entire construction period, while child exposures were assumed at the school.

Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified. The maximum modeled annual $PM_{2.5}$ concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed HI value was based on the ratio of the maximum DPM concentration modeled and the chronic inhalation DPM reference exposure level of 5 $\mu g/m^3$.

The modeled maximum annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the MEIs. Results of this assessment indicated that the construction MEIs were located at two different locations. The cancer risk MEI is located on the first floor (5 feet above ground) of a multi-family residence east of the project site. The $PM_{2.5}$ concentration MEI is located on the first floor (5 feet above ground) of the Stratford School north of the project stie. The location of the MEIs and nearby sensitive receptors are shown in Figure 1. Table 5 summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and health hazard indexes for project related construction activities at the MEIs. *Attachment 2* to this report includes the emission calculations used for the construction modeling and the cancer risk calculations.

Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with construction activities at the nearby Stratford School. The maximum increased cancer risks were adjusted using child exposure parameters. The uncontrolled cancer risk, $PM_{2.5}$ concentration, and HI at the nearby Stratford School do not exceed their respective BAAQMD single-source significance thresholds, as shown in Table 5.

Figure 1. Location of Project Construction Site, Off-Site Sensitive Receptors, and Maximum TAC Impact (MEI)

Health Risks from Project Operation

Project Traffic

Diesel powered vehicles are the primary concern with local traffic-generated TAC impacts. Per BAAQMD recommended risks and methodology, a road with less than 10,000 total vehicle per day is considered a low-impact source of TACs.[21] This project would generate 1,497 daily trips.[22] The project traffic would be dispersed on the roadway system with a majority of the trips being from light-duty vehicles (i.e., passenger automobiles), which is a fraction of 10,000 daily vehicles. In addition, projects with the potential to cause or contribute to increased cancer risk from traffic include those that have high numbers of diesel-powered on road trucks or use off-road diesel equipment on site, such as a warehouse distribution center, a quarry, or a manufacturing facility, may potentially expose existing or future planned receptors to substantial cancer risk levels and/or health hazards. This is not a project of concern for mobile sources. Therefore, emissions from project traffic are considered negligible and not included within this analysis.

[21] BAAQMD, 2012, *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0.* May. Web: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en

[22] Hexagon Transportation Consultants, Inc., *Transportation Analysis for the Proposed Retail Pad at Beresford Square Shopping Center in Milpitas, California*, June 15, 2023.

Idling Vehicles

As described above in the Operational Period Emissions section, emissions from idling vehicles queuing for service were calculated. Dispersion modeling of idling vehicle emissions was conducted using the AERMOD dispersion model, which is recommended by the BAAQMD for this type of analysis.[23] TAC and $PM_{2.5}$ emissions from idling vehicles in the drive-thru area were evaluated with the model. Emissions from idling vehicles were modeled in AERMOD using a series of area sources along a line (line area sources), with line segments used to represent the drive-thru lane. The same meteorological data and off-site sensitive receptors used in the previous project dispersion modeling were used in the idling vehicles modeling. Annual TAC and $PM_{2.5}$ concentrations at the project MEI from idling vehicles were calculated using receptor heights of 5 feet (1.5 meters) to represent the breathing heights on the first floor of the nearby residence. Health risk impacts from the idling vehicles upon the MEI are reported in Table 5 and calculations are included in *Attachment 3*.

Summary of Project-Related Health Risks at the Off-Site Project MEIs

The health risk impacts from the project are the combination of construction and operation sources. These sources include the on-site construction activity and vehicles idling in the drive-thru. The project impact is computed by adding the construction cancer risk for an infant to the increased cancer risk for the project operational conditions for the vehicle idling at the MEIs over a 30-year period. The project MEIs are identified as the sensitive receptor that is most impacted by the project's construction and operation.

For this project, the sensitive receptors identified in Figure 1 as the construction MEIs are also the project MEIs. At this location, the MEIs would be exposed to emissions from construction for 7 months and 29 years plus 5 months of traffic idling emissions in the drive-thru. Unlike the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI risks are not additive but based on an annual maximum risk for the entirety of the project. As shown in Table 5, the unmitigated cancer risk, annual $PM_{2.5}$ concentration, and Hazard Index from construction and operational activities at the MEI locations would not exceed the BAAQMD single-source significance thresholds.

[23] BAAQMD. *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2012

Table 5. Health Risk Impacts at the Off-Site Project MEIs and School

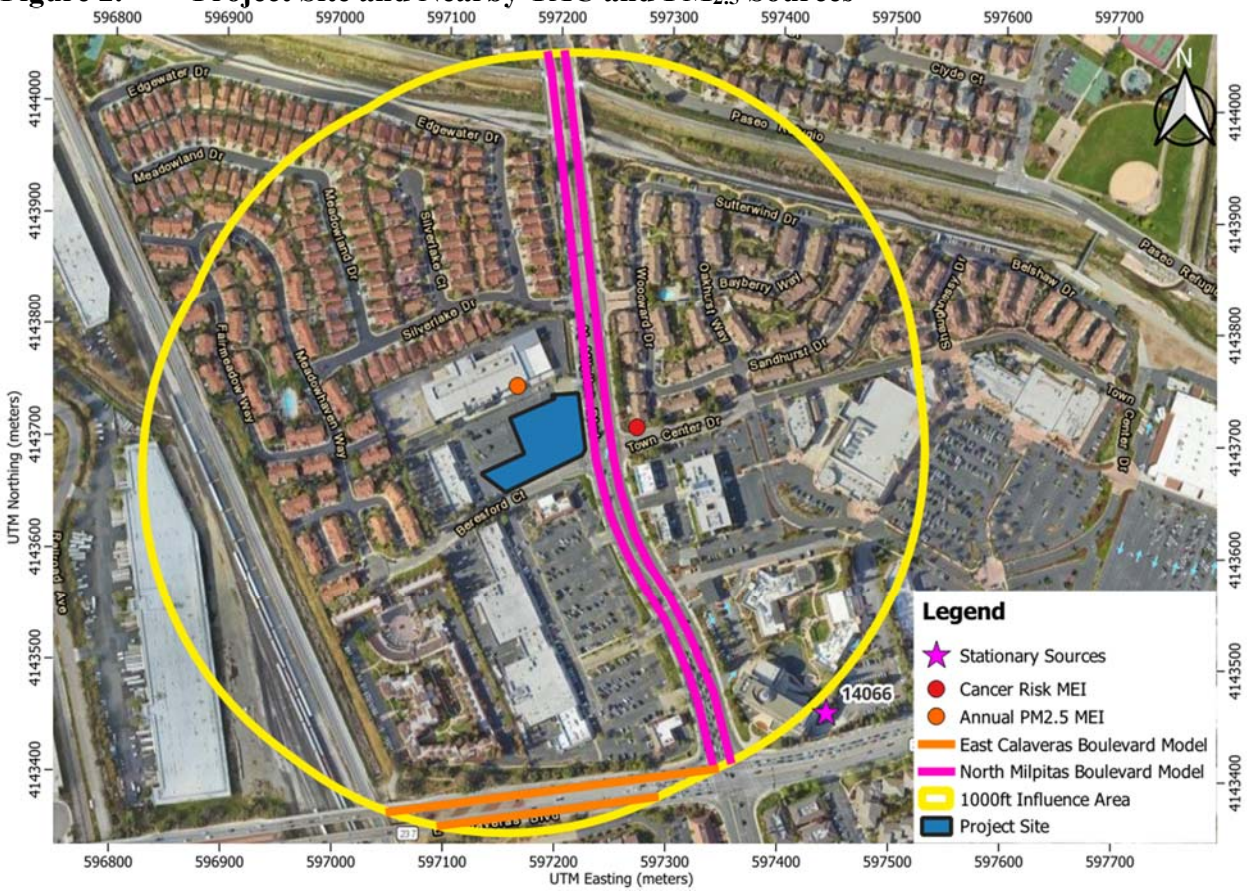
Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction	Unmitigated	4.96 (infant)	0.03	0.01
Project Drive-Thru Vehicle Idling		0.87 (infant)	<0.01	<0.01
Project Total/Maximum Impacts	Unmitigated	5.83 (infant)	0.03	0.01
BAAQMD Single-Source Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*
Impacts at Stratford School				
Project Construction	Unmitigated	2.09 (child)	0.03	0.01
Project Drive-Thru Vehicle Idling		0.08 (child)	<0.01	<0.01
Project Total/Maximum Impacts	Unmitigated	2.17 (child)	0.03	0.01
BAAQMD Single-Source Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*

Cumulative Health Risks of all TAC Sources at the Off-Site Project MEI

Cumulative health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors located within 1,000 feet of a project site (i.e., influence area). These sources include rail lines, freeways or highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area indicates traffic on North Milpitas Boulevard and East Calaveras Boulevard exceeds 10,000 vehicles per day. Other nearby streets appear to have less than 10,000 vehicles per day and are considered negligible sources of cumulative TACs. Figure 2 shows the location of the sources affecting the MEIs. A review of BAAQMD's stationary source geographic information systems (GIS) map tool identified one existing stationary source of TACs with the potential to affect the project MEIs. Health risk impacts from these sources upon the MEIs are reported in Table 6. Details of the modeling and health risk calculations are included in *Attachment 2*.

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



Local Roadways – North Milpitas Boulevard and East Calaveras Boulevard

An analysis of potential health impacts from vehicle traffic on North Milpitas Boulevard and East Calaveras Boulevard was conducted. This analysis involved prediction of emissions for the traffic volume and mix of vehicle types on the roadways near the project site and using an atmospheric dispersion model to predict exposure to TACs. The associated cancer risks are then computed based on the modeled exposures.

Traffic Emissions Modeling

This analysis involved the development of DPM, organic TACs, and $PM_{2.5}$ emissions for traffic on North Milpitas Boulevard and East Calaveras Boulevard using the Caltrans version of the CARB EMFAC2021 emissions model, known as CT-EMFAC2021. CT-EMFAC2021 provides emission factors for mobile source criteria pollutants and TACs, including DPM. Emission processes modeled include running exhaust for DPM, $PM_{2.5}$ and total organic compounds (TOG), running evaporative losses for TOG, and tire and brake wear and fugitive road dust for $PM_{2.5}$. All $PM_{2.5}$ emissions from all vehicles were used, rather than just the $PM_{2.5}$ fraction from diesel powered vehicles, because all vehicle types (i.e., gasoline and diesel powered) produce $PM_{2.5}$. Additionally, $PM_{2.5}$ emissions from vehicle tire and brake wear from re-entrained roadway dust

were included in these emissions. DPM emissions are projected to decrease in the future and are reflected in the CT-EMFAC2021 emissions data. Inputs to the model include region (Santa Clara County), type of road (major/collector), traffic mix assigned by CT-EMFAC2021 for the county, truck percentage for non-state highways in Santa Clara County (3.51 percent),[24] year of analysis (2024 construction start year), and season (annual).

To estimate TAC and $PM_{2.5}$ emissions over the 30-year exposure period used for calculating the increased cancer risks for sensitive receptors at the MEIs, the CT-EMFAC2021 model was used to develop vehicle emission factors for the year 2024 (construction start year). Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CT-EMFAC2021. Year 2024 emissions were conservatively assumed as being representative of future conditions over the time period that cancer risks are evaluated since, as discussed above, overall vehicle emissions, and in particular diesel truck emissions, will decrease in the future.

The ADT for North Milpitas Boulevard and East Calaveras Boulevard was based on AM and PM peak-hour traffic volumes that were provided for a nearby project analyzed by *Illingworth & Rodkin, Inc.* The calculated ADT on North Milpitas Boulevard was 17,098 vehicles and 44,523 vehicles on East Calavera Boulevard. Average hourly traffic distributions for Santa Clara County roadways were developed using the EMFAC model,[25] which were then applied to the ADT volumes to obtain estimated hourly traffic volumes and emissions for the roadway. For all hours of the day an average speed of 35 mph on North Milpitas Boulevard and 40 mph on East Calaveras Boulevard was assumed for all vehicles.

Hourly emissions rates were developed for DPM, organic TACs, and $PM_{2.5}$ along the applicable segments of each roadway within 1,000 feet of the project site. AERMOD was used to estimate the TAC and $PM_{2.5}$ concentrations at the MEI locations. Maximum increased lifetime cancer risks and maximum annual $PM_{2.5}$ concentrations for the construction MEIs receptor were then computed using modeled TAC and $PM_{2.5}$ concentrations and BAAQMD methods and exposure parameters.

Dispersion Modeling

Dispersion modeling of TAC and $PM_{2.5}$ emissions was conducted using the AERMOD dispersion model, which is recommended by the BAAQMD for this type of analysis.[26] TAC and $PM_{2.5}$ emissions from both roadways within about 1,000 feet of the project site were evaluated with the model. Emissions from vehicle traffic travel were modeled in AERMOD using a series of area sources along a line (line area sources), with line segments used to represent opposing travel lanes on both roadways. The same meteorological data and off-site sensitive receptors used in the construction dispersion modeling were used in the roadway modeling. Other inputs to the model included road geometry, hourly traffic emissions, and receptor locations and heights. Annual TAC and $PM_{2.5}$ concentrations at the project MEIs for 2024 from traffic on both roadways were

[24] Bay Area Air Quality Management District, 2023, Appendix E of the *BAAQMD CEQA Guidance.* April.
[25] The Burden output from EMFAC2007, a previous version of CARB's EMFAC model, was used for this since the current web-based version of EMFAC2021 does not include Burden type output with hour-by-hour traffic volume information.
[26] BAAQMD. *Recommended Methods for Screening and Modeling Local Risks and Hazards.* May 2012

calculated using receptor heights of 3 feet (1 meter) and 5 feet (1.5 meters) to represent the breathing heights on the first floor of the nearby residence and school.

Computed Cancer and Non-Cancer Health Impacts

The cancer risk, $PM_{2.5}$ concentration, and HI impacts from North Milpitas Boulevard and East Calaveras Boulevard on the off-site MEIs are shown in Table 6. Figure 2 shows the roadway links modeled and receptor locations where concentrations were calculated. Details of the emission calculations, dispersion modeling, and cancer risk calculations for the receptors with the maximum cancer risk from traffic on both roadways are provided in *Attachment 3*.

BAAQMD Permitted Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Permitted Stationary Sources 2021* GIS map website.[27] This mapping tool identifies the location of nearby stationary sources and their estimated risk and hazard impacts, based on emissions and adjustments to account for OEHHA 's risk guidance. One source was identified using this tool, a diesel generator. The BAAQMD GIS website provided screening risks and hazards for the source. Therefore, a stationary source information request was not required to be submitted to BAAQMD.

The screening risk and hazard levels provided by BAAQMD for the stationary source was adjusted for distance using BAAQMD's *Distance Adjustment Multiplier Tool for Diesel Internal Combustion Engines.* Health risk impacts from the stationary source upon the MEIs are reported in Table 6.

Summary of Cumulative Risks at the Project MEI

Table 6 reports both the project and cumulative health risk impacts at the sensitive receptors most affected by project construction (i.e., the MEIs). As shown in Table 6, the project would not exceed the single-source or cumulative-source thresholds for cancer risk, annual $PM_{2.5}$ concentration, and hazard index.

[27] BAAQMD, Web: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3

Table 6. Cumulative Health Risk Impacts at the Location of the Project MEI

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Impacts				
Project Total/Maximum Impacts		5.83 (infant)	0.03	0.01
BAAQMD Single-Source Threshold		***10***	***0.3***	***1.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*
Cumulative Sources				
North Milpitas Boulevard, ADT 17,098		2.20	0.04	<0.01
East Calaveras Boulevard, ADT 44,523		0.12	0.01	<0.01
Milpitas City Hall (Facility ID #14066, Generator), MEI at 1000+ feet		0.06	<0.01	<0.01
Combined Sources	Unmitigated	8.21	<0.09	<0.04
BAAQMD Cumulative Source Threshold		***100***	***0.8***	***10.0***
Exceed Threshold?	Unmitigated	*No*	*No*	*No*

Impact AIR-4: Create objectionable odors affecting a substantial number of people?

Specific uses for the Project have not been identified but could include fast-food restaurants. Restaurants, especially fast-food restaurants, can produce noticeable odors through the preparation of food. Deep fryers and char broilers tend to produce odors that can be offensive to some people and generate complaints. There are measures that restaurants can incorporate into the exhaust systems to eliminate or reduce odors so that complaints do not occur. BAAQMD's Regulation 7: Odiferous Substances generally apply to restaurants. This regulation prohibits discharge of any odorous substance that causes the ambient air at or beyond the property line to be odorous and to remain odorous after dilution with four parts of odor-free air.

Odor impacts could occur if the public, especially residents living near the project, experience objectionable odors and make complaints. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, there are no quantitative methodologies to determine the presence of a significant odor impact. The significance of odor impacts is based on the potential to cause odor complaints.

The closest sensitive receptors to the project are the multi-family homes surrounding the site and the children at the Stratford School north of the site. Winds in the area generally blow from the northwest (based on wind data from San Jose International Airport) and the project is located to the south and west of residences and the school. The project is also not anticipated to include char broilers or deep fryers. Typically, these types of restaurants would include kitchen equipment to eliminate or greatly reduce the cooking odors produced by char broilers or deep fryers. Even if char broilers or deep fryers are included when a tenant for the project is chosen, due to the aforementioned kitchen equipment, it's assumed that the project would not create objectional odors that would affect the existing receptors.

Greenhouse Gas Emissions

Setting

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2, CH_4, and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semi-conductor manufacturing.

Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO_2 being assigned a value of 1 and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO_2 equivalents (CO_2e).

An expanding body of scientific research supports the theory that global climate change is currently affecting changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

Federal and Statewide GHG Emissions

The U.S. EPA reported that in 2022, total gross nationwide GHG emissions were 5,215.6 million metric tons (MMT) carbon dioxide equivalent (CO_2e).[28] These emissions were lower than peak levels of 7,416 MMT that were emitted in 2007. CARB updates the statewide GHG emission

[28] United States Environmental Protection Agency, 2022. *Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2020*. February. Web: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks

inventory on an annual basis where the latest inventory includes 2000 through 2020 emissions.[29] In 2020, GHG emissions from statewide emitting activities were 369.2 MMT CO_2e. The 2020 emissions have decreased by 25 percent since peak levels in 2004 and are 35.3 MMT CO_2e lower than 2019 emissions level and almost 62 MMT CO_2e below the State's 2020 GHG limit of 431 MMT CO_2e. Per capita GHG emissions in California have dropped from a 2001 peak of 13.8 MT CO_2e per person to 9.3 MT CO_2e per person in 2020.

Recent Regulatory Actions for GHG Emissions

Executive Order S-3-05 – California GHG Reduction Targets

Executive Order (EO) S-3-05 was signed by Governor Arnold Schwarzenegger in 2005 to set GHG emission reduction targets for California. The three targets established by this EO are as follows: (1) reduce California's GHG emissions to 2000 levels by 2010, (2) reduce California's GHG emissions to 1990 levels by 2020, and (3) reduce California's GHG emissions by 80 percent below 1990 levels by 2050.

Assembly Bill 32 – California Global Warming Solutions Act (2006)

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codified the State's GHG emissions target by directing CARB to reduce the State's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, CEC, California Public Utilities Commission (CPUC), and Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05, which has a target of reducing GHG emissions 85 percent below 1990 levels.

The first Scoping Plan for AB 32 was adopted by CARB in December 2008. Its most recent update was completed in December of 2022[30]. It contains the State's main strategies to achieve carbon neutrality by 2045. This plan extends and expands upon the earlier versions with a target of reducing anthropogenic emissions to 85 percent below 1990 levels by 2045. It also takes the step of adding carbon neutrality as a science-based guide and touchstone for California's climate work. Measures to achieve carbon neutrality include rapidly moving to zero emission vehicles (ZEV), removing natural gas as an option for space conditioning, increasing the number of solar arrays and wind turbines, and scaling up renewable hydrogen for hard-to-electrify end uses.

Senate Bill 375 – California's Regional Transportation and Land Use Planning Efforts (2008)

California enacted legislation (SB 375) to expand the efforts of AB 32 by controlling indirect GHG emissions caused by urban sprawl. SB 375 provides incentives for local governments and applicants to implement new conscientiously planned growth patterns. This includes incentives for creating attractive, walkable, and sustainable communities and revitalizing existing communities.

[29] CARB. 2022. *California Greenhouse Gas Emission for 2000 to 2020*. Web: https://ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000-2020_ghg_inventory_trends.pdf
[30] CARB. 2022. Final 2022 Scoping Plan Update and Appendices. Web: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents

The legislation also allows applicants to bypass certain environmental reviews under CEQA if they build projects consistent with the new sustainable community strategies. Development of more alternative transportation options that would reduce vehicle trips and miles traveled, along with traffic congestion, would be encouraged. SB 375 enhances CARB's ability to reach the AB 32 goals by directing the agency in developing regional GHG emission reduction targets to be achieved from the transportation sector for 2020 and 2035. CARB works with the metropolitan planning organizations (e.g., ABAG and MTC) to align their regional transportation, housing, and land use plans to reduce VMT and demonstrate the region's ability to attain its GHG reduction targets. A similar process is used to reduce transportation emissions of ozone precursor pollutants in the Bay Area.

Senate Bill 350 - Renewable Portfolio Standards

In September 2015, the California Legislature passed SB 350, which increases the states Renewables Portfolio Standard (RPS) for content of electrical generation from the 33 percent target for 2020 to a 50 percent renewables target by 2030.

Executive Order B-30-15 & Senate Bill 32 GHG Reduction Targets – 2030 GHG Reduction Target

In April 2015, Governor Brown signed EO B-30-15, which extended the goals of AB 32, setting a GHG emissions target at 40 percent of 1990 levels by 2030. On September 8, 2016, Governor Brown signed Senate Bill (SB) 32, which legislatively established the GHG reduction target of 40 percent of 1990 levels by 2030. In November 2017, CARB issued *California's 2017 Climate Change Scoping Plan*.[31] While the State is on track to exceed the AB 32 scoping plan 2020 targets, this plan is an update to reflect the enacted SB 32 reduction target.

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB has drafted a 2022 Scoping Plan Update to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. The 2022 draft plan:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 or earlier.
- Focuses on strategies for reducing California's dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California's most impacted communities as a driving principle.
- Incorporates the contribution of natural and working lands to the state's GHG emissions, as well as its role in achieving carbon neutrality.
- Relies on the most up to date science, including the need to deploy all viable tools, including carbon capture and sequestration as well a direct air capture.

[31] California Air Resource Board, 2017. *California's 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Targets.* November. Web: https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017.pdf

- Evaluates multiple options for achieving our GHG and carbon neutrality targets, as well as the public health benefits and economic impacts associated with each.

The Scoping Plan was updated in 2022 and lays out how the state can get to carbon neutrality by 2045 or earlier. It is the first Scoping Plan that adds carbon neutrality as a science-based guide and touchstone beyond statutorily established emission reduction targets.[32]

The mid-term 2030 target is considered critical by CARB on the path to obtaining an even deeper GHG emissions target of 80 percent below 1990 levels by 2050, as directed in Executive Order S-3-05. The 2022 Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and to not only obtain the statewide goals, but cost-effectively achieve carbon-neutrality by 2045 or earlier. In the 2022 Scoping Plan, CARB recommends:

- VMT per capita reduced 12% below 2019 levels by 2030 and 22% below 2019 levels by 2045.
- 100% of Light-duty vehicle sales are zero emissions vehicles (ZEV) by 2035.
- 100% of medium duty/heavy duty vehicle sales are ZEV by 2040.
- 100% of passenger and other locomotive sales are ZEV by 2030.
- 100% of line haul locomotive sales are ZEV by 2035.
- All electric appliances in new residential and commercial building beginning 2026 (residential) and 2029 (commercial).
- 80% of residential appliance sales are electric by 2030 and 100% of residential appliance sales are electric by 2035.
- 80% of commercial appliance sales are electric by 2030 and 100% of commercial appliance sales are electric by 2045.

SB 743 Transportation Impacts

Senate Bill 743 required lead agencies to abandon the old "level of service" metric for evaluating a project's transportation impacts, which was based solely on the amount of delay experienced by motor vehicles. In response, the Governor's Office of Planning and Research (OPR) developed a VMT metric that considered other factors such as reducing GHG emissions and developing multimodal transportation[33]. A VMT-per-capita metric was adopted into the CEQA Guidelines Section 15064.3 in November 2017. Given current baseline per-capita VMT levels computed by CARB in the 2030 Scoping Plan of 22.24 miles per day for light-duty vehicles and 24.61 miles per day for all vehicle types, the reductions needed to achieve the 2050 climate goal are 16.8 percent for light-duty vehicles and 14.3 percent for all vehicle types combined. Based on this analysis (as well as other factors), OPR recommended using a 15-percent reduction in per capita VMT as an appropriate threshold of significance for evaluating transportation impacts.

[32] https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents
[33] Governor's Office of Planning and Research. 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA.* December.

Executive Order B-55-18 – Carbon Neutrality

In 2018, a new statewide goal was established to achieve carbon neutrality as soon as possible, but no later than 2045, and to maintain net negative emissions thereafter. CARB and other relevant state agencies are tasked with establishing sequestration targets and create policies/programs that would meet this goal.

Senate Bill 100 – Current Renewable Portfolio Standards

In September 2018, SB 100 was signed by Governor Brown to revise California's RPS program goals, furthering California's focus on using renewable energy and carbon-free power sources for its energy needs. The bill would require all California utilities to supply a specific percentage of their retail sales from renewable resources by certain target years. By December 31, 2024, 44 percent of the retails sales would need to be from renewable energy sources, by December 31, 2026 the target would be 40 percent, by December 31, 2027 the target would be 52 percent, and by December 31, 2030 the target would be 60 percent. By December 31, 2045, all California utilities would be required to supply retail electricity that is 100 percent carbon-free and sourced from eligible renewable energy resource to all California end-use customers.

California Building Standards Code – Title 24 Part 11 & Part 6

The California Green Building Standards Code (CALGreen Code) is part of the California Building Standards Code under Title 24, Part 11.[34] The CALGreen Code encourages sustainable construction standards that involve planning/design, energy efficiency, water efficiency resource efficiency, and environmental quality. These green building standard codes are mandatory statewide and are applicable to residential and non-residential developments. The most recent CALGreen Code (2022 California Building Standard Code) was effective as of January 1, 2023.

The California Building Energy Efficiency Standards (California Energy Code) is under Title 24, Part 6 and is overseen by the California Energy Commission (CEC). This code includes design requirements to conserve energy in new residential and non-residential developments, while being cost effective for homeowners. This Energy Code is enforced and verified by cities during the planning and building permit process. The current energy efficiency standards (2022 Energy Code) replaced the 2019 Energy Code as of January 1,2023. Under the 2019 standards, single-family homes are predicted to be 53 percent more efficient than homes built under the 2016 standard due more stringent energy-efficiency standards and mandatory installation of solar photovoltaic systems. For nonresidential developments, it is predicted that these buildings will use 30 percent less energy due to lightening upgrades.[35]

Requirements for electric vehicle (EV) charging infrastructure are set forth in Title 24 of the California Code of Regulations. The CALGreen standards consist of a set of mandatory standards required for new development, as well as two more voluntary standards known as Tier 1 and Tier 2. The CalGreen 2022 standards require deployment of additional EV chargers in various building

[34] See: https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen#:~:text=CALGreen%20is%20the%20first%2Din,to%201990%20levels%20by%202020.
[35] See: https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf

types, including multifamily residential and nonresidential land uses. They include requirements for both EV capable parking spaces and the installation of Level 2 EV supply equipment for multifamily residential and nonresidential buildings. The 2022 CALGreen standards include requirements for both EV readiness, installation of EV chargers, and include both mandatory requirements and more aggressive voluntary Tier 1 and Tier 2 provisions. Providing EV charging infrastructure that meets current CALGreen requirements will not be sufficient to power the anticipated more extensive level of EV penetration in the future that is needed to meet SB 30 climate goals.

CEC studies have identified the most aggressive electrification scenario as putting the building sector on track to reach the carbon neutrality goal by 2045.[36] Installing new natural gas infrastructure in new buildings will interfere with this goal. To meet the State's goal, communities have been adopting "Reach" codes that prohibit natural gas connections in new and remodeled buildings.

Advanced Clean Cars

The Advanced Clean Cars Program, originally adopted by CARB in 2012, was designed to bring together CARB's traditional passenger vehicle requirements to meet federal air quality standards and also support California's AB 32 goals to develop and implement programs to reduce GHG emissions back down to 1990 levels by 2020, a goal achieved in 2016 as a result of numerous emissions reduction programs.

Advanced Clean Cars II (ACC II) is phase two of the original rule. ACC II establishes a year-by-year process, starting in 2026, so all new cars and light trucks sold in California will be zero-emission vehicles by 2035, including plug-in hybrid electric vehicles. The regulation codifies the light-duty vehicle goals set out in Governor Newsom's Executive Order N-79-20. Currently, 16 percent of new light-duty vehicles sold in California are zero emissions or plug-in hybrids. By 2030, 68 percent of new vehicles sold in California would be zero emissions and 100 percent by 2035.

City of Milpitas Climate Action Plan

In May 2013, the City of Milpitas' Climate Action Plan (CAP) was adopted.[37] It is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the CEQA Guidelines Section 15183.5(b) and BAAQMD Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies to comply with AB 32 and SB 375. The CAP establishes a local GHG reduction target of 15% below baseline 2005 emissions levels by 2020 which matches the State's goals. The purpose of the reduction target is to identify a level of community GHG emissions below which emissions would not be cumulatively considerable under the State and BAAQMD CEQA Guidelines.

[36] California Energy Commission. 2021. F*inal Commission Report: California Building Decarbonization Assessment. Publication Number CEC-400-2021-006-CMF*.August
[37] City of Milpitas, *Climate Action Plan – A Qualified Greenhouse Gas Reduction Strategy*, May 2013. Web: https://www.ci.milpitas.ca.gov/_pdfs/Climate_ActionPlan.pdf

The City of Milpitas adopted the Updated CAP in August 2022. The Updated CAP serves as a comprehensive roadmap to further address the challenges of climate change. The Update outlines strategies and measures to guide the City to meet state GHG emissions reduction targets. The qualified CAP Update includes a Consistency Checklist that new projects must comply with. This checklist is included as *Attachment 4*.

BAAQMD GHG Significance Thresholds

On April 20, 2022, BAAQMD adopted new thresholds of significance for operational GHG emissions from land use projects for projects beginning the CEQA process. The current thresholds of significance are:

A. Projects must include, at a minimum, the following project design elements:
   a. Buildings
      i. The project will not include natural gas appliances or natural gas plumbing (in both residential and non-residential development).
      ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
   b. Transportation
      i. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
         1. Residential Projects: 15 percent (16.8 percent in Petaluma) below the existing VMT per capita
         2. Office Projects: 15 percent (16.8 percent in Petaluma) below the existing VMT per employee
         3. Retail Projects: no net increase in existing VMT
      ii. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

New land use projects are required to meet either section A or B from the above list, not both, to be considered less than significant.

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with

vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below.

CalEEMod Modeling

CalEEMod was used to predict GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model, as described above within the construction and operational period emissions. CalEEMod output is included in *Attachment 1*.

Construction GHG Emissions

GHG emissions associated with construction were computed at 72 MT of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though the California Office of Planning and Research (OPR) recommends quantifying emissions and disclosing that GHG emissions would occur during construction, even in cases where BAAQMD does not. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational GHG Emissions

The CalEEMod model was used to estimate daily emissions associated with operation of the proposed project. As shown in Table 7 for informational purposes, net annual GHG emissions resulting from operation of the proposed project are predicted to be 829 MT of CO_2e in 2025.

Table 7. Annual Project GHG Emissions (CO_2e) in Metric Tons

Source Category	Proposed Project in 2025
Mobile	741
Drive-Thru Queuing	35
Area	0
Energy Consumption	33
Water Usage	1
Solid Waste Generation	17
Refrig.	1
Total (MT CO_2e/year)	829

For this impact to be considered less than significant, it must be consistent with a local GHG reduction strategy (Threshold B) or meet the minimum project design elements recommended by BAAQMD (Threshold A). Threshold B is being applied to the analysis of this project as the City of Milpitas has adopted a CAP. The CAP Consistency Checklist is included in *Attachment 4*.

It is anticipated that the project will be consistent with the City of Milpitas CAP Consistency Checklist. As a result, the project would have less-than-significant GHG emissions.

Impact GHG-2: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The City of Milpitas has a CAP and enforces its building codes, which aim to reduce GHG emissions. Therefore, if individual projects conform to City building Codes, they will conform with the CAP and would not conflict with local plans, policies, or regulations applicable to GHG emissions. The proposed project would be constructed in conformance with at minimum the 2022 CalGreen and the Title 24 Building Codes, which requires high-efficiency water fixtures, water-efficient irrigation systems, and compliance with current energy efficiency standards. Compliance with these standards ensures compliance with State and federal plans, policies, and regulations applicable to GHG emissions.

Supporting Documentation

Attachment 1 includes the CalEEMod outputs for project construction and operational criteria air pollutants. Also included are any modeling assumptions.

Attachment 2 is the health risk assessment. This includes the summary of the dispersion modeling and the cancer risk calculations for construction. The AERMOD dispersion modeling files for this assessment, which are quite voluminous, are available upon request and would be provided in digital format.

Attachment 3 includes the cumulative health risk calculations, modeling results, and health risk calculations from sources affecting the project MEI and new project sensitive receptors.

Attachment 4 includes the City of Milpitas' Climate Action Plan Consistency Checklist.

Attachment 1: CalEEMod Input Assumptions and Outputs

Air Quality/Noise Construction Information Data Request

Project Name: Beresford Square Shopping Center Drive Thru DEFAULTS

Complete ALL Portions in Yellow

See Equipment Type TAB for type, horsepower and load factor

Project Size		Dwelling Units	
	5.75 AC	total project acres disturbed	
		s.f. residential	
		s.f. retail	
		s.f. office/commercial	
	6,245	s.f. other, specify:	Resturant w/ Drive Thru
		s.f. parking garage	spaces
		s.f. parking lot	79 spaces
Construction Days (i.e, M-F)	Monday	to	Saturday
Construction Hours	7:30 am	to	7:00 pm

Pile Driving? Y/N? Yes

Project include on-site GENERATOR OR FIRE PUMP during project OPERATION (not construction)? Y/N? ___No_

IF YES (if BOTH separate values) -->

Kilowatts/Horsepower: _____

Fuel Type: _____

Location in project (Plans Desired if Available):

DO NOT MULTIPLY EQUIPMENT HOURS/DAY BY THE QUANTITY OF EQUIPMENT

Quantity	Description	HP	Load Factor	Hours/day	Total Work Days	Avg. Hours per day	HP Annual Hours	Comments
	Demolition	**Start Date:**	**1/22/2024**	**Total phase:**	**10**			**Overall Import/Export Volumes**
		End Date:	**2/2/2024**					
1	Concrete/Industrial Saws	81	0.73	8	10	8	4730	**Demolition Volume**
	Excavators	158	0.38			0	0	Square footage of buildings to be demolished
1	Rubber-Tired Dozers	247	0.4	1	10	1	988	(or total tons to be hauled)
2	Tractors/Loaders/Backhoes	97	0.37	6	10	6	4307	_0_ square feet *or*
	Other Equipment?							_0_ Hauling volume (tons)
								Any pavement demolished and hauled? _?_ tons
	Site Preparation	**Start Date:**	**2/5/2024**	**Total phase:**	**1**			
		End Date:	**2/6/2024**					
1	Graders	187	0.41	8	1	8	613	
	Rubber Tired Dozers	247	0.4			0	0	
1	Tractors/Loaders/Backhoes	97	0.37	8	1	8	287	
	Other Equipment?							
	Grading / Excavation	**Start Date:**	**2/7/2024**	**Total phase:**	**2**			
		End Date:	**2/9/2024**					**Soil Hauling Volume**
	Excavators	158	0.38			0	0	Export volume = _169_ cubic yards
1	Graders	187	0.41	6	2	6	920	Import volume = _0_ cubic yards
1	Rubber Tired Dozers	247	0.4	6	2	6	1186	
	Concrete/Industrial Saws	81	0.73			0	0	
1	Tractors/Loaders/Backhoes	97	0.37	7	2	7	502	
	Other Equipment?							
	Trenching/Foundation	**Start Date:**	**2/7/2023**	**Total phase:**	**2**			
		End Date:	**2/9/2023**					
1	Tractor/Loader/Backhoe	97	0.37	8	2	8	574	
1	Excavators	158	0.38	8	2	8	961	
	Other Equipment?							
	Building - Exterior	**Start Date:**	**2/12/2024**	**Total phase:**	**100**			**Cement Trucks? _10_ Total Round-Trips**
		End Date:	**6/28/2024**					
1	Cranes	231	0.29	4	100	4	26796	Electric? (Y/N) _N__ Otherwise assumed diesel
2	Forklifts	89	0.2	6	100	6	21360	Liquid Propane (LPG)? (Y/N) _N__ Otherwise Assumed diesel
	Generator Sets	84	0.74			0	0	Or temporary line power? (Y/N) _Y__
2	Tractors/Loaders/Backhoes	97	0.37	8	100	8	57424	
	Welders	46	0.45			0	0	
	Other Equipment?							
Building - Interior/Architectural Coating		**Start Date:**	**7/1/2024**	**Total phase:**	**5**			
		End Date:	**7/8/2024**					
1	Air Compressors	78	0.48	6	5	6	1123	
	Aerial Lift	62	0.31			0	0	
	Other Equipment?							
	Paving	**Start Date:**	**7/9/2024**	**Total phase:**	**5**			
		Start Date:	**7/16/2024**					
4	Cement and Mortar Mixers	9	0.56	6	5	6	605	
1	Pavers	130	0.42	7	5	7	1911	**Asphalt? ___ cubic yards or ____ round trips?**
	Paving Equipment	132	0.36			0	0	
1	Rollers	80	0.38	7	5	7	1064	
1	Tractors/Loaders/Backhoes	97	0.37	7	5	7	1256	
	Other Equipment?							
	Additional Phases	**Start Date:**		**Total phase:**				
		Start Date:						
						#DIV/0!	0	
						#DIV/0!	0	
						#DIV/0!	0	
						#DIV/0!	0	
						#DIV/0!	0	

Equipment types listed in "Equipment Types" worksheet tab.

Equipment listed in this sheet is to provide an example of inputs

It is assumed that water trucks would be used during grading

Add or subtract phases and equipment, as appropriate

Modify horsepower or load factor, as appropriate

Complete one sheet for each project component

Construction Criteria Air Pollutants							
Unmitigated	ROG	NOX	PM10 Exhaust	PM2.5 Exhaust	PM2.5 Fugitive	**CO2e**	
Year	Tons					MT	
Construction Equipment							
2024	0.07	0.34	0.02	0.01	0.00	72.33	
	Total Construction Emissions						
Tons	0.07	0.34	0.02	0.01		72.33	
Pounds/Workdays	*Average Daily Emissions*					Workdays	
2024	1.14	5.31	0.24	0.22			**127**
Threshold - lbs/day	**54.0**	**54.0**	**82.0**	**54.0**			
	Total Construction Emissions						
Pounds	1.14	5.31	0.24	0.22		0.00	
Average	1.14	5.31	0.24	0.22		0.00	127.00
Threshold - lbs/day	**54.0**	**54.0**	**82.0**	**54.0**			

Operational Criteria Air Pollutants							
Unmitigated	ROG	NOX	Total PM10	Total PM2.5			
Year	Tons						
Project Operation	0.70	0.48	0.76	0.20			
Drive-Thru Queueing	0.01	0.01	0.00	0.00			
Total	0.70	0.49	0.76	0.20			
	Existing Use Emissions						
Total							
	Net Annual Operational Emissions						
Tons/year	0.70	0.49	0.76	0.20			
Threshold - Tons/year	**10.0**	**10.0**	**15.0**	**10.0**			
	Average Daily Emissions						
Pounds Per Day	3.85	2.70	4.17	1.09			
Threshold - lbs/day	**54.0**	**54.0**	**82.0**	**54.0**			

Category	**CO2e**			
	Project	Existing	Project 2030	Existing
Mobile	741.18			
Drive-Thru Queueing	35.38			
Area	0.09			
Energy	33.36			
Water	0.93			
Waste	16.88			
Refrig.	1.18			
TOTAL	829	0.00	0.00	0.00
Net GHG Emissions		829.00		0.00

Traffic Consultant Trip Gen						CalEEMod Default		
Land Use		Size	Daily Trips	New Trips	Weekday Trip Gen	Weekday	Sat	Sun
Fast Food Resturant w/ Drive Thru	ksf	2.206	1177	1177	***533.54***	470.9500122	616.12	472.58
						Rev	***698.01***	***535.39***
Strip Mall	ksf	1.707	93	93	***54.48***	44.31999969	42.04	20.43
						Rev	***51.68***	***25.11***
Fast Food Resturant w/o Drive Thru	ksf	2.332	227	227	***97.34***	346.230011	696	500
						Rev	***195.68***	***140.57***

Table 1
Project Trip Generation

Land Use	Size	Units	Daily Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
				In	Out	Total	In	Out	Total
Proposed									
Drive Through Restaurant [1]	2,206	s.f.	1,177	96	93	189	43	43	86
Retail [2]	1,707	s.f.	93	2	2	4	6	5	11
Restaurant [3]	2,332	s.f.	227	2	1	3	16	13	29
Total Project Trips			**1,497**	**100**	**96**	**196**	**65**	**61**	**126**

Notes:
s.f. = square feet

[1] Drive through trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Coffee/Donut Shop with Drive-Through Widnow (Land Use Code 937).

[2] Retail trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Day Strip Retail Plaza (<40k) (Land Use Code 822).

[3] Restaurant trip generation based on the rates published in the ITE *Trip Generation Manual, 11th Edition* (2021) for Fast Casual Restaurant (Land Use Code 930).

23-086 Beresford Square Drive-Thru Unmit BMPs T4i 2025 Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	23-086 Beresford Square Drive-Thru Unmit BMPs T4i 2025
Construction Start Date	1/22/2024
Operational Year	2025
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	31.0
Location	125 N Milpitas Blvd, Milpitas, CA 95035, USA
County	Santa Clara
City	Milpitas
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1994
EDFZ	1
Electric Utility	Silicon Valley Clean Energy
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.14

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description

Fast Food Restaurant with Drive Thru	2.21	1000sqft	0.05	2,206	0.00	—	—	—
Strip Mall	1.71	1000sqft	0.04	1,707	0.00	—	—	—
Fast Food Restaurant w/o Drive Thru	2.33	1000sqft	0.05	2,332	0.00	—	—	—
Parking Lot	79.0	Space	0.71	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Construction	C-5	Use Advanced Engine Tiers

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Unmit.	14.9	5.61	0.26	0.01	0.26	0.23	< 0.005	0.24	1,317
Mit.	14.8	4.52	0.09	0.01	0.10	0.08	< 0.005	0.08	1,317
% Reduced	1%	20%	66%	—	62%	66%	—	65%	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Unmit.	1.45	13.7	0.62	2.09	2.71	0.57	1.01	1.57	2,225
Mit.	0.33	7.76	0.07	2.09	2.16	0.07	1.01	1.07	2,225
% Reduced	77%	43%	89%	—	20%	88%	—	32%	—
Average Daily (Max)	—	—	—	—	—	—	—	—	—

Unmit.	0.40	1.83	0.08	0.01	0.10	0.08	0.01	0.08	412
Mit.	0.27	1.48	0.01	0.01	0.02	0.01	0.01	0.02	412
% Reduced	32%	19%	87%	—	75%	86%	—	80%	—
Annual (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.07	0.33	0.02	< 0.005	0.02	0.01	< 0.005	0.01	68.3
Mit.	0.05	0.27	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	68.3
% Reduced	32%	19%	87%	—	75%	86%	—	80%	—

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—
2024	14.9	5.61	0.26	0.01	0.26	0.23	< 0.005	0.24	1,317
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2024	1.45	13.7	0.62	2.09	2.71	0.57	1.01	1.57	2,225
Average Daily	—	—	—	—	—	—	—	—	—
2024	0.40	1.83	0.08	0.01	0.10	0.08	0.01	0.08	412
Annual	—	—	—	—	—	—	—	—	—
2024	0.07	0.33	0.02	< 0.005	0.02	0.01	< 0.005	0.01	68.3

2.3. Construction Emissions by Year, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—
2024	14.8	4.52	0.09	0.01	0.10	0.08	< 0.005	0.08	1,317

Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2024	0.33	7.76	0.07	2.09	2.16	0.07	1.01	1.07	2,225
Average Daily	—	—	—	—	—	—	—	—	—
2024	0.27	1.48	0.01	0.01	0.02	0.01	0.01	0.02	412
Annual	—	—	—	—	—	—	—	—	—
2024	0.05	0.27	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	68.3

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Unmit.	5.40	3.81	0.07	7.79	7.87	0.07	1.98	2.05	9,055
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Unmit.	5.18	4.44	0.07	7.79	7.87	0.07	1.98	2.05	8,524
Average Daily (Max)	—	—	—	—	—	—	—	—	—
Unmit.	3.81	2.65	0.05	4.12	4.16	0.04	1.04	1.09	4,794
Annual (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.70	0.48	0.01	0.75	0.76	0.01	0.19	0.20	794

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Mobile	5.19	3.64	0.06	7.79	7.85	0.06	1.98	2.03	8,738

Area	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	5.40	3.81	0.07	7.79	7.87	0.07	1.98	2.05	9,055
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Mobile	5.01	4.27	0.06	7.79	7.85	0.06	1.98	2.03	8,208
Area	0.16	—	—	—	—	—	—	—	—
Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	5.18	4.44	0.07	7.79	7.87	0.07	1.98	2.05	8,524
Average Daily	—	—	—	—	—	—	—	—	—
Mobile	3.62	2.48	0.03	4.12	4.15	0.03	1.04	1.08	4,477
Area	0.18	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.55
Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	3.81	2.65	0.05	4.12	4.16	0.04	1.04	1.09	4,794
Annual	—	—	—	—	—	—	—	—	—
Mobile	0.66	0.45	0.01	0.75	0.76	0.01	0.19	0.20	741
Area	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09
Energy	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	33.4
Water	—	—	—	—	—	—	—	—	0.93

Waste	—	—	—	—	—	—	—	—	16.9
Refrig.	—	—	—	—	—	—	—	—	1.18
Total	0.70	0.48	0.01	0.75	0.76	0.01	0.19	0.20	794

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Mobile	5.19	3.64	0.06	7.79	7.85	0.06	1.98	2.03	8,738
Area	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	5.40	3.81	0.07	7.79	7.87	0.07	1.98	2.05	9,055
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Mobile	5.01	4.27	0.06	7.79	7.85	0.06	1.98	2.03	8,208
Area	0.16	—	—	—	—	—	—	—	—
Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	5.18	4.44	0.07	7.79	7.87	0.07	1.98	2.05	8,524
Average Daily	—	—	—	—	—	—	—	—	—
Mobile	3.62	2.48	0.03	4.12	4.15	0.03	1.04	1.08	4,477
Area	0.18	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.55

Energy	0.01	0.17	0.01	—	0.01	0.01	—	0.01	201
Water	—	—	—	—	—	—	—	—	5.64
Waste	—	—	—	—	—	—	—	—	102
Refrig.	—	—	—	—	—	—	—	—	7.10
Total	3.81	2.65	0.05	4.12	4.16	0.04	1.04	1.09	4,794
Annual	—	—	—	—	—	—	—	—	—
Mobile	0.66	0.45	0.01	0.75	0.76	0.01	0.19	0.20	741
Area	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09
Energy	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	33.4
Water	—	—	—	—	—	—	—	—	0.93
Waste	—	—	—	—	—	—	—	—	16.9
Refrig.	—	—	—	—	—	—	—	—	1.18
Total	0.70	0.48	0.01	0.75	0.76	0.01	0.19	0.20	794

3. Construction Emissions Details

3.1. Demolition (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.51	4.69	0.19	—	0.19	0.17	—	0.17	855
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.01	0.13	0.01	—	0.01	< 0.005	—	< 0.005	23.4
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.88
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.03	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	8.96
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.25
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.2. Demolition (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	4.12	0.07	—	0.07	0.06	—	0.06	855
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.11	< 0.005	—	< 0.005	< 0.005	—	< 0.005	23.4
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.88
Demolition	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.03	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	8.96
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.25
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.3. Site Preparation (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.50	4.60	0.24	—	0.24	0.22	—	0.22	861
Dust From Material Movement	—	—	—	0.21	0.21	—	0.02	0.02	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.36
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.39
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.48
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.4. Site Preparation (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.13	3.48	0.02	—	0.02	0.02	—	0.02	861
Dust From Material Movement	—	—	—	0.21	0.21	—	0.02	0.02	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—

Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.36
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.39
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.48
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Grading (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.19	11.4	0.53	—	0.53	0.49	—	0.49	1,719
Dust From Material Movement	—	—	—	2.07	2.07	—	1.00	1.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.06	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.42
Dust From Material Movement	—	—	—	0.01	0.01	—	0.01	0.01	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.56
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	6.72
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.21	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	61.1
Average Daily	—	—	—	—	—	—	—	—	—

Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.33
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.06

3.6. Grading (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.22	5.26	0.03	—	0.03	0.03	—	0.03	1,719
Dust From Material Movement	—	—	—	2.07	2.07	—	1.00	1.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.42
Dust From Material Movement	—	—	—	0.01	0.01	—	0.01	0.01	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.56

Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	6.72
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.21	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	61.1
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.33
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.06

3.7. Building Construction (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.56	5.60	0.26	—	0.26	0.23	—	0.23	1,309
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.56	5.60	0.26	—	0.26	0.23	—	0.23	1,309
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	1.53	0.07	—	0.07	0.06	—	0.06	359
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.28	0.01	—	0.01	0.01	—	0.01	59.4
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	2.31
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.52
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.11
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	2.20
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.52
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.11
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.61
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.24
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.30
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.10
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.21
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.05

3.8. Building Construction (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.18	4.50	0.02	—	0.02	0.02	—	0.02	1,309
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.18	4.50	0.02	—	0.02	0.02	—	0.02	1,309
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.05	1.23	0.01	—	0.01	0.01	—	0.01	359
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.23	< 0.005	—	< 0.005	< 0.005	—	< 0.005	59.4
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	2.31
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.52
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.11
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	2.20

Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.52
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.11
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.61
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.24
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.30
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.10
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.21
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.05

3.9. Paving (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.53	4.52	0.21	—	0.21	0.19	—	0.19	826
Paving	0.37	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.06	< 0.005	—	< 0.005	< 0.005	—	< 0.005	11.3
Paving	0.01	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—

Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.87
Paving	< 0.005	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	16.5
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.22
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.10. Paving (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.26	4.37	0.09	—	0.09	0.08	—	0.08	826
Paving	0.37	—	—	—	—	—	—	—	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.06	< 0.005	—	< 0.005	< 0.005	—	< 0.005	11.3
Paving	0.01	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.87
Paving	< 0.005	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.01	0.00	0.01	0.01	0.00	< 0.005	< 0.005	16.5
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.22
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.04
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.11. Architectural Coating (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.14	0.91	0.03	—	0.03	0.03	—	0.03	134
Architectural Coatings	14.8	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.84
Architectural Coatings	0.20	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.30
Architectural Coatings	0.04	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.12. Architectural Coating (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	1.07	0.03	—	0.03	0.03	—	0.03	134
Architectural Coatings	14.8	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.84
Architectural Coatings	0.20	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—

Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.30
Architectural Coatings	0.04	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.01
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.13. Trenching (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.22	2.05	0.08	—	0.08	0.08	—	0.08	434
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.38
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.39
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.48
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.02
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.14. Trenching (2024) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	2.28	0.04	—	0.04	0.03	—	0.03	434
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.38
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.39
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.48
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.02
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	< 0.005

Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	3.74	2.59	0.04	5.45	5.49	0.04	1.38	1.42	6,115
Strip Mall	0.33	0.28	< 0.005	0.73	0.73	< 0.005	0.18	0.19	811
Fast Food Restaurant w/o Drive Thru	1.11	0.77	0.01	1.61	1.63	0.01	0.41	0.42	1,812
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	5.19	3.64	0.06	7.79	7.85	0.06	1.98	2.03	8,738
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	3.62	3.04	0.04	5.45	5.49	0.04	1.38	1.42	5,745
Strip Mall	0.32	0.33	< 0.005	0.73	0.73	< 0.005	0.18	0.19	760
Fast Food Restaurant w/o Drive Thru	1.07	0.90	0.01	1.61	1.63	0.01	0.41	0.42	1,702
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	5.01	4.27	0.06	7.79	7.85	0.06	1.98	2.03	8,208

Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	0.49	0.31	< 0.005	0.45	0.46	< 0.005	0.11	0.12	454
Strip Mall	0.05	0.05	< 0.005	0.12	0.12	< 0.005	0.03	0.03	116
Fast Food Restaurant w/o Drive Thru	0.12	0.09	< 0.005	0.18	0.18	< 0.005	0.04	0.05	171
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.66	0.45	0.01	0.75	0.76	0.01	0.19	0.20	741

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	3.74	2.59	0.04	5.45	5.49	0.04	1.38	1.42	6,115
Strip Mall	0.33	0.28	< 0.005	0.73	0.73	< 0.005	0.18	0.19	811
Fast Food Restaurant w/o Drive Thru	1.11	0.77	0.01	1.61	1.63	0.01	0.41	0.42	1,812
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	5.19	3.64	0.06	7.79	7.85	0.06	1.98	2.03	8,738
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	3.62	3.04	0.04	5.45	5.49	0.04	1.38	1.42	5,745
Strip Mall	0.32	0.33	< 0.005	0.73	0.73	< 0.005	0.18	0.19	760

Fast Food Restaurant w/o Drive Thru	1.07	0.90	0.01	1.61	1.63	0.01	0.41	0.42	1,702
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	5.01	4.27	0.06	7.79	7.85	0.06	1.98	2.03	8,208
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	0.49	0.31	< 0.005	0.45	0.46	< 0.005	0.11	0.12	454
Strip Mall	0.05	0.05	< 0.005	0.12	0.12	< 0.005	0.03	0.03	116
Fast Food Restaurant w/o Drive Thru	0.12	0.09	< 0.005	0.18	0.18	< 0.005	0.04	0.05	171
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.66	0.45	0.01	0.75	0.76	0.01	0.19	0.20	741

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.64
Strip Mall	—	—	—	—	—	—	—	—	0.09
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.68
Parking Lot	—	—	—	—	—	—	—	—	0.17
Total	—	—	—	—	—	—	—	—	1.59

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.64
Strip Mall	—	—	—	—	—	—	—	—	0.09
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.68
Parking Lot	—	—	—	—	—	—	—	—	0.17
Total	—	—	—	—	—	—	—	—	1.59
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.11
Strip Mall	—	—	—	—	—	—	—	—	0.02
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.11
Parking Lot	—	—	—	—	—	—	—	—	0.03
Total	—	—	—	—	—	—	—	—	0.26

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.64
Strip Mall	—	—	—	—	—	—	—	—	0.09

Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.68
Parking Lot	—	—	—	—	—	—	—	—	0.17
Total	—	—	—	—	—	—	—	—	1.59
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.64
Strip Mall	—	—	—	—	—	—	—	—	0.09
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.68
Parking Lot	—	—	—	—	—	—	—	—	0.17
Total	—	—	—	—	—	—	—	—	1.59
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.11
Strip Mall	—	—	—	—	—	—	—	—	0.02
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.11
Parking Lot	—	—	—	—	—	—	—	—	0.03
Total	—	—	—	—	—	—	—	—	0.26

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

Fast Food Restaurant with Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	95.7
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.13
Fast Food Restaurant w/o Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	101
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	0.01	0.17	0.01	—	0.01	0.01	—	0.01	200
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	95.7
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.13
Fast Food Restaurant w/o Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	101
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	0.01	0.17	0.01	—	0.01	0.01	—	0.01	200
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	15.8
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.52
Fast Food Restaurant w/o Drive Thru	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.7
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	33.1

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	95.7
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.13
Fast Food Restaurant w/o Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	101
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	0.01	0.17	0.01	—	0.01	0.01	—	0.01	200
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	95.7
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	3.13
Fast Food Restaurant w/o Drive Thru	< 0.005	0.08	0.01	—	0.01	0.01	—	0.01	101
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	0.01	0.17	0.01	—	0.01	0.01	—	0.01	200
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	15.8
Strip Mall	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.52
Fast Food Restaurant w/o Drive Thru	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.7
Parking Lot	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Total	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	33.1

4.3. Area Emissions by Source

4.3.2. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Consumer Products	0.14	—	—	—	—	—	—	—	—
Architectural Coatings	0.02	—	—	—	—	—	—	—	—
Landscape Equipment	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Total	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Consumer Products	0.14	—	—	—	—	—	—	—	—
Architectural Coatings	0.02	—	—	—	—	—	—	—	—
Total	0.16	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Consumer Products	0.02	—	—	—	—	—	—	—	—
Architectural Coatings	< 0.005	—	—	—	—	—	—	—	—
Landscape Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09
Total	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09

4.3.1. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Consumer Products	0.14	—	—	—	—	—	—	—	—
Architectural Coatings	0.02	—	—	—	—	—	—	—	—
Landscape Equipment	0.04	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Total	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.12
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Consumer Products	0.14	—	—	—	—	—	—	—	—
Architectural Coatings	0.02	—	—	—	—	—	—	—	—
Total	0.16	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Consumer Products	0.02	—	—	—	—	—	—	—	—
Architectural Coatings	< 0.005	—	—	—	—	—	—	—	—
Landscape Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09
Total	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.09

4.4. Water Emissions by Land Use

4.4.2. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	2.51
Strip Mall	—	—	—	—	—	—	—	—	0.47
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	2.66
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	5.64
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	2.51
Strip Mall	—	—	—	—	—	—	—	—	0.47
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	2.66
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	5.64
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.42
Strip Mall	—	—	—	—	—	—	—	—	0.08
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.44
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	0.93

4.4.1. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	2.51
Strip Mall	—	—	—	—	—	—	—	—	0.47
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	2.66
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	5.64
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	2.51
Strip Mall	—	—	—	—	—	—	—	—	0.47
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	2.66
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	5.64
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.42
Strip Mall	—	—	—	—	—	—	—	—	0.08
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.44

Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	0.93

4.5. Waste Emissions by Land Use

4.5.2. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	47.9
Strip Mall	—	—	—	—	—	—	—	—	3.38
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	50.7
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	102
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	47.9
Strip Mall	—	—	—	—	—	—	—	—	3.38
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	50.7
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	102
Annual	—	—	—	—	—	—	—	—	—

Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	7.93
Strip Mall	—	—	—	—	—	—	—	—	0.56
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	8.39
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	16.9

4.5.1. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	47.9
Strip Mall	—	—	—	—	—	—	—	—	3.38
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	50.7
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	102
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	47.9
Strip Mall	—	—	—	—	—	—	—	—	3.38
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	50.7

Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	102
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	7.93
Strip Mall	—	—	—	—	—	—	—	—	0.56
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	8.39
Parking Lot	—	—	—	—	—	—	—	—	0.00
Total	—	—	—	—	—	—	—	—	16.9

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	3.45
Strip Mall	—	—	—	—	—	—	—	—	0.01
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	3.65
Total	—	—	—	—	—	—	—	—	7.10
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	3.45

Strip Mall	—	—	—	—	—	—	—	—	0.01
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	3.65
Total	—	—	—	—	—	—	—	—	7.10
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.57
Strip Mall	—	—	—	—	—	—	—	—	< 0.005
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.60
Total	—	—	—	—	—	—	—	—	1.18

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	3.45
Strip Mall	—	—	—	—	—	—	—	—	0.01
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	3.65
Total	—	—	—	—	—	—	—	—	7.10
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	3.45

Strip Mall	—	—	—	—	—	—	—	—	0.01
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	3.65
Total	—	—	—	—	—	—	—	—	7.10
Annual	—	—	—	—	—	—	—	—	—
Fast Food Restaurant with Drive Thru	—	—	—	—	—	—	—	—	0.57
Strip Mall	—	—	—	—	—	—	—	—	< 0.005
Fast Food Restaurant w/o Drive Thru	—	—	—	—	—	—	—	—	0.60
Total	—	—	—	—	—	—	—	—	1.18

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	1/22/2024	2/2/2024	5.00	10.0	—
Site Preparation	Site Preparation	2/5/2024	2/5/2024	5.00	1.00	—

Grading	Grading	2/7/2024	2/8/2024	5.00	2.00	—
Building Construction	Building Construction	2/12/2024	6/28/2024	5.00	100	—
Paving	Paving	7/9/2024	7/15/2024	5.00	5.00	—
Architectural Coating	Architectural Coating	7/1/2024	7/7/2024	5.00	5.00	—
Trenching	Trenching	2/7/2024	2/8/2024	5.00	2.00	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Concrete/Industrial Saws	Diesel	Average	1.00	8.00	33.0	0.73
Demolition	Rubber Tired Dozers	Diesel	Average	1.00	1.00	367	0.40
Demolition	Tractors/Loaders/Backhoes	Diesel	Average	2.00	6.00	84.0	0.37
Site Preparation	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Site Preparation	Graders	Diesel	Average	1.00	8.00	148	0.41
Grading	Graders	Diesel	Average	1.00	6.00	148	0.41
Grading	Rubber Tired Dozers	Diesel	Average	1.00	6.00	367	0.40
Grading	Tractors/Loaders/Backhoes	Diesel	Average	1.00	7.00	84.0	0.37
Building Construction	Cranes	Diesel	Average	1.00	4.00	367	0.29
Building Construction	Forklifts	Diesel	Average	2.00	6.00	82.0	0.20
Building Construction	Tractors/Loaders/Backhoes	Diesel	Average	2.00	8.00	84.0	0.37
Paving	Pavers	Diesel	Average	1.00	7.00	81.0	0.42
Paving	Rollers	Diesel	Average	1.00	7.00	36.0	0.38
Paving	Cement and Mortar Mixers	Diesel	Average	4.00	6.00	10.0	0.56

Paving	Tractors/Loaders/Backh	Diesel	Average	1.00	7.00	84.0	0.37
Architectural Coating	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48
Trenching	Excavators	Diesel	Average	1.00	8.00	36.0	0.38
Trenching	Tractors/Loaders/Backh oes	Diesel	Average	1.00	8.00	84.0	0.37

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Concrete/Industrial Saws	Diesel	Tier 4 Interim	1.00	8.00	33.0	0.73
Demolition	Rubber Tired Dozers	Diesel	Tier 4 Interim	1.00	1.00	367	0.40
Demolition	Tractors/Loaders/Backh oes	Diesel	Tier 4 Interim	2.00	6.00	84.0	0.37
Site Preparation	Tractors/Loaders/Backh oes	Diesel	Tier 4 Interim	1.00	8.00	84.0	0.37
Site Preparation	Graders	Diesel	Tier 4 Interim	1.00	8.00	148	0.41
Grading	Graders	Diesel	Tier 4 Interim	1.00	6.00	148	0.41
Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1.00	6.00	367	0.40
Grading	Tractors/Loaders/Backh oes	Diesel	Tier 4 Interim	1.00	7.00	84.0	0.37
Building Construction	Cranes	Diesel	Tier 4 Interim	1.00	4.00	367	0.29
Building Construction	Forklifts	Diesel	Tier 4 Interim	2.00	6.00	82.0	0.20
Building Construction	Tractors/Loaders/Backh oes	Diesel	Tier 4 Interim	2.00	8.00	84.0	0.37
Paving	Pavers	Diesel	Tier 4 Interim	1.00	7.00	81.0	0.42
Paving	Rollers	Diesel	Tier 4 Interim	1.00	7.00	36.0	0.38
Paving	Cement and Mortar Mixers	Diesel	Average	4.00	6.00	10.0	0.56
Paving	Tractors/Loaders/Backh oes	Diesel	Tier 4 Interim	1.00	7.00	84.0	0.37

Architectural Coating	Air Compressors	Diesel	Tier 4 Interim	1.00	6.00	37.0	0.48
Trenching	Excavators	Diesel	Tier 4 Interim	1.00	8.00	36.0	0.38
Trenching	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	1.00	8.00	84.0	0.37

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	10.0	1.00	LDA,LDT1,LDT2
Demolition	Vendor	—	1.00	HHDT,MHDT
Demolition	Hauling	0.00	1.00	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	5.00	1.00	LDA,LDT1,LDT2
Site Preparation	Vendor	—	1.00	HHDT,MHDT
Site Preparation	Hauling	0.00	1.00	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	7.50	1.00	LDA,LDT1,LDT2
Grading	Vendor	—	1.00	HHDT,MHDT
Grading	Hauling	11.0	1.00	HHDT
Grading	Onsite truck	—	—	HHDT
Building Construction	—	—	—	—
Building Construction	Worker	2.45	1.00	LDA,LDT1,LDT2
Building Construction	Vendor	1.02	1.00	HHDT,MHDT
Building Construction	Hauling	0.20	1.00	HHDT

Building Construction	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	17.5	1.00	LDA,LDT1,LDT2
Paving	Vendor	—	1.00	HHDT,MHDT
Paving	Hauling	0.00	1.00	HHDT
Paving	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	0.49	1.00	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	1.00	HHDT,MHDT
Architectural Coating	Hauling	0.00	1.00	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Trenching	—	—	—	—
Trenching	Worker	5.00	1.00	LDA,LDT1,LDT2
Trenching	Vendor	—	1.00	HHDT,MHDT
Trenching	Hauling	0.00	1.00	HHDT
Trenching	Onsite truck	—	—	HHDT

5.3.2. Mitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	10.0	1.00	LDA,LDT1,LDT2
Demolition	Vendor	—	1.00	HHDT,MHDT
Demolition	Hauling	0.00	1.00	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	5.00	1.00	LDA,LDT1,LDT2
Site Preparation	Vendor	—	1.00	HHDT,MHDT

Site Preparation	Hauling	0.00	1.00	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	7.50	1.00	LDA,LDT1,LDT2
Grading	Vendor	—	1.00	HHDT,MHDT
Grading	Hauling	11.0	1.00	HHDT
Grading	Onsite truck	—	—	HHDT
Building Construction	—	—	—	—
Building Construction	Worker	2.45	1.00	LDA,LDT1,LDT2
Building Construction	Vendor	1.02	1.00	HHDT,MHDT
Building Construction	Hauling	0.20	1.00	HHDT
Building Construction	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	17.5	1.00	LDA,LDT1,LDT2
Paving	Vendor	—	1.00	HHDT,MHDT
Paving	Hauling	0.00	1.00	HHDT
Paving	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	0.49	1.00	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	1.00	HHDT,MHDT
Architectural Coating	Hauling	0.00	1.00	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Trenching	—	—	—	—
Trenching	Worker	5.00	1.00	LDA,LDT1,LDT2
Trenching	Vendor	—	1.00	HHDT,MHDT
Trenching	Hauling	0.00	1.00	HHDT
Trenching	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	0.00	0.00	9,368	3,123	1,858

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	—	—
Site Preparation	—	—	0.50	0.00	—
Grading	—	169	1.50	0.00	—
Paving	0.00	0.00	0.00	0.00	0.71

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	2	61%	61%

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Fast Food Restaurant with Drive Thru	0.00	0%
Strip Mall	0.00	0%

Fast Food Restaurant w/o Drive Thru	0.00	0%
Parking Lot	0.71	100%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2024	0.00	2.34	0.00	0.00

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Fast Food Restaurant with Drive Thru	1,177	1,540	1,181	448,732	2,183	7,699	5,905	1,278,440
Strip Mall	93.0	88.2	42.9	31,081	1,033	980	476	345,291
Fast Food Restaurant w/o Drive Thru	227	456	328	100,068	1,135	2,282	1,639	500,342
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Fast Food Restaurant with Drive Thru	1,177	1,540	1,181	448,732	2,183	7,699	5,905	1,278,440
Strip Mall	93.0	88.2	42.9	31,081	1,033	980	476	345,291
Fast Food Restaurant w/o Drive Thru	227	456	328	100,068	1,135	2,282	1,639	500,342

Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.1.2. Mitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	9,368	3,123	1,858

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Fast Food Restaurant with Drive Thru	100,106	2.34	0.0000	0.0000	297,636
Strip Mall	14,586	2.34	0.0000	0.0000	9,727
Fast Food Restaurant w/o Drive Thru	105,823	2.34	0.0000	0.0000	314,636
Parking Lot	27,131	2.34	0.0000	0.0000	0.00

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Fast Food Restaurant with Drive Thru	100,106	2.34	0.0000	0.0000	297,636
Strip Mall	14,586	2.34	0.0000	0.0000	9,727
Fast Food Restaurant w/o Drive Thru	105,823	2.34	0.0000	0.0000	314,636
Parking Lot	27,131	2.34	0.0000	0.0000	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Fast Food Restaurant with Drive Thru	669,595	0.00
Strip Mall	126,442	0.00
Fast Food Restaurant w/o Drive Thru	707,841	0.00
Parking Lot	0.00	0.00

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Fast Food Restaurant with Drive Thru	669,595	0.00
Strip Mall	126,442	0.00
Fast Food Restaurant w/o Drive Thru	707,841	0.00
Parking Lot	0.00	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Fast Food Restaurant with Drive Thru	25.4	—
Strip Mall	1.79	—
Fast Food Restaurant w/o Drive Thru	26.9	—
Parking Lot	0.00	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Fast Food Restaurant with Drive Thru	25.4	—
Strip Mall	1.79	—
Fast Food Restaurant w/o Drive Thru	26.9	—
Parking Lot	0.00	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Fast Food Restaurant with Drive Thru	Household refrigerators and/or freezers	R-134a	1,430	0.00	0.60	0.00	1.00
Fast Food Restaurant with Drive Thru	Other commercial A/C and heat pumps	R-410A	2,088	1.80	4.00	4.00	18.0
Fast Food Restaurant with Drive Thru	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
Strip Mall	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Strip Mall	Stand-alone retail refrigerators and freezers	R-134a	1,430	0.04	1.00	0.00	1.00
Strip Mall	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
Fast Food Restaurant w/o Drive Thru	Household refrigerators and/or freezers	R-134a	1,430	0.00	0.60	0.00	1.00
Fast Food Restaurant w/o Drive Thru	Other commercial A/C and heat pumps	R-410A	2,088	1.80	4.00	4.00	18.0
Fast Food Restaurant w/o Drive Thru	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Fast Food Restaurant with Drive Thru	Household refrigerators and/or freezers	R-134a	1,430	0.00	0.60	0.00	1.00
Fast Food Restaurant with Drive Thru	Other commercial A/C and heat pumps	R-410A	2,088	1.80	4.00	4.00	18.0
Fast Food Restaurant with Drive Thru	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
Strip Mall	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0

Strip Mall	Stand-alone retail refrigerators and freezers	R-134a	1,430	0.04	1.00	0.00	1.00
Strip Mall	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
Fast Food Restaurant w/o Drive Thru	Household refrigerators and/or freezers	R-134a	1,430	0.00	0.60	0.00	1.00
Fast Food Restaurant w/o Drive Thru	Other commercial A/C and heat pumps	R-410A	2,088	1.80	4.00	4.00	18.0
Fast Food Restaurant w/o Drive Thru	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type
—	—

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	12.4	annual days of extreme heat
Extreme Precipitation	2.60	annual days with precipitation above 20 mm
Sea Level Rise	0.00	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider different increments of sea level rise coupled with extreme storm events. Users may select from four model simulations to view the range in potential inundation depth for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 50 meters (m) by 50 m, or about 164 feet (ft) by 164 ft.
Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A

Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	20.8
AQ-PM	18.7
AQ-DPM	59.7
Drinking Water	12.6
Lead Risk Housing	2.31
Pesticides	0.00
Toxic Releases	37.8
Traffic	42.4
Effect Indicators	—
CleanUp Sites	73.8
Groundwater	72.5
Haz Waste Facilities/Generators	82.5
Impaired Water Bodies	0.00
Solid Waste	14.4
Sensitive Population	—
Asthma	23.8
Cardio-vascular	42.8
Low Birth Weights	92.2
Socioeconomic Factor Indicators	—
Education	50.0
Housing	53.1
Linguistic	92.1
Poverty	23.2

Unemployment	57.2

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	79.89221096
Employed	72.42397023
Median HI	86.44937765
Education	—
Bachelor's or higher	85.89760041
High school enrollment	100
Preschool enrollment	40.80585141
Transportation	—
Auto Access	17.51571924
Active commuting	22.77685102
Social	—
2-parent households	97.63890671
Voting	79.40459387
Neighborhood	—
Alcohol availability	66.2517644
Park access	81.35506224
Retail density	70.80713461
Supermarket access	84.28076479
Tree canopy	46.93956114
Housing	—
Homeownership	53.58655203

Housing habitability	64.66059284
Low-inc homeowner severe housing cost burden	92.94238419
Low-inc renter severe housing cost burden	16.6944694
Uncrowded housing	65.16104196
Health Outcomes	—
Insured adults	80.31566791
Arthritis	67.1
Asthma ER Admissions	82.4
High Blood Pressure	22.4
Cancer (excluding skin)	36.4
Asthma	99.4
Coronary Heart Disease	77.0
Chronic Obstructive Pulmonary Disease	94.6
Diagnosed Diabetes	57.0
Life Expectancy at Birth	86.9
Cognitively Disabled	36.6
Physically Disabled	50.9
Heart Attack ER Admissions	52.8
Mental Health Not Good	98.6
Chronic Kidney Disease	64.9
Obesity	99.6
Pedestrian Injuries	19.6
Physical Health Not Good	92.3
Stroke	75.8
Health Risk Behaviors	—
Binge Drinking	99.2
Current Smoker	97.7

No Leisure Time for Physical Activity	61.3
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	21.1
Children	50.1
Elderly	10.2
English Speaking	7.8
Foreign-born	98.6
Outdoor Workers	98.2
Climate Change Adaptive Capacity	—
Impervious Surface Cover	21.0
Traffic Density	17.1
Traffic Access	70.8
Other Indices	—
Hardship	22.0
Other Decision Support	—
2016 Voting	80.8

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	42.0
Healthy Places Index Score for Project Location (b)	81.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	Milpitas default clean electricity provider is Silicon Valley Clean Energy.
Construction: Construction Phases	Defaults based on provided land use - applicant provided start date.
Land Use	Total lot acreage and number of parking spaces provided by provided construction worksheet. Land uses and square footages provided by provided trip gen.
Construction: Off-Road Equipment	Defaults that were reviwed by applicant.
Construction: Trips and VMT	Building const = 10 concrete truck round trips (0.2 trips/day). One mile onsite trips for HRA.
Construction: On-Road Fugitive Dust	Air District BMP for construction related fugitive dust emissions.
Operations: Vehicle Data	Provided trip gen. Traffic study states project is "local serving". Reducing trip length to 5 miles to capture all Milpitas originating traffic.
Operations: Energy Use	According to project applicant, project will use both electric and natural gas appliances.
Operations: Water and Waste Water	Wastewater treatment 100% aerobic - no septic tanks or lagoons.
Operations: Fleet Mix	Light duty vehicle mix for fast food.

2. Emissions Summary - HRA

2.2 Construction Emissions by Year, Unmitigated

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO_2e
Daily - Summer (Max)									
2024	14.890281	5.6148671	0.2552998	0.0123644	0.2580763	0.2348761	0.0028981	0.2355701	1317.1649630248712
Daily - Winter (Max)									
2024	1.4468216	13.656170	0.6167741	2.0928873	2.7096614	0.5672478	1.0069308	1.5741786	2225.0334625950463
Average Daily									
2024	0.3964540	1.8292984	0.0824549	0.0131490	0.0956039	0.0758575	0.0058513	0.0817089	412.4553634019396
Annual									
2024	0.0723528	0.3338469	0.0150480	0.0023996	0.0174477	0.0138440	0.0010678	0.0149118	68.28669232870425

5.3. Construction Vehicles - HRA

5.3.1 Unmitigated

Phase Nam	Trip Type	One-Way T	Miles per T	Vehicle Mix
Demolition				
Demolitior	Worker	10	1	LDA,LDT1,LDT2
Demolitior	Vendor		1	HHDT,MHDT
Demolitior	Hauling	0	1	HHDT
Demolitior	Onsite truc			HHDT
Site Preparation				
Site Prepar	Worker	5	1	LDA,LDT1,LDT2
Site Prepar	Vendor		1	HHDT,MHDT
Site Prepar	Hauling	0	1	HHDT
Site Prepar	Onsite truc			HHDT
Grading				
Grading	Worker	7.5	1	LDA,LDT1,LDT2
Grading	Vendor		1	HHDT,MHDT
Grading	Hauling	11	1	HHDT
Grading	Onsite truc			HHDT
Building Construction				
Building Cc	Worker	2.4522	1	LDA,LDT1,LDT2
Building Cc	Vendor	1.0235555	1	HHDT,MHDT
Building Cc	Hauling	0.2	1	HHDT
Building Cc	Onsite truc			HHDT
Paving				
Paving	Worker	17.5	1	LDA,LDT1,LDT2
Paving	Vendor		1	HHDT,MHDT
Paving	Hauling	0	1	HHDT
Paving	Onsite truc			HHDT
Architectural Coating				
Architectu	Worker	0.49044	1	LDA,LDT1,LDT2
Architectu	Vendor		1	HHDT,MHDT
Architectu	Hauling	0	1	HHDT
Architectu	Onsite truc			HHDT
Trenching				
Trenching	Worker	5	1	LDA,LDT1,LDT2
Trenching	Vendor		1	HHDT,MHDT
Trenching	Hauling	0	1	HHDT
Trenching	Onsite truc			HHDT

Attachment 2: Project Construction Dispersion Modeling Inputs and Risk Calculations

Beresford Court Shopping Center, Milpitas, CA
Construction Health Impact Summary

Maximum Impacts at MEI Location - Without Mitigation

Emissions Year	Maximum Concentrations: Exhaust PM10/DPM ($\mu g/m^3$)	Maximum Concentrations: Fugitive PM2.5 ($\mu g/m^3$)	Cancer Risk (per million): Infant/Child	Cancer Risk (per million): Adult	Hazard Index (-)	Maximum Annual PM2.5 Concentration ($\mu g/m^3$)
2024	0.0279	0.0027	4.96	0.08	0.01	0.03
Total	-	-	**4.96**	**0.08**		-
Maximum	0.0279	0.0027	**-**	**-**	**0.01**	**0.03**

Maximum Impacts at Stratford School

Construction Year	Unmitigated Emissions: Maximum Concentrations: Exhaust PM10/DPM ($\mu g/m^3$)	Unmitigated Emissions: Maximum Concentrations: Fugitive PM2.5 ($\mu g/m^3$)	Unmitigated Emissions: Child Cancer Risk (per million)	Unmitigated Emissions: Hazard Index (-)	Unmitigated Emissions: Maximum Annual PM2.5 Concentration ($\mu g/m^3$)
2024	0.0296	0.0027	2.09	0.0059	0.032
Total	-	-	**2.09**	-	-
Maximum	0.0296	0.0027	**-**	**0.0059**	**0.032**

Beresford Court Shopping Center, Milpitas, CA

DPM Emissions and Modeling Emission Rates - Unmitigated

Construction Year	Activity	DPM (ton/year)	Area Source	DPM Emissions (lb/yr)	DPM Emissions (lb/hr)	DPM Emissions (g/s)	Modeled Area (m^2)	DPM Emission Rate ($g/s/m^2$)
2024	Construction	0.0150	CON_DPM	30.1	0.00717	9.03E-04	4,200	2.15E-07
Total		***0.0150***		***30.1***	***0.0072***	***0.0009***		

Construction Hours

hr/day =	11.5	(7:30am - 7pm)
days/yr =	365	
hours/year =	4197.5	

Beresford Court Shopping Center, Milpitas, CA

PM2.5 Fugitive Dust Emissions for Modeling - Unmitigated

Construction Year	Activity	Area Source	PM2.5 Emissions (ton/year)	PM2.5 Emissions (lb/yr)	PM2.5 Emissions (lb/hr)	PM2.5 Emissions (g/s)	Modeled Area (m^2)	PM2.5 Emission Rate $g/s/m^2$
2024	Construction	CON_FUG	0.0011	2.1	0.00051	6.41E-05	4,200	1.53E-08
Total			***0.0011***	***2.1***	***0.0005***	***0.0001***		

Construction Hours

hr/day =	11.5	(7:30am - 7pm)
days/yr =	365	
hours/year =	4197.5	

Beresford Court Shopping Center, Milpitas, CA

DPM Emissions and Modeling Emission Rates - Drive Thru

Operational Year	Activity	DPM (ton/year)	Area Source	DPM Emissions (lb/yr)	DPM Emissions (lb/hr)	DPM Emissions (g/s)	Modeled Area (m^2)	DPM Emission Rate ($g/s/m^2$)
Annually	Idling	0.0006	IDL_DPM	1.2	0.00022	2.75E-05	3,492	7.87E-09
Total		***0.0006***		***1.2***	***0.0002***	***0.0000***		

Construction Hours

hr/day =	15	(7am - 10pm)
days/yr =	365	
hours/year =	5475	

Beresford Court Shopping Center, Milpitas, CA

PM2.5 Dust Emissions for Modeling - Drive Thru

Operational Year	Activity		Area Source	PM2.5 Emissions (ton/year)	PM2.5 Emissions (lb/yr)	PM2.5 Emissions (lb/hr)	PM2.5 Emissions (g/s)	Modeled Area (m^2)	PM2.5 Emission Rate $g/s/m^2$
Annually	Idling		IDL_FUG	0.0002	0.4	0.00007	8.74E-06	3,492	2.50E-09
Total		***0.0000***		***0.0002***	***0.4***	***0.0001***	***0.0000***		

Construction Hours

hr/day =	15	(7am - 10pm)
days/yr =	365	
hours/year =	5475	

Beresford Court Shopping Center, Milpitas, CA - Construction Impacts - Without Mitigation
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 4.5 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 $(mg/kg\text{-}day)^{-1}$
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 $(\mu g/m^3)$
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Values

	Infant/Child			Adult
Age -->	**3rd Trimester**	**0 - 2**	**2 - 16**	**16 - 30**
Parameter				
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	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

			Infant/Child - Exposure Information				Adult - Exposure Information						
			DPM Conc (ug/m3)		Age	Infant/Child	Modeled DPM Conc (ug/m3)		Age	Adult	Maximum		
Exposure Year	**Exposure Duration (years)**	**Age**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Hazard Index**	**Fugitive PM2.5**	**Total PM2.5**
0	0.25	-0.25 - 0*	2024	0.0250	10	0.34	2024	0.0250	-	-			
1	1	0 - 1	2024	0.0250	10	4.10	2024	0.0250	1	0.07	0.005	0.002	0.03
2	1	1 - 2		0.0000	10	0.00		0.0000	1	0.00			
3	1	2 - 3		0.0000	3	0.00		0.0000	1	0.00			
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						**4.44**				**0.07**			

* Third trimester of pregnancy

Beresford Court Shopping Center, Milpitas, CA - Construction Impacts - Without Mitigation
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 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 $(mg/kg\text{-}day)^{-1}$
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 $(\mu g/m^3)$
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Values

	Infant/Child			Adult
Age -->	**3rd Trimester**	**0 - 2**	**2 - 16**	**16 - 30**
Parameter				
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	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

			Infant/Child - Exposure Information				Adult - Exposure Information				Maximum		
			DPM Conc (ug/m3)		Age	Infant/Child	Modeled DPM Conc (ug/m3)		Age	Adult			
Exposure Year	**Exposure Duration (years)**	**Age**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Hazard Index**	**Fugitive PM2.5**	**Total PM2.5**
0	0.25	-0.25 - 0*	2024	0.0279	10	0.38	2024	0.0279	-	-			
1	1	0 - 1	2024	0.0279	10	4.58	2024	0.0279	1	0.08	0.01	0.003	0.03
2	1	1 - 2		0.0000	10	0.00		0.0000	1	0.00			
3	1	2 - 3		0.0000	3	0.00		0.0000	1	0.00			
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						**4.96**				**0.08**			

* Third trimester of pregnancy

Beresford Court Shopping Center, Milpitas, CA - Construction Impacts - Without Mitigation
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Stratford School - 1 meter - Child Exposure

Student Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT 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)

Inhalation Dose = C_{air} x SCAF x 8-Hr BR x A x (EF/365) x 10^{-6}

Where: C_{air} = concentration in air (µg/m^3)
SCAF = School Child Adjustment Factor (unitless) for source operation and exposures different than 8 hours/day
= (24/SHR) x (7days/SDay) x (SCHR/8 hrs)
SHR = Hours/day of emission source operation
SDay = Number of days per week of source operation
SCHR = School operation hours while emission source in operation
8-Hr BR = Eight-hour breathing rate (L/kg body weight-per 8 hrs)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Values

	Infant	Child
Age -->	**0 - <2**	**2 - <16**
Parameter		
ASF =	10	3
DPM CPF =	1.10E+00	1.10E+00
8-Hr BR* =	1200	520
SCHR =	9	9
SHR =	9	9
SDay =	5	5
A =	1	1
EF =	250	250
AT =	70	70
SCAF =	4.20	4.20

* 95th percentile 8-hr breathing rates for moderate intensity activities

Construction Cancer Risk by Year - Maximum Preschool Impact Receptor Location

			Child - Exposure Information			Child	Maximum		
Exposure Year	Exposure Duration (years)	Age	DPM Conc (ug/m3) Year	DPM Conc (ug/m3) Annual	Age* Sensitivity Factor	Cancer Risk (per million)	Hazard Index	Fugitive PM2.5	Total PM2.5
1	1	2.5 - 3.5	2024	0.0296	3	2.09	0.0059	0.003	0.03
Total Increased Cancer Risk						**2.09**			

* Children assumed to be 2.5 years of age with 1 year of exposure to construction emissions

Beresford Court Shopping Center, Milpitas, CA - Drive-Thru Impacts
Maximum DPM Cancer Risk and PM2.5 Calculations From Drive-Thru Traffic
Impacts at Off-Site MEI Location - 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 ($\mu g/m^3$)
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Values

	Infant/Child			Adult
Age -->	**3rd Trimester**	**0 - 2**	**2 - 16**	**16 - 30**
Parameter				
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	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

			Infant/Child - Exposure Information				Adult - Exposure Information				Maximum		
			DPM Conc (ug/m3)		Age	Infant/Child	Modeled DPM Conc (ug/m3)		Age	Adult			
Exposure Year	**Exposure Duration (years)**	**Age**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Year**	**Annual**	**Sensitivity Factor**	**Cancer Risk (per million)**	**Hazard Index**	**Fugitive PM2.5**	**Total PM2.5**
0	0.25	-0.25 - 0*	2025	0.0012	10	0.02	2025	0.0012	-	-			
1	1	0 - 1	2025	0.0012	10	0.19	2025	0.0012	1	0.00	0.00	0.000	0.00
2	1	1 - 2	2026	0.0012	10	0.19	2026	0.0012	1	0.00	0.00	0.000	0.00
3	1	2 - 3	2027	0.0012	3	0.03	2027	0.0012	1	0.00	0.00	0.000	0.00
4	1	3 - 4	2028	0.0012	3	0.03	2028	0.0012	1	0.00	0.00	0.000	0.00
5	1	4 - 5	2029	0.0012	3	0.03	2029	0.0012	1	0.00	0.00	0.000	0.00
6	1	5 - 6	2030	0.0012	3	0.03	2030	0.0012	1	0.00	0.00	0.000	0.00
7	1	6 - 7	2031	0.0012	3	0.03	2031	0.0012	1	0.00	0.00	0.000	0.00
8	1	7 - 8	2032	0.0012	3	0.03	2032	0.0012	1	0.00	0.00	0.000	0.00
9	1	8 - 9	2033	0.0012	3	0.03	2033	0.0012	1	0.00	0.00	0.000	0.00
10	1	9 - 10	2034	0.0012	3	0.03	2034	0.0012	1	0.00	0.00	0.000	0.00
11	1	10 - 11	2035	0.0012	3	0.03	2035	0.0012	1	0.00	0.00	0.000	0.00
12	1	11 - 12	2036	0.0012	3	0.03	2036	0.0012	1	0.00	0.00	0.000	0.00
13	1	12 - 13	2037	0.0012	3	0.03	2037	0.0012	1	0.00	0.00	0.000	0.00
14	1	13 - 14	2038	0.0012	3	0.03	2038	0.0012	1	0.00	0.00	0.000	0.00
15	1	14 - 15	2039	0.0012	3	0.03	2039	0.0012	1	0.00	0.00	0.000	0.00
16	1	15 - 16	2040	0.0012	3	0.03	2040	0.0012	1	0.00	0.00	0.000	0.00
17	1	16-17	2041	0.0012	1	0.00	2041	0.0012	1	0.00	0.00	0.000	0.00
18	1	17-18	2042	0.0012	1	0.00	2042	0.0012	1	0.00	0.00	0.000	0.00
19	1	18-19	2043	0.0012	1	0.00	2043	0.0012	1	0.00	0.00	0.000	0.00
20	1	19-20	2044	0.0012	1	0.00	2044	0.0012	1	0.00	0.00	0.000	0.00
21	1	20-21	2045	0.0012	1	0.00	2045	0.0012	1	0.00	0.00	0.000	0.00
22	1	21-22	2046	0.0012	1	0.00	2046	0.0012	1	0.00	0.00	0.000	0.00
23	1	22-23	2047	0.0012	1	0.00	2047	0.0012	1	0.00	0.00	0.000	0.00
24	1	23-24	2048	0.0012	1	0.00	2048	0.0012	1	0.00	0.00	0.000	0.00
25	1	24-25	2049	0.0012	1	0.00	2049	0.0012	1	0.00	0.00	0.000	0.00
26	1	25-26	2050	0.0012	1	0.00	2050	0.0012	1	0.00	0.00	0.000	0.00
27	1	26-27	2051	0.0012	1	0.00	2051	0.0012	1	0.00	0.00	0.000	0.00
28	1	27-28	2052	0.0012	1	0.00	2052	0.0012	1	0.00	0.00	0.000	0.00
29	1	28-29	2053	0.0012	1	0.00	2053	0.0012	1	0.00	0.00	0.000	0.00
30	1	29-30	2054	0.0012	1	0.00	2054	0.0012	1	0.00	0.00	0.000	0.00
Total Increased Cancer Risk						**0.87**				**0.10**			

* Third trimester of pregnancy

Beresford Court Shopping Center, Milpitas, CA - Drive-Thru Impacts
Maximum DPM Cancer Risk and PM2.5 Calculations From Drive-Thru Traffic
Impacts at Stratford School - 1 meter - Child Exposure

Student Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT 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)

Inhalation Dose = C_{air} x SCAF x 8-Hr BR x A x (EF/365) x 10^{-6}

Where: C_{air} = concentration in air ($\mu g/m^3$)
SCAF = School Child Adjustment Factor (unitless) for source operation and exposures different than 8 hours/day
= (24/SHR) x (7days/SDay) x (SCHR/8 hrs)
SHR = Hours/day of emission source operation
SDay = Number of days per week of source operation
SCHR = School operation hours while emission source in operation
8-Hr BR = Eight-hour breathing rate (L/kg body weight-per 8 hrs)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Values

	Infant	Child
Age -->	**0 - <2**	**2 - <16**
Parameter		
ASF =	10	3
DPM CPF =	1.10E+00	1.10E+00
8-Hr BR* =	1200	520
SCHR =	9	9
SHR =	9	9
SDay =	5	5
A =	1	1
EF =	250	250
AT =	70	70
SCAF =	4.20	4.20

* 95th percentile 8-hr breathing rates for moderate intensity activities

Construction Cancer Risk by Year - Maximum Preschool Impact Receptor Location

Exposure Year	Exposure Duration (years)	Age	Child - Exposure Information: DPM Conc (ug/m3) Year	DPM Conc (ug/m3) Annual	Age* Sensitivity Factor	Child Cancer Risk (per million)	Maximum Hazard Index	Maximum Fugitive PM2.5	Maximum Total PM2.5
1	1	2.5 - 3.5	2025	0.0002	3	0.01	0.0000	0.000	0.00
2	1	3.5 - 4.5	2026	0.0002	3	0.01	0.0000	0.000	0.00
3	1	4.5 - 5.5	2027	0.0002	3	0.01	0.0000	0.000	0.00
4	1	5.5 - 6.5	2028	0.0002	3	0.01	0.0000	0.000	0.00
5	1	6.5 - 7.5	2029	0.0002	3	0.01	0.0000	0.000	0.00
6	1	7.5 - 8.5	2030	0.0002	3	0.01	0.0000	0.000	0.00
Total Increased Cancer Risk						**0.08**			

* Children assumed to be 2.5 years of age with 6 years of exposure to drive through emissions.

Source: EMFAC2021 (v1.0.2) Emission Rates
Region Type: County
Region: Santa Clara
Calendar Year: 2025
Season: Annual
Vehicle Classification: EMFAC2007 Categories
Units: miles/day for CVMT and EVMT, trips/day for Trips, g/mile for RUNEX, PMBW and PMTW, g/trip for STREX, HOTSOAK and RUNLOSS, g/vehicle/day for IDLEX and DIURN. PHEV calcula

Area	CalYr	Season	Veh	Fuel	Speed	VMT	Assumed fraction of Vehicles	ROG_RUNEX	TOG_RUNEX	NOX_RUNEX	CO2_RUNEX(Pavley I+LCFS)	PM10_RUNEX	PM2_5_RUNEX
Santa Clara		Annual	LDA	GAS	5		0.58	0.0567	0.0827	0.0703	655.4735	0.0090	0.0021
Santa Clara		Annual	LDA	DSL	5		0.01	0.2747	0.3127	0.2454	595.3053	0.0600	0.0021
Santa Clara		Annual	LDT1	GAS	5		0.05	0.1628	0.2376	0.2210	779.7628	0.0123	0.0030
Santa Clara		Annual	LDT1	DSL	5		0	1.2611	1.4356	1.1295	1059.5019	1.0534	0.0034
Santa Clara		Annual	LDT2	GAS	5		0.18	0.0716	0.1045	0.1166	805.4880	0.0093	0.0029
Santa Clara		Annual	LDT2	DSL	5		0	0.2676	0.3047	0.1595	768.5754	0.0132	0.0029
Santa Clara		Annual	MDV	GAS	5		0.12	0.0985	0.1437	0.1639	976.3374	0.0092	0.0029
Santa Clara		Annual	MDV	DSL	5		0	0.2030	0.2311	0.1404	962.4383	0.0139	0.0030
Santa Clara		Annual	MCY	GAS	5		0.01	6.3365	7.7364	0.8523	463.6035	0.0130	0.0042
Santa Clara		Annual	LHDT1	GAS	5		0.02	0.1067	0.1556	0.2076	1523.0689	0.0039	0.0273
Santa Clara		Annual	LHDT1	DSL	5		0.02	0.3481	0.3963	1.7658	1162.3535	0.0764	0.0273
Santa Clara		Annual	LHDT2	GAS	5		0	0.0789	0.1152	0.2091	1715.6933	0.0035	0.0319
Santa Clara		Annual	LHDT2	DSL	5		0.01	0.3120	0.3551	1.6206	1373.4787	0.0697	0.0319
Santa Clara		Annual					100%						
								0.144	0.191	0.159	759.343	0.012	0.004
			IdleVehicle Emission Rate =					0.720	0.955	0.796	3796.717	0.058	0.018
			Number Of Idling Vehicles		14			gram/hr		*based on 5 mph emission rate for 1 hour (5 miles)*			
			Assume vehicles constantly idling per peak demand hour =					10.08	13.37	11.14	53154.04	0.81	0.26
								gram/hr					
			Assume peak demand hour is 10% of daily emission rate =					100.83	133.68	111.41	531540.38	8.14	2.59
								gram/day					
								0.22	0.29	0.25	1170.79	0.02	0.01
								lbs/day					
								0.04	0.05	0.04	193.84	0.003	0.001
								tons/year (metric tons CO_2e)					
								0.01	0.01	0.01	35.38	0.00	0.00

Source of idle emissions (from CARB, see *http://www.arb.ca.gov/msei/modeling.htm*)

Idling Emission Rates for EMFAC2011-LDV Vehicle Categories

Step 1 – Extract 5 MPH Running emission rates from Emission Rate Web Database at http://www.arb.ca.gov/jpub/webapp//EMFAC2011WebApp/rateSelectionPage_1.jsp.

Step 2 – Calculate the by model year LDV idling emission rates by multiplying the 5 MPH Running emission rates by 5 (g/mile X mile/hr = g/hr).

Attachment 3: Cumulative Health Risk from Existing TAC Sources

Beresford Square, Milpitas, CA - East Calaveras Boulevard Traffic - TACs & PM2.5
AERMOD Risk Modeling Parameters and Maximum Concentrations
at Construction MEI Receptors (1.5 & 1 meter receptor height)

Emission Year	2024
Receptor Information	Construction MEI receptors
Number of Receptors	2
Receptor Height	1.5 & 1 meters
Receptor Distances	At Construction MEI locations

Meteorological Conditions	
BAAQMD San Jose International Met Data	2013 - 2017
Land Use Classification	Urban
Wind Speed	Variable
Wind Direction	Variable

Construction MEI Cancer Risk Maximum Concentrations

Meteorological Data Years	Concentration (µg/m3)*		
	DPM	Exhaust TOG	Evaporative TOG
2013-2017	0.0001	0.0052	0.0066

Construction MEI PM2.5 Maximum Concentrations

Meteorological Data Years	PM2.5 Concentration (µg/m3)*		
	Total PM2.5	Fugitive PM2.5	Vehicle PM2.5
2013-2017	0.0074	0.0070	0.0004

Beresford Square, Milpitas, CA - E Calaveras Boulevard Traffic Cancer Risk
Impacts at Construction Residential MEIs - 4.5 & 1.5 meter receptor height
30 Year Residential Exposure

Cancer Risk Calculation Method

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor $(mg/kg\text{-}day)^{-1}$
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 $(\mu g/m^3)$
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Cancer Potency Factors $(mg/kg\text{-}day)^{-1}$

TAC	CPF
DPM	1.10E+00
Vehicle TOG Exhaust	6.28E-03
Vehicle TOG Evaporative	3.70E-04

Values

	Infant/Child			Adult
Age -->	**3rd Trimester**	**0 - 2**	**2 - 16**	**16 - 30**
Parameter				
ASF =	10	10	3	1
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	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

Maximum - Exposure Information					Concentration (ug/m3)			Cancer Risk (per million)			
Exposure Year	**Exposure Duration (years)**	**Age**	**Year**	**Age Sensitivity Factor**	**DPM**	**Exhaust TOG**	**Evaporative TOG**	**DPM**	**Exhaust TOG**	**Evaporative TOG**	**TOTAL**
0	0.25	-0.25 - 0*	2024	10	0.0001	0.0052	0.0066	0.002	0.000	0.0000	0.00
1	1	0 - 1	2024	10	0.0001	0.0052	0.0066	0.021	0.005	0.0004	0.03
2	1	1 - 2	2025	10	0.0001	0.0052	0.0066	0.021	0.005	0.0004	0.03
3	1	2 - 3	2026	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
4	1	3 - 4	2027	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
5	1	4 - 5	2028	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
6	1	5 - 6	2029	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
7	1	6 - 7	2030	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
8	1	7 - 8	2031	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
9	1	8 - 9	2032	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
10	1	9 - 10	2033	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
11	1	10 - 11	2034	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
12	1	11 - 12	2035	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
13	1	12 - 13	2036	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
14	1	13 - 14	2037	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
15	1	14 - 15	2038	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
16	1	15 - 16	2039	3	0.0001	0.0052	0.0066	0.003	0.001	0.0001	0.00
17	1	16-17	2040	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
18	1	17-18	2041	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
19	1	18-19	2042	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
20	1	19-20	2043	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
21	1	20-21	2044	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
22	1	21-22	2045	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
23	1	22-23	2046	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
24	1	23-24	2047	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
25	1	24-25	2048	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
26	1	25-26	2049	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
27	1	26-27	2050	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
28	1	27-28	2051	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
29	1	28-29	2052	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
30	1	29-30	2053	1	0.0001	0.0052	0.0066	0.000	0.000	0.0000	0.00
Total Increased Cancer Risk								0.10	0.022	0.002	**0.12**

Hazard Index	**Maximum Fugitive PM2.5**	**Total PM2.5**
0.00003	0.01	0.01

* Third trimester of pregnancy

Beresford Square, Milpitas, CA - North Milpitas Boulevard Traffic - TACs & PM2.5
AERMOD Risk Modeling Parameters and Maximum Concentrations
at Construction MEI Receptors (1.5 & 1 meter receptor height)

Emission Year	2024
Receptor Information	Construction MEI receptors
Number of Receptors	2
Receptor Height	1.5 & 1 meters
Receptor Distances	At Construction MEI locations

Meteorological Conditions

BAAQMD San Jose International Met Data	2013 - 2017
Land Use Classification	Urban
Wind Speed	Variable
Wind Direction	Variable

Construction MEI Cancer Risk Maximum Concentrations

Meteorological Data Years	Concentration (µg/m3)*		
	DPM	Exhaust TOG	Evaporative TOG
2013-2017	0.0020	0.1636	0.2100

Construction MEI PM2.5 Maximum Concentrations

Meteorological Data Years	PM2.5 Concentration (µg/m3)*		
	Total PM2.5	Fugitive PM2.5	Vehicle PM2.5
2013-2017	0.0436	0.0409	0.0027

Beresford Square, Milpitas, CA - N Milpitas Boulevard Traffic Cancer Risk
Impacts at Construction Residential MEIs - 4.5 & 1.5 meter receptor height
30 Year Residential Exposure

Cancer Risk Calculation Method

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor $(mg/kg\text{-}day)^{-1}$
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 $(\mu g/m^3)$
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10^{-6} = Conversion factor

Cancer Potency Factors $(mg/kg\text{-}day)^{-1}$

TAC	CPF
DPM	1.10E+00
Vehicle TOG Exhaust	6.28E-03
Vehicle TOG Evaporative	3.70E-04

Values

	Infant/Child			Adult
Age -->	**3rd Trimester**	**0 - 2**	**2 - 16**	**16 - 30**
Parameter				
ASF =	10	10	3	1
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	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

Maximum - Exposure Information					Concentration (ug/m3)			Cancer Risk (per million)			TOTAL
Exposure Year	**Exposure Duration (years)**	**Age**	**Year**	**Age Sensitivity Factor**	**DPM**	**Exhaust TOG**	**Evaporative TOG**	**DPM**	**Exhaust TOG**	**Evaporative TOG**	
0	0.25	-0.25 - 0*	2024	10	0.0020	0.1636	0.2100	0.027	0.013	0.0010	0.04
1	1	0 - 1	2024	10	0.0020	0.1636	0.2100	0.320	0.153	0.0116	0.49
2	1	1 - 2	2025	10	0.0020	0.1636	0.2100	0.320	0.153	0.0116	0.49
3	1	2 - 3	2026	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
4	1	3 - 4	2027	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
5	1	4 - 5	2028	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
6	1	5 - 6	2029	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
7	1	6 - 7	2030	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
8	1	7 - 8	2031	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
9	1	8 - 9	2032	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
10	1	9 - 10	2033	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
11	1	10 - 11	2034	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
12	1	11 - 12	2035	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
13	1	12 - 13	2036	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
14	1	13 - 14	2037	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
15	1	14 - 15	2038	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
16	1	15 - 16	2039	3	0.0020	0.1636	0.2100	0.050	0.024	0.0018	0.08
17	1	16-17	2040	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
18	1	17-18	2041	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
19	1	18-19	2042	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
20	1	19-20	2043	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
21	1	20-21	2044	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
22	1	21-22	2045	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
23	1	22-23	2046	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
24	1	23-24	2047	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
25	1	24-25	2048	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
26	1	25-26	2049	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
27	1	26-27	2050	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
28	1	27-28	2051	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
29	1	28-29	2052	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
30	1	29-30	2053	1	0.0020	0.1636	0.2100	0.006	0.003	0.0002	0.01
Total Increased Cancer Risk								1.45	0.695	0.053	**2.20**

Maximum Hazard Index	**Fugitive PM2.5**	**Total PM2.5**
0.00039	0.04	0.04

* Third trimester of pregnancy

File Name: Local Roadways 2024.EF
CT-EMFAC2021 Version: 1.0.2.0
Run Date: 7/18/2023 1:45:48 PM
Area: Santa Clara (SF)
Analysis Year: 2024
Season: Annual

==========

Vehicle Category	VMT Fraction	Diesel VMT Fraction	Gas VMT Fraction
	Across Category	Within Category	Within Category
Truck 1	0.016	0.415	0.581
Truck 2	0.019	0.914	0.046
Non-Truck	0.965	0.007	0.923

==========

Road Type: Major/Collector
Silt Loading Factor: CARB 0.032 g/m2
Precipitation Correction: CARB P = 63 days N = 365 days

==========

Fleet Average Running Exhaust Emission Factors (grams/veh-mile)

Pollutant Name	35 mph	40 mph
PM2.5	0.001493	0.001340
TOG	0.023027	0.020115
Diesel PM	0.000404	0.000397

==========

Fleet Average Running Loss Emission Factors (grams/veh-hour)

Pollutant Name	Emission Factor
TOG	1.028536

==========

Fleet Average Tire Wear Factors (grams/veh-mile)

Pollutant Name	Emission Factor
PM2.5	0.002107

==========

Fleet Average Brake Wear Factors (grams/veh-mile)

Pollutant Name	35 mph	40 mph
PM2.5	0.005517	0.005020

==========

Fleet Average Road Dust Factors (grams/veh-mile)

Pollutant Name	Emission Factor
PM2.5	0.015281

==========END==========

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - N Milpitas Boulevard
DPM Modeling - Roadway Links, Traffic Volumes, and DPM Emissions
Year = **2024**

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Line Area Area (sq m)	Line Area Area (sq ft)	Line Area Emission (g/s/m2)	Line Area Emission (lb/hr/ft2)	Initial Vertical height (m)	(Sigma z) Initial Vertical Dimension
DPM_NB_MIL	North Milipitas Boulevard Northbound	NB	2	655.2	0.41	13.3	43.7	3.4	35	8,549	8,724	93,906	1.865E-09	1.375E-09	6.8	3.16
DPM_SB_MIL	North Milipitas Boulevard Southbound	SB	2	661.1	0.41	13.3	43.7	3.4	35	8,549	8,803	94,751	1.865E-09	1.375E-09	6.8	3.16
									Total	17,098						

Emission Factors

Speed Category	1	2	3	4
Travel Speed (mph)	35			
Emissions per Vehicle (g/VMT)	0.00040			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and DPM Emissions - DPM_NB_MIL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	3.90%	333	1.52E-05	9	6.42%	549	2.51E-05	17	5.62%	480	2.19E-05
2	2.58%	220	1.01E-05	10	7.34%	627	2.87E-05	18	3.27%	279	1.28E-05
3	2.87%	245	1.12E-05	11	6.42%	549	2.51E-05	19	2.35%	201	9.18E-06
4	3.32%	284	1.30E-05	12	6.88%	588	2.69E-05	20	0.86%	73	3.36E-06
5	2.18%	186	8.51E-06	13	6.25%	534	2.44E-05	21	3.09%	265	1.21E-05
6	3.38%	289	1.32E-05	14	6.19%	529	2.42E-05	22	4.13%	353	1.61E-05
7	6.02%	514	2.35E-05	15	5.10%	436	1.99E-05	23	2.52%	216	9.85E-06
8	4.64%	397	1.81E-05	16	3.78%	323	1.48E-05	24	0.92%	78	3.58E-06
								Total		8,549	

2024 Hourly Traffic Volumes Per Direction and DPM Emissions - DPM_SB_MIL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	3.90%	333	1.54E-05	9	6.42%	549	2.53E-05	17	5.62%	480	2.21E-05
2	2.58%	220	1.02E-05	10	7.34%	627	2.89E-05	18	3.27%	279	1.29E-05
3	2.87%	245	1.13E-05	11	6.42%	549	2.53E-05	19	2.35%	201	9.26E-06
4	3.32%	284	1.31E-05	12	6.88%	588	2.71E-05	20	0.86%	73	3.39E-06
5	2.18%	186	8.58E-06	13	6.25%	534	2.46E-05	21	3.09%	265	1.22E-05
6	3.38%	289	1.33E-05	14	6.19%	529	2.44E-05	22	4.13%	353	1.63E-05
7	6.02%	514	2.37E-05	15	5.10%	436	2.01E-05	23	2.52%	216	9.94E-06
8	4.64%	397	1.83E-05	16	3.78%	323	1.49E-05	24	0.92%	78	3.61E-06
								Total		8,549	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - N Milpitas Boulevard
PM2.5 Modeling - Roadway Links, Traffic Volumes, and PM2.5 Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height (m)	(Sigma z) Initial Vertical Dimension
PM2.5_NB_MIL	North Milipitas Boulevard Northbound	NB	2	655.2	0.41	13.3	44	1.3	35	8,549	8,724	93,906	6.89E-09	5.08E-09	2.6	1.21
PM2.5_SB_MIL	North Milipitas Boulevard Southbound	SB	2	661.1	0.41	13.3	44	1.3	35	8,549	8,803	94,751	6.89E-09	5.08E-09	2.6	1.21
									Total	17,098						

Emission Factors - PM2.5

Speed Category	1	2	3	4
Travel Speed (mph)	35			
Emissions per Vehicle (g/VMT)	0.001493			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and PM2.5 Emissions - PM2.5_NB_MIL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	98	1.66E-05	9	7.11%	608	1.03E-04	17	7.39%	631	1.07E-04
2	0.42%	36	6.03E-06	10	4.39%	375	6.33E-05	18	8.18%	699	1.18E-04
3	0.41%	35	5.86E-06	11	4.66%	399	6.73E-05	19	5.70%	487	8.22E-05
4	0.26%	22	3.78E-06	12	5.89%	503	8.50E-05	20	4.27%	365	6.17E-05
5	0.50%	43	7.21E-06	13	6.15%	526	8.88E-05	21	3.26%	278	4.70E-05
6	0.90%	77	1.30E-05	14	6.04%	516	8.71E-05	22	3.30%	282	4.76E-05
7	3.79%	324	5.47E-05	15	7.01%	600	1.01E-04	23	2.46%	210	3.55E-05
8	7.76%	664	1.12E-04	16	7.14%	610	1.03E-04	24	1.87%	160	2.69E-05
								Total		8,549	

2024 Hourly Traffic Volumes Per Direction and PM2.5 Emissions - PM2.5_SB_MIL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	98	1.68E-05	9	7.11%	608	1.04E-04	17	7.39%	631	1.08E-04
2	0.42%	36	6.08E-06	10	4.39%	375	6.39E-05	18	8.18%	699	1.19E-04
3	0.41%	35	5.91E-06	11	4.66%	399	6.79E-05	19	5.70%	487	8.29E-05
4	0.26%	22	3.81E-06	12	5.89%	503	8.58E-05	20	4.27%	365	6.23E-05
5	0.50%	43	7.28E-06	13	6.15%	526	8.96E-05	21	3.26%	278	4.74E-05
6	0.90%	77	1.32E-05	14	6.04%	516	8.79E-05	22	3.30%	282	4.80E-05
7	3.79%	324	5.52E-05	15	7.01%	600	1.02E-04	23	2.46%	210	3.58E-05
8	7.76%	664	1.13E-04	16	7.14%	610	1.04E-04	24	1.87%	160	2.72E-05
								Total		8,549	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - N Milpitas Boulevard
TOG Exhaust Modeling - Roadway Links, Traffic Volumes, and TOG Exhaust Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
TEXH_NB_MIL	North Milipitas Boulevard Northbound	NB	2	655.2	0.41	13.3	44	1.3	35	8,549	8,724	93,906	1.06E-07	7.84E-08	2.6	1.21
TEXH_SB_MIL	North Milipitas Boulevard Southbound	SB	2	661.1	0.41	13.3	44	1.3	35	8,549	8,803	94,751	1.06E-07	7.84E-08	2.6	1.21
									Total	17,098						

Emission Factors - TOG Exhaust

Speed Category	1	2	3	4
Travel Speed (mph)	35			
Emissions per Vehicle (g/VMT)	0.02303			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and TOG Exhaust Emissions - TEXH_NB_MIL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	98	2.56E-04	9	7.11%	608	1.58E-03	17	7.39%	631	1.64E-03
2	0.42%	36	9.30E-05	10	4.39%	375	9.76E-04	18	8.18%	699	1.82E-03
3	0.41%	35	9.04E-05	11	4.66%	399	1.04E-03	19	5.70%	487	1.27E-03
4	0.26%	22	5.82E-05	12	5.89%	503	1.31E-03	20	4.27%	365	9.52E-04
5	0.50%	43	1.11E-04	13	6.15%	526	1.37E-03	21	3.26%	278	7.25E-04
6	0.90%	77	2.01E-04	14	6.04%	516	1.34E-03	22	3.30%	282	7.34E-04
7	3.79%	324	8.44E-04	15	7.01%	600	1.56E-03	23	2.46%	210	5.48E-04
8	7.76%	664	1.73E-03	16	7.14%	610	1.59E-03	24	1.87%	160	4.15E-04
								Total		8,549	

2024 Hourly Traffic Volumes Per Direction and TOG Exhaust Emissions - TEXH_SB_MIL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	98	2.59E-04	9	7.11%	608	1.60E-03	17	7.39%	631	1.66E-03
2	0.42%	36	9.38E-05	10	4.39%	375	9.85E-04	18	8.18%	699	1.84E-03
3	0.41%	35	9.12E-05	11	4.66%	399	1.05E-03	19	5.70%	487	1.28E-03
4	0.26%	22	5.87E-05	12	5.89%	503	1.32E-03	20	4.27%	365	9.60E-04
5	0.50%	43	1.12E-04	13	6.15%	526	1.38E-03	21	3.26%	278	7.32E-04
6	0.90%	77	2.03E-04	14	6.04%	516	1.36E-03	22	3.30%	282	7.41E-04
7	3.79%	324	8.51E-04	15	7.01%	600	1.58E-03	23	2.46%	210	5.53E-04
8	7.76%	664	1.74E-03	16	7.14%	610	1.60E-03	24	1.87%	160	4.19E-04
								Total		8,549	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - N Milpitas Boulevard
TOG Evaporative Emissions Modeling - Roadway Links, Traffic Volumes, and TOG Evaporative Emissions
Year = **2024**

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
TEVAP_NB_MIL	North Milipitas Boulevard Northbound	NB	2	655.2	0.41	13.3	44	1.3	35	8,549	8,724	93,906	1.36E-07	1.00E-07	2.6	1.21
TEVAP_SB_MIL	North Milipitas Boulevard Southbound	SB	2	661.1	0.41	13.3	44	1.3	35	8,549	8,803	94,751	1.36E-07	1.00E-07	2.6	1.21
									Total	17,098						

Emission Factors - PM2.5 - Evaporative TOG

Speed Category	1	2	3	4
Travel Speed (mph)	35			
Emissions per Vehicle per Hour (g/hour)	1.02854			
Emissions per Vehicle per Mile (g/VMT)	0.02939			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and TOG Evaporative Emissions - TEVAP_NB_MIL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	98	3.27E-04	9	7.11%	608	2.02E-03	17	7.39%	631	2.10E-03
2	0.42%	36	1.19E-04	10	4.39%	375	1.25E-03	18	8.18%	699	2.32E-03
3	0.41%	35	1.15E-04	11	4.66%	399	1.33E-03	19	5.70%	487	1.62E-03
4	0.26%	22	7.43E-05	12	5.89%	503	1.67E-03	20	4.27%	365	1.21E-03
5	0.50%	43	1.42E-04	13	6.15%	526	1.75E-03	21	3.26%	278	9.25E-04
6	0.90%	77	2.57E-04	14	6.04%	516	1.72E-03	22	3.30%	282	9.37E-04
7	3.79%	324	1.08E-03	15	7.01%	600	1.99E-03	23	2.46%	210	6.99E-04
8	7.76%	664	2.21E-03	16	7.14%	610	2.03E-03	24	1.87%	160	5.30E-04
								Total		8,549	

2024 Hourly Traffic Volumes Per Direction and TOG Evaporative Emissions - TEVAP_SB_MIL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	98	3.30E-04	9	7.11%	608	2.04E-03	17	7.39%	631	2.12E-03
2	0.42%	36	1.20E-04	10	4.39%	375	1.26E-03	18	8.18%	699	2.34E-03
3	0.41%	35	1.16E-04	11	4.66%	399	1.34E-03	19	5.70%	487	1.63E-03
4	0.26%	22	7.50E-05	12	5.89%	503	1.69E-03	20	4.27%	365	1.23E-03
5	0.50%	43	1.43E-04	13	6.15%	526	1.76E-03	21	3.26%	278	9.34E-04
6	0.90%	77	2.59E-04	14	6.04%	516	1.73E-03	22	3.30%	282	9.45E-04
7	3.79%	324	1.09E-03	15	7.01%	600	2.01E-03	23	2.46%	210	7.06E-04
8	7.76%	664	2.23E-03	16	7.14%	610	2.05E-03	24	1.87%	160	5.35E-04
								Total		8,549	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - N Milpitas Boulevard
Fugitive Road PM2.5 Modeling - Roadway Links, Traffic Volumes, and Fugitive Road PM2.5 Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
FUG_NB_MIL	North Milipitas Boulevard Northbound	NB	2	655.2	0.41	13.3	44	1.3	35	8,549	8,724	93,906	1.06E-07	7.80E-08	2.6	1.21
FUG_SB_MIL	North Milipitas Boulevard Southbound	SB	2	661.1	0.41	13.3	44	1.3	35	8,549	8,803	94,751	1.06E-07	7.80E-08	2.6	1.21
									Total	17,098						

Emission Factors - Fugitive PM2.5

Speed Category	1	2	3	4
Travel Speed (mph)	35			
Tire Wear - Emissions per Vehicle (g/VMT)	0.00211			
Brake Wear - Emissions per Vehicle (g/VMT)	0.00552			
Road Dust - Emissions per Vehicle (g/VMT)	0.01528			
otal Fugitive PM2.5 - Emissions per Vehicle (g/VMT)	0.02291			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and Fugitive PM2.5 Emissions - FUG_NB_MIL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	98	2.55E-04	9	7.11%	608	1.57E-03	17	7.39%	631	1.64E-03
2	0.42%	36	9.25E-05	10	4.39%	375	9.71E-04	18	8.18%	699	1.81E-03
3	0.41%	35	8.99E-05	11	4.66%	399	1.03E-03	19	5.70%	487	1.26E-03
4	0.26%	22	5.79E-05	12	5.89%	503	1.30E-03	20	4.27%	365	9.47E-04
5	0.50%	43	1.11E-04	13	6.15%	526	1.36E-03	21	3.26%	278	7.21E-04
6	0.90%	77	2.00E-04	14	6.04%	516	1.34E-03	22	3.30%	282	7.30E-04
7	3.79%	324	8.39E-04	15	7.01%	600	1.55E-03	23	2.46%	210	5.45E-04
8	7.76%	664	1.72E-03	16	7.14%	610	1.58E-03	24	1.87%	160	4.13E-04
								Total		8,549	

2024 Hourly Traffic Volumes Per Direction and Fugitive PM2.5 Emissions - FUG_SB_MIL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	98	2.57E-04	9	7.11%	608	1.59E-03	17	7.39%	631	1.65E-03
2	0.42%	36	9.33E-05	10	4.39%	375	9.80E-04	18	8.18%	699	1.83E-03
3	0.41%	35	9.07E-05	11	4.66%	399	1.04E-03	19	5.70%	487	1.27E-03
4	0.26%	22	5.84E-05	12	5.89%	503	1.32E-03	20	4.27%	365	9.55E-04
5	0.50%	43	1.12E-04	13	6.15%	526	1.37E-03	21	3.26%	278	7.28E-04
6	0.90%	77	2.02E-04	14	6.04%	516	1.35E-03	22	3.30%	282	7.37E-04
7	3.79%	324	8.47E-04	15	7.01%	600	1.57E-03	23	2.46%	210	5.50E-04
8	7.76%	664	1.73E-03	16	7.14%	610	1.59E-03	24	1.87%	160	4.17E-04
								Total		8,549	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - E Calaveras Boulevard
DPM Modeling - Roadway Links, Traffic Volumes, and DPM Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Line Area Area (sq m)	Line Area Area (sq ft)	Line Area Emission (g/s/m2)	Line Area Emission (lb/hr/ft2)	Initial Vertical height (m)	(Sigma z) Initial Vertical Dimension
DPM_EB_CAL	East Calaveras Boulevard Eastbound	EB	3	192.9	0.12	17.0	55.7	3.4	40	22,261	3,274	35,242	3.745E-09	2.761E-09	6.8	3.16
DPM_WB_CAL	East Calaveras Boulevard Westbound	WB	2	294.2	0.18	13.3	43.7	3.4	40	22,261	3,917	42,166	4.773E-09	3.520E-09	6.8	3.16
									Total	44,523						

Emission Factors

Speed Category	1	2	3	4
Travel Speed (mph)	40			
Emissions per Vehicle (g/VMT)	0.00040			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and DPM Emissions - DPM_EB_CAL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	3.90%	867	1.15E-05	9	6.42%	1429	1.89E-05	17	5.62%	1250	1.65E-05
2	2.58%	574	7.59E-06	10	7.34%	1633	2.16E-05	18	3.27%	727	9.61E-06
3	2.87%	638	8.43E-06	11	6.42%	1429	1.89E-05	19	2.35%	523	6.91E-06
4	3.32%	740	9.78E-06	12	6.88%	1531	2.02E-05	20	0.86%	191	2.53E-06
5	2.18%	485	6.41E-06	13	6.25%	1391	1.84E-05	21	3.09%	689	9.11E-06
6	3.38%	753	9.95E-06	14	6.19%	1378	1.82E-05	22	4.13%	919	1.21E-05
7	6.02%	1340	1.77E-05	15	5.10%	1135	1.50E-05	23	2.52%	561	7.42E-06
8	4.64%	1033	1.37E-05	16	3.78%	842	1.11E-05	24	0.92%	204	2.70E-06
								Total		22,261	

2024 Hourly Traffic Volumes Per Direction and DPM Emissions - DPM_WB_CAL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	3.90%	867	1.75E-05	9	6.42%	1429	2.88E-05	17	5.62%	1250	2.52E-05
2	2.58%	574	1.16E-05	10	7.34%	1633	3.29E-05	18	3.27%	727	1.47E-05
3	2.87%	638	1.29E-05	11	6.42%	1429	2.88E-05	19	2.35%	523	1.05E-05
4	3.32%	740	1.49E-05	12	6.88%	1531	3.09E-05	20	0.86%	191	3.86E-06
5	2.18%	485	9.77E-06	13	6.25%	1391	2.80E-05	21	3.09%	689	1.39E-05
6	3.38%	753	1.52E-05	14	6.19%	1378	2.78E-05	22	4.13%	919	1.85E-05
7	6.02%	1340	2.70E-05	15	5.10%	1135	2.29E-05	23	2.52%	561	1.13E-05
8	4.64%	1033	2.08E-05	16	3.78%	842	1.70E-05	24	0.92%	204	4.11E-06
								Total		22,261	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - E Calaveras Boulevard
PM2.5 Modeling - Roadway Links, Traffic Volumes, and PM2.5 Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height (m)	(Sigma z) Initial Vertical Dimension
PM2.5_EB_CAL	East Calaveras Boulevard Eastbound	EB	3	192.9	0.12	17.0	56	1.3	40	22,261	3,274	35,242	1.26E-08	9.32E-09	2.6	1.21
PM2.5_WB_CAL	East Calaveras Boulevard Westbound	WB	2	294.2	0.18	13.3	44	1.3	40	22,261	3,917	42,166	1.61E-08	1.19E-08	2.6	1.21
									Total	44,523						

Emission Factors - PM2.5

Speed Category	1	2	3	4
Travel Speed (mph)	40			
Emissions per Vehicle (g/VMT)	0.001340			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and PM2.5 Emissions - PM2.5_EB_CAL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	256	1.14E-05	9	7.11%	1583	7.06E-05	17	7.39%	1644	7.34E-05
2	0.42%	93	4.15E-06	10	4.39%	976	4.36E-05	18	8.18%	1820	8.12E-05
3	0.41%	90	4.03E-06	11	4.66%	1038	4.63E-05	19	5.70%	1268	5.66E-05
4	0.26%	58	2.60E-06	12	5.89%	1311	5.85E-05	20	4.27%	952	4.25E-05
5	0.50%	111	4.96E-06	13	6.15%	1370	6.11E-05	21	3.26%	725	3.24E-05
6	0.90%	201	8.98E-06	14	6.04%	1344	6.00E-05	22	3.30%	734	3.27E-05
7	3.79%	844	3.76E-05	15	7.01%	1562	6.97E-05	23	2.46%	548	2.44E-05
8	7.76%	1728	7.71E-05	16	7.14%	1589	7.09E-05	24	1.87%	415	1.85E-05
								Total		22,261	

2024 Hourly Traffic Volumes Per Direction and PM2.5 Emissions - PM2.5_WB_CAL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	256	1.74E-05	9	7.11%	1583	1.08E-04	17	7.39%	1644	1.12E-04
2	0.42%	93	6.33E-06	10	4.39%	976	6.64E-05	18	8.18%	1820	1.24E-04
3	0.41%	90	6.15E-06	11	4.66%	1038	7.07E-05	19	5.70%	1268	8.63E-05
4	0.26%	58	3.96E-06	12	5.89%	1311	8.92E-05	20	4.27%	952	6.47E-05
5	0.50%	111	7.57E-06	13	6.15%	1370	9.32E-05	21	3.26%	725	4.93E-05
6	0.90%	201	1.37E-05	14	6.04%	1344	9.14E-05	22	3.30%	734	4.99E-05
7	3.79%	844	5.74E-05	15	7.01%	1562	1.06E-04	23	2.46%	548	3.73E-05
8	7.76%	1728	1.18E-04	16	7.14%	1589	1.08E-04	24	1.87%	415	2.83E-05
								Total		22,261	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - E Calaveras Boulevard
TOG Exhaust Modeling - Roadway Links, Traffic Volumes, and TOG Exhaust Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
TEXH_EB_CAL	East Calaveras Boulevard Eastbound	EB	3	192.9	0.12	17.0	56	1.3	40	22,261	3,274	35,242	1.90E-07	1.40E-07	2.6	1.21
TEXH_WB_CAL	East Calaveras Boulevard Westbound	WB	2	294.2	0.18	13.3	44	1.3	40	22,261	3,917	42,166	2.42E-07	1.78E-07	2.6	1.21
									Total	44,523						

Emission Factors - TOG Exhaust

Speed Category	1	2	3	4
Travel Speed (mph)	40			
Emissions per Vehicle (g/VMT)	0.02012			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and TOG Exhaust Emissions - TEXH_EB_CAL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	256	1.72E-04	9	7.11%	1583	1.06E-03	17	7.39%	1644	1.10E-03
2	0.42%	93	6.23E-05	10	4.39%	976	6.54E-04	18	8.18%	1820	1.22E-03
3	0.41%	90	6.05E-05	11	4.66%	1038	6.95E-04	19	5.70%	1268	8.49E-04
4	0.26%	58	3.90E-05	12	5.89%	1311	8.78E-04	20	4.27%	952	6.37E-04
5	0.50%	111	7.45E-05	13	6.15%	1370	9.17E-04	21	3.26%	725	4.86E-04
6	0.90%	201	1.35E-04	14	6.04%	1344	9.00E-04	22	3.30%	734	4.91E-04
7	3.79%	844	5.65E-04	15	7.01%	1562	1.05E-03	23	2.46%	548	3.67E-04
8	7.76%	1728	1.16E-03	16	7.14%	1589	1.06E-03	24	1.87%	415	2.78E-04
								Total		22,261	

2024 Hourly Traffic Volumes Per Direction and TOG Exhaust Emissions - TEXH_WB_CAL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	256	2.62E-04	9	7.11%	1583	1.62E-03	17	7.39%	1644	1.68E-03
2	0.42%	93	9.50E-05	10	4.39%	976	9.97E-04	18	8.18%	1820	1.86E-03
3	0.41%	90	9.23E-05	11	4.66%	1038	1.06E-03	19	5.70%	1268	1.30E-03
4	0.26%	58	5.95E-05	12	5.89%	1311	1.34E-03	20	4.27%	952	9.72E-04
5	0.50%	111	1.14E-04	13	6.15%	1370	1.40E-03	21	3.26%	725	7.41E-04
6	0.90%	201	2.05E-04	14	6.04%	1344	1.37E-03	22	3.30%	734	7.50E-04
7	3.79%	844	8.62E-04	15	7.01%	1562	1.60E-03	23	2.46%	548	5.60E-04
8	7.76%	1728	1.77E-03	16	7.14%	1589	1.62E-03	24	1.87%	415	4.24E-04
								Total		22,261	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - E Calaveras Boulevard
TOG Evaporative Emissions Modeling - Roadway Links, Traffic Volumes, and TOG Evaporative Emissions
Year = 2024

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
TEVAP_EB_CAL	East Calaveras Boulevard Eastbound	EB	3	192.9	0.12	17.0	56	1.3	40	22,261	3,274	35,242	2.43E-07	1.79E-07	2.6	1.21
TEVAP_WB_CAL	East Calaveras Boulevard Westbound	WB	2	294.2	0.18	13.3	44	1.3	40	22,261	3,917	42,166	3.09E-07	2.28E-07	2.6	1.21
									Total	44,523						

Emission Factors - PM2.5 - Evaporative TOG

Speed Category	1	2	3	4
Travel Speed (mph)	40			
Emissions per Vehicle per Hour (g/hour)	1.02854			
Emissions per Vehicle per Mile (g/VMT)	0.02571			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and TOG Evaporative Emissions - TEVAP_EB_CAL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	256	2.19E-04	9	7.11%	1583	1.36E-03	17	7.39%	1644	1.41E-03
2	0.42%	93	7.96E-05	10	4.39%	976	8.36E-04	18	8.18%	1820	1.56E-03
3	0.41%	90	7.74E-05	11	4.66%	1038	8.89E-04	19	5.70%	1268	1.09E-03
4	0.26%	58	4.98E-05	12	5.89%	1311	1.12E-03	20	4.27%	952	8.15E-04
5	0.50%	111	9.52E-05	13	6.15%	1370	1.17E-03	21	3.26%	725	6.21E-04
6	0.90%	201	1.72E-04	14	6.04%	1344	1.15E-03	22	3.30%	734	6.28E-04
7	3.79%	844	7.22E-04	15	7.01%	1562	1.34E-03	23	2.46%	548	4.69E-04
8	7.76%	1728	1.48E-03	16	7.14%	1589	1.36E-03	24	1.87%	415	3.56E-04
								Total		22,261	

2024 Hourly Traffic Volumes Per Direction and TOG Evaporative Emissions - TEVAP_WB_CAL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	256	3.35E-04	9	7.11%	1583	2.07E-03	17	7.39%	1644	2.15E-03
2	0.42%	93	1.21E-04	10	4.39%	976	1.27E-03	18	8.18%	1820	2.38E-03
3	0.41%	90	1.18E-04	11	4.66%	1038	1.36E-03	19	5.70%	1268	1.66E-03
4	0.26%	58	7.60E-05	12	5.89%	1311	1.71E-03	20	4.27%	952	1.24E-03
5	0.50%	111	1.45E-04	13	6.15%	1370	1.79E-03	21	3.26%	725	9.47E-04
6	0.90%	201	2.63E-04	14	6.04%	1344	1.75E-03	22	3.30%	734	9.58E-04
7	3.79%	844	1.10E-03	15	7.01%	1562	2.04E-03	23	2.46%	548	7.15E-04
8	7.76%	1728	2.26E-03	16	7.14%	1589	2.07E-03	24	1.87%	415	5.42E-04
								Total		22,261	

Beresford Court Shopping Center, Milpitas, CA - Off-Site Residential
Cumulative Operation - E Calaveras Boulevard
Fugitive Road PM2.5 Modeling - Roadway Links, Traffic Volumes, and Fugitive Road PM2.5 Emissions
Year = **2024**

Road Link	Description	Direction	No. Lanes	Link Length (m)	Link Length (mi)	Link Width (m)	Link Width (ft)	Release Height (m)	Average Speed (mph)	Average Vehicles per Day	Area (sq m)	Area (sq ft)	Emission (g/s/m2)	Emission (lb/hr/ft2)	Initial Vertical height	(Sigma z) Initial Vertical Dimension
FUG_EB_CAL	East Calaveras Boulevard Eastbound	EB	3	192.9	0.12	17.0	56	1.3	40	22,261	3,274	35,242	2.11E-07	1.56E-07	2.6	1.21
FUG_WB_CAL	East Calaveras Boulevard Westbound	WB	2	294.2	0.18	13.3	44	1.3	40	22,261	3,917	42,166	2.69E-07	1.99E-07	2.6	1.21
									Total	44,523						

Emission Factors - Fugitive PM2.5

Speed Category	1	2	3	4
Travel Speed (mph)	40			
Tire Wear - Emissions per Vehicle (g/VMT)	0.00211			
Brake Wear - Emissions per Vehicle (g/VMT)	0.00502			
Road Dust - Emissions per Vehicle (g/VMT)	0.01528			
otal Fugitive PM2.5 - Emissions per Vehicle (g/VMT)	0.02241			

Emisson Factors from CT-EMFAC2021

2024 Hourly Traffic Volumes and Fugitive PM2.5 Emissions - FUG_EB_CAL

Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s	Hour	% Per Hour	VPH	g/s
1	1.15%	256	1.91E-04	9	7.11%	1583	1.18E-03	17	7.39%	1644	1.23E-03
2	0.42%	93	6.94E-05	10	4.39%	976	7.28E-04	18	8.18%	1820	1.36E-03
3	0.41%	90	6.74E-05	11	4.66%	1038	7.75E-04	19	5.70%	1268	9.46E-04
4	0.26%	58	4.34E-05	12	5.89%	1311	9.78E-04	20	4.27%	952	7.10E-04
5	0.50%	111	8.30E-05	13	6.15%	1370	1.02E-03	21	3.26%	725	5.41E-04
6	0.90%	201	1.50E-04	14	6.04%	1344	1.00E-03	22	3.30%	734	5.48E-04
7	3.79%	844	6.30E-04	15	7.01%	1562	1.17E-03	23	2.46%	548	4.09E-04
8	7.76%	1728	1.29E-03	16	7.14%	1589	1.19E-03	24	1.87%	415	3.10E-04
								Total		22,261	

2024 Hourly Traffic Volumes Per Direction and Fugitive PM2.5 Emissions - FUG_WB_CAL

Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile	Hour	% Per Hour	VPH	g/mile
1	1.15%	256	2.92E-04	9	7.11%	1583	1.80E-03	17	7.39%	1644	1.87E-03
2	0.42%	93	1.06E-04	10	4.39%	976	1.11E-03	18	8.18%	1820	2.07E-03
3	0.41%	90	1.03E-04	11	4.66%	1038	1.18E-03	19	5.70%	1268	1.44E-03
4	0.26%	58	6.63E-05	12	5.89%	1311	1.49E-03	20	4.27%	952	1.08E-03
5	0.50%	111	1.27E-04	13	6.15%	1370	1.56E-03	21	3.26%	725	8.25E-04
6	0.90%	201	2.29E-04	14	6.04%	1344	1.53E-03	22	3.30%	734	8.35E-04
7	3.79%	844	9.60E-04	15	7.01%	1562	1.78E-03	23	2.46%	548	6.23E-04
8	7.76%	1728	1.97E-03	16	7.14%	1589	1.81E-03	24	1.87%	415	4.73E-04
								Total		22,261	

Attachment 4: City of Milpitas Climate Action Plan Consistency Checklist

Climate Action Plan Consistency Review Checklist

Introduction

The City of Milpitas (City) adopted a Climate Action Plan Update (CAP Update) in 2022. The CAP Update outlines strategies and measures that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emissions reduction targets. The purpose of the CAP Consistency Checklist (Checklist), in conjunction with the CAP Update, is to provide a streamlined review process for all proposed development projects that are subject to discretionary review and/or trigger environmental review pursuant to the California Environmental Quality Act (CEQA).

Analysis of GHG emissions and potential climate change impacts from new development is required under CEQA. The City's CAP Update is a qualified GHG emissions reduction plan in accordance with State CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP Update.

The purpose of this Checklist is to implement GHG reduction measures from the CAP Update that apply to new discretionary development projects. New development that demonstrates consistency with relevant CAP Update strategies and the City's General Plan 2040 and would not conflict with the City's ability to achieve the identified GHG reduction targets through implementation of applicable measures. Projects that are consistent with the CAP Update, as determined through the use of this Checklist, may rely on the CAP Update and its associated CEQA documentation for the cumulative impact analysis of GHG emissions. Projects that are not consistent with the CAP Update must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in this Checklist to the extent feasible. Projects that are unable to meet the requirements of this Checklist should look to alternative compliance approaches to GHG analyses using the Bay Area Air Quality Management District's CEQA Guidelines. Cumulative GHG impacts would be significant for any project that is not consistent with the CAP Update.

This Checklist may be updated periodically to incorporate new GHG reduction techniques or to comply with later amendments to the CAP Update or local, State, or federal law. Comprehensive updates to this Checklist will be coordinated with each subsequent CAP update. Administrative updates to the Checklist may occur regularly, as necessary for the purpose of keeping the Checklist up-to-date and implementable.

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Applicability and Procedures

This Checklist is required only for discretionary projects[1] that are subject to and not exempt from CEQA. Projects that are exempt from CEQA are deemed to be consistent with the City's CAP Update, and no further review is necessary, with the exception of a Class 32 "In-Fill Development Projects" categorical exemption (State CEQA Guidelines Section 15332), for which projects are required to demonstrate consistency with the CAP Update through this Checklist.

General procedures for Checklist compliance and review are described below. Specific guidance is also provided under each of the questions in the Checklist.

- Project applicant completes the Checklist and submits to the City's Planning Department as part of the project's conditions of approval. Refer to the City's Development Review Handbook for details on the development review process.
- The City's Planning Department, Building Safety & Housing Department, and Public Works Department review the Checklist and make determinations regarding environmental review requirements under CEQA.
- The specific applicable requirements outlined in the Checklist shall be required as conditions of project approval.
- The project applicant must provide written documentation and supporting evidence that demonstrate how the proposed project would implement each applicable Checklist requirement described herein to the satisfaction of the Planning Department, Building Safety & Housing Department, and Public Works Department.
- If a measure is deemed not applicable for reasons other than those outlined in each question or if an exemption does not apply, supporting evidence will need to be provided by the project applicant and would be subject to Planning Department approval. A project may be determined to be inconsistent with the CAP Update if lack of compliance is deemed to be not supported by credible evidence.
- Development projects requiring discretionary review that cannot demonstrate consistency with the CAP Update using this Checklist shall prepare a separate, project-level GHG analysis as part of the CEQA document prepared for the project.

[1] In this context, a project is any action that meets the definition of a "Project" in Section 15378 of the State CEQA Guidelines.

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Application Information

Contact Information

Project Name: Beresford Square Shopping Center

Property Address and APN:

Applicant Name and Co.:

Contact Phone: | Contact Email:

Was a consultant retained to complete this checklist? ✓ Yes
☐ No
If Yes, complete the following:

Consultant Name: Jordyn Bauer | Contact Phone: (805)458-3478

Company Name: Illingworth & Rodkin, Inc. | Contact Email: jbauer@illingworthrodkin.com

Project Information

1. What is the size of the project site (gross acres)? 5.75

2. What are the existing General Plan/zoning designation(s) for the project site (as stated in the Milpitas General Plan 2040)?

2. Identify all applicable proposed land uses:
   - ☐ Residential (indicate # of single-family dwelling units):
   - ☐ Residential (indicate # of multi-family dwelling units):
   - ☐ Commercial (indicate total square footage): 6,245-sf
   - ☐ Industrial (indicate total square footage):
   - ☐ Other (describe):

3. Provide a description of the project proposed. This description should match the basic project description used for the CEQA document. The description may be attached to the Checklist if there are space constraints.

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General Plan Land Use Consistency

The first step in determining CAP Update consistency for a discretionary development project is to assess the project's consistency with the land use assumptions in the Milpitas General Plan 2040 and zoning designations, which were used to calculate the future GHG emissions forecasts and targets for the CAP Update. If the proposed project is consistent with applicable General Plan and zoning designations, the proposed project may be determined to be within the scope of emissions covered under the CAP Update.

If the project is not consistent with the Milpitas General Plan 2040 and zoning designations, it is possible that the land use changes required for the project could still be consistent with the growth projections used in the CAP Update depending upon the level of proposed changes. The questions below must be completed, as applicable, to determine whether the project is consistent with the City's General Plan 2040 and zoning designations and related GHG emissions forecasts and targets.

General Plan Land Use Consistency			
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)		**Yes**	**No**
1.	Are the proposed land uses in the project consistent with the Milpitas General Plan 2040 land use and zoning designations? If **"Yes"** is selected, please skip to the CAP Measures Consistency section of the checklist. If **"No"** is selected, please proceed to question 2.	✓	☐
2.	Is a General Plan amendment and/or rezoning required for the project? If **"No"** is selected, please skip to the CAP Measures Consistency section of the checklist. If **"Yes"** is selected, please proceed to question 3.	☐	✓
3.	If the proposed project is not consistent with the General Plan land use or zoning designations, does the project include a land use plan and/or zoning designation amendment that would result in an equivalent or less GHG-intensive project when compared to the existing designations?	☐	☐

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General Plan Land Use Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
If **"Yes"** is selected, please attach to this checklist the estimate project emissions under both existing and proposed designation(s) for comparison. Compare the maximum buildout of the existing designation and the maximum buildout of the proposed designation. If the proposed project is determined to result in an equivalent or less GHG-intensive project when compared to the existing designations, proceed to the CAP Measures Consistency section of the checklist. If **"No"** is selected, the applicant must conduct a full GHG impact analysis for the project as part of the CEQA process. The project shall incorporate each of the applicable measures identified in the CAP Measures Consistency section of the checklist to mitigate cumulative GHG emissions impacts.		

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CAP Measures Consistency

The goal of the CAP consistency review process is to evaluate a project's consistency with the applicable strategies and measures of the CAP Update and General Plan 2040. Each Checklist item is associated with a specific GHG reduction measure in the City's CAP Update. "N/A" should only be checked based on the direction provided in each Checklist Item question. All projects for which the measure is applicable must demonstrate that they would implement measures consistent with the Checklist item, or fully substantiate how the item would be infeasible for project implementation. "N/A" responses are subject to Planning Department review and approval. If "No" is provided as a response to a question, the project would be determined to be inconsistent with the CAP Update and General Plan 2040 and result in a significant GHG impact.

CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
1. All-Electric New Buildings **(CAP Measure BE-2.1)** a) Will the project use electricity as the source of energy for: ▪ space heating, ▪ water heating, ▪ fireplaces, ▪ electric vehicle charging ▪ cooking appliances, and ▪ clothes drying appliances?	☐	✓
b) Will the project install natural gas infrastructure? If **"No"** is selected in question 1(a), please skip to question 2(a).	✓	☐
c) If the requirements above in questions 1(a)-(b) cannot be met, will the project comply with 2022 Building Energy Efficiency Standards and install electrical conduit and wiring sufficient to operate electrical appliances?	☐	☐

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CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
2. Clean Energy (CAP Measure BE-1.1) a) Will the project install onsite renewable energy and storage systems capable of meeting anticipated building energy consumption? If **"Yes"** was selected in question 2(a), no further answers are required.	☐	☐
b) If **"No"** was selected in question 2(a), will the project require residents/tenants/occupants to participate in a group-buy solar and storage program or opt in to Silicon Valley Clean Energy's carbon-free electricity option?	☐	☐
c) Will the project include a parking structure? If **"No"** was selected in question 2(c), no further answers are required.	☐	☐
d) If **"Yes"** was selected in question 2(c), will the project install solar photovoltaics on the parking structure if the structure is above ground?	☐	☐
e) Will the project include heated swimming pools? If **"No"** was selected in question 2(e), no further answers are required.	☐	✓
f) If **"Yes"** was selected in question 2(e), will the pool heaters be solar powered?	☐	☐
g) If the requirements above in questions 2(b), (d), and/or (f) cannot be met, do one of the following exceptions apply? ▪ Practical challenges to make satisfaction of the requirements infeasible. ▪ Alternate on-site renewable source used to satisfy measure. ▪ Procurement of renewable electricity.	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐

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CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
▪ Ground mounted solar installations as voluntary alternative. ▪ Excludes value of aesthetic exterior alterations from permit valuation.	☐	☐
Please substantiate answer selections for question 2: _____ _____ _____ _____ _____ _____		
3. Sustainable Transportation and Land Use Planning (CAP Measure TR-1.1) a) Will the project achieve a 15 percent reduction in per capita vehicle miles traveled (VMT) compared to the baseline conditions as defined in the City's SB 743 guidelines?	✓	☐
Please substantiate answer selections for question 3: The proposed project is below the screening threshold; therefore, the project would have a less-than-significant VMT impact.		
4. Electric Vehicle Infrastructure (CAP Measure TR-2.1) a) Will the project install electric vehicle (EV) charging infrastructure consistent with Chapter 19 of the City's Municipal Code (Green Buildings Standard Code)?	✓	☐
Please substantiate answer selections for question 4: The project proposes to provide 14 EV parking spaces.		
5. Reduce Vehicle Idling (CAP Measure TR-2.3) a) Will the project include loading docks? If **"No"** was selected in question 5(a), no further answers are required.	☐	☐

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CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
b) If **"Yes"** was selected in question 5(a), will there be sufficient electrical power sufficient to support delivery trucks and associated equipment to reduce vehicle idling when making deliveries?	☐	☐
Please substantiate answer selections for question 5:		
6. Active Transportation Options (CAP Measure TR-3.3) a) Does the project include land uses other than single-family residential? If **"No"** was selected in question 6(a), no further answers are required.	✓	☐
b) If **"Yes"** was selected in question 6(a), will short-term and long-term bicycle parking facilities be provided that comply with the City's standards for bicycle parking facilities?	☐	☐
c) If the project included nonresidential development, will the project provide "end-of-trip" facilities for bicyclists, including showers, secure bicycle lockers, and changing spaces?	☐	☐
d) Will the project have e-bike and e-scooter infrastructure and options?	☐	☐
Please substantiate answer selections for question 6:		

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CAP Measures Consistency		
Checklist Item (Check the appropriate box and provide an explanation and supporting documentation for your answer)	**Yes**	**No**
_____ _____		
7. Waste Reduction (CAP Measure SW-1.1) Will the project meet the requirements of SB 1383?	☐	☐
Please substantiate answer selections for question 7: _____ _____ _____ _____ _____ _____		
8. Construction Demolition (CAP Measure SW-1.4) a) Will the project reach a 75 percent diversion rate for construction and demolition waste?	☐	☐
Please substantiate answer selections for question 8: _____ _____ _____ _____ _____ _____		

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9. Landscape Equipment (CAP Measure OT-1.1) a) Will the project install sufficient exterior electrical outlets to charge electric-powered landscaping equipment?	☐	☐

Please substantiate answer selections for question 9:

_____

_____

_____

_____

_____

_____

10. Water Conservation (CAP Measure WA-1.1) a) Will the project install ultra-low-flow water fixtures?	✓	☐

Please substantiate answer selections for question 10:

CalGreen measures will be incorporated into the building.

_____

_____

_____

_____

_____

_____

11. Landscaping (CAP Measure WA-1.2) a) Will the project use drought-tolerant, water-conserving, and/or native landscaping?	☐	☐

Please substantiate answer selections for question 11:

_____

_____

_____

_____

_____

_____

12. Recycled Water (CAP Measure WA-1.3) a) If the project is located along the city's recycled water system (i.e., within the Transit Area Specific Plan planning area), will the project use recycled water for landscape irrigation?	☐	✓

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b) Will the project include a separate piping system for recycled water (i.e., "purple pipes") for irrigation and outdoor water use?	☐	☐

Please substantiate answer selections for question 12:

Project is not located within the Transit Area Specific Plan.

13. Heat Island Effect (CAP Measure CS-1.2) a) Will the project install cool pavements?	☐	☐
b) Will the project plant low-maintenance and drought-tolerant landscaping?	☐	☐
c) Will the project plant shade trees?	☐	☐
d) Will the project include surface parking lot(s)? If **"No"** was selected in question 13(d), no further answers are required.	✓	☐
e) If **"Yes"** was selected in question 13(d), will the project reduce heat gain from surface parking lot(s) by a minimum of 50% of the project site's hardscape?	☐	☐

Please substantiate answer selections for question 13:

14. Energy and Telecommunications Infrastructure (CAP Adaptation Measure 2.5) a) Will the project include new power and telecommunications lines and/or transformers? If **"No"** was selected in question 14(a), no further answers are required.	☐	✓

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b) If **"Yes"** was selected in question 14(a), will the project underground power and telecommunications lines and/or transformers?	❐	❐

Please substantiate answer selections for question 14:

_____
_____
_____
_____
_____
_____

15. Flooding Impacts (CAP Adaptation Measure 3.2) a) Is the project located near San Francisco Bay or at flooding risk from local waterways which discharge to San Francisco Bay?	❐	✓

Please substantiate answer selections for question 15:

Project is over one mile away from nearest body of water that discharges into the San Francisco Bay.

_____
_____
_____
_____
_____
_____

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BERESFORD SQUARE SHOPPING CENTER - NORTH NOISE AND VIBRATION ASSESSMENT

Milpitas, California

August 7, 2023

Prepared for:

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I&R Job No.: 23-086

Executive Summary

The proposed project would construct 6,245 square-feet of retail space in a single-story building, a drive-thru lane, parking, and landscaping.

To determine the existing noise environment, a noise monitoring survey consisting of two long-term (LT-1 and LT-2) and two short-term (ST-1 and ST-2) noise measurements was conducted at the project site between Tuesday, July 11, 2023, and Thursday, July 13, 2023. All measurement locations are shown in Figure 1. The noise environment at the site and in the surrounding area results primarily from traffic noise generated by N Milpitas Boulevard. Local traffic along surrounding roadways, as well as Union Pacific Railroad (UPRR) train operations, also contribute to the noise environment.

The future exterior noise levels at the proposed project are within the City's normally acceptable noise standard for commercial land use. The project plans do not show a noise sensitive outdoor use area.

The project must meet the interior noise standards as defined within the Cal Green Building code. Standard construction materials in combination with forced-air mechanical ventilation would satisfy the Cal Green daytime threshold of 50 dBA $L_{eq(1\text{-}hr)}$.

The project's potential to result in significant impacts with respect to applicable California Environmental Quality Act (CEQA) guidelines are summarized below.

Impact 1(a): Temporary Construction Noise.

Temporary construction noise was assessed at the receiving property lines of all existing noise-sensitive receptors in the area that would have direct exposure to the project site, which would include residential buildings to the east, to the north behind the existing school, and to the west behind the existing retail building, a school to the north, and retail to the west and south. The hourly average noise levels calculated for all construction equipment operating simultaneously in each phase when the construction source level is positioned at the center of the site and propagated to the receiving property lines would not exceed the exterior threshold of 80 dBA L_{eq} at the nearest existing residential land uses in the project site vicinity or the 85 dBA L_{eq} threshold at the commercial land uses surrounding the project site when activities occur near the center of the buildings. With the incorporation of construction best management practices as project conditions of approval would result in a **less-than-significant** temporary noise impact.

Impact 1(b): Permanent Noise Level Increase/Exceed Applicable Standards

The operational noise levels produced by the proposed project combined (i.e., traffic, mechanical equipment, and parking lot and drive-thru activities) would result in an increase of 2 dBA L_{dn} or less at all existing noise-sensitive receptors surrounding the project site and an increase of 3 dBA L_{eq} or less at all existing noise-sensitive receptors surrounding the project site. Therefore, the proposed project would not result in a substantial increase over existing ambient noise levels in the project vicinity. This is a **less-than-significant** impact.

Impact 2: Exposure to Excessive Groundborne Vibration.

Project construction activities would potentially generate vibration levels up to 0.332 in/sec PPV at the existing buildings adjoining the project site. Maximum vibration levels of 0.3 in/sec PPV or lower would result in less than a 5% chance of cosmetic damage. Neither cosmetic, minor, or major damage would occur at historical or conventional buildings located 20 feet or more from the project site. Vibration levels may still be perceptible; however, this would be anticipated and not considered to be significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum. This would be a **less-than-significant** impact.

Impact 3: Excessive Aircraft Noise.

The project site lies well outside the San José Mineta International Airport 60 dBA CNEL/L_{dn} contour line. Assuming standard construction materials for aircraft noise below 60 dBA L_{dn}, the future interior noise levels resulting from aircraft would be below 45 dBA L_{dn}. Therefore, future interior noise at the proposed building would be compatible with aircraft noise. This would be a **less-than-significant** impact.

INTRODUCTION

The project proposes a new retail building and drive-thru lane within an existing shopping center located at the northwest corner of Beresford Court and N Milpitas Boulevard in Milpitas, California. The site is developed as a parking lot for the existing shopping center. The proposed project would construct 6,245 square-feet of retail space in a single-story building, a drive-thru lane, parking, and landscaping.

This report evaluates the project's potential to result in significant impacts with respect to applicable 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 ambient noise conditions in the project vicinity; 2) the Plan Consistency Analysis section discusses noise and land use compatibility utilizing 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 of the project on sensitive receptors in the vicinity.

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 the 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 p.m. to 10:00 p.m.) and a 10 dB addition to nocturnal (10:00 p.m. to 7:00 a.m.) 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 L_{dn}. Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12 to 17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57 to 62 dBA L_{dn} with open windows and 65 to 70 dBA L_{dn} 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.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 50 dBA L_{dn}. At a L_{dn} of about 60 dBA, approximately 12 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 25 to 30 percent of the population. There is, therefore, an increase of about 2 percent per dBA between a L_{dn} of 60 to 70 dBA. Between a L_{dn} of 70 to 80 dBA, each decibel increase increases by about 3 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the L_{dn} is 60 dBA, approximately 30 to 35 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 3 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 4 percent increase in the percentage of the population highly annoyed.

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, L_{dn} or DNL	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, April 2020.

Regulatory Background – Noise

This section describes the relevant guidelines, policies, and standards established by State Agencies, Santa Clara County, and the City of Milpitas. The State 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.

Federal Government

Federal Transit Administration. The Federal Transit Administration (FTA) has identified construction noise thresholds in the *Transit Noise and Vibration Impact Assessment Manual*,[1] which limit daytime construction noise to 80 dBA L_{eq} at residential land uses, 85 dBA L_{eq} at commercial land uses, and 90 dBA L_{eq} at industrial land uses.

State of California

State CEQA Guidelines. The California Environmental Quality Act (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:

1 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, FTA Report No. 0123, September 2018.

(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.

2022 California Building Cal Green Code. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2022 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

> **5.507.4.1 Exterior noise transmission, prescriptive method.** Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dBA L_{dn} noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element.
>
> **5.507.4.2 Performance method.** For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level ($L_{eq\ (1\text{-}hr)}$) of 50 dBA in occupied areas during any hour of operation.

The performance method, which establishes the acceptable interior noise level, is the method typically used when applying these standards.

City of Milpitas General Plan. The Noise Element in the Milpitas General Plan (Adopted March 9, 2021) 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.

For Stationary and non-transportation noise sources:

- A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.

For Transportation Noise Sources:

- Where existing traffic noise levels are 60 dB L_{dn} or less at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in roadway noise levels will be considered significant;

- Where existing traffic noise levels are greater than 60 dB L_{dn} and up to 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels will be considered significant; and

- Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in roadway noise levels will be considered significant.

- Outdoor activity areas include backyard spaces, first floor rear patio/deck areas, rear or internal courtyard seating and play areas, and roof top decks. Front yard spaces, elevated balconies, side yards, etc. are not considered to be outdoor activity areas.

Policy N 1-1: Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 to ensure acceptable noise exposure levels for existing and future development.

Policy N 1-2: Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.

Policy N 1-8: Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).

Policy N 1-12: Require non-transportation related noise from sit specific sources to comply with the standards shown in Table N-2.

Policy N 1-13: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent sensitive uses through the enforcement of the City's noise standards (see Title V, Chapter 213 of the Milpitas Municipal Code).

Action N-1c: Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.

Action N-1d: During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation

measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:

- Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm. No construction shall occur on National holidays.

- All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.

- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences.

- Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.

- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible.

- Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.

- The construction contractor shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

Table N-1: Land Use Compatibility for Community Noise Environment

Land Use Category	Exterior Noise Exposure (Ldn)
	55 60 65 70 75 80
Single-Family Residential	
Multi-Family Residential, Hotels, and Motels	
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
Schools, Libraries, Museums, Hospitals, Personal Care, Public Assembly	
Office Buildings, Business Commercial, and Professional	
Industrial	

Note: Residential components of Mixed-Use developments are subject to the Multi-Family Residential Noise Standards unless otherwise allowed in conjunction with Policy N 2-2.

NORMALLY ACCEPTABLE
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements

CONDITIONALLY ACCEPTABLE
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design

UNACCEPTABLE
New construction or development should generally not be undertaken because mitigation was found to be infeasible to comply with noise element policies

Table N-2: Stationary (Non-Transportation) Noise Source Standards

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dBA)	
		Daytime (7am-10pm)	Nighttime (10pm-7am)
Residential	L_{eq}	55	45
	L_{max}	70	65

Notes:

a) The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N 2-2 (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.

b) Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.

c) In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.

Tonal Noises are characterized by a whine, screech, beep, or hum, consisting primarily of speech or music, or recurring impulsive noises. Tonal noises can cause unpleasant experiences in spaces adjacent to areas that produce tonal noise, which annoys occupants and, in turn, lead to increased complaints from nearby sensitive receptors.

Table N-3 Stationary (Non-Transportation) Noise Source Standards (Commercial Mixed-Use and Transit-Oriented Areas)

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dBA)		
		Daytime (7am-10pm)	Late Night (10pm-12am)	Nighttime (12am-7am)
Residential (Sunday Night – Thursday Night)	L_{eq}	60	55	50
	L_{max}	70	65	65
Residential (Friday Night – Saturday Night)	L_{eq}	65	60	55
	L_{max}	75	70	65

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 L_{dn} at the property line or to an increase of less than 3 dBA L_{dn}, 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 in the northwestern corner of the Beresford Court/N Milpitas Boulevard intersection in the City of Milpitas. The project site is located in an existing parking lot for a school, restaurants, and businesses. The site is bound by N Milpitas Boulevard to the east, Beresford Court to the south, an existing school (2.5 years to 2nd grade) to the north, and existing restaurants and businesses to the west. Existing residential buildings are located to the east, opposite N Milpitas Boulevard, and to the north, behind the existing school. A shopping center and other businesses are located south of the project site, opposite Beresford Court.

The noise environment at the site and in the surrounding area results primarily from traffic noise generated by N Milpitas Boulevard. Local traffic along surrounding roadways, as well as Union Pacific Railroad (UPRR) train operations, also contribute to the noise environment.

A noise monitoring survey consisting of two long-term (LT-1 and LT-2) and two short-term (ST-1 and ST-2) noise measurements was conducted at the project site between Tuesday, July 11, 2023, and Thursday, July 13, 2023. All measurement locations are shown in Figure 1.

Long-term noise measurement LT-1 was made approximately 14 feet north of the centerline of Beresford Court, near the existing multi-family residences to the west of the project. Hourly average noise levels at LT-1 typically ranged from 63 to 69 dBA L_{eq} during daytime hours (7:00 a.m. and 10:00 p.m.) and from 49 to 62 dBA L_{eq} during nighttime hours (10:00 p.m. and 7:00 a.m.). The day-night average noise level was 67 dBA L_{dn} on Wednesday, July 12, 2023. The daily trend in noise levels at LT-1 is shown in Figures A1 through A3 of Appendix A.

Long-term noise measurement LT-2 was made approximately 70 feet east of the centerline of the N Milpitas Boulevard centerline, near the existing multi-family land uses to the east of the project opposite N Milpitas Boulevard. Hourly average noise levels at LT-2 typically ranged from 56 to 62 dBA L_{eq} during daytime hours and from 49 to 60 dBA L_{eq} during nighttime hours. The day-night average noise level was 62 dBA L_{dn} on Wednesday, July 12, 2023. The daily trend in noise levels at LT-2 is shown in Figures A4 through A6 of Appendix A.

Short-term noise measurements ST-1 and ST-2 were made on Tuesday, July 11, 2023 between 12:10 p.m. and 12:30 p.m. Table 4 summarizes the noise measurement results measured at each site.

As shown in Figure 1, ST-1 was made to the north of the project site adjacent to the existing single-family residential land use along Silverado Drive. During this 10-minute measurement, local traffic noise from N Milpitas Boulevard (126 passenger cars, 1 bus) generated noise levels ranging from 46 to 57 dBA. Additionally, noise sources contributing to the short-term measurement include a jet flyover (57 to 60 dBA), general aviation aircraft (54 to 59 dBA), and a passing train (45 dBA). The 10-minute average noise level at ST-1 was 51 dBA.

ST-2 was made to the west of the project adjacent to the existing multi-family residential land uses along Shadowlake Court. During this 10-minute measurement, children at a playground generated noise levels ranging between 41 dBA to 53 dBA, general aviation aircraft generated noise levels between 53 to 61 dBA, and passing trains generated noise levels between 48 to 53 dBA. The 10-minute average noise level at ST-2 was 55 dBA.

TABLE 4 Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location	Date, Time	Measured Noise Level, dBA					
		L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	L_{eq}
ST-1: adjacent to 288 Silverlake Drive, north of the project site	7/11/2023, 12:20-12:30 p.m.	60	59	54	49	43	51
ST-2: adjacent to 218 Shadowlake Court, west of the project site	7/11/2023, 12:10-12:20 p.m.	64	62	59	53	47	55

FIGURE 1 Aerial Image of the Project Site and Surrounding Area, with the Noise Measurement Locations Identified

Source: Google Earth, 2023.

PLAN CONSISTENCY ANALYSIS

Noise and Land Use Compatibility

The City's 2040 General Plan sets forth policies with the goal of minimizing the impact of noise on people through noise reduction and suppression techniques and through appropriate land use policies. 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 standard is 68 dBA L_{dn} or less for the proposed commercial use.

- The City's conditionally acceptable exterior noise level standard is 68 to 78 dBA L_{dn} for the proposed commercial use.

- The Cal Green Code standards specify an interior noise environment attributable to exterior sources not to exceed an hourly equivalent noise level ($L_{eq\ (1\text{-}hr)}$) of 50 dBA in occupied areas of nonresidential uses during any hour of operation.

The future noise environment at the site would continue to result primarily from vehicular traffic along N Milpitas Boulevard and Beresford Court, and UPRR traffic to the west. The traffic study completed for the proposed projects included am and pm peak hour trips.

Future Exterior Noise Environment

The site plan shows outdoor dining areas along the western side of the building. The outdoor dining areas are not a noise sensitive outdoor use area consistent with the City's guidelines. According to the *Milpitas General Plan Update EIR*, the traffic noise level increase at the project site based on future volumes along N Milpitas Boulevard would be up to 2 dBA L_{dn}, and the future noise levels at the nearest sensitive receptor would be 68 dBA L_{dn}. Assuming worst-case conditions, a future noise level increase at the project site would be 2 dBA L_{dn}. This is within the City's acceptable noise standard for commercial land use.

Future Interior Noise Environment

The retail would front N Milpitas Boulevard along the eastern building façade. With setbacks from the centerlines of the roadway being 95 feet, future daytime hourly average noise levels during operational hours at the ground-level commercial uses would range from 58 to 68 dBA $L_{eq(1\text{-}hr)}$.

Standard construction materials for commercial would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so that windows may be kept closed at the occupant's discretion and would provide an additional 5 dBA reduction. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 50 dBA $L_{eq(1\text{-}hr)}$.

Spaces where lower noise levels would be desired may benefit from additional noise control in order to meet a lower, more desirable interior noise level. Additional noise control could be accomplished by selecting higher sound-rated windows (STC 32 or greater along exterior façades).

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 reduce project impacts to less-than-significant levels.

Significance Criteria

The following criteria were used to evaluate the significance of environmental noise resulting from the project:

(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.

Impact 1a: **Temporary Construction Noise.** Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities. The incorporation of construction best management practices as project conditions of approval would result in a **less-than-significant** temporary noise impact.

Construction operations are limited to between the hours of 7:00 a.m. to 7:00 p.m. on Monday through Sunday, with no construction permitted on holidays. Construction would start in late January 2024 and is expected to be completed by the end of July 2024 (6 months). Construction phases for the proposed project would include demolition, site preparation, grading/excavation, trenching/foundation, building construction, architectural coating, and paving. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and vary within phases, based on the amount of equipment in operation and the location at which the equipment is operating.

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.

Action N-1d of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction activity to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Sunday.

While the City of Milpitas does not establish noise level thresholds for construction activities, this analysis uses the noise limits established by the Federal Transit Administration (FTA) to quantify the level of significance due to substantial temporary construction noise. The FTA identifies construction noise limits in the *Transit Noise and Vibration Impact Assessment Manual*.[2] During daytime hours, an exterior threshold of 80 dBA L_{eq} shall be enforced at residential land uses, 85 dBA L_{eq} shall be enforced at commercial land uses, and 90 dBA L_{eq} shall be enforced at industrial land uses.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The hauling of excavated materials and construction materials would generate truck trips on local roadways, as well. For the proposed project, pile driving, which generates excessive noise levels, is not expected. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet (see Table 5) from the equipment. Table 6 shows the hourly average noise level ranges, by construction phase, typical for various types of projects. Hourly average noise levels generated by construction are about 75 to 89 dBA L_{eq} for retail buildings, measured at a distance of 50 feet from the center of a busy construction site. 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 often result in lower construction noise levels at distant receptors.

Equipment expected to be used in each construction phase are summarized in Table 7, along with the quantity of each type of equipment and the reference noise level at 50 feet, assuming the operation of the two loudest pieces of construction equipment for each construction phase.

Federal Highway Administration's (FHWA's) Roadway Construction Noise Model (RCNM) was used to calculate the hourly average noise levels for each phase of construction, assuming the two loudest pieces of equipment would operate simultaneously, as recommended by the FTA for construction noise evaluations. This construction noise model includes representative sound levels for the most common types of construction equipment and the approximate usage factors of such equipment that were developed based on an extensive database of information gathered during the construction of the Central Artery/Tunnel Project in Boston, Massachusetts (CA/T Project or "Big Dig"). The usage factors represent the percentage of time that the equipment would be operating at full power.

2 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, FTA Report No. 0123, September 2018.

TABLE 5 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.

TABLE 6 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 7 Estimated Construction Noise Levels at a Distance of 50 feet

Phase of Construction	Total Workdays	Construction Equipment (Quantity)	Estimated Construction Noise Level at 50 feet, dBA L_{eq}
Demolition	10	Concrete/Industrial Saw (1)[a] Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (2)[a]	86
Site Preparation	1	Grader (1)[a] Tractor/Loader/Backhoe (1)[a]	84
Grading/Excavation/Trenching/Foundation	2	Grader (1)[a] Excavator (1) Rubber-Tired Dozer (1) [a] Tractor/Loader/Backhoe (3)[a]	84
Building – Exterior	100	Crane (1)[a] Forklift (2) Tractor/Loader/Backhoe (2)[a]	81
Building – Interior/ Architectural Coating	5	Air Compressor (1)[a]	74
Paving	5	Paver (1) Cement and Mortar Mixer (4)[a] Roller (1) Tractor/Loader/Backhoe (1)[a]	81

[a] Denotes two loudest pieces of construction equipment per phase.

Temporary construction noise was assessed at the receiving property lines of all existing noise-sensitive receptors in the area that would have direct exposure to the project site, which would

include residential buildings to the east, to the north behind the existing school, and to the west behind the existing retail building, a school to the north, and retail to the west and south. Table 8 summarizes the hourly average noise levels calculated for all construction equipment operating simultaneously in each phase when the construction source level is positioned at the center of the site and propagated to the receiving property lines.

TABLE 8 Estimated Construction Noise Levels at the Receiving Property Lines in the Project Vicinity

Phase of Construction	Calculated Hourly Average Noise Levels, dBA L_{eq}			
	N School (120 ft[a])	S Retail (150 ft[a])	E Multi-Family Residential (170 ft[a])	W Retail (300 ft[a])
Demolition	80[b]	78[b]	77[b]	72[b]
Site Preparation	77[b]	75[b]	74[b]	69[b]
Grading/ Excavation/Trenching/Foundation	80[b]	78[b]	77[b]	72[b]
Building – Exterior	76[b]	74[b]	73[b]	68[b]
Building – Interior/ Architectural Coating	66[b]	64[b]	63[b]	59[b]
Paving	77[b]	75[b]	74[b]	69[b]

[a] The distances shown in the table were measured from the center of the project site to the receiving property lines.
[b] These noise levels represent all equipment per phase operating simultaneously and propagated to the surrounding property lines.

As shown in Table 7, construction noise levels would intermittently range from 74 to 86 dBA L_{eq} when noisy construction equipment is operated within 50 feet from nearby receptors. When equipment is located near the center of the project site or farther from the receiving property lines, construction noise levels would typically range from 63 to 77 dBA L_{eq} at the property lines of the nearest residential land uses, from 66 to 80 dBA L_{eq} at the property line of the nearest receiving property line of the school, and from 68 to 78 dBA L_{eq} at the nearest receiving property lines of retail buildings. These construction noise levels would not exceed the exterior threshold of 80 dBA L_{eq} at the nearest existing residential land uses in the project site vicinity or the 85 dBA L_{eq} threshold at the commercial land uses surrounding the project site when activities occur near the center of the buildings.

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life.

Action N-1d requires all phases of construction activity to utilize reasonable noise reduction measures to minimize the exposure of neighboring properties to excessive noise levels. The Municipal Code limits temporary construction work to between 7:00 a.m. and 7:00 p.m. Monday through Friday. Construction activity is not permitted on holidays. Further, all gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as

originally provided by the manufacturer, and no modification to these systems is permitted. In accordance with Action N-1d, reasonable noise reduction measures shall be incorporated into all projects within the Plan Area. Such measures shall include, but not be limited to, the following to reduce construction noise levels as low as practical:

- Limit construction activity, including track traffic coming to and from the construction site to between 7:00 a.m. and 7:00 p.m. Monday through Sunday, with no construction on holidays;

- Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists;

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;

- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;

- Locate staging areas and construction material areas as far away as possible from adjacent land uses;

- Prohibit all unnecessary idling of internal combustion engines;

- Notify neighbors located adjacent to the construction site on the construction schedule in writing;

- Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem are implemented.

- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction.

With the implementation of these measures to control noise during construction activities, in accordance with Action N-1d of the General Plan and Municipal Code allowable construction hours, the temporary construction noise impact would be considered less-than-significant.

Mitigation Measure 1a: No mitigation required.

Impact 1b: **Permanent Noise Level Increase/Exceed Applicable Standards.** The proposed project would not result in a substantial permanent noise level increase at the noise-sensitive receptors in the project vicinity. Further, operational noise levels generated by the proposed project would not exceed applicable standards established by the City of Milpitas. This is a **less-than-significant** impact.

According to the City's General Plan for transportation noise sources a significant noise impact would occur if: a) the noise level increase is 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn} at outdoor use areas; or b) the noise level increase is 3 dBA L_{dn} or greater, with a future noise level between 60 dBA L_{dn} and 65 dBA L_{dn} at outdoor use areas; or c) the noise level increase is 1.5 dBA or greater, with a future noise level of greater than 65 dBA L_{dn} at outdoor use areas.

Noise levels at the residential land-use to the east of the project across N Milpitas Boulevard would be over 65 dBA L_{dn}; therefore, a significant impact would occur if traffic noise due to the proposed project would permanently increase ambient noise levels by 1.5 dBA L_{dn}.

Noise levels at the residential land-use to the west and north of the project, and the school to the north of the project would be between 60 and 65 dBA L_{dn}; therefore, a significant impact would occur if the traffic noise due to the proposed project would permanently increase ambient noise levels by 3 dBA L_{dn}.

For stationary, non-transportation noise sources a significant noise impact would occur if the project exceeded the daytime standard of 55 dBA L_{eq} or 70 dBA L_{max} or the nighttime standard of 45 dBA L_{eq} or 65 dBA L_{max} at the property line of the receiving residential land use. Where the existing noise level exceeds the noise level standards, a significant impact would occur if the project increases ambient noise levels by more than 3 dBA. The noise levels at the sensitive receptors near the project site exceed the City's daytime and nighttime standards; therefore, a significant impact would occur if the project would increase ambient noise levels by more than 3 dBA.

TABLE 9 Summary of Ambient Noise Levels for Existing Receptors Surrounding the Project Site

Roadway	Range of Daytime Noise Levels (Average), dBA L_{eq}	Range of Nighttime Noise Levels (Average), dBA L_{eq}	L_{dn}, dBA
N School	63 to 69 (66)	49 to 62 (57)	67
S Retail	63 to 69 (66)	49 to 62 (57)	67
E Multi-Family Residential	63 to 69 (66)	49 to 62 (57)	67
W Retail	56 to 62 (59)	49 to 60 (53)	62
N Single Family Residential	63 to 69 (66)	49 to 62 (57)	67
W Multi-family Residential	56 to 62 (59)	49 to 60 (53)	62

Offsite Project Traffic Increase

The daily project trip generation is anticipated to reach 1,497 trips as noted in the project's traffic study. According to the *Milpitas General Plan Update EIR*, there is an average of 20,000 vehicles/day along N Milpitas Boulevard. By comparing the City's existing traffic plus project traffic scenario to the City's existing traffic, the total contribution of the Beresford Square project to the overall noise level increase was determined to less than 1 dBA L_{dn}along each roadway segment in the project vicinity. Therefore, the project would not result in a permanent noise increase of 1.5 dBA L_{dn}or more at noise-sensitive receptors in the project vicinity.

Onsite Operational Noise Increase

Onsite noise sources would primarily include passenger vehicle circulation and maneuvering activities and drive-thru noise, parking lot activities, and roof-top mechanical equipment.

Passenger vehicle related noise would be produced during maneuvering activities occurring at the drive-thru lane along the perimeter of the proposed building. Passenger vehicles drive-thru noise results from a combination of sound produced by the engine, human voices, and intercom system. Drive-thrus typically generate average noise levels of 61 dBA L_{eq} and 70 dBA L_{max} at a distance of 100 feet. One intercom ordering board is proposed along the eastern façade of the project building adjacent to N Milpitas Boulevard located at Car 7 as shown in Figure 2.

Surface parking lots for passenger vehicles would remain located west of the proposed building. Noise sources associated with the use of the parking lots would include vehicular circulation, loud engines, door slams, and human voices. The maximum noise levels of a passing car at 15 mph typically range from 50 to 60 dBA L_{max} at a distance of 50 feet. The noise generated during an engine start is similar. Door slams cause slightly lower noise levels.

Table 10 summarizes the drive-thru and parking lot noise levels for the proposed project propagated to the property lines of the surrounding residential land uses. Operational L_{eq} due to drive-thru and parking lot noise would not increase daytime or nighttime average ambient noise levels at any of the surrounding receptors by more than 3 dBA. For all existing receptors, the noise level increase due to drive-thru and parking lot noise would up to a 2 dBA L_{dn}.

The site plan provided for the project does not show details pertaining to mechanical equipment, such as type, number, location, etc. However, through discussion with the project applicant, the project proposes to include up to 6 heating, ventilation, and air conditioning (HVAC) units located on the rooftop. The total proposed tons of all 6 units would equate to 33.

Based on the size of the rooftop HVAC units, it is assumed that each unit will generate noise levels between 55 to 65 dBA at a distance of 10 feet. The specific locations of mechanical equipment on the rooftop is unknow at this time. It was assumed that all 6 HVAC units are located near the center of the project building. A collective noise source including all HVAC units is calculated from the center of the building to the receiving property lines.

Assuming all equipment to be operating simultaneously during a given hour, the combined rooftop noise level at the proposed building would be 73 dBA L_{eq} at 10 feet, and assuming this worst-hour noise level to be operating each hour in a 24-hour period, the day-night average noise level for the west building would be 79 dBA L_{dn} at 10 feet.

Table 11 summarizes the rooftop mechanical equipment noise levels for the proposed project propagated to the property lines of the surrounding land uses. Note, an additional attenuation of 5 dBA is assumed for all rooftop sources due to the elevation of the equipment above the ground. This is applied to the values in Table 11 for all ground-level receptors. Operational L_{eq} due to roof top mechanical noise would not increase daytime or nighttime average ambient noise levels at any of the surrounding receptors by more than 3 dBA. For all existing receptors, the noise level increase due to mechanical equipment noise would not be measurable or detectable (0 dBA L_{dn}increase).

Total Combined Project-Generated Noise

The operational noise levels produced by the proposed project combined (i.e., traffic, mechanical equipment, and parking lot and drive-thru activities) would result in an increase of 2 dBA L_{dn} or less at all existing noise-sensitive receptors surrounding the project site and an increase of 3 dBA L_{eq} or less at all existing noise-sensitive receptors surrounding the project site. Therefore, the proposed project would not result in a substantial increase over existing ambient noise levels in the project vicinity. Therefore, this is a less-than-significant impact.

Mitigation Measure 1b: No mitigation required.

FIGURE 2 Location of the Proposed Ordering Board and Intercom System

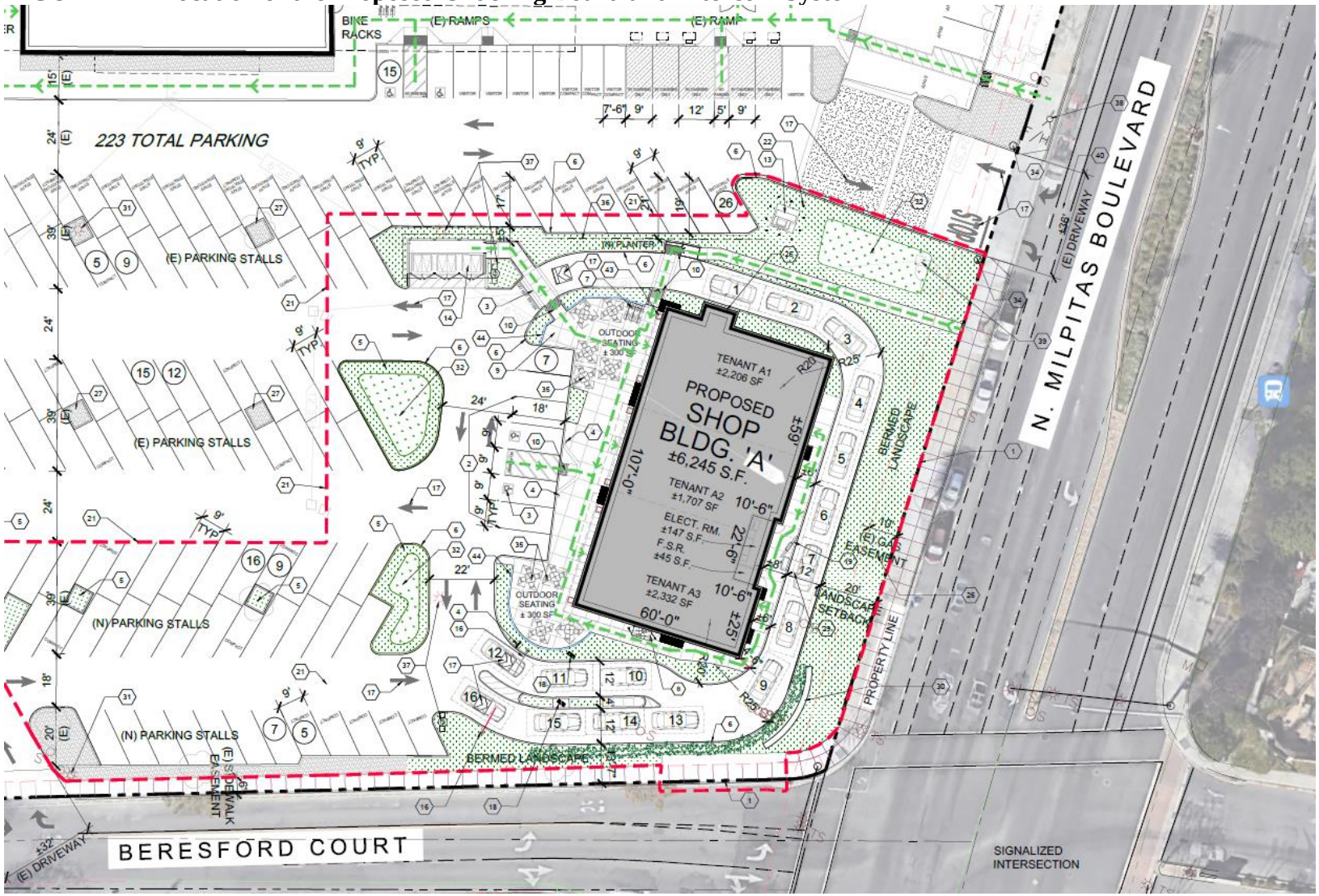


TABLE 10 Estimated Operational Noise Levels for Drive-Thru and Parking Lot Sources

Receptor	Distance from center of project	Hourly L_{eq}, dBA	Daytime Noise Level Increase, L_{eq} dBA	Nighttime Noise Level Increase, L_{eq} dBA	L_{dn}, dBA	Noise Level Increase, dBA L_{dn}
N School	130	50[a]	0	1	56[a]	0
S Retail	165	57	1	3	64	2
E Multi-Family Residential	170	57	1	3	64	2
W Retail	280	53	1	3	59	2
N Single Family Residential	315	< 35[b]	0	0	38[b]	0
W Multi-family Residential	450	< 35[b]	0	0	35[b]	0

[a] A conservative 10 dBA reduction was applied to the noise levels due to shielding from the proposed building.
[b] A conservative 20 dBA reduction was applied to the noise levels due to shielding from existing buildings.

TABLE 11 Estimated Mechanical Equipment Noise Levels for Rooftop Mechanical Equipment Sources

Receptor	Distance from center of building	Hourly L_{eq}, dBA	Daytime Noise Level Increase, L_{eq} dBA	Nighttime Noise Level Increase, L_{eq} dBA	L_{dn}, dBA	Noise Level Increase, dBA L_{dn}
N School	130	46[a]	0	0	51[a]	0
S Retail	140	45[a]	0	0	51[a]	0
E Multi-Family Residential	180	43[a]	0	0	49[a]	0
W Retail	300	38[a]	0	0	45[a]	0
N Single Family Residential	320	< 25[a,b]	0	0	< 30[a,b]	0
W Multi-family Residential	450	< 25[a,b]	0	0	< 30 [a,b]	0

[a] A conservative 5 dBA reduction was applied to the noise levels due to the elevation of the mechanical equipment.
[b] A conservative 20 dBA reduction was applied to the noise levels due to shielding from existing buildings.

Impact 2: **Exposure to Excessive Groundborne Vibration.** Construction-related vibration levels would not exceed applicable vibration thresholds at nearby sensitive land uses. **This is a less-than-significant impact.**

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project.

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 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened. No known ancient buildings or buildings that are documented to be structurally weakened adjoin the project area. Therefore, conservatively, groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in a significant vibration impact.

Table 12 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. 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. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet.

Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 12 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings.

According to the National Register of Historic Places,[3] the nearest historical structure is located over 1,500 feet southwest of the project site. At this distance, construction vibration levels would be below 0.02 in/sec PPV. Therefore, project construction would have no impact on the nearest historical structure. Historical buildings are not discussed further in this impact discussion.

[3]https://www.nps.gov/subjects/nationalregister/database-research.htm

TABLE 12 Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 ft. (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to Meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	in soil	0.008	4	2
	in rock	0.017	7	3
Vibratory Roller		0.210	61	27
Hoe Ram		0.089	28	13
Large bulldozer		0.089	28	13
Caisson drilling		0.089	28	13
Loaded trucks		0.076	24	11
Jackhammer		0.035	12	6
Small bulldozer		0.003	2	<1

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., July 2023.

Table 13 summarizes the vibration levels at nearest surrounding buildings. Vibration levels are highest close to the source and then attenuate with increasing distance at the rate $\left({}^{D_{ref}}/_{D}\right)^{1.1}$, where *D* is the distance from the source in feet and D_{ref} is the reference distance of 25 feet. While construction noise levels increase based on the cumulative equipment in use simultaneously, construction vibration levels would be dependent on the location of individual pieces of equipment. That is, equipment scattered throughout the site would not generate a collective vibration level, but a vibratory roller, for instance, operating near the project site boundary would generate the worst-case vibration levels for the receptor sharing that property line. Further, construction vibration impacts are assessed based on damage to buildings on receiving land uses, not receptors at the nearest property lines. Therefore, the distances used to propagate construction vibration levels (as shown in Table 13), which are different than the distances used to propagate construction noise levels (as shown in Table 8), were estimated under the assumption that each piece of equipment from Table 12 was operating along the nearest boundary of the project sites, which would represent the worst-case scenario.

Project construction activities would potentially generate vibration levels up to 0.332 in/sec PPV at the existing buildings adjoining the project site. A study completed by the US Bureau of Mines analyzed the effects of blast-induced vibration on buildings in USBM RI 8507.4 The findings of this study have been applied to buildings affected by construction-generated vibrations.5 As reported in USBM RI 8507[6] and reproduced by Dowding,[7] Figure 2 presents the damage probability, in terms of "threshold damage" (described above as cosmetic damage), "minor damage," and "major damage," at varying vibration levels. Threshold damage, or cosmetic damage, would entail hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage would include hairline cracking in masonry or

4 Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration form Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.

5 Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

the loosening of plaster, and major structural damage would include wide cracking or shifting of foundation or bearing walls.

As shown in Figure 3, maximum vibration levels of 0.3 in/sec PPV or lower would result in less than a 5% chance of cosmetic damage. No minor or major damage would be expected at the historical buildings or nonhistorical buildings immediately adjoining the project site.

Neither cosmetic, minor, or major damage would occur at historical or conventional buildings located 20 feet or more from the project site. At these locations, and in other surrounding areas where vibration would not be expected to cause cosmetic damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

In summary, the construction of the project would potentially generate vibration levels exceeding the 0.3 in/sec PPV threshold at conventional properties adjoining the project site, which would not result in cosmetic damage to these adjacent buildings. This would be a less than significant impact.

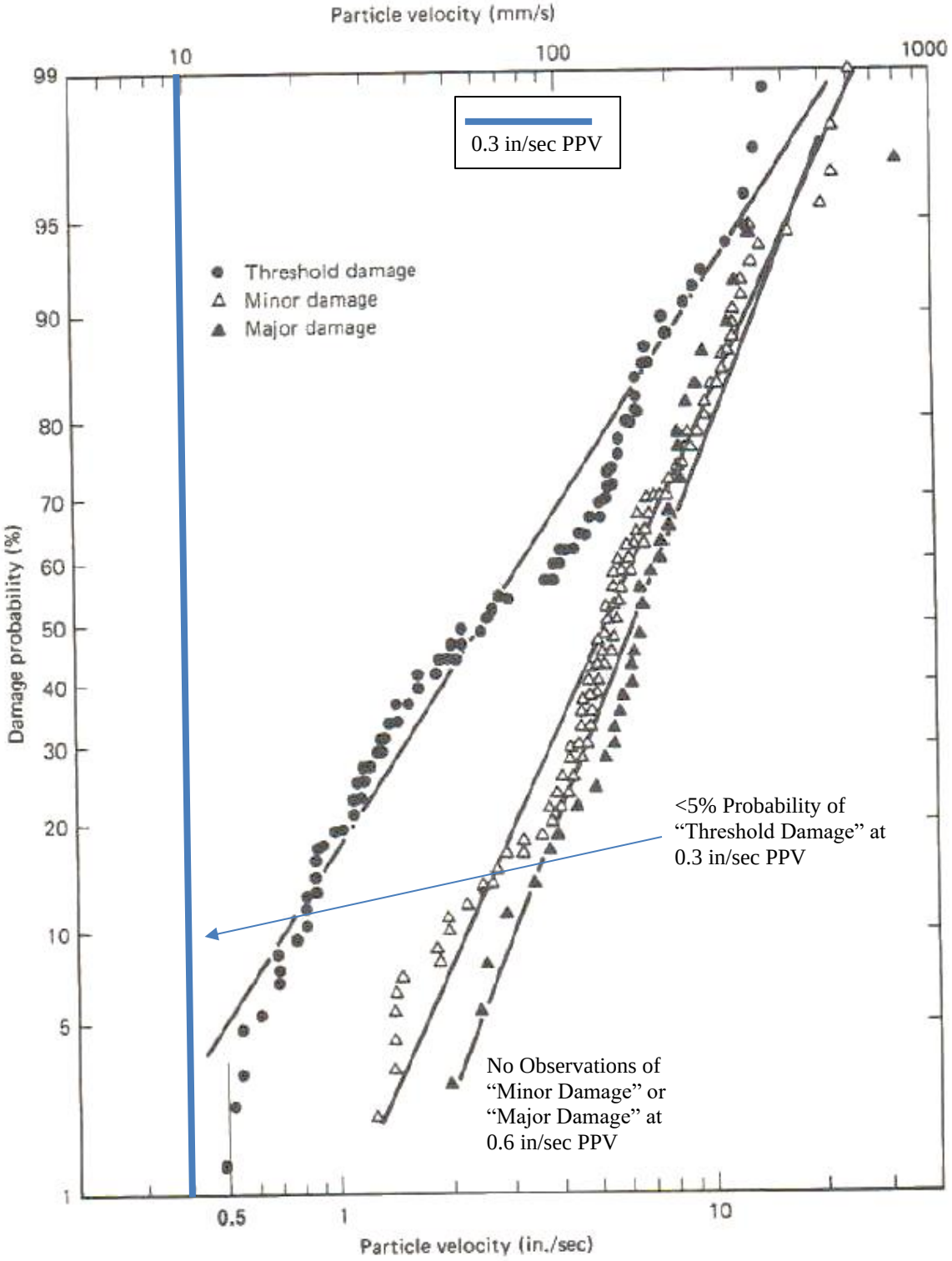
Mitigation Measure 2: **None required.**

TABLE 13 Vibration Levels Estimated at the Nearest Structures Surrounding the Project Site

Equipment		PPV (in/sec)					
		N School (80 feet)	S Retail (105 feet)	E Multi-Family Residential (150 feet)	W Retail (180 feet)	N Single Family Residential (250)	W Multi-Family Residential (370 feet)
Pile Driving (Impact)	Upper Range	0.322	0.239	0.161	0.301	0.092	0.088
	Typical	0.179	0.133	0.090	0.168	0.051	0.049
Clam shovel drop		0.056	0.042	0.028	0.053	0.016	0.015
Hydromill (slurry wall)	in soil	0.002	0.002	0.002	0.001	0.001	0.000
	in rock	0.005	0.004	0.004	0.001	0.001	0.001
Vibratory Roller		0.058	0.043	0.029	0.055	0.017	0.016
Hoe Ram		0.025	0.018	0.012	0.023	0.007	0.007
Large bulldozer		0.025	0.018	0.012	0.023	0.007	0.007
Caisson drilling		0.025	0.018	0.012	0.023	0.007	0.007
Loaded trucks		0.021	0.016	0.011	0.020	0.006	0.006
Jackhammer		0.010	0.007	0.005	0.009	0.003	0.003
Small bulldozer		0.001	0.001	0.0004	0.0008	0.0002	0.0002

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., July 2023.

FIGURE 3 Probability of Cracking and Fatigue from Repetitive Loading



Source: Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

Impact 3: **Excessive Aircraft Noise.** The project sites are located approximately 5 miles from Norman Y. Mineta San José International Airport, and the noise environment attributable to aircraft is considered normally acceptable under the Santa Clara County ALUC noise compatibility policies for residential land uses. This is a **less-than-significant** impact.

Norman Y. Mineta San José International Airport is a public-use airport located approximately 5 miles southwest of the project site. According to the City's new Airport Master Plan Environmental Impact Report,[6] the project site lies well outside the 60 dBA CNEL/L_{dn}contour line.

Assuming standard construction materials for aircraft noise below 60 dBA L_{dn}, the future interior noise levels resulting from aircraft would be below 45 dBA L_{dn}. Therefore, future interior noise at the proposed building would be compatible with aircraft noise. This would be a less-than-significant impact.

Mitigation Measure 3: **No mitigation required.**

Cumulative Impacts

Cumulative noise impacts would include temporary construction noise from cumulative construction projects. From the City's website,[7] the following planned or approved projects are located within 1,000 feet of the project site:

- **Stratford School –** this project is located to the north of the project within the existing Beresford Square Shopping Center. This project was identified as a future receptor in this report. The Stratford School project would include the repurposing of an existing vacant single-floor commercial building into the Stratford School Campus. The project would demolish and redesign the interior of the existing building. While the construction schedule for the Stratford School Project has not been confirmed, this project has been approved and will likely be built before the Beresford Square Shopping Center Project. Therefore, a significant cumulative construction impact would not be assumed.

All other planned or approved projects would be more than 1,000 feet from the project site, which would not share receptors with the proposed project. Therefore, there would not be a cumulative construction impact.

[6] David J. Powers & Associates, Inc., Integrated Final Environmental Impact Report, Amendment to Norman Y. Mineta San Jose International Airport Master Plan, April 2020.

[7] https://gis.sanjoseca.gov/maps/devprojects/

APPENDIX A

FIGURE A1 Daily Trend in Noise Levels for LT-1 on Tuesday, July 11, 2023

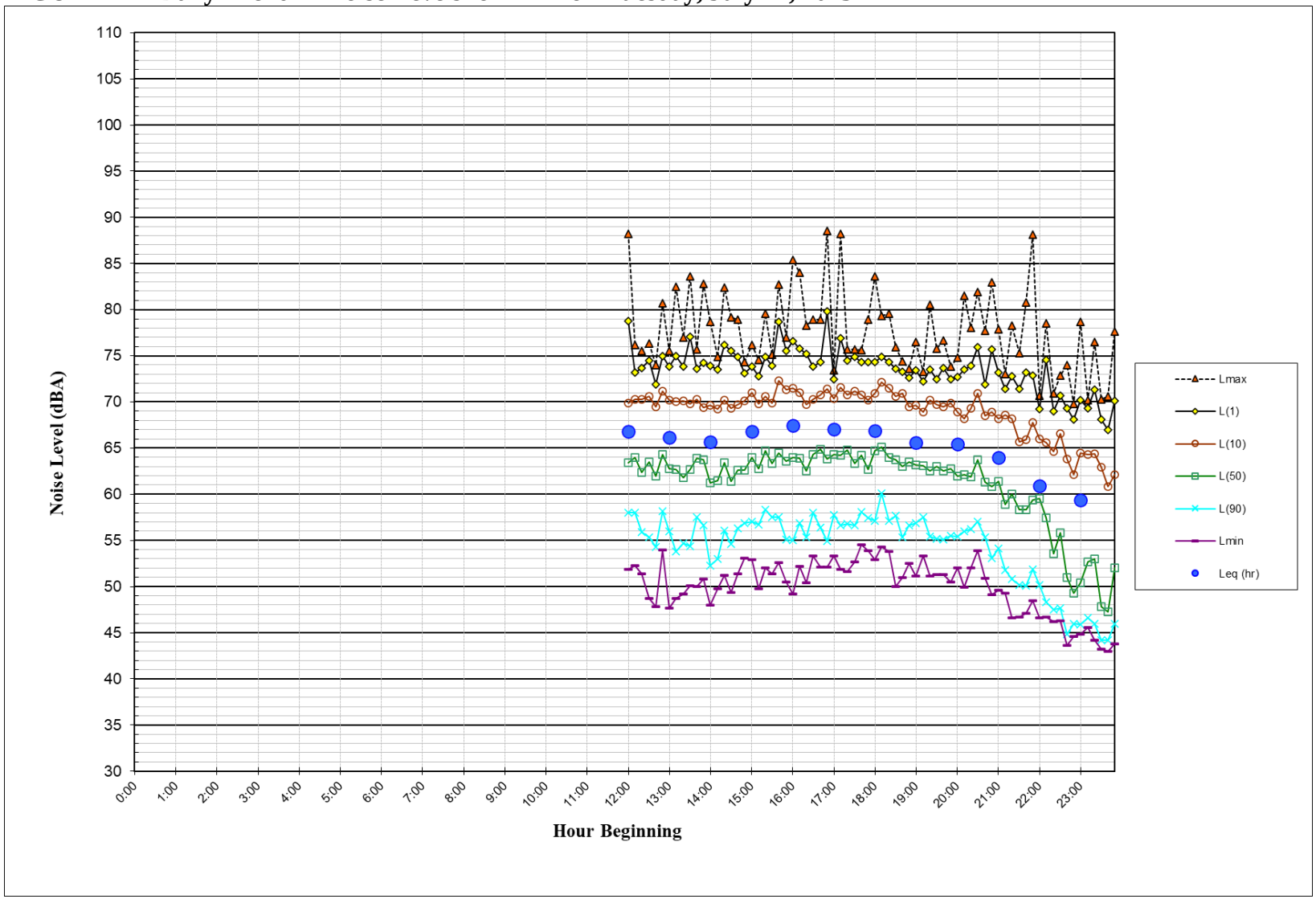


FIGURE A2 Daily Trend in Noise Levels for LT-1 on Wednesday, July 12, 2023

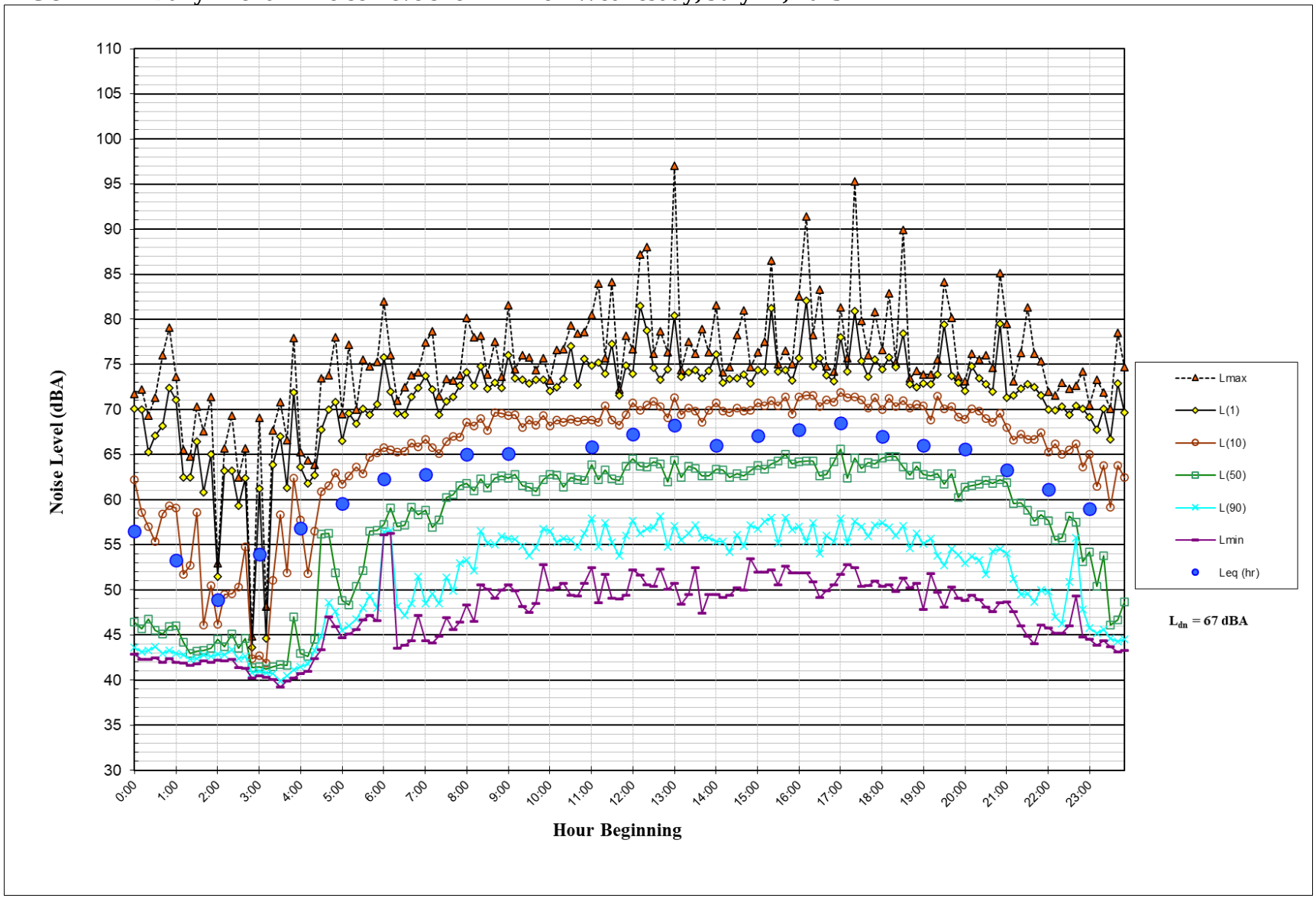


FIGURE A3 Daily Trend in Noise Levels for LT-1 on Thursday, July 13, 2023

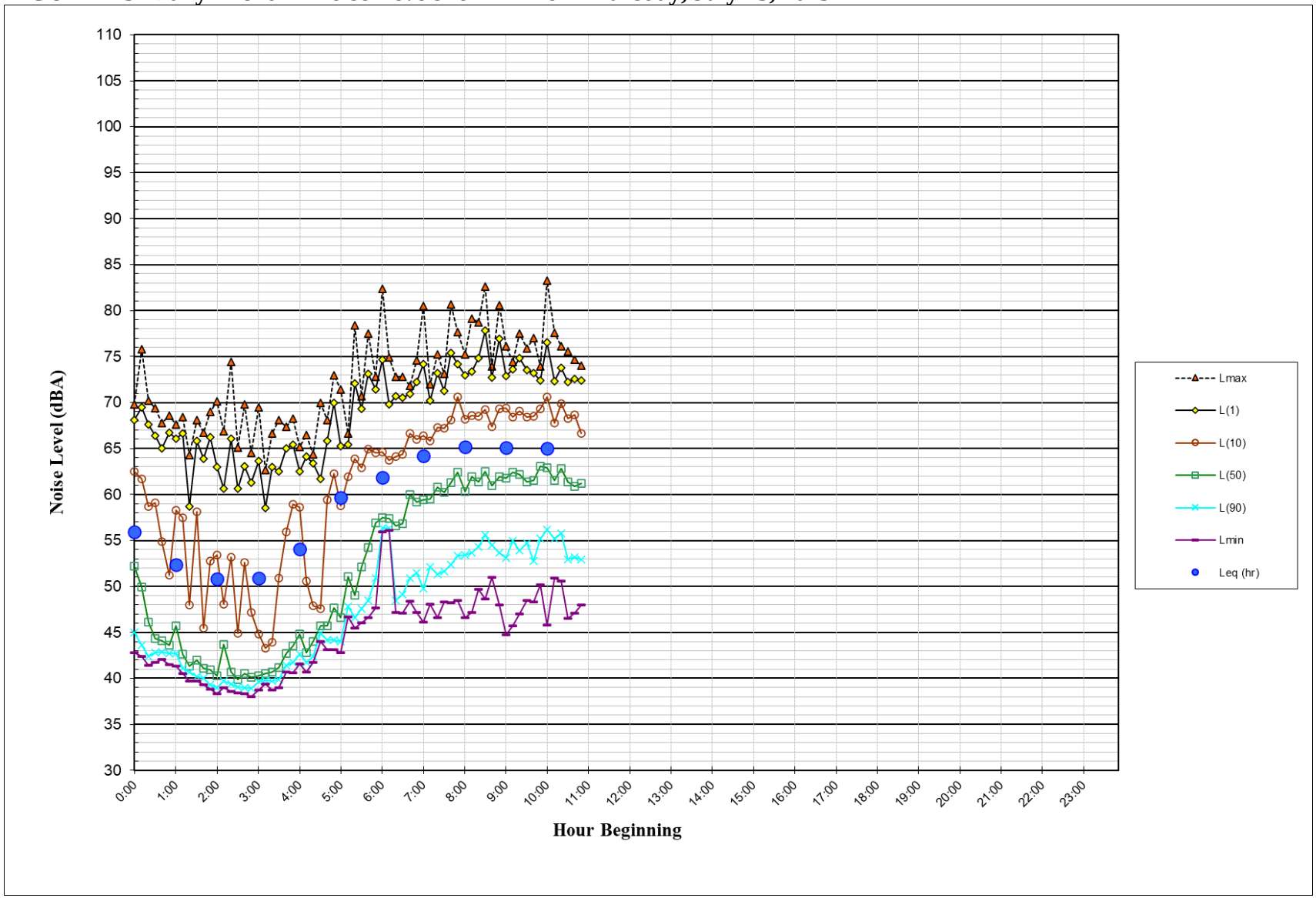


FIGURE A4 Daily Trend in Noise Levels for LT-2 on Tuesday, July 11, 2023

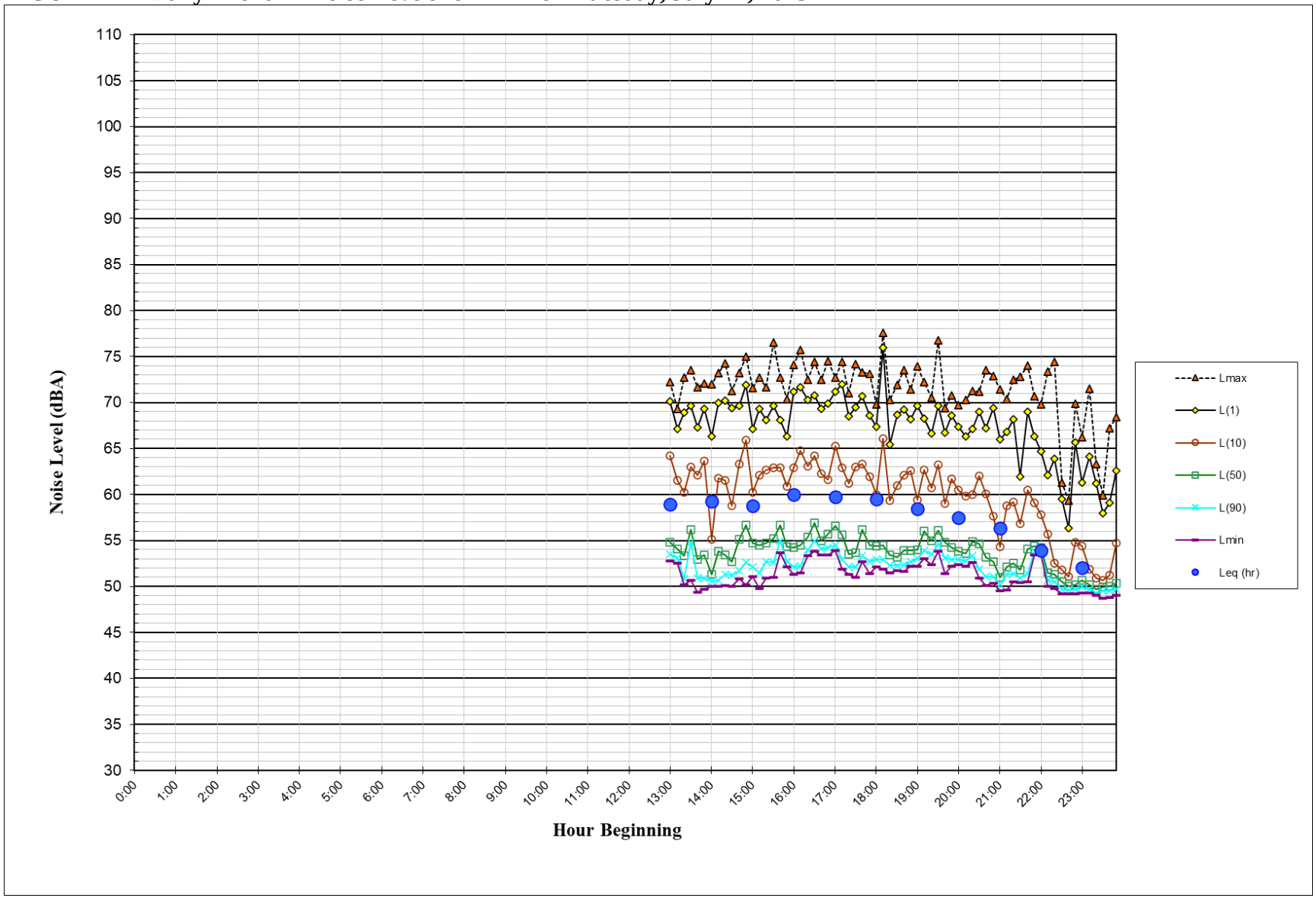


FIGURE A5 Daily Trend in Noise Levels for LT-2 on Wednesday, July 12, 2023

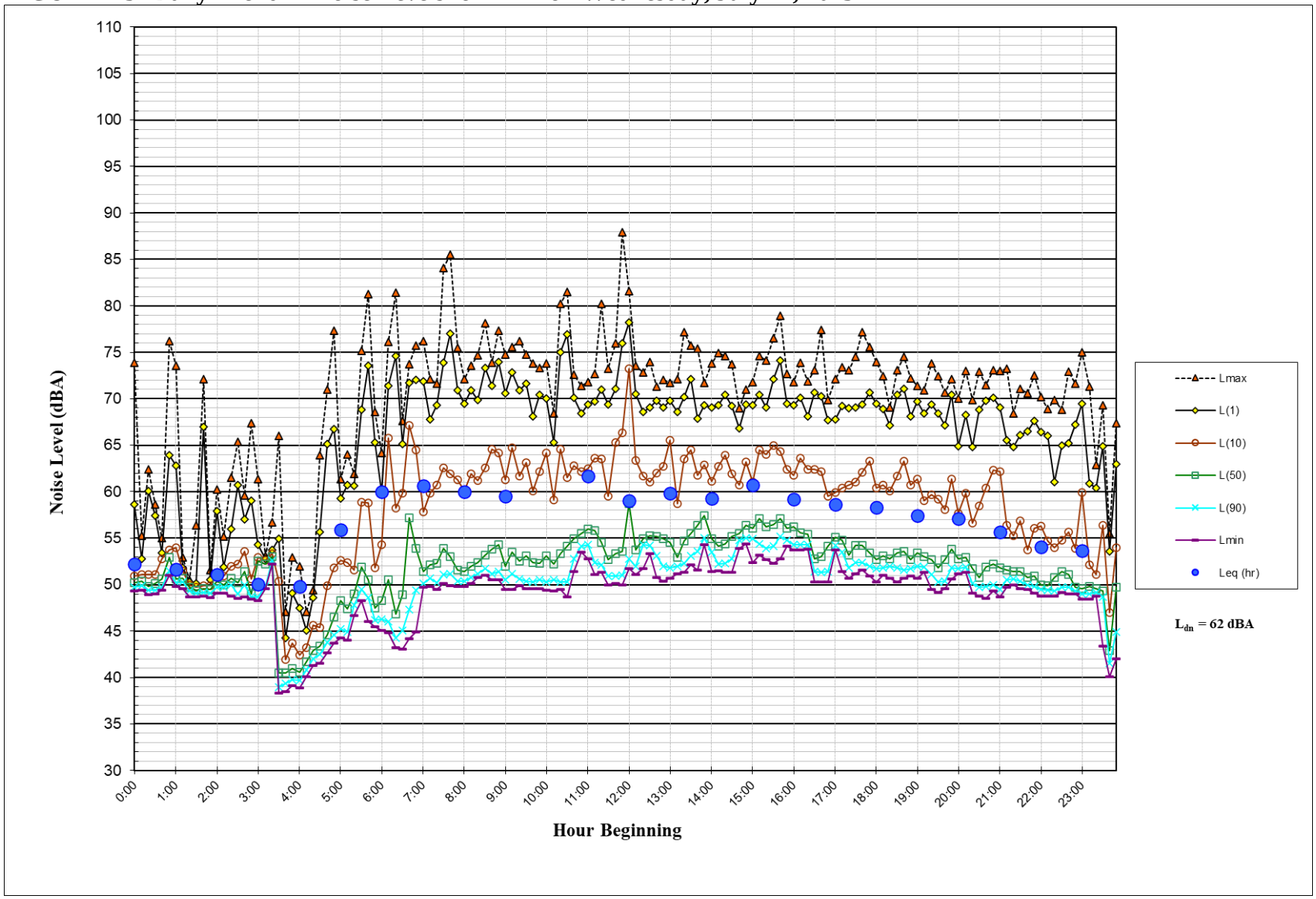
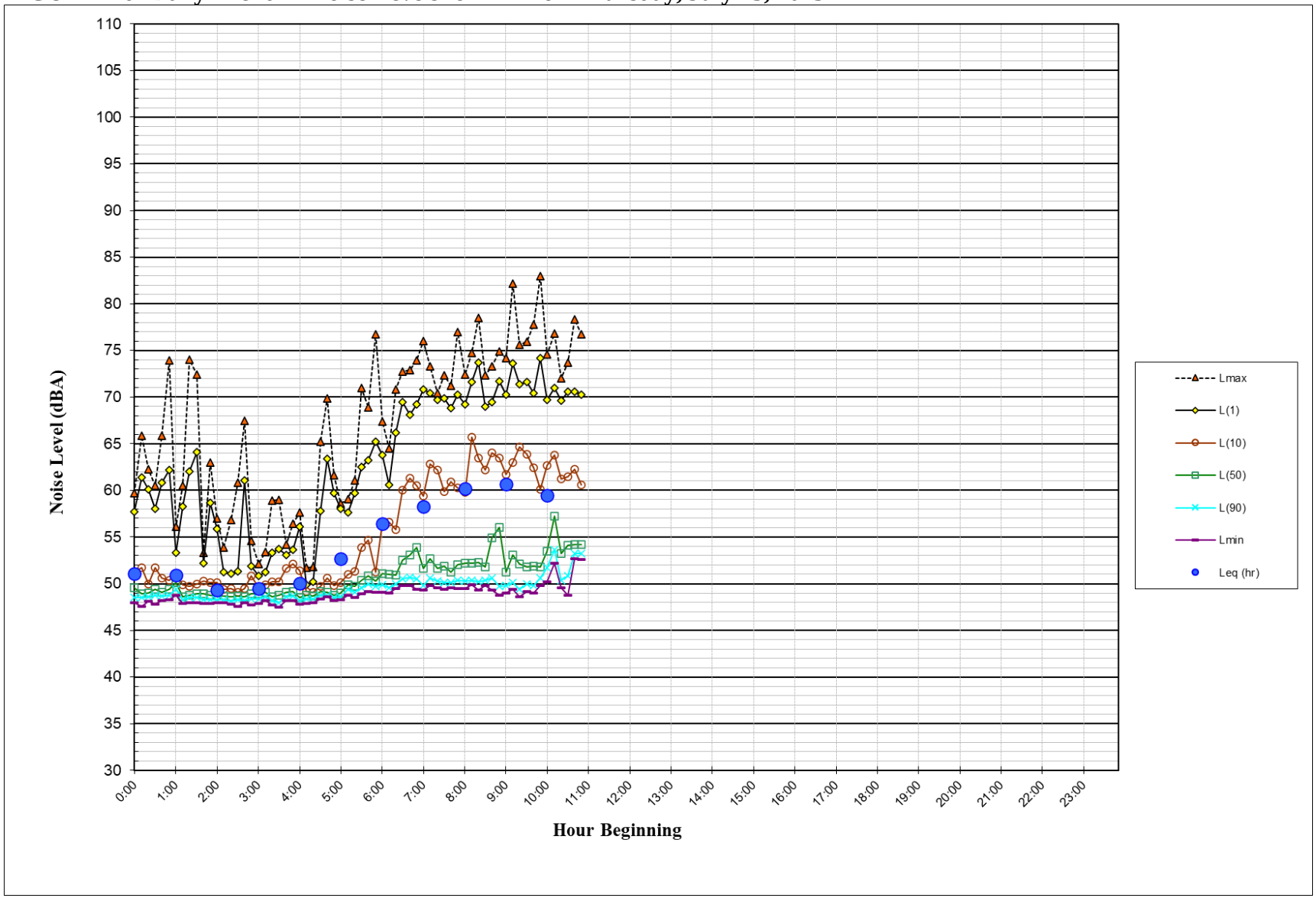


FIGURE A6 Daily Trend in Noise Levels for LT-2 on Thursday, July 13, 2023



HYDROLOGY STUDY
&
STORMWATER MANAGEMENT PLAN

FOR

BERESFORD SQUARE SHOPPING CENTER NORTH IMPROVEMENTS

Northwest corner of N. Milpitas Blvd. & Beresford Ct.
Milpitas, CA 95035

Prepared for:
SHAPELL PROPERTIES
39650 Liberty Street, Suite 490
Fremont, CA 94538

Prepared by:

TAIT & ASSOCIATES, INC.
11280 Trade Center Drive
Rancho Cordova, CA 95742
Contact: Jon Romaguera, PE, QSD
(916) 899 3457

August 10, 2023

I. INTRODUCTION

This Hydrology Study and Low Impact Development Plan has been prepared for the proposed development of a multi-tenet building and associated site improvements. The proposed project is the development of an existing parking lot located at the northwest corner of N. Milpitas Boulevard & Beresford Court in Milpitas, California. The proposed design follows the Santa Clara Valley C.3 Stormwater Handbook.

II. EXISTING SITE CONDITIONS

The existing project site consists of a paved parking lot within an existing shopping center. Beresford Court is along the south edge of the shopping center, N Milpitas Boulevard is along the east edge of the shopping center, and residential housing is adjacent to the north and west side of the shopping center.

Per the attached USDA Web Soil Survey, the site is underlain by *Urbanland-Hangerone complex, 0 to 2 percent slopes, drained*.

Drainage management areas are depicted in the attached Drainage Shed Maps. The existing site is divided into 16 DMAs, of which only DMAs 1, 2, 4, and 7 will have disturbed soil.

Existing Drainage Management Areas		
DMA	Area [sf]	Area [ac]
1	42,997	0.99
2	38,775	0.89
3	10,960	0.25
4	1,152	0.03
5	12,150	0.28
6	9,591	0.22
7	3,930	0.09
8	3,575	0.08
9	7,390	0.17
10	40,823	0.94
11	6,334	0.15
12	2,347	0.05
13	12,939	0.30
14	6,789	0.16
15	13,306	0.31
16	37,475	0.86
Total	250,533	5.75

Stormwater runoff is conveyed to storm drain catch basins throughout the site, with a small portion of the site that surface flows off-site over the sidewalk or driveways. The on-site storm drain is connected to the public storm drain system. Surface runoff that enter the public street curb and gutter flow towards public storm drain catch basins along the street. The downstream receiving waterbodies are Berryessa Creek (approximately 400’ east) and the San Francisco Bay. See the attached Downstream Waterbody Map.

III. PROPOSED SITE CONDITIONS

The project consists of a new building with a drive-thru and associated improvements. Project grading will occur on approximately 0.87± acres, which comprises approximately 15 percent of the total site area (5.75± acres). The project will adjoin the surrounding improvements on all sides. The project does not need coverage under the State Construction General Permit, as it is disturbing less than one acre of soil. As the *Percent Replacement of Impervious Area* (15%) is well under 50%, the project is only required to treat created/replaced impervious area.

Stormwater runoff from each drainage management area is directed towards bioretention areas for water quality treatment. Drainage management areas are depicted in the attached Drainage Shed Maps. Roof drains will be outlet to face of curb. The stormwater will enter each bioretention treatment area through curb cuts in the curb. Bioretention planters will have underdrains near the top of the gravel layer and overflow inlets set above the ponding depths.

Proposed Drainage Management Areas		
DMA	Watershed Area [sf]	Watershed Area [ac]
1	27,764	0.64
2	28,910	0.66
3	3,446	0.08
4	221	0.01
5	12,150	0.28
6	9,591	0.22
7	154	0.00
8	3,575	0.08
9	7,390	0.17
10	40,823	0.94
11	6,334	0.15
12	2,347	0.05
13	12,939	0.30
14	6,789	0.16
15	13,306	0.31
16	37,475	0.86
17	6,373	0.15
18	12,087	0.28
19	18,782	0.43
Total	250,533	5.75

DMAs 17, 18, and 19 are new DMAs to reflect the proposed soil-disturbing work. DMAs 1, 2, 3, 4, and 7 are reduced in size, but the remaining area is untouched. The rest of the property remains the same from the existing site.

Following treatment and retention, the stormwater runoff enters the existing storm drain for the project site. The stormwater is routed through the site to connect to an existing public storm drain inlet located on N Milpitas Blvd. Stormwater routing through this catch basin

matches existing conditions during a heavy storm event but will be lower flow in lighter storm events. No off-site stormwater run-on is expected on this development.

IV. BIORETENTION PLANTER CALCULATIONS

The bioretention planters have been sized in accordance with the Santa Clara Valley C.3 Stormwater Handbook. The size of the bioretention planter is 4% the size of the amount of impervious surface area draining to it. The bioretention planter areas have been designed with areas larger than the required minimum. See the attached Drainage Shed Maps and Bioretention Planter Sections.

Bioretention Area	Watershed Area [sf]	Watershed Area [ac]	Landscape Area [sf]	Impervious Area [sf]	Minimum Bioretention Area [sf]	Design Bioretention Area [sf]
1	6,373	0.15	1,486	4,887	195	209
2	12,087	0.28	1,751	10,336	413	448
3	18,782	0.43	6,369	12,413	497	557

V. HYDROMODIFICATION REQUIREMENTS

The project is not subject to hydromodification as it disturbs less than one acre of soil.

VI. STORM DRAIN PIPE SIZING CALCULATIONS

The City of Milpitas uses the rational method for the analysis of the storm drain pipes. Below are the pipe size information and necessary capacities for open channel flow through the pipes. See the Proposed Drainage Shed Map for storm drain pipe and structure layout.

For rainfall intensity, a 5-minute time of concentration was chosen as the most conservative case. The project is located in the “flatland”. The rainfall intensities are therefore:

i_{10} = 2.84 in/hr i_{100} = 3.89 in/hr

Pipe Information Table

Pipe Section	Watershed Area (ac)	Runoff Coefficient	Added 10-Year Storm Flow (cfs)	Added 100-Year Storm Flow (cfs)	Cumulative 10-Year Storm Flow (cfs)	Cumulative 100-Year Storm Flow (cfs)	Pipe Size (in)	Pipe Slope (%)	Pipe Capacity (cfs)	Pipe Velocity (fps)
A	0.15	0.71	0.29	0.805	0.29	0.81	12	1.0%	3.8	4.9
B	0.28	0.78	0.61	1.849	0.91	2.65	12	1.0%	3.8	4.9
C	0.64	0.86	1.56	5.252	1.56	5.25	12	1.0%	3.8	4.9
D	0.66	0.88	1.65	5.636	3.22	10.89	18	0.83%	12	6.0
E	n/a	n/a	n/a	n/a	4.12	13.54	18	0.83%	12	6.0
F	0.43	0.64	0.79	1.975	4.91	15.52	24	0.70%	21	6.4

*See attached City of Milpitas Rainfall Intensity Chart

**See attached nomograph chart with pipe capacities.

VII. NPDES COMPLIANCE

The project complies with the Santa Clara Valley C.3 Stormwater Handbook. A Storm Water Pollution Prevention Plan is not required as there is less than one acre of soil disturbance.

VIII. BMP MAINTENANCE

Ongoing BMP maintenance of the bioretention planters will be assured with a covenant maintenance agreement that will be recorded with the county prior to issuance of building permits. Maintenance will be completed per CASQA BMP standards.

IX. CONCLUSION

The hydrology and water quality calculations demonstrate that the proposed site is designed to meet stormwater treatment requirements. The site improvements include the construction of new storm drains designed to meet the 10-year storm event. The storm drain pipe capacities exceed the required capacity and substantially conveys the 100-year storm event. The proposed project includes stormwater quality treatment through the use of bioretention planters.

X. ATTACHMENTS

Attached are following documents and exhibits to support the statements and calculations in the above Hydrology Study:

- City of Milpitas – Stormwater Requirements C.3 Data Form
- Vicinity Map
- Downstream Waterbody Map
- Drainage Shed Map – Existing
- Drainage Shed Map – Proposed
- Bioretention Area Cross Section
- Pipe Size Calculations (Nomograph)
- USDA Web Soil Survey

Santa Clara Valley
Urban Runoff
Pollution Prevention Program

Date Form Completed: 08/10/23

Completed by: Jon Romaguera

Provision C.3 Data Form

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP), is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment contact: _____

1. Project Information

Project Name: Beresford Square Shopping Center - North **APN #** 028-22-016

Project Address: Northwest Corner of N. Milpitas Blvd. and Beresford Court

Cross Streets: N. Milpitas Blvd. and Beresford Court

Applicant/Developer Name: Shapell Properties

Project Phase(s): 1 **of** 1 **Engineer:** Jon Romaguera, Tait & Associates, Inc.

Project Type (Check all that apply): ☐ New Development ☑ Redevelopment

☑ Private ☐ Public

☐ Residential ☑ Commercial ☐ Industrial ☐ Mixed Use ☐ Institutional

☑ Restaurant ☐ Uncovered Parking ☐ Retail Gas Outlet ☐ Auto Service (SIC code) _____ (5013-5014, 5541, 7532-7534, 7536-7539)

☑ Other Retail

Project Description: The proposed project is to construct a new building pad with a drive-thru at +/- 6,290 SF within an existing center. The building will have three (3) tenants (restaurant and retail use). Associated site modifications and new landscape.

Project Watershed/Receiving Water (creek, river or bay): Berryessa

2. Project Size

a. Total Site Area: 5.75 **acres**		**b. Total Site Area Disturbed:** 0.87 **acres** (including clearing, grading, or excavating)			
Site Totals	**Total Existing (Pre-project) Area (ft^2)**	**Existing Area Retained[1] (ft^2)**	**Existing Area Replaced[2] (ft^2)**	**New Area Created[2] (ft^2)**	**Total Post-Project Area (ft^2)**
c. Total Impervious Area **(IA)**	227,901	194,885	21,396	6,240	222521
d. Total new and replaced impervious area			27,636		
e. Total Pervious Area **(PA)**[3]	22,632				28,012
f. Total Area **(IA+PA)**	250,533				250,533
g. Percent Replacement of IA in Redevelopment Projects: (Existing IA Replaced ÷ Existing Total IA) x 100% 9.39 %					

3. State Construction General Permit Applicability:

a. Is #2.b. equal to 1 acre or more?

☐ Yes, applicant must obtain coverage under the State Construction General Permit (see https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

☑ No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and stand-alone uncovered parking?

☑ Yes, C.3. source control, site design and treatment requirements apply

☐ No, C.3. source control and site design requirements may apply – check with local agency

b. For redevelopment projects, is #2.g. equal to 50% or more?

☐ Yes, C.3. requirements (site design and source control, as appropriate, and stormwater treatment) apply to the entire site

☑ No, C.3. requirements only apply to the impervious area created and/or replaced

c. Does the project create and/or replace 5,000 sf or more of impervious surface parking?

☐ Yes, C.3. requirements may apply to the entire site – check with local agency

☑ No

5. Hydromodification Management (HM) Applicability:

a. Does the project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

☐ Yes (continue) ☑ No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp.org/hmp-map)

☐ Yes, the project must implement HM requirements

☐ No, the project is exempt from HM requirements

---

[1] "Retained" means to leave existing IA in place. An IA that goes through maintenance (e.g., pavement resurfacing/slurry seal/grind), but no change in grade is considered "retained".

[2] The "new" and "replaced" IA are based on the total area of the site and not specific locations on site. For example, impervious parking created over a pervious area is not "new" IA, if an equal amount of pervious area replaces IA somewhere else on the site. Constructed IA on a site that does not exceed the total pre-project IA will be considered "replaced" IA. A site will have "new" IA only if the total post-project IA exceeds the total pre-project IA (total post-project IA – total pre-project IA = New IA).

[3] Include bioretention areas, infiltration areas, green roofs, and pervious pavement in PA calculations.

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- [x] Minimize land disturbed (e.g., protect trees and soil)
- [x] Minimize impervious surfaces (e.g., reduction in post-project impervious surface)
- [ ] Minimum-impact street or parking lot design (e.g., parking on top of or under buildings)
- [ ] Cluster structures/ pavement
- [x] Disconnected downspouts (direct runoff from roofs, sidewalks, patios to landscaped areas)
- [ ] Pervious pavement
- [ ] Green roof
- [ ] Other self-treating[4] area (e.g., landscaped areas)
- [ ] Self-retaining[4] area
- [ ] Interceptor trees[3]
- [ ] Rainwater harvesting and use (e.g., rain barrel, cistern for designated use) [5]
- [ ] Preserved open space: _____ ac. or sq. ft. (circle one)
- [ ] Protected riparian and wetland areas/buffers (Setback from top of bank: _____ft.)
- [ ] Other _____

Source Control Measures

- [ ] Wash area/racks, drain to sanitary sewer[5]
- [x] Covered dumpster area, drain to sanitary sewer[6]
- [ ] Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain[6]
- [x] Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- [ ] Outdoor material storage protection
- [ ] Covers, drains for loading docks, maintenance bays, fueling areas
- [x] Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- [x] Storm drain labeling
- [ ] Other _____

Treatment Measures

- [ ] None (all impervious surface drains to self-retaining areas)

LID Treatment

- [x] Bioretention area
- [ ] Flow-through planter
- [ ] Tree Well Filter or Trench with bioretention soils
- [ ] Rainwater harvest/use (e.g., cistern or rain barrel for designated use, sized for C.3.d treatment)
- [ ] Infiltration trench
- [ ] Infiltration well/dry well
- [ ] Subsurface Infiltration System (e.g. vault or large diameter conduit over drain rock)
- [ ] Other _____

Non-LID Treatment Methods

- [ ] Proprietary high flow rate tree box filter[7]
- [ ] Proprietary high flow media filter (sand, compost, or proprietary media)[7]
- [ ] Vegetated filter strip[8]
- [ ] Extended detention basin[8]
- [ ] Vegetated swale[8]
- [ ] Other _____

Flow Duration Controls for Hydromodification Management (HM)

- [ ] Extended Detention basin
- [ ] Underground tank or vault
- [ ] Bioretention with outlet control
- [ ] Other _____

[4] See SCVURPPP C3 Handbook for definitions. https://scvurppp.org/2016/06/20/c-3-stormwater-handbook-june-2016/
[5] Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.
[6] Subject to sanitary sewer authority requirements.
[7] These treatment measures are only allowed if the project qualifies as a "Special Project".
[8] These treatment measures are only allowed as part of a multi-step treatment process (i.e., for pretreatment).

7. Stormwater Treatment Measure (STM) Sizing for Projects with Treatment Requirements

Stormwater Treatment Measure (STM)	Hydraulic Sizing Criteria Used*
Bioretention	2c
	Choose from list
	Choose from list
	Choose from list

*Key: 1a: Volume – WEF Method
1b: Volume – CASQA BMP Handbook Method
2a: Flow – Factored Flood Flow Method
2b: Flow – CASQA BMP Handbook Method
2c: Flow – Uniform Intensity Method
3: Combination Flow and Volume Design Basis

8. Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☐ Yes ☑ No Name of Third-party Reviewer_____

9. Operation & Maintenance Information

A. Property Owner's Name: Shapell Properties - Brett Smith

B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:

a. Name: Shapell Properties

b. Address: 39650 Liberty Street, Suite 490

c. Phone/E-mail: (408) 329-1528 / bsmith@shapell.com

This section to be completed by Municipal staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

☐ O&M Agreement

☐ Other mechanism that assigns responsibility (describe below):

_____

This section to be completed by Municipal staff (Note: This is an optional section that agencies should modify per their internal review and tracking process.)

Reviewed By:

Community Development Department

Planning Division: _____

Building Division: _____

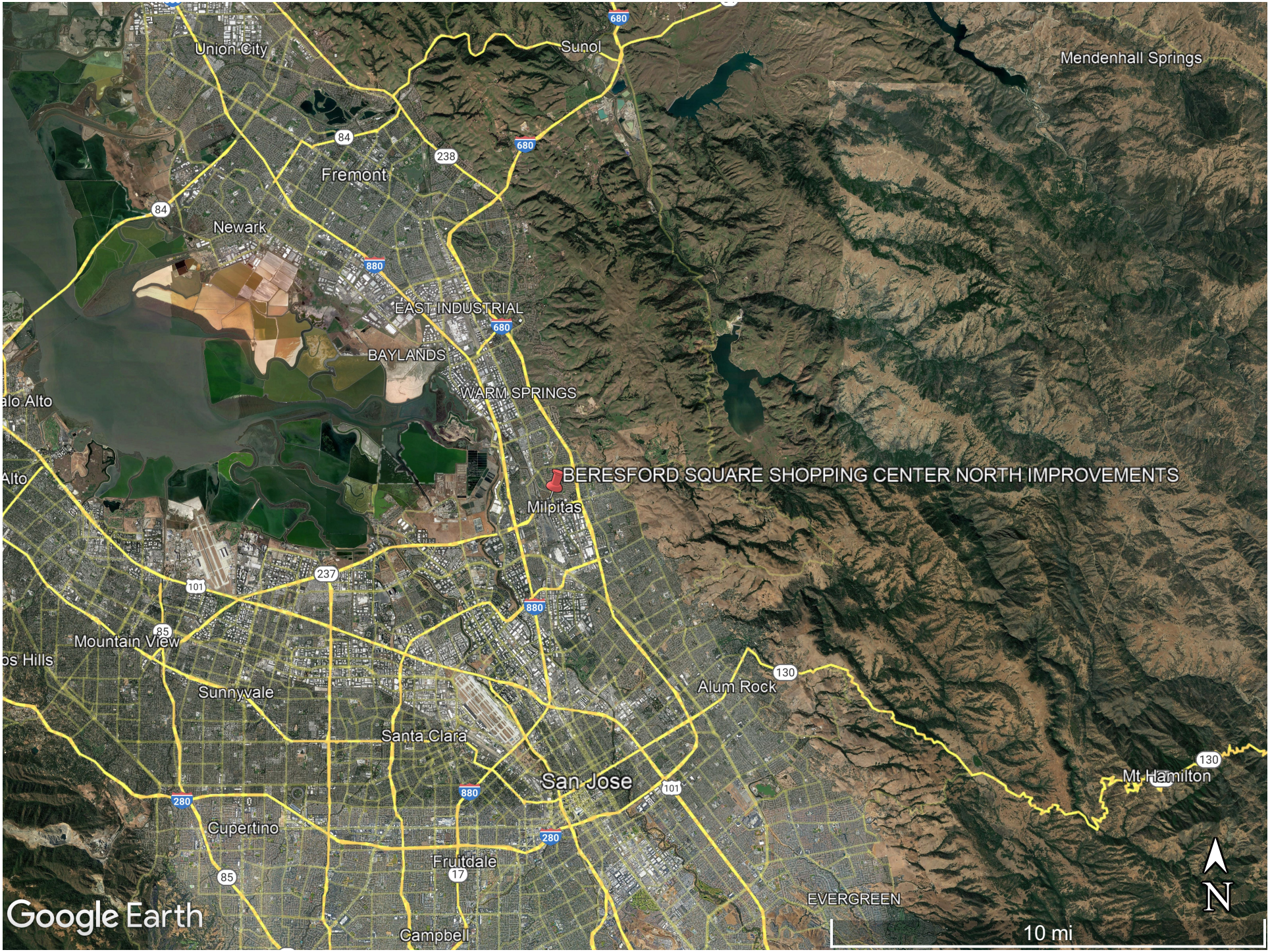
Public Works Department

Engineering: _____

Other (Specify):_____

Return form to: _____

Data entry performed by: _____


BERESFORD SQUARE SHOPPING CENTER NORTH IMPROVEMENTS
Union City
Sunol
Mendenhall Springs
Fremont
Newark
EAST INDUSTRIAL
BAYLANDS
WARM SPRINGS
Milpitas
Mountain View
Sunnyvale
Santa Clara
San Jose
Alum Rock
Mt Hamilton
Cupertino
Fruitdale
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EVERGREEN
Google Earth
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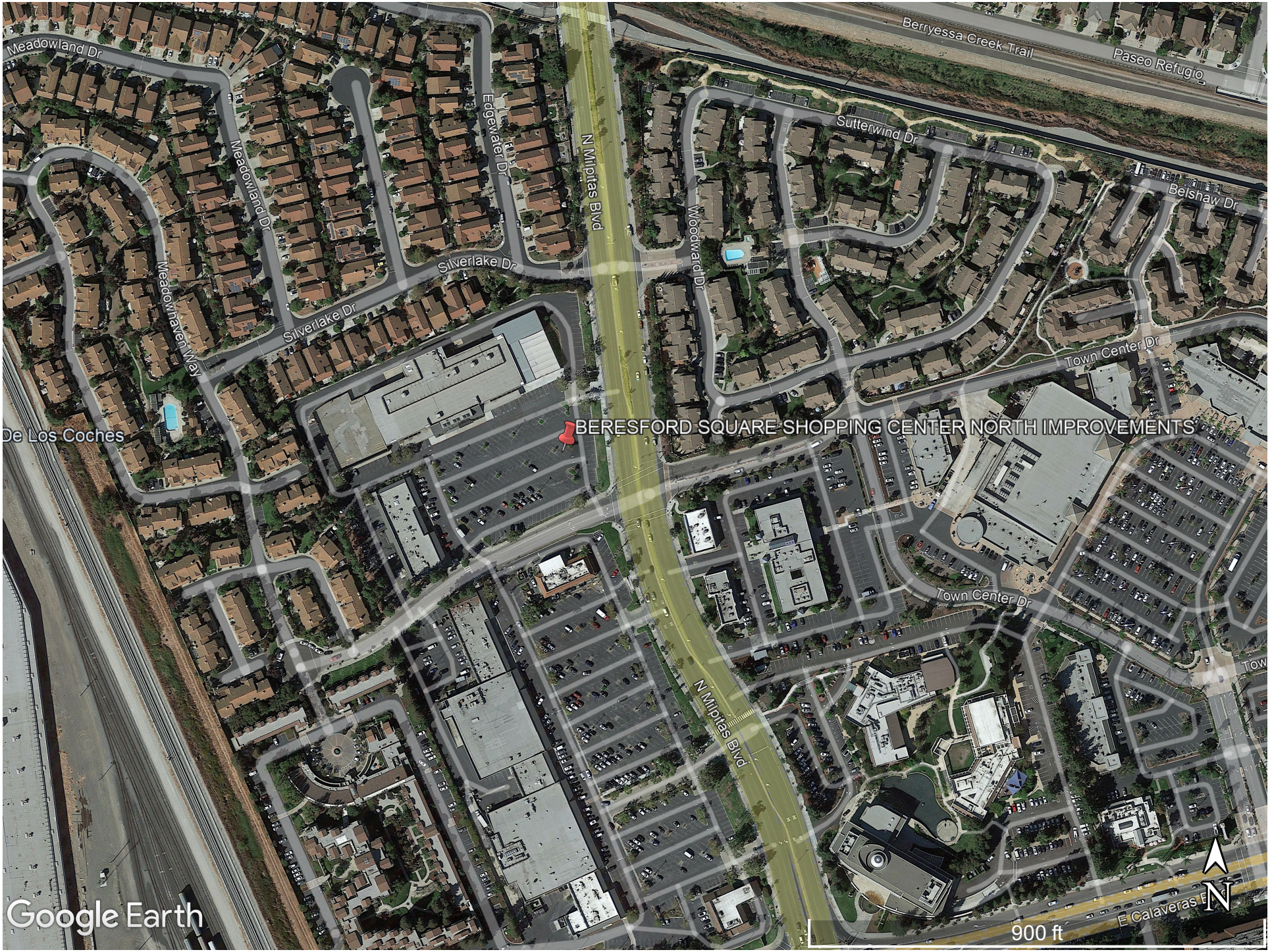
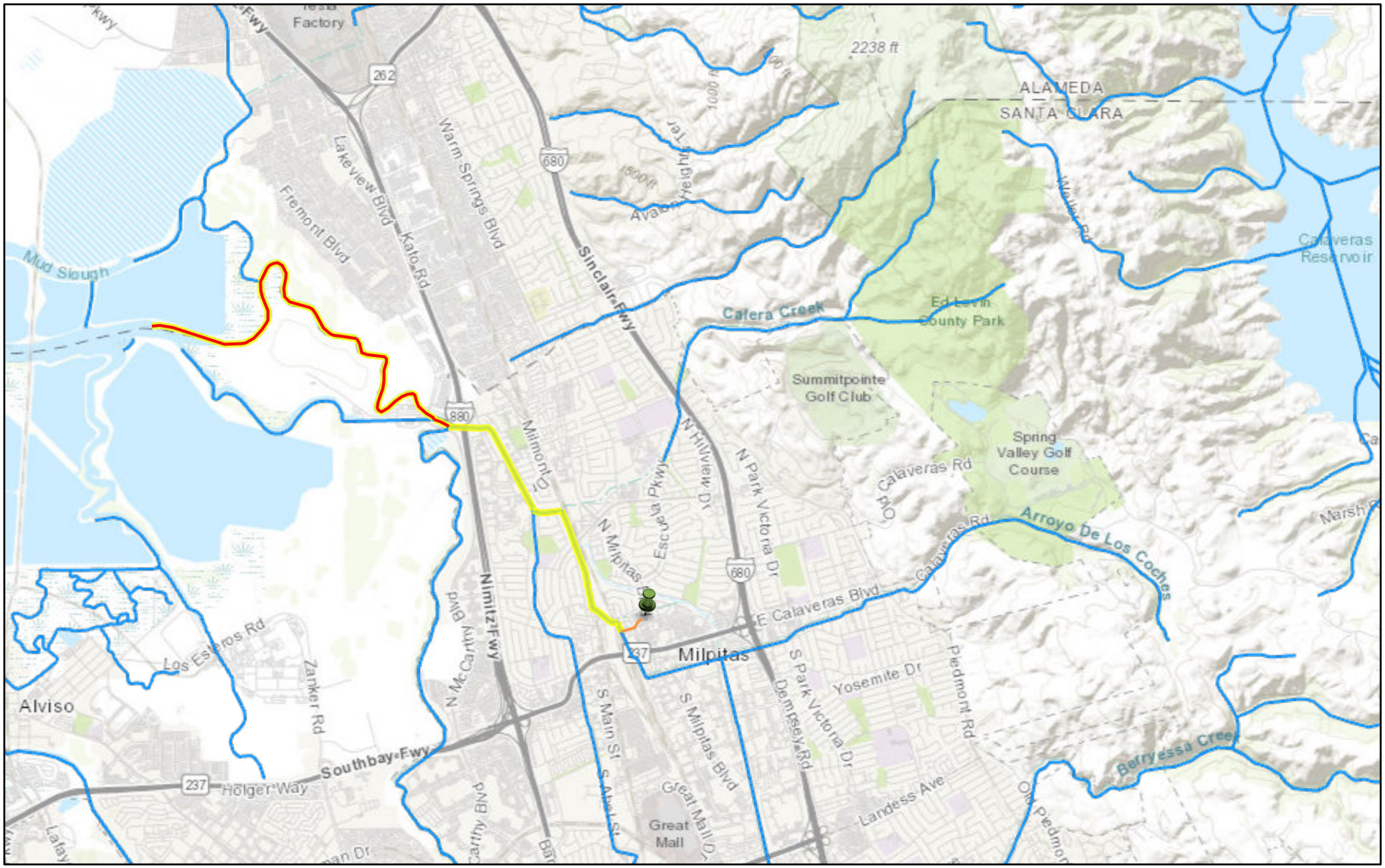

BERESFORD SQUARE SHOPPING CENTER NORTH IMPROVEMENTS
Meadowland Dr
Meadowland Dr
Meadowhaven Way
Edgewater Dr
Silverlake Dr
Silverlake Dr
N Milpitas Blvd
Berryessa Creek Trail
Paseo Refugio
Sutterwind Dr
Woodward Dr
Belshaw Dr
Town Center Dr
Town Center Dr
N Milpitas Blvd
De Los Coches
E Calaveras Blvd
900 ft
N
Google Earth

WATERS GeoViewer Print Map



8/15/2022, 4:08:51 PM

Result: Link Path

Result: Linear Linked Data

303(d) Listed Impaired Waters

Result: Streams Selected

Streams

1:72,224

0 0.5 1 2 mi

0 0.75 1.5 3 km

US EPA, City of Fremont, City of San Jose, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS,

US Environment Protection Agency

City of Fremont, City of San Jose, County of Santa Clara, Bureau of Land Management, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, NGA, EPA, USDA | US EPA |

EXISTING SITE AREAS		
TOTAL AREA	250,533 SF	5.75 AC
PERVIOUS AREA	22,632	0.52 AC
IMPERVIOUS AREA	227,901	5.23 AC

DMA-10
40823 SF

DMA-16
37475 SF

DMA-5
12150 SF

DMA-6
9591 SF

EXISTING ON-SITE
STORM DRAIN
CONNECTION TO
PUBLIC SYSTEM

DMA-8 3575 SF

DMA-9
7390 SF

DMA-11
6334 SF

DMA-12
2347 SF

DMA-3
10960 SF

DMA-2
38775 SF

DMA-7 3930 SF

DMA-15
13306 SF

DMA-13
12939 SF

DMA-1
42997 SF

DMA-14
6789 SF

DMA-4
1152 SF

N. MILPITAS BLVD

BERESFORD CT

EXISTING ON-SITE STORM DRAIN
CONNECTION TO PUBLIC SYSTEM

SCALE: 1" = 50'

DRAWN:	STB
DATE:	1/17/23
CHECKED:	JR
DATE:	1/17/23
JOB NO.	SP8457A

TAIT & ASSOCIATES
Since 1944
ENGINEERING ENVIRONMENTAL BUILDING LAND
Orange County Sacramento Denver Dallas
San Luis Obispo Riverside Boise Atlanta
1280 Trotter Center Drive
Rancho Cordova, CA 95742
p: 916.635.2444
www.tait.com

EXISTING DRAINAGE SHED MAP
BERESFORD SQUARE SHOPPING CENTER - NORTH
SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT; MILPITAS, CA 95035

1 OF 1

Jan 17, 2023 – 11:47am by aclark G:\CLIENTS\SP\SP8457 – MILPITAS, Beresford Square\Drawings\Hydrology\SP8457-Existing Shed.dwg

5/15/2019 Exhibit XX

BIORETENTION AREA SIZING

BIORETENTION PLANTER	WATERSHED AREA [SF]	PERVIOUS AREA [SF]	IMPERVIOUS AREA [SF]	MINIMUM BIORETENTION AREA [SF]	DESIGN BIORETENTION AREA [SF]
1	6,373	1,486	4,887	195	209
2	12,087	1,751	10,336	413	448
3	18,782	6,369	12,413	497	557

PROPOSED AND EXISTING SITE AREAS

TOTAL AREA	254,632 SF	5.85 AC
PERVIOUS AREA	32,111 SF	0.74 AC
IMPERVIOUS AREA	222,521 SF	5.11 AC

SCALE: 1" = 50'

PROPOSED DRAINAGE SHED MAP
BERESFORD SQUARE SHOPPING CENTER - NORTH
SHAPELL PROPERTIES, INC.
NWC N. MILPITAS BOULEVARD & BERESFORD COURT; MILPITAS, CA 95035

DRAWN: STB
DATE: 8/11/23
CHECKED: JR
DATE: 8/11/23
JOB NO: SP8457A

TAIT & ASSOCIATES
Since 1944
ENGINEERING ENVIRONMENTAL PLANNING LAND SURVEYING
Orange County Sacramento Denver Dallas
San Luis Obispo Riverside Boise Atlanta
1280 Trotter Center Drive
Rancho Cordova, CA 95742
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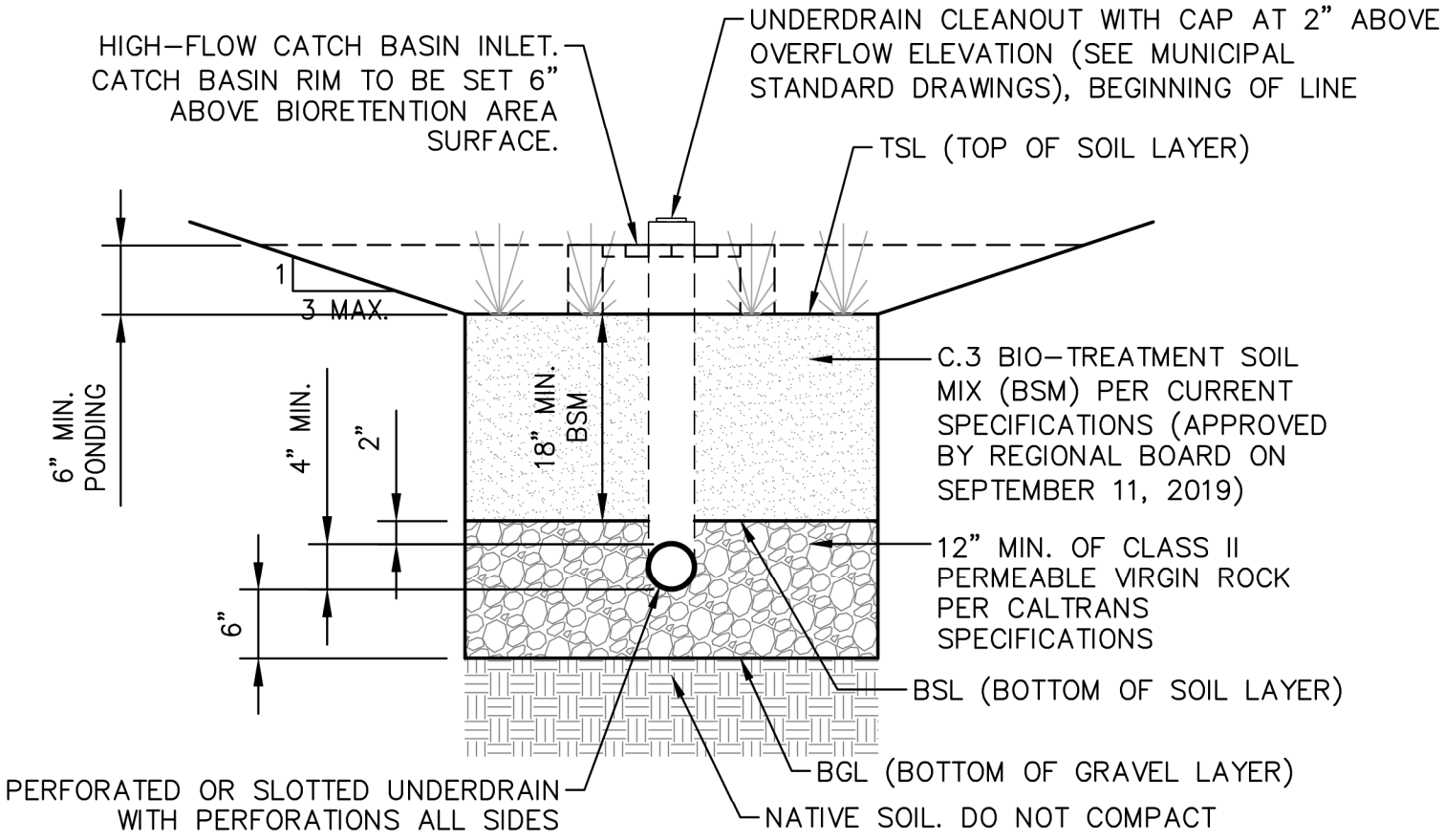
1 OF 1

5/15/2019 Exhibit XX

Aug 11, 2023 - 10:25am by fzapata G:\CLIENTS\SP\SP8457 - MILPITAS, Beresford Square\Drawings\Hydrology\SP8457-Proposed Shed.dwg

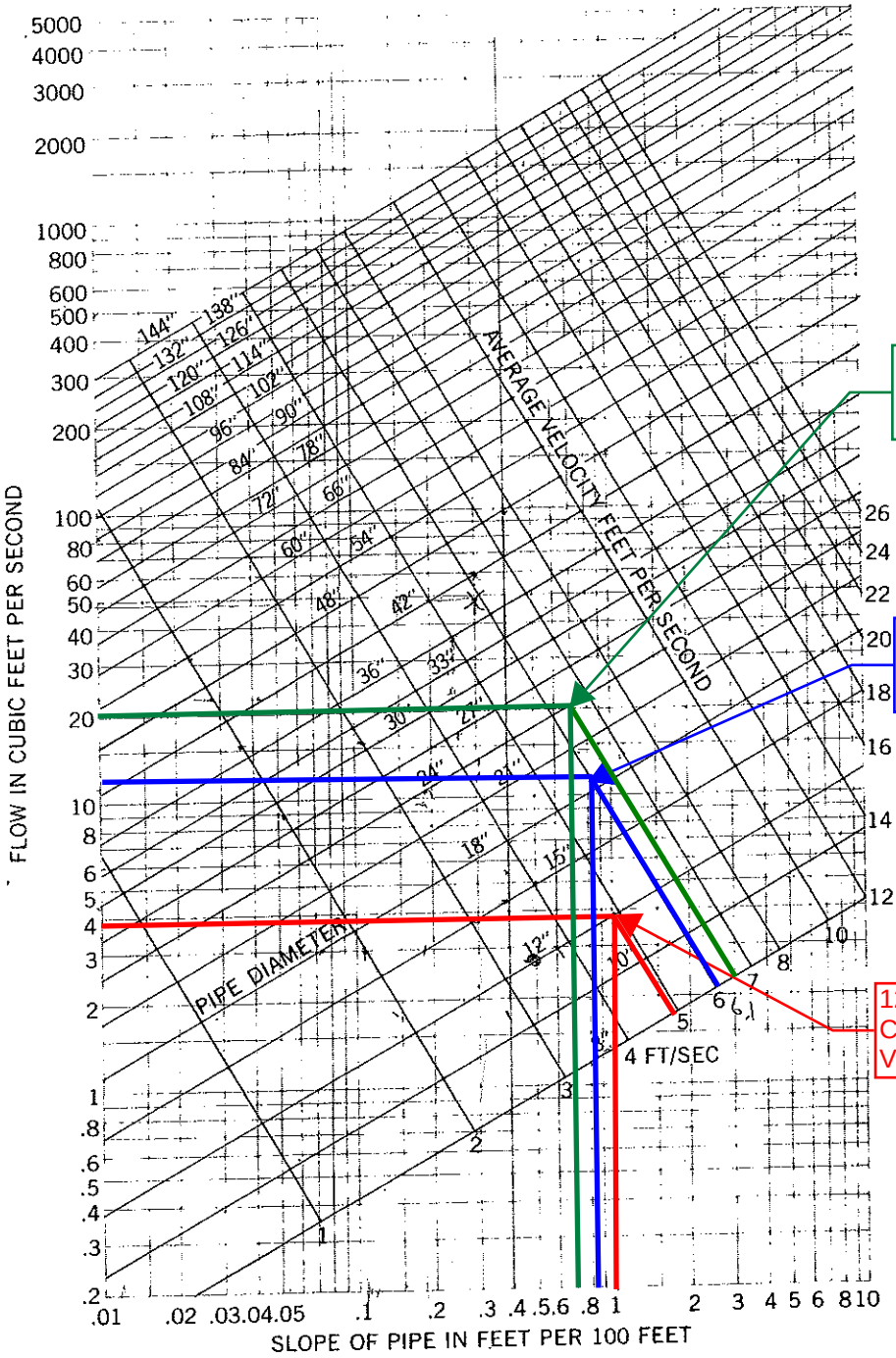


BIORETENTION AREA CROSS SECTION

SCALE: 3/4"=1'-0"

FIGURE 4

FLOW FOR CIRCULAR PIPE FLOWING FULL
BASED ON MANNING'S EQUATION n=0.012

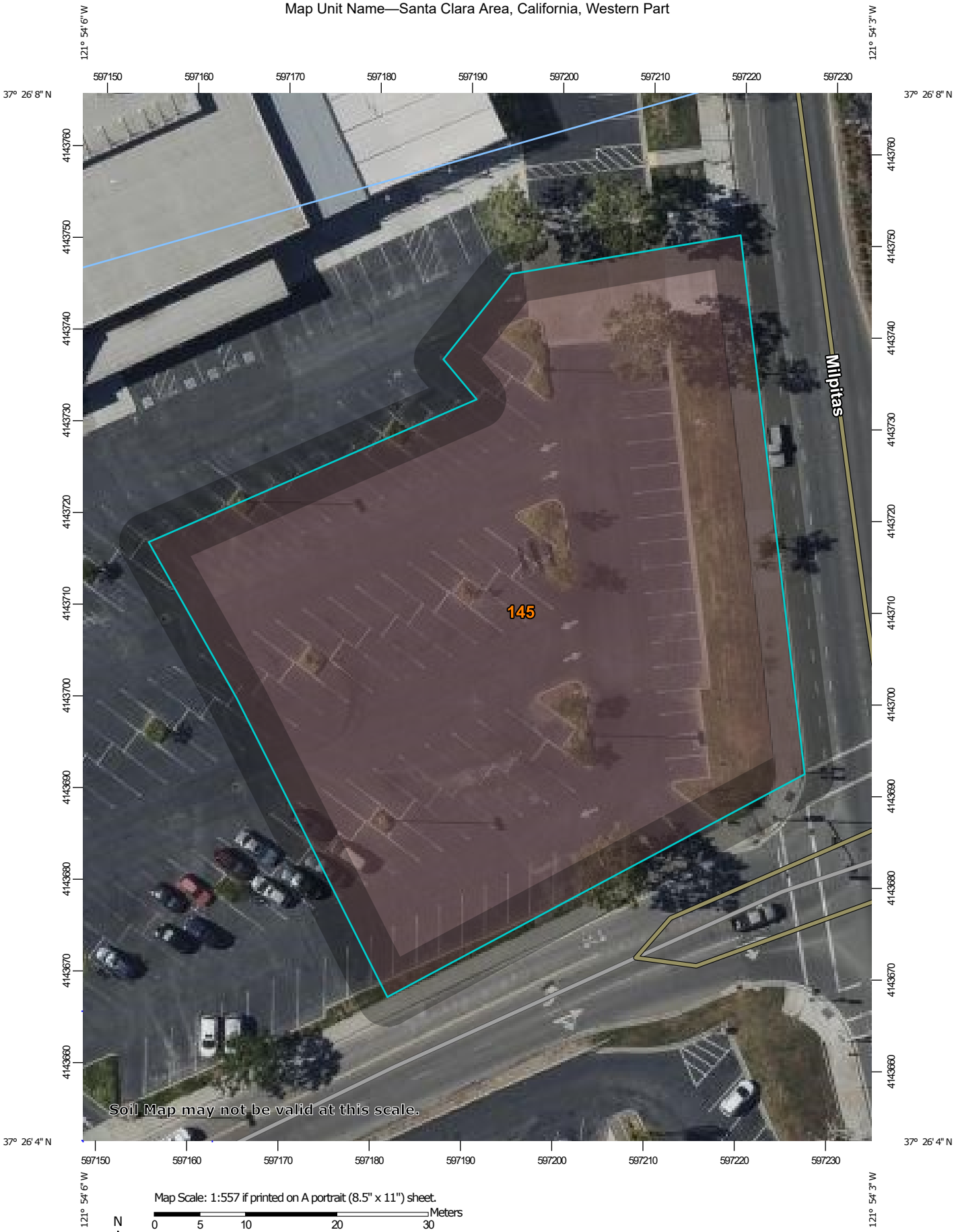


24" OUTLET PIPE @ 0.7%
CAPACITY = 21 CFS
VELOCITY = 6.4 FPS

18" OUTLET PIPE @ 0.83%
CAPACITY = 12 CFS
VELOCITY = 6.0 FPS

12" OUTLET PIPE @ 1.0%
CAPACITY = 3.8 CFS
VELOCITY = 4.9 FPS

Crawler Pipe Study



Map Scale: 1:557 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0 5 10 20 30

Feet: 0 25 50 100 150

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

Urbanland-Hangerone complex, 0 to 2 percent slopes, drained

Not rated or not available

Soil Rating Lines

Urbanland-Hangerone complex, 0 to 2 percent slopes, drained

Not rated or not available

Soil Rating Points

Urbanland-Hangerone complex, 0 to 2 percent slopes, drained

Not rated or not available

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Santa Clara Area, California, Western Part
Survey Area Data: Version 10, Sep 9, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 11, 2021—Jun 16, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
145	Urbanland-Hangerone complex, 0 to 2 percent slopes, drained	Urbanland-Hangerone complex, 0 to 2 percent slopes, drained	0.9	100.0%
Totals for Area of Interest			**0.9**	**100.0%**

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

AGENDA ITEM: IX-4

MILPITAS PLANNING COMMISSION STAFF REPORT

June 26, 2024

APPLICATION: **NEW PRIVATE MIDDLE/HIGHSCHOOL SCHOOL – 1323 GREAT MALL DR. —UP23-0008, SD23-0012, EA24-0001, and DA24-0001:** A request for a Conditional Use Permit, Site Development Permit, Environmental Assessment, and Development Agreement to allow the operation of a new private middle/high school (Stratford Preparatory School) in an existing 51,740 square foot, two-story office building, and the development of a new 7,883-square foot, 35 feet tall gymnasium building and other site improvements on a 3.0-acre lot located at 1323 Great Mall Dr, Milpitas CA 95035. In accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration for the proposed project pursuant to CEQA Guidelines Section 15064 and Public Resources Code Sections 21080(d) and 21082.2(d), and a Development Agreement to provide certainty to the applicable development standards.

RECOMMENDATION: Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 24-021, recommending that the City Council approve SD23-0012, EA24-0001, and DA24-001, and Resolution No. 24-023, recommending that the City Council approve UP23-0008, based on the findings and subject to the Conditions of Approval.

PROJECT LOCATION:

Address and Assessor's Parcel Number (APN):	1323 Great Mall Dr, Milpitas, CA 95035 (APN 086-024-046)
Area of City:	Milpitas Metro Specific Plan (MMSP): Great Mall Subdistrict.

PEOPLE:

Project Applicant/ Architect:	Jeremy Theodore, Inhabit Design
Property Owner:	STORE Master Funding IV, LLC
Project Planner:	Avery Stark, Acting Senior Planner

LAND USE:

General Plan Designation:	Milpitas Metro Specific Plan
Specific Plan:	Milpitas Metro Specific Plan – MMSP – Great Mall Subdistrict
Zoning District:	General Commercial (C2) with a Transit Oriented Development (TOD) Overlay (C2-TOD)

ENVIRONMENTAL: In accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration for the proposed project pursuant to CEQA Guidelines Sections 15064, 15070, 15071, and 15370.

EXECUTIVE SUMMARY

The City of Milpitas received an application from Jeremy Theodore of Inhabit Design (applicant) requesting a Conditional Use Permit, Site Development Permit, Environmental Assessment, and Development Agreement to allow the operation of a new private middle/high school (Stratford Preparatory School) in an existing 51,740-square foot, two-story office building, and the development of a new 7,883-square foot, 35 feet tall gymnasium building and other site improvements on a 3.0-acre lot located at 1323 Great Mall Dr, Milpitas CA 95035.
The proposed school would serve up to 500 students and include 41 classrooms (general/biochemistry/art/physical engineering), eight offices, four media common rooms, a library, and a theater. The proposed Project also includes exterior alterations to the building façade, including a new 7,883-square-foot gymnasium, an outdoor play area, and various site improvements. Additionally, the Project would include supporting components, such as a new trash enclosure and a 14,695-square-foot artificial turf playfield to the west of the new gymnasium building.

The proposed Project requires three entitlements, as follows:

- Site Development Permit No. SD23-012: To allow the development of a new 7,883-square-foot gymnasium, up to 35 feet in height, and associated site improvements on a 3-acre parcel; and
- Conditional Use Permit No. UP23-0008: To allow the operation of a private middle/high school within an existing building; and
- Development Agreement No. DA24-0001: To provide certainty as to what development standards apply to this project.

The City prepared Environmental Assessment No. EA24-0001 and an Initial Study/Mitigated Negative Declaration (IS/MND) with the associated traffic analysis in accordance with CEQA to determine the potential impacts on the environment and establish CEQA compliance.

Staff has found that the required entitlements generally comply with the policies, standards, and processes outlined in the City of Milpitas 2040 General Plan, the Milpitas Metro Specific Plan (MMSP), the Zoning Ordinance, and other provisions of the Milpitas Municipal Code (MMC), Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 24-021, recommending that the City Council approve SD23-0012, EA24-0001, and DA24-001, and Resolution No. 24-023, recommending that the City Council approve UP23-0008, based on the findings and subject to the Conditions of Approval.

BACKGROUND

History

The subject site contains an existing two-story, 51,740-square-foot building, originally constructed in 2002. The office building has been vacant for many years and is surrounded by a paved surface parking lot with 183 uncovered parking spaces.

On June 3, 2008, the City Council adopted the Transit Area Specific Plan (TASP). The Plan encompassed 437 acres and envisioned the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The Plan included development standards, goals, and policies to guide development within the Plan area. Because of the unique physical characteristics of various portions of the TASP, the Plan also established seven subdistricts, each with specific goals and policies to accommodate those unique characteristics.

On February 7, 2023, the City adopted the Milpitas Metro Specific Plan (MMSP) to replace the TASP. The MMSP increases the Plan Area from approximately 437 acres to approximately 510 gross acres and includes annexations on the east and west sides of the original Plan Area. The long-term focus of this work is to continue and accelerate the transformation of this area from industrial and auto-oriented to a vibrant, connected, and fully developed transit-oriented neighborhood.

On July 28, 2023, the applicant submitted an application requesting a Conditional Use Permit, Site Development Permit, Environmental Assessment, and Development Agreement to allow the operation of a new private middle/high school (Stratford Preparatory School) in an existing 51,740 square foot, two-story office building, and the development of a new 7,883-square foot, 35 feet tall gymnasium building and other site improvements on a 3.0-acre lot located at 1323 Great Mall Drive.

PROJECT DESCRIPTION

Overview

The Project site contains a vacant two-story, 51,740-square-foot building that previously operated as Lightwaves, an optical instrument and components manufacturer. The applicant proposes establishing a Stratford Preparatory School for students from grades 6-12, intending to transition to grades 9-12 in the future, with a maximum capacity of 500 students.

To prepare the building for the proposed use, the applicant plans to remodel the existing structure to include 16 general and 11 specialty classrooms (four bio/chem, two physics, one computer science, one graphic arts, two arts, and one music). The Project scope also includes exterior alterations to the building façade. Additionally, 117 of the existing parking surface parking spaces in the southwest corner of the Project site will be demolished to construct a new 7,883-square-foot gymnasium, a new trash enclosure, a 14,695-square-foot artificial turf playfield located to the west of the new gymnasium, and various site improvements. The new gymnasium will support gym

activities such as basketball and volleyball, and a row of retractable bleachers for 200 spectators on one side only, as support locker rooms, gym storage, a gym office, and toilets will be located nearby in the SW corner of the existing building.

The project site is zoned General Commercial (C2) with a Transit Oriented Development (TOD) Overlay (C2-TOD), which requires the approval of a Conditional Use Permit for private schools. The application is submitted pursuant to Milpitas Municipal Code (MMC) Section XI-10-57.04(B)(1), which requires Planning Commission approval for Conditional Use Permits. The purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment, and for the determination of whether or not the proposed use is appropriate for its proposed location.

The application is also submitted pursuant to MMC Table XI-10-57.03-1 and Section XI-10-57.03(C), which require a Site Development Permit for a new accessory building over 2,500 square feet, as well as any minor exterior building changes provided the project complements the colors, materials, and design of the existing building.

Location and Context

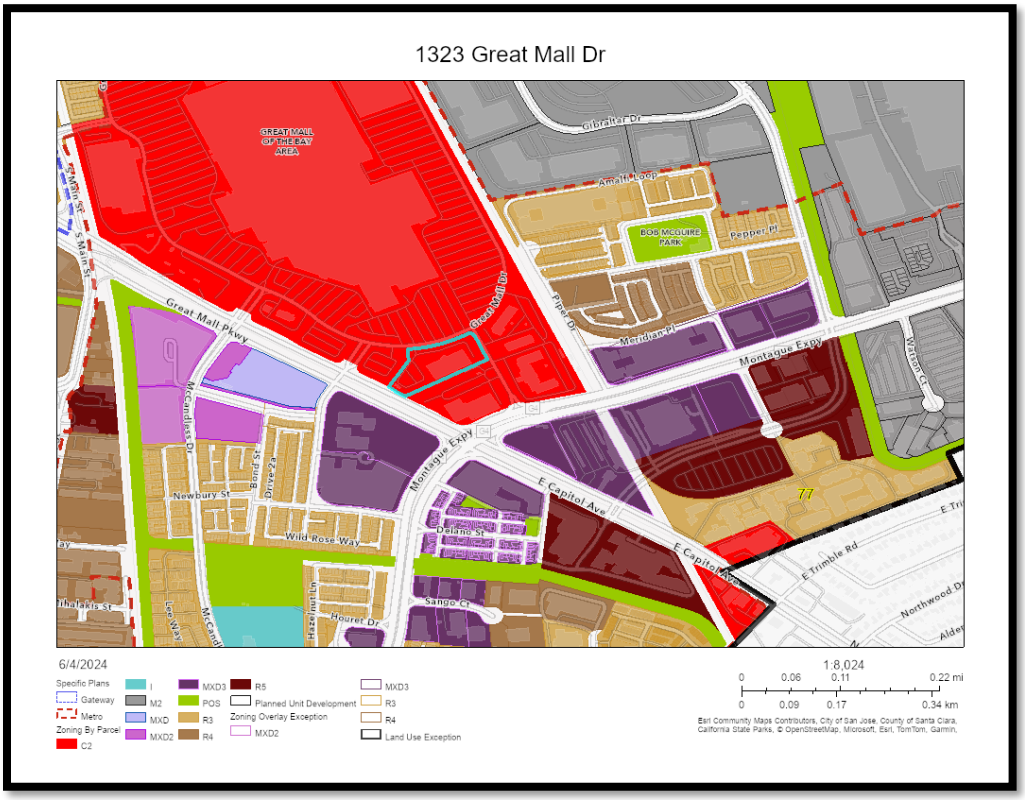
The Project is located on a 3.0-acre site in the General Commercial (C2) zoning district with a Transit Oriented Development (TOD) Overlay (C2-TOD). The site is also located within the Milpitas Metro Specific Plan (MMSP) area and part of the Great Mall Subdistrict. The specific plan designation is Business Park Research & Development, Limited Residential (BPRD-R) and the planned implementing zoning district of that designation is BPRD-R (BPRD-R). However, the Project site has not been rezoned yet. As such, the current zoning designation, General Commercial (C2-TOD) remains in place. The Great Mall surrounds the site to the north, the existing Stratford School to the south, hotel use to the east, and multi-family residential uses and vacant land to the west. Map 2 shows the existing zoning around the project site, and Table 1 shows the General Plan land use designations and zoning for the project site and surrounding area.

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Uses
Subject Site	Milpitas Metro Specific Plan	General Commercial (C2)	Proposed Stratford School (private middle/high school)
North	Milpitas Metro Specific Plan	General Commercial (C2)	St. John The Baptist Catholic Church
South	Milpitas Metro Specific Plan	General Commercial (C2)	Existing Stratford School (private elementary school)
East	Milpitas Metro Specific Plan	General Commercial (C2)	TownePlace Suites Milpitas Silicon Valley
West	Milpitas Metro Specific Plan	Mixed-Use (MXD-3)	Eleanor (multi-family residential)

Figure 1 – Aerial Map

Figure 2 – Zoning Map



PROJECT ANALYSIS

This section will evaluate elements of the proposed Project for conformance with the Milpitas 2040 General Plan, the Milpitas Metro Specific Plan (MMSP), the Zoning Ordinance, and other provisions of the Milpitas Municipal Code.

General Plan Conformance

The General Plan designation for the Project site is the Milpitas Metro Specific Plan (MMSP). The designation is intended to create a framework for a walkable, transit-oriented area with a mix of land uses, which encourages walking, biking, and transit trips, minimizes vehicle trips, and reduces vehicle miles traveled (VMT).

The Project is consistent with the applicable policies and standards in the City's General Plan, as outlined in Table 2.

Table 2: General Plan Consistency

Policy	Conformance
LU 1-1: *Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods.*	**Consistent:** The Project is located within the incorporated limits of the City of Milpitas and further completes the urban fabric without requiring the expansion of services to unincorporated areas. It contributes additional educational opportunities for residents and will also enhance the City's business reputation by providing the first private high school in the city.
LU 1-6: *Ensure adequate school sites by allowing new schools to be located in a variety of compatible land use designations, including residential, commercial, public facilities, and mixed-use designations.*	**Consistent:** The Project is consistent with this policy, as it is located adjacent to the Great Mall, a hotel, several high-density residential neighborhoods, and a mass transit center in a city-planned mixed-use area.
LU 7-4: *Support the adaptive reuse, renovation, or redevelopment of aging enters or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.*	**Consistent:** The existing commercial building has been vacant for years, including during the duration of the TASP, and the Project proposes investing at least 20 million dollars to renovate and redevelop the site to support the City's mixed-use objectives for the area.

Milpitas Metro Specific Plan (MMSP) Conformance

The MMSP land use designation for the Project is Business Park Research & Development, Limited Residential (BPRD-R). This designation supports office, R&D, office-supportive commercial retail, hotels, and limited residential uses. As demonstrated in Table 3, the Project is consistent with the applicable MMSP land use policies.

Table 3: MMSP Consistency

Policy	Conformance
M 6.2. *Safe Routes to School. Work with Safe Routes to School programs to encourage children to walk or bike to school.*	**Consistent:** The Project applicant has been connected to the City's Engineering staff to establish safe walking routes to this new high school location and the existing elementary school to the south.
ICS 3.7*. Require, where reasonable and feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for nonpotable uses to the extent feasible.*	**Consistent:** The Project proposes a recycled water line connection from Falcon Drive to the subject site, which is in conformance with this requirement.
CB 7. *Citywide Sustainability Policies. The Milpitas Metro Plan Area is a center of development and change in Milpitas and will serve as an example for the implementation of sustainable building practices in the city. Additional sustainability policies are located in the City of Milpitas Climate Action Plan.*	**Consistent:** The Project will ensure that all buildings on-site are certified Silver, Leadership in Energy and Environmental Design (LEED), and ensure compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

However, the Project isn't consistent with three development standards within the MMSP: Floor Area Ratio (FAR), front yard, and street-side setback. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it. This is further discussed in the next section.

The vision for the MMSP was for a more urban environment with a higher FAR and reduced setbacks. The intention was to allow for educational uses that are integrated with and support office and R&D.

Zoning Conformance

The MMSP designation is Business Park Research & Development, Limited Residential (BPRD-R). This designation supports office, R&D, office-supportive commercial retail, hotels, and limited residential uses), and the planned implementing zoning district of that designation is Business Park Research & Development, Limited Residential (BPRD-R). However, the Project site has not been

rezoned yet. As such, the current zoning designation General Commercial with Transit Oriented Development Overlay (C2-TOD) and its standards remain in place wherever the MMSP is silent for development standards. The purpose and intent of the General Commercial zone is to provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for the general commercial needs of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment. It is intended to include those commercial uses in which shopping may be conducted by people walking to several stores as in a center and may include uses customarily of a single-purpose character served from an immediately parked automobile. Further, the purpose of the TOD overlay district is to provide for land uses, land densities, intensities, and development standards that enhance and support transit and locate such uses near rail transit stations. These provisions allow for a mix of goods and services within a convenient walk of the transit stations, encourage the creation of stable, attractive residential, commercial, and industrial environments within the District, and provide a desirable transition to the surrounding conventional areas. The Project, as proposed, with the approval of a Development Agreement, meets the development standards of the General Commercial with Transit Oriented Development Overlay (C2-TOD) zoning district.

As demonstrated in Table 4, the Project is consistent with most of the applicable development standards for the MMSP Business Park Research & Development, Limited Residential (BPRD-R) and General Commercial with Transit Oriented Development Overlay (C2-TOD) Zoning district. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Table 4: Summary of MMSP and C2-TOD - Development Standards

Development Standard	Required	Proposed	Complies?
Density	Mixed-use: 1.0-5.0 FAR; minimum of 1.0 FAR of office or R&D	51,740 (existing) + 7,883 (new) = 59,623 sf Lot area = 130,680 SF Proposed FAR: 0.46	No, this will be addressed with the DA
Building Height, maximum	275 feet or 18 stories	35 feet	Yes
Front Yard Setback	10 feet min, 20 feet max from the back of the sidewalk	96 feet	No, this will be addressed with the DA

Development Standard	Required	Proposed	Complies?
Side Yard Setback (street side), minimum	10 feet min, 15 feet max	120 feet	No, this will be addressed with the DA
Side Yard Setback (Interior) Minimum	10 feet	20 feet	Yes
Rear Yard Setback, Minimum	10 feet	16 feet	Yes
Vehicular Parking Requirements	Non-residential (non-industrial) 1 space per 1,500 square feet (Minimum Requirement) Maximum Requirement 1 space per 1,000 square feet 74,318 sf / 1,000 = 74	74	Yes
Table 4-2. Bicycle Parking Requirements	Short-Term Parking Requirement 1 space per 20,000 square feet 59,623 sf / 20,000 = 3 x 1 = 3	96	Yes

Development Agreement

A Development Agreement is needed to provide certainty regarding the applicable development standards. The California Legislature adopted the Development Agreement Statute (Section 65864 et seq. of the Government Code) to strengthen public planning, encourage private participation, and reduce development risks. This statute allows cities to enter binding agreements with property owners, establishing certainty as to the development standards and right for a particular project and thereby encouraging investment and redevelopment. On May 6, 1997, the City Council adopted Resolution No. 6642, which sets forth comprehensive procedures and requirements for the institution of development agreements.

The Project is eligible for a Development Agreement because the opening and pre-enrollment of a school requires significant front-end investment and otherwise requires long-term certainty on the part of the applicant, at least for the five year term of the currently proposed Agreement.

Through the proposed Agreement, the landowner and City would preserve the Floor Area Ratio ("FAR") and side and front setbacks previously allowed for the subject property under the TASP and thereby allow for the beneficial reuse of an existing building developed under previous

standards with additional construction and improvements only allowable through the benefit of this Agreement.

In consideration, the landowner shall provide the following offsetting public benefits to the City:

1. Payment of the sum of One Million Dollars ($1,000,000) as and for a voluntary contribution to the City as a community benefit payable at the time of issuance of final occupancy;

2. Design and construction of all-electric building with no natural gas infrastructure in furtherance of the City's Climate Action goals

The proposed Agreement therefore allows redevelopment of a site long underutilized, including during the entirety of the TASP, subject generally to existing standards and select recently revised TASP standards so that the existing structure and site configuration can be beneficially reused. The proposed Agreement will hold these standards open for a period of five (5) years should further redevelopment of the site be sought during this period unless the proposed changes would expand the building footprint or increase student capacity over 500 students, in which case the project would need to be re-entitled in conformity with then current development standards.

Other Project Details

Specific information regarding project details is provided below to aid the Planning Commission in making its recommendation:

Site and Architectural Design

The Project scope includes several site improvements, exterior façade upgrades, a new 7,883-square-foot, 35-foot tall gymnasium located west of the existing building, and a 14,695-square-foot artificial turf playfield to the west of the new gymnasium building. In support of alternative transportation, 96 bike parking spaces are also located on the site's south edge. The existing building will receive light exterior cosmetic refinishing, including off-white paint on the concrete surfaces, painted metal panel accents at each entry canopy in Stratford's blue branding colors, and new signage. The sitework will also provide the appropriate parking and drop-off spaces, accessible pathways, and connections between buildings and outdoor play areas, as shown in Attachment C. The Project would preserve the remaining 66 parking spaces along the northern and eastern portions of the Project site and construct eight new parking spaces, resulting in a total of 74 parking spaces. Of these spaces, four of them would be accessible to disabled persons, and four of them would include electric vehicle charging capabilities.

The architectural modifications to the existing and new building will create continuity throughout the site. The design includes varying facades, colors, and materials to create a dynamic building that will distinguish the structure in the MMSP area. The exterior color of both buildings would be a variety of dark blue, red, light beige, and off-white. Exterior materials for both buildings would include concrete, grey brick, and spandrel glass, as depicted in Image 1.

Additionally, metal fences would encompass the Project site.

Image 1
Rendering

Image 2
Elevation

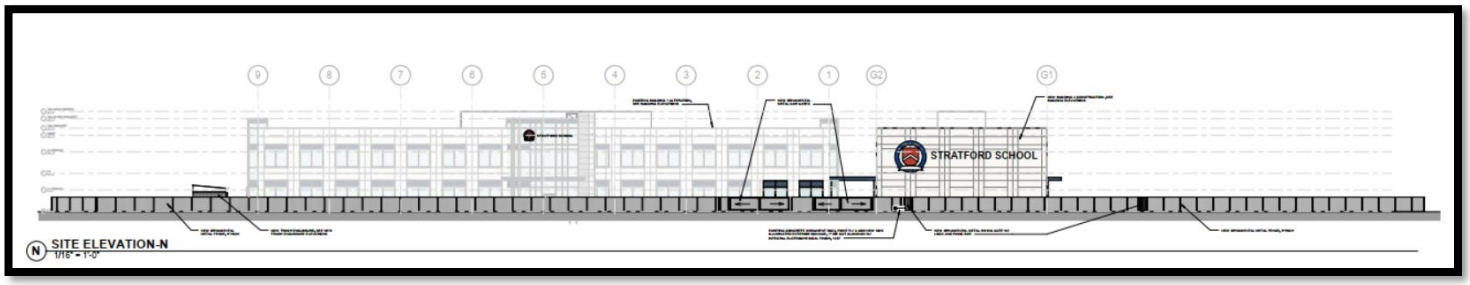
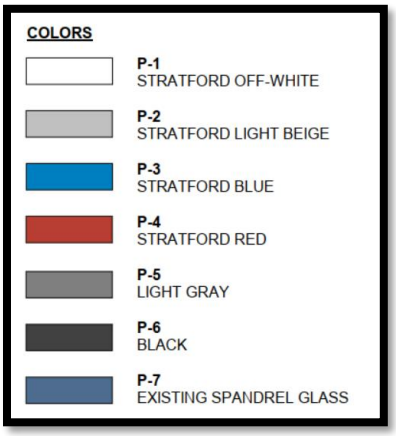


Image 2
Color Pallet



Climate Action Plan

The City of Milpitas Climate Action Plan (CAP) was adopted in 2013, updated in 2022, and includes Greenhouse Gas (GHG) reduction goals, policies, and actions for new and existing development projects. The Project would incorporate green building measures in compliance with CAL Green standard building measures for the building and Title 24 requirements to reduce energy usage. As discussed in Section 6, Energy, of the Initial Study/Mitigated Negative Declaration (IS/MND), the Project would ensure that all buildings-onsite would be Leadership in Energy and Environmental Design (LEED) Silver certified, in compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership. The LEED framework informs all building types, including new construction, interiors, operations and maintenance, and core and shell.

Landscaping & Open Space Design

The landscape design includes a combination of the existing landscaping and the new landscaping. The Project would remove approximately 35 non-ordinance sized trees. However, the Project would preserve 56 on-site trees that are in fair to good health and six new trees will be planted on-site. According to the Project's preliminary landscape plan, there are no existing trees on-site with a trunk circumference greater than 37 inches. Additionally, various shrubs will be planted across the project site as shown on the Landscape Plan, Sheet L-1.0 in the Project Plans (Attachment C).

Grading

The proposed Project would result in the demolition of paving and landscaping on the subject site. Minimal grading is required to prepare the site for the new building pad.

Utilities

The Project site is in an urban area and is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The MMSP police ICS 3.7. Requires, where reasonable and feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible. The Project proposes a recycled water line connection from Falcon Drive to the subject site, which is in conformance with this requirement. All public utilities will be provided to the Project site.

Safety and Security

The Milpitas Police Department reviewed the Project and prescribed several measures to ensure the safety and security of the overall site and its occupants. All have been included in the Resolution as Project conditions of approval. For example, the outdoor play area is fenced off, separating it from the parking lot and Great Mall Parkway. As conditioned, the security camera will cover the outdoor play areas. Other conditions address high-definition video surveillance, adequate exterior lighting, posted exterior site signage to discourage trespassing and loitering, and filing emergency contact information with the Police Department.

Floor Plan and Operations

The existing building will be remodeled to accommodate the school's interior organization of classrooms and amenities. The first-floor plan includes the construction of six general classrooms, a multi-purpose hall with an attached stage, the staff lounge, offices, a conference room, a teacher's workroom, a library, a music classroom, various restroom facilities, a kitchen, locker rooms, gym storage, and an entry lobby. The second floor has ten classrooms: one computer science, two physics/engineering, three art, four bio/chem, two media commons, and various restroom facilities.

The private elementary school serves up to 500 students, comprised of 6th through 12th graders. The school's operating hours will be Monday to Friday, 7:00 am to 6:00 pm, with the campus opening at 7:00 am, staff arriving at 7:00-7:30 am, students arriving at 7:30-8:00 am, classes beginning at 8:00 am, classes ending at 3:30 pm, students departing 3:30-4:00 pm, most staff departing 4:00- 4:30 pm, and extracurricular activities continuing in smaller numbers from 3:30 pm-6:00 pm and smaller quantities of students and staff leaving by that time.

The school will hold occasional evening and weekend events such as basketball, volleyball, or other sports events, theater events, graduation events, and parent/teacher conferences, rarely exceeding 200 people but up to a maximum 500-person capacity, within the hours of 7:00 am-10:00 pm on weekdays and weekends.

Vehicle Miles Traveled Analysis

The City has adopted a new transportation analysis policy that specifies vehicle miles traveled as the new metric for evaluating transportation impacts, and therefore, a project's effect on automobile delay shall no longer constitute a significant impact. Because VMT is a relatively new method for measuring transportation impacts under CEQA, less data exists to estimate VMT than trip generation based on use and location. VMT is typically estimated using an area-wide travel demand model from a regional transportation agency that calculates VMT based on the number of vehicles multiplied by the typical distance traveled by each vehicle originating from or driving to a certain area.

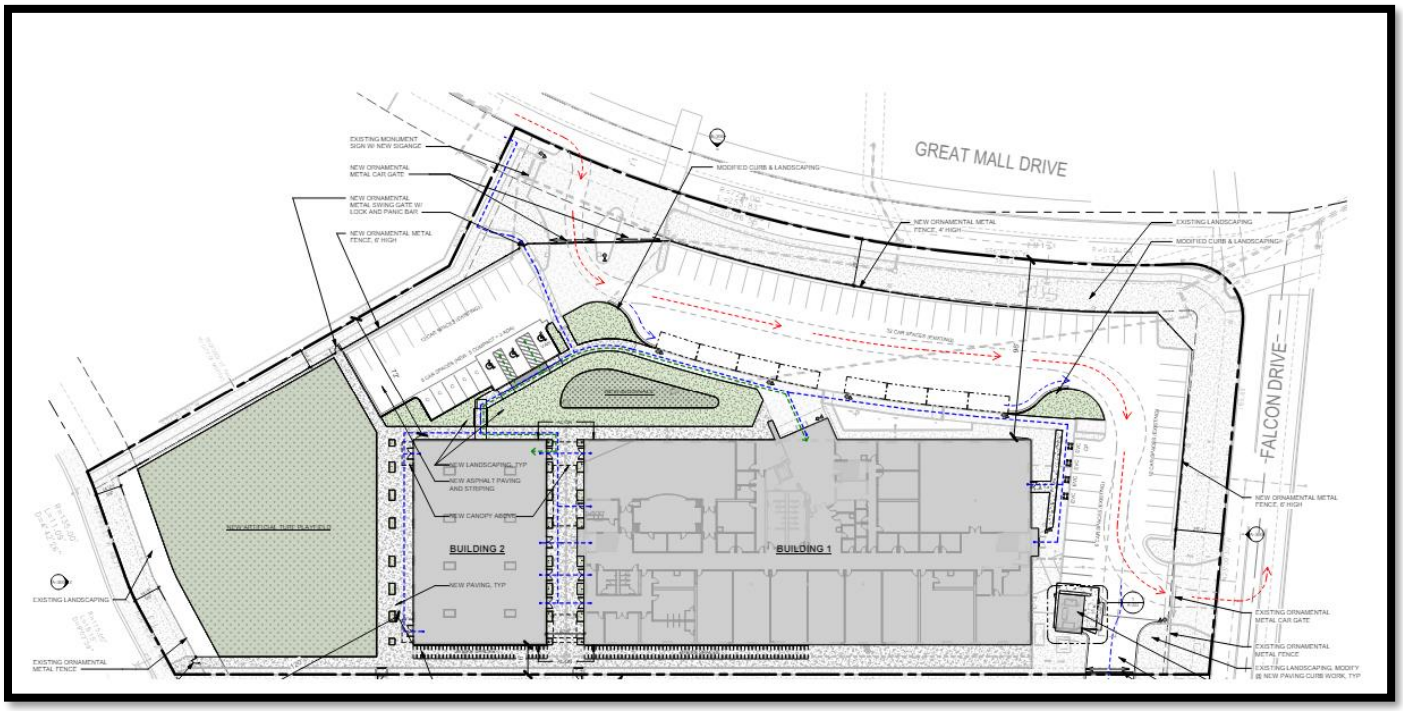
The City's adopted Transportation Analysis Policy (May 18, 2021) describes the VMT screening process. The proposed Project meets two criteria outlined in the City's VMT guidelines for project screening. First, the Project would constitute a local serving use, as it would primarily serve the surrounding residents, act as a feeder school for existing Stratford schools within the City, and is less than 100,000 square feet. This is consistent with a prior finding from the City that the Stratford School at 125 North Milpitas Boulevard was determined to be local serving. Second, the Project is consistent with the approved land use for the site identified in the MMSP, which includes educational uses and is cleared environmentally by the City's MMSP SEIR. The transportation impacts of the MMSP have already been identified and mitigated to the extent feasible. The Project would require the implementation of a Traffic Demand Management (TDM) program and other fees adopted by the City. Therefore, given the City's screening criteria, prior findings regarding private school projects, and the fact that the use of the site is already cleared environmentally, the Project's impacts on VMT are considered less than significant.

Access, Traffic and Circulation

A study was conducted in accordance with the requirements and methodologies set forth by the City of Milpitas, the Valley Transportation Authority (VTA), Caltrans, and the applicable provisions of CEQA. Based on the Project's design and the required transportation impact analysis guidelines, traffic operations would have no significant impacts according to established traffic engineering standards, and no off-site traffic or transportation mitigations would be required. Staff has determined that the site circulation's functionality would not cause safety or operational problems.

The Project site utilizes the two existing driveways along Great Mall Drive and Falcon Drive. Entrances to the Project site at both driveways would be gated. The site provides one-way vehicular circulation with an entrance lane from Great Mall Drive at the north end of the site and vehicular traffic exiting via the driveway along Flacon Drive. Image 2 demonstrates the planned vehicular queueing in red-dashed lines, which allows up to eight cars to queue within site. A public sidewalk runs along the north and east ends of the property and provides pedestrian access to the north and east sides of the school. The proposed six-foot-high ornamental metal fence surrounds the artificial turf play area, which prevents vehicles from entering or driving through the site from Great Mall Parkway and protects the play area from the vehicular queuing in the parking lot. No vehicles can enter the site and queue from Falcon Drive. The Transportation Engineering Department reviewed the Project site plan, planned queueing, pickup, and drop-off plans, and determined that the Project will not have a traffic impact on a public street.

Image 2
Circulation Plan



Arrival and Departure Process

A school security guard will monitor the traffic flow to ensure safety and compliance with students' arrival and departure procedures. The school's protocol is to have staff with walkie-talkies at the site entry drive, entry gate, along the drop-off length, and at the exit gate, communicating with vehicles arriving or departing and ensuring each person is proceeding in the correct direction and in a timely fashion. The gates are then closed after the designated arrival and departure times, ensuring the security of the upper school campus and efficient traffic flow in the surrounding community. Additionally, a new gate would be provided for vehicles at the southeastern corner of the Project site as an egress to the existing Stratford School, south of the Project, for parents dropping off a high school and elementary student.

As a private school with a code of conduct, the school can manage student drivers. Students of driving age are only allowed to do so with an assigned parking pass after required passes for staff have been provided, and they are also required to sign a handbook confirming they will not park within the neighborhood if they do not have a parking pass. The proposed security cameras would ensure efficient traffic circulation and maintain safeguarded site access.

Parking Requirement

The MMSP allows a significant decrease in parking, prescribing a maximum requirement of one space per 1,000 square feet for nonresidential uses. Therefore, the existing building, plus the new gymnasium and artificial turf, is required to provide 74 off-street parking spaces (74,318 sf / 1,000 sf). The applicant will preserve 66 parking spaces along the northern and eastern portions of the Project site and construct eight new parking spaces, resulting in a total of 74 parking spaces, thus compliant with the maximum number of parking spaces allowed.

Development Fees

The Project is subject to the following development fees:

Public Art Fee

Per Milpitas Municipal Code Section XI-10-14, private developments must include publicly accessible works of art for placement on the development site or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. The Applicant is seeking the payment of the In-Lieu fee, which is currently set at one-half of one percent of building development costs, which would result in a fee payment of $100,000 based on the estimated building development costs of $20,000,000.

Transit Area Specific Plan Development Impact Fee (TADIF)

The TADIF is currently $32.75 per Commercial square foot for Fiscal Year 2023-2024. Still, the exact TASP fee will be calculated once a temporary or final Certificate of Occupancy is ready for issuance. Based on approval for the development of a new 7,883-square-foot gymnasium, the estimated TADIF for this project is $258,168.25. The City's annual budget process automatically adjusts this fee each fiscal year. The Applicant shall pay the fee before the issuance of a temporary or final Certificate of Occupancy.

FINDINGS FOR APPROVAL (OR DENIAL)

A finding is a statement of fact relating to the information the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit

To approve the Site Development Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.03(F)(1):

a. The layout of the site and design of the proposed buildings, structures, and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The proposed site layout modifications and design, including the new gymnasium building, renovations to the existing structure, and landscaping, are compatible and aesthetically harmonious with the adjacent and surrounding development. The Great Mall features a contemporary architectural design with large-scale structures, extensive parking areas, and landscaped surroundings. The proposed development maintains a cohesive visual appearance across the site, respecting the architectural character of the Metro neighborhood. The design is predominantly modern, characterized by clean lines, glass facades, and thoughtful landscaping, which integrate seamlessly with the surrounding environment. This integration enhances the overall community aesthetic. Additionally, the new gymnasium's height and footprint are well-aligned with the surrounding commercial structures, ensuring it does not appear disproportionately large or small within the context of the area.

b. The Project is consistent with the Milpitas Zoning Ordinance.

The proposed use is consistent with the Milpitas Zoning Ordinance in that a private high school is a conditionally permitted use within the General Commercial (C2) with a Transit Oriented Development (TOD) Overlay (C2-TOD) District and complies with the applicable development standards and parking requirements. As demonstrated in Table 4, the Project generally conforms to the development standards outlined in Municipal Code Section XI-10-6.04. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

c. The Project is consistent with the Milpitas General Plan.

The proposed Project is consistent with the Milpitas General Plan, including as demonstrated and outlined in Table 2.

d. The project is consistent with the *Milpitas Metro Specific Plan.*

The proposed Project is consistent with the Milpitas Metro Specific Plan, including as demonstrated and outlined in Tables 3 & 4. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Conditional Use Permit

To approve the Conditional Use Permit, the following findings must be made pursuant to Milpitas Municipal Code Section XI-10-57.04(F)(1):

a. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The proposed private school facility will serve the community and as designed, will not have any detrimental or injurious impacts on the property or improvements in the vicinity of the property. As a condition of approval, the high school will have no more than 500 students enrolled at once. The school will maintain designated loading and unloading parking spaces staffed by school administrators and teachers during pickup and drop-off hours during the day, ensuring the orderly movement of vehicular traffic throughout the site. The programming allows for a smooth pickup and drop off process that will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

   A comprehensive study, adhering to the requirements of the City of Milpitas, Valley Transportation Authority (VTA), Caltrans, and CEQA provisions, concluded that the project's design and transportation impact analysis meet all necessary guidelines. The analysis confirmed that traffic operations would not have significant impacts according to established engineering standards, and no off-site traffic or transportation mitigations are required. Additionally, the school's operation must comply with all local, state, and federal regulations as part of the Project's Conditions of Approval.

b. *The proposed use is consistent with the Milpitas General Plan.*

   The proposed Project is consistent with the policies of the Milpitas General Plan, including as demonstrated in Table 2.

c. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

   The proposed Project is generally consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 4. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

d. *The proposed use is consistent with the Milpitas Metro Specific Plan.*

   The proposed Project is consistent with the Milpitas Metro Specific Plan, including as demonstrated and outlined in Tables 3 & 4. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Development Agreement Permit

To approve the Development Agreement, the following findings must be made pursuant to Resolution No. 6642 (4.2):

i. Consistent with the General Plan and any applicable specific plan

The proposed Project is consistent with the policies of the Milpitas General Plan, including as demonstrated in Table 2. Furthermore, the Project is consistent with the Milpitas Metro Specific Plan, including as demonstrated and outlined in Tables 3 & 4.

ii. Would result in a project which would be significantly superior in terms of its overall effect on the environment and the community than would otherwise result without such a Development Agreement

The Project is expected to offer substantial improvements in environmental sustainability as a certified silver Leadership in Energy and Environmental Design (LEED) building, which exceeds the City's green building requirements, and a $1,000,000 community benefit payment, which could be used at the City's discretion to improve services and provide amenities for the Milpitas community.

iii. Beneficial to the health, safety, and general welfare of the community

This development is projected to enhance the overall well-being and safety of the community through Traffic Demand Management (TDM) programs, provision of bicycle parking spaces, fully subsidized transit passes (e. g. VTA, BART, Caltrain), carpooling and advanced environmental sustainability design measures as the Project will ensure that all buildings on-site are certified Silver, Leadership in Energy and Environmental Design (LEED), and ensure compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

iv. Would promote the orderly development of property in the surrounding area.

The Project is designed to support and encourage a cohesive and structured development pattern in the surrounding area, contributing to the orderly growth of the Milpitas Metro Specific Plan area. The introduction of a new private school will provide a valuable and convenient educational opportunity for families in the community, offering a high-quality academic environment close to home. This addition will not only serve the current population but also accommodate future residential development, ensuring that new families moving into the area have access to excellent educational facilities. By enhancing the local educational infrastructure, the school will contribute to the overall attractiveness and growth of the community, fostering a vibrant and well-educated population.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Project in accordance with CEQA Guidelines Section 15064, 15071, and 15370. On May 29, 2024, the City provided a Notice of Intent (NOI) to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The Draft IS/MND was available for public review and comment from May 29, 2023, through June 28, 2023. At the time of publishing this report, the City has received no public comment regarding the IS/MND.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the Milpitas Post on June 14, 2024. In addition, notices were sent to all owners and occupants within 1,000 feet of the project site. A public notice was also posted at the project site, on the City's Website, www.milpitas.gov, and at City Hall. As of the time of writing this report, there have been 21 comments or inquiries from the public; they have been attached to this report.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Open and Close the Public Hearing;
2. Consider the Initial Study/Mitigated Negative Declaration (IS/MND) and
3. Adopt Resolution No. 24-021, recommending that the City Council approve SD23-0012, EA24-0001, and DA24-001, and Resolution No. 24-023, recommending that the City Council approve UP23-0008 based on the above Findings and subject to the Conditions of Approval attached thereto

ATTACHMENTS

A. Resolution No. 24-023, including Exhibit 1 to the Resolution: Conditions of Approval
B. Resolution No. 24-021, including Exhibit 1 to the Resolution: Conditions of Approval
C. Initial Study/Mitigated Negative Declaration (IS/MND)
D. Draft Ordinance 38.XXX, including Exhibit 1 to the Ordinance: Development Agreement
E. Project Plans
F. Comments received from members of the public

RESOLUTION NO. 24-023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING AND RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. UP23-0008 TO THE MILPITAS CITY COUNCIL TO ALLOW THE OPERATION OF A NEW PRIVATE MIDDLE/HIGH SCHOOL (STRATFORD PREPARATORY SCHOOL) IN AN EXISTING 51,740 SQUARE FOOT, TWO-STORY OFFICE BUILDING ON A 3-ACRE LOT LOCATED AT 1323 GREAT MALL DR, MILPITAS CA 95035 (APN 086-024-046)

WHEREAS, on July 28, 2023, an application was submitted by Jeremy Theodore of Inhabit Design Inc. ("Applicant") to allow the operation of a private middle/high school in an existing 51,740 square-foot, two-story office building ("Project"). The Project site is on a 3-acre lot located at 1323 Great Mall Dr. Milpitas CA 95035 (APN 086-024-046); and

WHEREAS, the Planning Department completed an environmental impact assessment for the project in accordance with the California Environmental Quality Act ("CEQA") and based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project in accordance with CEQA, and State and local guidelines implementing CEQA.

WHEREAS, on June 26, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision.

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

SECTION 1: Recitals

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

SECTION 2: California Environmental Quality Act (CEQA)

The Project is in compliance with CEQA Guidelines Section 15064, 15071, and 15370 that an Initial Study/Mitigated Negative Declaration (IS/MND) conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) titled "Stratford Preparatory School Project Initial Study and Draft Mitigated Negative Declaration" (IS/MND). On May 29, 2024, the City provided a notice of intent to adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The IS/MND was available for public review from May 29 through June 28, 2024.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines Section 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and

2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the project will have a significant effect on the environment.

3. City Staff will prepare the Notice of Determination (NOD) and file the necessary forms with the Office of the County Clerk-Recorder of Santa Clara County.

The Planning Commission finds that its actions are consistent with CEQA and recommends the City Council adopt the proposed Stratford Preparatory School Project Initial Study and Draft Mitigated Negative Declaration, find there is neither a fair argument nor substantial evidence that the project, as mitigated, will have a significant effect on the environment, and find the project and the City's approval thereof consistent with CEQA and its implementing guidelines.

SECTION 3: Conditional Use Permit (Section XI-10-57.04(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP23-0008:

1. *The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

   The proposed private school facility will serve the community and as designed, will not have any detrimental or injurious impacts on the property or improvements in the vicinity of the property. As a condition of approval, the high school will have no more than 500 students enrolled at once. The school will maintain designated loading and unloading parking spaces staffed by school administrators and teachers during pickup and drop-off hours during the day, ensuring the orderly movement of vehicular traffic throughout the site. The programming allows for a smooth pickup and drop off process that will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

   A comprehensive study, adhering to the requirements of the City of Milpitas, Valley Transportation Authority (VTA), Caltrans, and CEQA provisions, concluded that the project's design and transportation impact analysis meet all necessary guidelines. The analysis confirmed that traffic operations would not have significant impacts according to established engineering standards, and no off-site traffic or transportation mitigations are required. Additionally, the school's operation must comply with all local, state, and federal regulations as part of the Project's Conditions of Approval.

2. *The proposed use is consistent with the Milpitas General Plan.*

The proposed Project is consistent with the policies of the Milpitas General Plan, including as demonstrated in Table 1.

Table 1: General Plan Consistency

Policy	Conformance
LU 1-1: *Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods.*	**Consistent:** The Project is located within the incorporated limits of the City of Milpitas and further completes the urban fabric without requiring the expansion of services to unincorporated areas. It contributes additional educational opportunities for residents and will also enhance the City's business reputation by providing the first private high school in the city.
LU 1-6: *Ensure adequate school sites by allowing new schools to be located in a variety of compatible land use designations, including residential, commercial, public facilities, and mixed-use designations.*	**Consistent:** The Project is consistent with this policy, as it is located adjacent to the Great Mall, a hotel, several high-density residential neighborhoods, and a mass transit center in a city-planned mixed-use area.
LU 7-4: *Support the adaptive reuse, renovation, or redevelopment of aging enters or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.*	**Consistent:** The existing commercial building has been vacant for years, including during the duration of the TASP, and the Project proposes investing at least 20 million dollars to renovate and redevelop the site to support the City's mixed-use objectives for the area.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The proposed Project is generally consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Table 2: Summary of MMSP and C2-TOD - Development Standards

Development Standard	Required	Proposed	Complies?
Density	Mixed-use: 1.0-5.0 FAR; minimum of 1.0 FAR of office or R&D	51,740 (existing) + 7,883 (new) = 59,623 sf Lot area = 130,680 SF Proposed FAR: 0.46	No, this will be addressed with the DA
Building Height, maximum	275 feet or 18 stories	35 feet	Yes
Front Yard Setback	10 feet min, 20 feet max from the back of the sidewalk	96 feet	No, this will be addressed with the DA
Side Yard Setback (street side), minimum	10 feet min, 15 feet max	120 feet	No, this will be addressed with the DA
Side Yard Setback (Interior) Minimum	10 feet	20 feet	Yes
Rear Yard Setback, Minimum	10 feet	16 feet	Yes
Vehicular Parking Requirements	Non-residential (non-industrial) 1 space per 1,500 square feet (Minimum Requirement) Maximum Requirement 1 space per 1,000 square feet 74,318 sf / 1,000 = 74	74	Yes
Table 4-2. Bicycle Parking Requirements	Short-Term Parking Requirement 1 space per 20,000 square feet 59,623 sf / 20,000 = 3 x 1 = 3	96	Yes

4. *The proposed use is consistent with the Milpitas Metro Specific Plan.*

The proposed Project is consistent with the Milpitas Metro Specific Plan, including as demonstrated and outlined in Tables 2 & 3. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Table 3: MMSP Consistency

Policy	Conformance
M 6.2. *Safe Routes to School. Work with Safe Routes to School programs to encourage children to walk or bike to school.*	**Consistent:** The Project applicant has been connected to the City's Engineering staff to establish safe walking routes to this new high school location and the existing elementary school to the south.
ICS 3.7*. Require, where reasonable and feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for nonpotable uses to the extent feasible.*	**Consistent:** The Project proposes a recycled water line connection from Falcon Drive to the subject site, which is in conformance with this requirement.
CB 7. *Citywide Sustainability Policies. The Milpitas Metro Plan Area is a center of development and change in Milpitas and will serve as an example for the implementation of sustainable building practices in the city. Additional sustainability policies are located in the City of Milpitas Climate Action Plan.*	**Consistent:** The Project will ensure that all buildings on-site are certified Silver, Leadership in Energy and Environmental Design (LEED), and ensure compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

SECTION 4: Student Enrollment Cap

The maximum number of students enrolled at any given time shall not exceed 500. This cap is established to ensure that the facility operates within the capacity limits considered during the CUP approval process. Expansion beyond this cap is prohibited and shall result in the immediate expiration of this permit without further notice or additional process of the law.

SECTION 5: Restriction on Expansion

The existing building footprint or total square footage shall not be expanded. Any application that is not withdrawn by the applicant or approved by the City Council within nine (9) months or any other attempt whatsoever to expand the physical structure, including but not limited to the construction of new buildings, extensions, or significant renovations that increase the total square footage, is prohibited and shall result in the immediate expiration of this permit without further notice or additional process of the law.

SECTION 6: Revocation Clause

Upon revocation of the CUP, Stratford Preparatory School must immediately cease all operations associated with the use permitted under the CUP.

SECTION 7: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-023 approving and recommending approval of Conditional Use Permit No. UP23-0008 to the Milpitas City Council based on the above Findings and subject to the Conditions of Approval attached hereto as **Exhibit 1** and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024:

_____
Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Alexander Galang				
Chia Ling Kong				
Dipak Awasthi				
Mercedes Albana				
Michael Caulkins				
Parveen Gupta				
Sonia Medina-Ashby				

EXHIBIT 1

CONDITIONAL USE PERMIT NO. UP23-0008
1323 GREAT MALL DR, MILPITAS CA 95035 (APN 086-024-046)

The City of Milpitas Planning Commission and City Council approve Conditional Use Permit No. UP23-0008 in accordance with XI-10-57.04 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Conditional Use Permit allows the operation of a new private middle/high school (Stratford Preparatory School) on a 3.0-acre lot located at 1323 Great Mall Dr, Milpitas CA 95035. This approval is subject to all other necessary reviews, approvals, studies, and inspections necessary for such use including for the issuance of building permits or occupancy.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

General Conditions

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. **CONDITIONAL USE PERMIT NO. UP23-0008** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.

2. Effective Date: Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council approved this Permit.

3. Acceptance of Permit: Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval as may be extended under Section XI-10-64-07, or the expiration of the Development Agreement, whichever is later. An activity permitted by this Permit shall be deemed to have commenced when the Project:
    a. Completes a foundation associated with the Project; or
    b. Dedicates any land or easement as required from the zoning action; or
    c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

6. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

7. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**

8. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**

9. Conditions of Approval: As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

10. Written Response to Conditions: The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

11. Compliance with Laws: The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CAO/P/E/B/F)**

12. Previous Approvals: Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.

13. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of **CONDITIONAL USE PERMIT NO UP23-0008**; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection

with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to **CONDITIONAL USE PERMIT NO. UP23-0008**, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

14. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.

15. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.

16. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.

17. Development in Conformance with Approved Plans: The Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on June 26, 2024, in accordance with these Conditions of Approval.

    Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

18. Compliance with Fire Department and California Fire Code: The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code as adopted by the City. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**

19. Compliance with Building Department: Compliance with Building Department: Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and

the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety Department. **(B)**

Planning Conditions

20. Student Enrollment Cap: The maximum number of students enrolled at any given time shall not exceed 500. This cap is established to ensure that the facility operates within the capacity limits considered during the CUP approval process. Expansion beyond this cap is prohibited and shall result in the immediate expiration of this permit without further notice or additional process of the law.

21. Restriction on Expansion: The existing building footprint or total square footage shall not be expanded. Any application that is not withdrawn by the applicant or approved by the City Council within nine (9) months or any other attempt whatsoever to expand the physical structure, including but not limited to the construction of new buildings, extensions, or significant renovations that increase the total square footage, is prohibited and shall result in the immediate expiration of this permit without further notice or additional process of the law.

22. Hours of Operation: The Project shall comply with the hours of operations as follows: Monday through Friday – 7:00 AM to 6:00 PM for primary educational instruction; ancillary special events on nights and weekends within the hours of 7:00 am- 10:00 pm **(P)**

23. Operations: The maximum number of children at all times shall be no more than 500 students. Permittee shall also meet all State and local (Building and Fire) occupancy limitations or requirements. **(P)**

24. Designated Loading/Unloading Parking Spaces: The Permittee shall designate eight (8) dedicated loading/unloading parking spaces clearly identified by signage. **(P)**

Key:

(P) = Planning Department
(B) = Building Department
(E) = Engineering Department
(F) = Fire Department
(CAO) = City Attorney's Office
(PD) = Police Department
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1),

these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: _____ _____

Signature of Permittee

RESOLUTION NO. 24-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THE CITY COUNCIL ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING AND RECOMMENDING TO THE MILPITAS CITY COUNCIL APPROVAL OF SITE DEVELOPMENT PERMIT NO. SD23-0012, DEVELOPMENT AGREEMENT NO. DA24-0001 AND ENVIRONMENTAL ASSESSMENT NO. EA 24-0001 TO DEVELOP A NEW 7,883-SQUARE FOOT, 35 FEET TALL GYMNASIUM AND OTHER SITE IMPROVEMENTS ON A 3-ACRE LOT LOCATED AT 1323 GREAT MALL DR, MILPITAS CA 95035 (APN: 086-024-046) AND A DEVELOPMENT AGREEMENT TO PROVIDE CERTAINTY TO THE APPLICABLE DEVELOPMENT STANDARDS

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, title 14, § 15000 et seq.) (collectively, "CEQA"), the City of Milpitas is the lead agency for the proposed project described below; and

WHEREAS, on July 28, 2023, an application was submitted by Jeremy Theodore of Inhabit Design Inc. ("Applicant") to allow the operation of a private middle/high school in an existing 51,740 square-foot, two-story office building and a new 7,883 square foot gymnasium building and adjacent play field. The Project site is on a 3-acre lot located at 1323 Great Mall Dr. Milpitas CA 95035 (APN 086-024-046) ("Project"); and

WHEREAS, Milpitas City Staff conducted a full analysis of the Project to ensure compliance with the City's General Plan, Zoning Ordinance, Engineering Design Requirements and all other applicable laws, regulations and standards, as all further explained in detail in City staff's report to the Planning Commission; and

WHEREAS, the City of Milpitas is the lead agency and the Milpitas Planning Commission is the decision-making body for the proposed Project; and

WHEREAS, the Planning Department completed an environmental impact assessment for the project in accordance with the California Environmental Quality Act ("CEQA") and based on which assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project in accordance with CEQA, and State and local guidelines implementing CEQA. On May 29, 2024, the City provided a Notice of Intent (NOI) to adopt a mitigated negative declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The IS/MND was available for public review from May 29, 2024, through June 28, 2024, and is available for public review and inspection at the City's website, https://www.milpitas.gov/379/Environmental-Documents-CEQA; and

WHEREAS, the IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA and, based upon the information contained in the IS/MND, pending any comments received thereon, and the whole record before the City, there is not a fair argument nor

substantial evidence that the Project, together with Conditions of Approval, including without limitation, mitigation measures identified in the IS/MND, will not have a significant effect on the environment; and

WHEREAS, the Planning Commission considered the proposed IS/MND, together with any comments received during the public review process for the IS/MND, prior to making any decision on the Project; and

WHEREAS, on June 26, 2024, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the Project; and

WHEREAS, the Planning Commission has considered all of the written and oral testimony presented at the public hearing in making its decision.

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

SECTION 1: Recitals

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

SECTION 2: California Environmental Quality Act (CEQA)

The Project is in compliance with CEQA Guidelines Section 15064, 15071, and 15370 that an Initial Study/Mitigated Negative Declaration (IS/MND) conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) titled "Stratford Preparatory School Project Initial Study and Draft Mitigated Negative Declaration" (IS/MND). On May 29, 2024, the City provided a notice of intent to adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the County Clerk. The IS/MND was available for public review from May 29 through June 28, 2024.

In connection with the adoption of the IS/MND, the record supports findings in accordance with CEQA Guidelines Section 15070, *et seq.* that:

1. The IS/MND reflects the independent judgment and analysis of the City, as lead agency under CEQA; and

2. Based upon the information contained in the IS/MND, any comments received thereon, and the whole record before the City, there is not a fair argument nor substantial evidence that the project will have a significant effect on the environment.

3. City Staff will prepare the Notice of Determination (NOD) and file the necessary forms with the Office of the County Clerk-Recorder of Santa Clara County.

The Planning Commission finds that its actions are consistent with CEQA and recommends the City Council adopt the proposed Stratford Preparatory School Project Initial Study and Draft Mitigated Negative Declaration, find there is neither a fair argument nor substantial evidence that the project, as mitigated, will have a significant effect on the environment, and find the project and the City's approval thereof consistent with CEQA and its implementing guidelines.

SECTION 3: Site Development Permit (Section XI-10-57.03(F)(1))

The Planning Commission makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD23-0012:

a. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.

The proposed site layout modifications and design, including the new gymnasium building, renovations to the existing structure, and landscaping, are compatible and aesthetically harmonious with the adjacent and surrounding development. The Great Mall features a contemporary architectural design with large-scale structures, extensive parking areas, and landscaped surroundings. The proposed development maintains a cohesive visual appearance across the site, respecting the architectural character of the Metro neighborhood. The design is predominantly modern, characterized by clean lines, glass facades, and thoughtful landscaping, which integrate seamlessly with the surrounding environment. This integration enhances the overall community aesthetic. Additionally, the new gymnasium's height and footprint are well-aligned with the surrounding commercial structures, ensuring it does not appear disproportionately large or small within the context of the area.

b. The project is consistent with the Milpitas Zoning Ordinance.

The proposed use is consistent with the Milpitas Zoning Ordinance in that a private high school is a conditionally permitted use within the General Commercial (C2) with a Transit Oriented Development (TOD) Overlay (C2-TOD) District and complies with the applicable development standards and parking requirements. As demonstrated in Table 1, the Project generally conforms to the development standards outlined in Municipal Code Section XI-10-6.04. Where the project does not comply with development standards, the Development Agreement (DA) will address and mitigate it.

Table 1: Summary of MMSP and C2-TOD - Development Standards

Development Standard	Required	Proposed	Complies?
Density	Mixed-use: 1.0-5.0 FAR; minimum of 1.0 FAR of office or R&D	51,740 (existing) + 7,883 (new) = 59,623 sf Lot area = 130,680 SF Proposed FAR: 0.46	No, this will be addressed with the DA
Building Height, maximum	275 feet or 18 stories	35 feet	Yes
Front Yard Setback	10 feet min, 20 feet max from the back of the sidewalk	96 feet	No, this will be addressed with the DA
Side Yard Setback (street side), minimum	10 feet min, 15 feet max	120 feet	No, this will be addressed with the DA
Side Yard Setback (Interior) Minimum	10 feet	20 feet	Yes
Rear Yard Setback, Minimum	10 feet	16 feet	Yes
Vehicular Parking Requirements	Non-residential (non-industrial) 1 space per 1,500 square feet (Minimum Requirement) Maximum Requirement 1 space per 1,000 square feet 74,318 sf / 1,000 = 74	74	Yes
Table 4-2. Bicycle Parking Requirements	Short-Term Parking Requirement 1 space per 20,000 square feet 59,623 sf / 20,000 = 3 x 1 = 3	96	Yes

c. The project is consistent with the Milpitas General Plan.
The proposed Project is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

Table 2: General Plan Consistency

Policy	Conformance
LU 1-1: *Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods.*	**Consistent:** The Project is located within the incorporated limits of the City of Milpitas and further completes the urban fabric without requiring the expansion of services to unincorporated areas. It contributes additional educational opportunities for residents and will also enhance the City's business reputation by providing the first private high school in the city.
LU 1-6: *Ensure adequate school sites by allowing new schools to be located in a variety of compatible land use designations, including residential, commercial, public facilities, and mixed-use designations.*	**Consistent:** The Project is consistent with this policy, as it is located adjacent to the Great Mall, a hotel, several high-density residential neighborhoods, and a mass transit center in a city-planned mixed-use area.
LU 7-4: *Support the adaptive reuse, renovation, or redevelopment of aging enters or commercial uses that are no longer viable due to changing market conditions, demographics, or retail trends into areas that support mixed use opportunities.*	**Consistent:** The existing commercial building has been vacant for years, including during the duration of the TASP, and the Project proposes investing at least 20 million dollars to renovate and redevelop the site to support the City's mixed-use objectives for the area.

d. The project is consistent with the Milpitas Metro Specific Plan.

Table 3: MMSP Consistency

Policy	Conformance
M 6.2. *Safe Routes to School. Work with Safe Routes to School programs to encourage children to walk or bike to school.*	**Consistent:** The Project applicant has been connected to the City's Engineering staff to establish safe walking routes to this new high school location and the existing elementary school to the south.

Policy	Conformance
ICS 3.7*. Require, where reasonable and feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for nonpotable uses to the extent feasible.*	**Consistent:** The Project proposes a recycled water line connection from Falcon Drive to the subject site, which is in conformance with this requirement.
CB 7. *Citywide Sustainability Policies. The Milpitas Metro Plan Area is a center of development and change in Milpitas and will serve as an example for the implementation of sustainable building practices in the city. Additional sustainability policies are located in the City of Milpitas Climate Action Plan.*	**Consistent:** The Project will ensure that all buildings on-site are certified Silver, Leadership in Energy and Environmental Design (LEED), and ensure compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

SECTION 4: Development Agreement

i. Consistent with the General Plan and any applicable specific plan

The proposed Project is consistent with the Milpitas General Plan, including as demonstrated and outlined in Table 2. Furthermore, the Project is consistent with the Milpitas Metro Specific Plan, including as demonstrated and outlined in Tables 2 & 3.

ii. Would result in a project which would be significantly superior in terms of its overall effect on the environment and the community than would otherwise result without such a Development Agreement

The Project is expected to offer substantial improvements in environmental sustainability as a certified silver Leadership in Energy and Environmental Design (LEED) building, which exceeds the City's green building requirements, and a $1,000,000 community benefit payment, which could be used at the City's discretion to improve services and provide amenities for the Milpitas community.

iii. Beneficial to the health, safety and general welfare of the community

This development is projected to enhance the overall well-being and safety of the community through Traffic Demand Management (TDM) programs, provision of bicycle parking spaces, fully subsidized transit passes (e. g. VTA, BART, Caltrain), carpooling and advanced environmental sustainability design measures as the Project will ensure that all buildings on-site are certified Silver, Leadership in Energy and Environmental Design (LEED), and ensure compliance with the CAL Green Code. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

iv. Would promote the orderly development of property in the surrounding area.

The Project is designed to support and encourage a cohesive and structured development pattern in the surrounding area, contributing to the orderly growth of the Milpitas Metro Specific Plan area. The introduction of a new private school will provide a valuable and convenient educational opportunity for families in the community, offering a high-quality academic environment close to home. This addition will not only serve the current population but also accommodate future residential development, ensuring that new families moving into the area have access to excellent educational facilities. By enhancing the local educational infrastructure, the school will contribute to the overall attractiveness and growth of the community, fostering a vibrant and well-educated population.

SECTION 5: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 24-021, approving and recommending approval of Site Development Permit No. SD23-0012, Development Agreement No. DA24-0001 and Environmental Assessment No. EA 24-0001 to the Milpitas City Council based on the above Findings and subject to the Conditions of Approval attached hereto as **Exhibit 1** and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024.

_____

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on June 26, 2024, and carried by the following roll call vote:

COMMISSIONER	**AYES**	**NOES**	**ABSENT**	**ABSTAIN**
Alexander Galang				
Chia Ling Kong				
Dipak Awasthi				
Mercedes Albana				
Michael Caulkins				

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Parveen Gupta				
Sonia Medina-Ashby				

EXHIBIT 1

SITE DEVELOPMENT PERMIT NO. SD23-0012
DEVELOPMENT AGREEMENT NO. DA24-0001
ENVIRONMENTAL ASSESSMENT NO. EA 24-0001
1323 GREAT MALL DR (APN 086-024-046)

The City of Milpitas Planning Commission and City Council approve Site Development Permit No. SD23-0012, Development Agreement No. DA24-001, and Environmental Assessment No. EA24-0001, in accordance with XI-10-57.03 and XI-10-64.02 of the Milpitas Municipal Code and Resolution 6642 of the Milpitas City Council, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Site Development Permit, Development Agreement, and Environmental Assessment are to allow the issuance of building permits for the development of a new 7,883-square foot, 35 feet tall gymnasium building and other site improvements on a 3.0-acre lot located at 1323 Great Mall Dr, Milpitas CA 95035 and provide certainty to the applicable development standards related thereto. These approvals are subject to all other necessary reviews, approvals, studies, and inspections necessary for such development including for the issuance of building permits or occupancy.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

General Conditions

1. General Compliance: The Permittee and owner, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. **SITE DEVELOPMENT PERMIT NO. SD23-0012, DEVELOPMENT AGREEMENT NO. DA24-0001 AND ENVIRONMENTAL ASSESSMENT NO. EA 24-0001** (collectively "Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. The Permittee shall develop the site in accordance with the approved Attachments and as modified by these Conditions of Approval.

2. Effective Date: Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the City Council approved this Permit.

3. Acceptance of Permit: Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following:
    a. Acceptance of this Permit by Permittee; and
    b. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.

4. Permit Expiration: Pursuant to Section XI-10-64-06 of the Milpitas Municipal Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval as may be extended under Section XI-10-64-

07, or the date of expiration set forth in the Development Agreement, whichever is later. An activity permitted by this Permit shall be deemed to have commenced when the Project:

a. Completes a foundation associated with the Project; or
b. Dedicates any land or easement as required from the zoning action; or
c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

5. Time Extension: Pursuant to Section XI-10-64.07 of the Milpitas Municipal Code, unless otherwise provided by State law or the Development agreement, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. (P)

6. Project Job Account: If Permittee's project job account is at any time delinquent or below the required deposit amount, City will not continue to review or process the application until Permittee's project job account is paid in full and the required deposit has been made. Additionally, prior to the issuance of any building permit or occupancy permit as applicable, Permittee shall pay in full the Project account balance and establish a remaining balance of at least twenty-five percent (25%) of the required initial deposit. **(P/E)**

7. Notice: Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the adoption of this Resolution. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the Permittee may file a protest has begun under California Government Code Section 66020(d)(1).

8. Cost and Approval: Permittee shall fully complete and satisfy each and every condition set forth in this Resolution and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. **(ALL)**

9. Conditions: Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Project is operating under the permits and approvals in this Resolution. **(ALL)**

10. Compliance with Laws: The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state and federal laws, rules, regulations, guidelines, requirements and policies. **(CAO/P/E/B/F)**

11. Previous Approvals: Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit.

12. Indemnification: To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any and all third party claim, action, or proceeding against City and/or the Indemnified Parties to attack, review, set aside, void or annul the City's approval of **SITE**

DEVELOPMENT PERMIT NO. SD23-0012, DEVELOPMENT AGREEMENT NO. DA24-0001 AND ENVIRONMENTAL ASSESSMENT NO. EA 24-0001; including any environmental determination made therefore. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, reasonable attorneys' fees, and other reasonable expenses incurred in connection with such claim, action, causes of action, suit or proceeding. The Permittee shall pay to the City upon demand or, as applicable, on a monthly basis to counsel of City's reasonable choosing, amounts owed pursuant to the indemnification requirements prescribed in this condition, provided each such demand or monthly payment request includes reasonably detailed back-up documentation, including invoices and/or receipts, as applicable, for all amounts to be paid. Notwithstanding the foregoing, City shall have the right to redact invoices and/or receipts as necessary to preserve attorney-client privilege. City shall promptly notify the Permittee of any claim, action, or proceeding and shall engage in reasonable efforts to cooperate in the defense. If City fails to so promptly notify the Permittee, or if City fails to engage in reasonable efforts to cooperate in the defense, then the Permittee's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee. The above indemnification is intended to be as broad as permitted by applicable law. To the extent the above indemnification is limited by Government Code Section 66474.9, any limitations shall only apply to **SITE DEVELOPMENT PERMIT NO. SD23-0012, DEVELOPMENT AGREEMENT NO. DA24-0001 AND ENVIRONMENTAL ASSESSMENT NO. EA 24-0001**, and the balance of the Permit shall be unaffected by said Government Code section. **(CA)**

13. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.

14. Revocation, Suspension, Modification: This Permit may be suspended, revoked or modified in accordance with Section XI-10-63.06 of the Milpitas Municipal Code.

15. Severability: If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding and fully enforceable.

16. Response to Conditions of Approval: Permittee shall provide a written response to comments upon submittal for building permit application. The responses should clearly indicate how each condition of approval has been addressed in the plans and shall note the appropriate plan sheet. **(P)**

17. Compliance with Fire Department and California Fire Code: The project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code, as adopted by the City. Changes to the site plan and/or buildings requires review and re-approval by the Fire Department. **(F)**

18. Compliance with Land Development Department. The Project/development shall comply with the requirements of the Engineering Division, as may be amended by the City of Milpitas. **(E)**

19. Compliance with Milpitas Police Department. The Project/development shall comply with the requirements of the Police Department, as may be amended by the City of Milpitas. **(POL)**

20. Conditions of Approval: As part of the issuance of building permits, the Permittee shall include within the first four pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**

21. Development in Conformance with Approved Plans: The Permittee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on June 26, 2024, in accordance with these Conditions of Approval.

    Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, Permittee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

22. Compliance with Fire Department and California Fire Code: The Project shall comply with the requirements of the Milpitas Fire Department and the California Fire Code as adopted by the City. Changes to the site plan and/or building(s) requires review and approval by the Fire Department. **(F)**

23. Compliance with Building Department: Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety Department. **(B)**

PLANNING DEPARTMENT CONDITIONS

24. Landscape: All approved landscaping shall be permanently maintained and replaced with substantially similar plant material as necessary to provide a permanent, attractive and effective appearance.

25. Signage. Any future proposed signage and/or sign program for the Project shall receive a separate planning permit per the latest City adopted zoning regulations for signs in the City and shall incorporate signage design standards in the Metro Specific Plan as applicable.

26. Per Milpitas Municipal Code XI-10-5.02 - Commercial Use Regulations. A Conditional Use Permit is required to operate Educational institutions (Schools, private (elementary, middle, high) and is addressed in resolution 24-023.

27. Tree Removal: In conformance with the Milpitas Municipal Code, all trees removed from the site that measure 37 inches or greater in circumference at 54 inches above the ground shall be replaced at a 2:1 ratio within the Project site. The size and species of the replacement trees shall be developed in conformance with Sheet L-2.0 of the approved plans. **(P)**

28. Public Art Requirement: Permittee shall comply with the City's Public Art Requirements for Private Development, as set forth in Milpitas Municipal Code Section XI-10-14. Fee shall be no less than one-half of one percent of building development costs and shall be payable at time of building permit issuance, or installation of "Public Art", as defined per MMC Sections V-20-310 and XI-10-14.01. **(P)**

Transit Area Specific Plan Development Impact Fee (TADIF)
The TADIF is currently $32.75 per Commercial square foot for Fiscal Year 2023-2024. Still, the exact TASP fee will be calculated once a tentative or final Certificate of Occupancy is ready for issuance. Based on approval for the development of a new 7,883-square-foot gymnasium, the estimated TADIF for this project is $ 258,168.25. The TADIF fee accounts for a % of the Parkland Fee, and because the Applicant is paying this fee, no additional Parkland Fee is required. The City's annual budget process automatically adjusts this fee each fiscal year. The Applicant shall pay the fee before issuing a tentative or final Certificate of Occupancy.

ENGINEERING DEPARTMENT CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

*The following conditions shall be met **prior to** any detailed construction plan check submittals (Building or Engineering, except demolition and rough grade plans), unless otherwise approved by the Director of Engineering/City Engineer. City reserves the right to reject any plan check submittal if any of the following conditions are not met.* ***(E)***

29. Modifications: The Site Development Plan dated XXXX is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.

24. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Solid Waste Program. The Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling, food waste, and yard trimmings shall have a separately maintained process from garbage handling; address other requirements such as waste generation and compactor sizing, chute shut-off and property management responsibility for bin management and litter control; outreach and education to tenants/occupants, and procure sufficient service frequency based upon waste generation calculation volumes.

25. Stormwater Control Plan: Permittee shall submit City approved final Stormwater Control Plan (SWCP) that complies with the latest Municipal Regional Stormwater NPDES Permit, including Low Impact Development (LID) Section C3.c.i.(2)(b) measures for harvesting and reuse, infiltration, or evapo-transpiration, for City's review and approval by the Engineering Department.

26. Recycle Water Cross-Connection Specialist: In order to comply with the California Code of Regulations Title 17 and 22, and for timely plan approval by the California State Water Resources Control Board/Division of Drinking Water as well as by the South Bay Water Recycling, Permittee must hire a certified cross-connection specialist for their consultation as to irrigation water system design and construction phasing. The name and contact information of the certified cross-connection specialist shall be provided on all landscape submittal plans.

27. Submittal Requirements: Permittee to ensure that all plan check submittals are in accordance with City's submittal check list for each permit type, including but not limited to, payment of permit fees and/or fee deposit at the time of the submittal.

28. Project Job Account/Fee Deposit: Permittee shall open a new PJ account as a deposit to cover the costs for Engineering Department's services for review and inspection of the project. The amount shall be determined based on the approved City fee schedule at the time of application submittal.

29. Coordination with other Projects: Permittee shall coordinate designs with XXX in advance prior to any plan submittal.

PRIOR TO OFF-SITE PLAN APPROVAL/ENCROACHMENT PERMIT ISSUANCE

The following conditions shall be addressed as part of the off-site improvement plan review and shall be met ***prior to*** *encroachment permit issuance, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

30. Concurrent Off-site Plan Reviews: Permittee shall submit separate off-site improvement plans for City's review and approval by the Engineering Department.

31. Public Improvement Design Standards: All public improvements shall be designed and constructed in accordance with all applicable public improvement design standards, including but not limited to:
    a. Milpitas Design Guidelines: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/design-guidelines/);
    b. Standard details and specifications: (http://www.ci.milpitas.ca.gov/milpitas/departments/engineering/standard-details-and-specifications/);
    c. Transit Area Specific Plan design guidelines: (http://www.ci.milpitas.ca.gov/_pdfs/engDesignGuidelines/en_dg_vi_transitAreaSpecific.pdf); and
    d. Americans with Disabilities Act (ADA) requirements, where applicable.

32. Sanitary Sewer Calculations: Permittee shall submit a completed "Sewer Needs Questionnaire" form and sanitary sewer calculations to justify lateral size design, allocation of discharge for each of the lateral, and impact to the existing main. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

33. Storm Drain Design: Permittee shall submit storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full, without surcharging the main line pipe, and to be reviewed and approved by the Engineering Department.

34. Domestic Water and Fire Service Calculations: Permittee shall submit potable water and fire service calculations to confirm adequacy of lateral size, pressure and flow, to be reviewed and approved by the Engineering Department and Fire Department. Hydraulic modeling analysis by the City and paid by the Permittee may be required as needed. Permittee shall be responsible to implement any necessary improvements if there is any identified deficiency to the existing main as a result of the project.

35. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
    a. Installation of separate water service tap, meter, and reduced-pressure detector assembly for and the dedicated fire service lateral to the new gym building.
    b. Installation of separate dedicated 6" sanitary sewer lateral and cleanout to the new gym building.
    c. Installation of radio-transmitted water meters with a meter antenna, any repeaters or transmitters as needed with dedicated power supplies at no cost to the City at locations acceptable to the City to ensure accurate and timely reception of meter readings. Permittee shall execute a recorded instrument providing dedicated space, access rights and dedicated power supplies to the City for operation/maintenance/repair/replacement of subject radio antenna. Pursuant to the Milpitas Municipal Code, water and sewer charges will begin to accrue upon installation of the meters.
    d. Installation of new recycled water service lateral and meter from the existing recycled water main stub on Falcon Drive to the adjacent property at 341 Great Mall Parkway. The private service lateral beyond the water meter is to run to the project property. A private recycled water easement shall be dedicated for the segment of the lateral on the 341 Great Mall Parkway property if this property has a different owner than the project property.
    e. Installation of new fire hydrant and service lateral on Great Mall Drive.

36. Abandonment of Existing City Utilities: Permittee shall cap, abandon or remove any unused existing public utilities based upon City's Abandonment Notes and to the City's satisfaction.

37. Relocation and Adjustment of Existing Public Utilities: Permittee shall relocate and/or adjust existing public utilities as needed that are in conflict with the proposed improvements.

38. Water Service Agreement: Permittee shall complete a water service agreement to obtain water service.

39. Encroachment Permit: Prior to any work in the public right-of-way and/or public easement, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Engineering Department.

PRIOR TO BUILDING PERMIT ISSUANCE

The following conditions shall be addressed during the building plan check process and shall be met ***prior to*** *any building permit issuance (except demolition permit and rough grade permit), unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

40. Easements on the Building Permit Plans: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on applicable building permit plans.

41. Improvement Agreement and Securities: Permittee shall execute an Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

42. Stormwater Facility Operation & Maintenance Plan: Permittee shall incorporate design details into applicable construction plans in accordance with City approved Storm Water Control Plan (SWCP). Permittee shall also submit Stormwater Facility Operation & Maintenance Plan that describes operation and maintenance procedures needed to ensure that treatment Best Management Practices (BMPs) and other storm water control measures continue to work as intended and do not create a nuisance (including vector control).

43. Stormwater Management Facilities O&M Agreement: Permittee shall execute and record a Stormwater Management Facilities Operation and Maintenance (O&M) Agreement associated with the SWCP O&M Plan, including perpetual maintenance of treatment areas/units, as reviewed and accepted by the Engineering Department. The subject O&M Agreement shall be referenced in the CC&Rs, if applicable.

44. Water Supply and Force Majeure: The City reserves the right to suspend the issuance of building permits in case of an emergency declaration of water supply in the case of a major catastrophic event that restricts City's assurance to provide water supply.

45. Recycle Water Approval: Permittee shall use recycled water for landscape irrigation purpose, except for the interior courtyard/podium areas within the building footprint where the potable water shall be used for irrigation. Permittee shall comply with California Code of Regulations (CCR), Title 22, Division 4, Chapter 3, titled *"Water Recycling Criteria"*, CCR, Title 17, Division 1, Chapter 5, Subchapter 1 titled *"Drinking Water Supply"* and all other recycled water regulations as listed under the publication titled *"California Department of Public Health Regulations Related to Recycled Water June 18, 2014*". Permittee shall obtain approval from the California State Water Resources Control Board/Division of Drinking Water, South Bay Water Recycling and the City for recycled water design, including but not limited to on-site irrigation design, based upon South Bay Water Recycling Guidelines and City of Milpitas Supplemental Guidelines. All landscape plants shall be compatible with recycled water.

46. Water Efficient Landscapes: Permittee shall comply with Milpitas Municipal Code Title VIII, Chapter 5 Water Efficient Landscapes for landscape design, including but not limited to, providing separate water meters for domestic water service and irrigation service and providing applicable landscape documentation package.

47. Solid Waste and Recycling Facility Design: Permittee shall comply with all applicable City design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, trash enclosure, staging area, storage area, etc.

48. Recycling Report Prior to Demolition Permit Issuance: Permittee shall submit Part I of a Recycling Report on business letterhead to the Building Department, for forwarding to the Engineering Department for review and approval. The report shall describe the following resource recovery activities:
    a. What materials will be salvaged.
    b. How materials will be processed during demolition.
    c. Intended locations or businesses for reuse or recycling.
    d. Quantity estimates in tons (both recyclable and for landfill disposal). Estimates for recycling and disposal tonnage amounts by material type shall be included as separate items in all reports to the Building Division before demolition begins.

    Permittee shall make every effort to salvage materials for reuse and recycling, and shall comply with the City's demolition and construction debris recycling ordinance.

49. Recycling Report Prior to Building Permit Issuance: Permittee shall submit Part II of the Recycling Report to the Building Department, for forwarding to the Engineering Department. Part II of the Recycling Report shall be supported by copies of weight tags and/or receipts of "end dumps." Actual reuse, recycling and disposal tonnage amounts (and estimates for "end dumps") shall be submitted to the Building Department for approval by the Engineering Department prior to inspection by the Building Department.

50. Flood Plain Management: This project is in the Flood Zone "AO" with 1' average flood depth, therefore, Permittee shall comply with all applicable flood protection criterion required by the Federal Emergency Management Agency (FEMA) and MMC Title XI, Chapter 15. Permittee shall also submit a Flood Study for the Project demonstrating, to the satisfaction of the City Engineer, that the proposed development has no adverse impact to the surrounding flood plain within the Special Flood Hazard Area (SFHA) and to the flood carrying capacity of the area. The study should include cumulative effects of existing and proposed developments demonstrating the combined effects will not increase the water surface elevation of the Base Flood Elevation (BFE) more than one foot at any point. For the AO Flood Zone, the flood study is required to establish the BFE, and set the building elevation accordingly. The flood study shall be consistent with the requirements in accordance with Title 44 of the Code of Federal Regulations by establishing a hydraulic model and HEC-RAS. The study shall clearly identify the lowest floor elevation as being either the bottom of garage, bottom of first floor residential units, bottom of elevator pit, etc. and shall be completely elevated out of the SFHA.

51. Development Fees: Permittee shall pay the following development fees. The information listed in items "a" through "h" are based upon current fee rates; however, those fee rates are subject to change. The exact fee amount shall be determined at the time of building permit fee payment.
    a. Storm water connection fee at $21,562/acre for commercial.
    b. Water connection fee at $5.97/gpd for commercial, based upon increased water usage.
    c. Sewer connection fee at $8.52/gpd for commercial, based upon increased average wastewater flow.
    d. 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.

e. FEMA Flood Zone Designation Letter fee in the amount of $100.00 each.

52. Licensing Agreement: The Property Owner shall enter into a licensing agreement with the City to allow the proposed onsite recycled water service lateral to cross through any onsite public easement on the project property and/or the neighboring property at 341 Great Mall Parkway.

DURING CONSTRUCTION

*The following conditions shall be complied with at all times **during** the construction phase of the project, unless otherwise approved by the Director of Engineering/City Engineer.* ***(E)***

53. Dewatering: If dewatering is needed during construction, Permittee shall obtain a Short-Term Industrial Wastewater Permit from the San Jose/Santa Clara Water Pollution Control Plant for discharging the groundwater to a sanitary sewer system.

54. On-site Recycle Water Coordination: Permittee's cross-connection specialist shall coordinate the phasing of the construction; facilitate the cross-connection testing in order to minimize the impact for occupied buildings during cross-connection testing; sign-off before the water meter set; coordinate on-site construction inspection; complete the site inspection; fill out required paperwork/questionnaire; and provide them to the City for forwarding to South Bay Water Recycling. Developer shall notify SBWR 7 days in advance to schedule attendance of SBWR inspector during Cross-connection Test.

55. Prohibition of Potable Water Usage: Permittee shall use recycled water for construction purposes, including dust control and compaction. Permittee shall comply with MMC VIII-6-5.00 and 6-6.00 where potable water usage is prohibited, unless otherwise approved by the City Council.

56. Construction Staging and Employee Parking: Permittee shall place all construction related materials, equipment, and arrange construction workers parking on-site and not located in the public right-of-ways or public easements.

57. Water Shut-down Plan: Permittee shall provide a water shut-down plan at least seven days in advance of the shut-down in coordination with the Engineering Inspector, and notify affected property owners/tenants when cut-in tee(s) is/are required.

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved by the Director of Engineering/City Engineer.*

58. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to fire service and sanitary sewer laterals for the new gym building, recycled water service connection for the property, new fire hydrant, removal of unused utility service laterals and connections, and appropriate pavement repairs along Great Mall Parkway, as shown on City approved plans.

59. Elevation and Flood Proofing Certificate: Permittee's civil engineer shall submit Elevation and Flood Proofing Certificate for the lowest finished floor elevation of each building for City record.

60. Landscape Certificate of Completion: Permittee shall submit a Certificate of Completion that complies with the Milpitas Municipal Code Water Efficient Landscapes ordinance.

61. Certificate of Cross-Connection: Permittee shall ensure that the cross-connection specialist complete the required recycled water construction inspection checklist, cross connection test results and any special inspection checklist as required by the South Bay Recycling Program http://www.sanjoseca.gov/index.aspx?NID=1595 and forward them to the City.

62. Record Drawings: Permittee shall submit record drawings in Full size hard copy, AutoCAD, Tiff, and PDF formats for City records. Record drawings shall include all public improvements. Additionally, if the project uses recycled water, the permittee shall also submit record drawings of on-site irrigation facilities.

63. Private Job (PJ) Balance: Permittee shall pay for any remaining balance from the Private Job deposit.

FIRE DEPARTMENT CONDITIONS

The notes listed below will apply to ALL buildings and site, unless specifically identify for one particular building or area.

64. Please do not consider this review as an approval for construction from the Fire Department. The plans submitted are not reviewed nor approved for conformance to the California Building Code (CBC), California Fire Code (CFC) and the Milpitas Municipal Code (MMC). These notes are a general list of the applicable code requirements (2022 Edition), but not limited to, and are provided to assist with the construction permit process.

65. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion(s), plan review(s) and/or report(s). CFC Section 104.7.2

66. Fire Department access. Fire Department apparatus and staff access shall be provided to all buildings and site. Detailed review will be done during construction permit process. CFC Section 503
    a. A Minimum of two independent and approved (approved by the Fire Code Official) means of fire apparatus access shall be provided for the site. Buildings or facilities exceeding 30 feet (9144 mm), or three stories in height, or 50,000 square feet (5760m2) shall be provided with at least two means of fire apparatus access for each structure. 2022 CFC, Section D104.1, adopted and amended by MMC V-300-2.186

    b. Fire apparatus access roads shall meet the Milpitas Fire Department turning radii guidelines and shall provide continuous apparatus travel. Turning radii for fire apparatus access roads shall be a minimum net clearance of 48 feet 6 inches for the outside radius and 28 feet 0 inches for the inside radius. The layout for the outside and the inside radius shall be from

the same reference point (center). CFC Section 503

c. Fire apparatus access roads shall provide a minimum clear width of 26 feet. This requirement is for the use and function of a fire ladder apparatus. CFC, Appendix D, Sections D103.1 and D105.2, adopted and amended by Milpitas Municipal Code. MMC V-300-2.185 and 2.188

   Townhome style buildings: 22 feet in width drive is acceptable, provided the structures above provides a continuous clear finish dimension of not less than 26 feet centered on the drive. Note, fire apparatus turning, and access requirements noted herein this document shall be met.

d. Fire apparatus access shall extend to within 150 feet of all portions of exterior walls of the building/structure per the California Fire Code Section 503.1. When there is a dead-end condition, means for fire apparatus turn-around shall be provided.

e. Adjacent Access. No source of access from lands adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use same. CFC Section 503.7, added by MMC V-300-2.56

f. Fire access roads shall be paved (concrete and/or asphalt cement, or other concrete type pavement approved by the Fire Dept.). Fire apparatus access roads/lanes and emergency vehicle roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather capabilities. Design criteria shall be based on the City of Milpitas fire apparatus Sutphen S95 Aerial Platform unit. Please contact the Fire Prevention Division if specifications are needed. CFC Section 503.2.3

g. Ground structures (including landscape) and building projections shall not encroach or impede the fire apparatus access requirements. CFC Section 503.4

h. Emergency Vehicle Access (EVA) roads, when required, shall meet the fire department site access requirements specified herein this document. CFC Section 503

i. No parking in fire access roads. The required access road shall be designated and clearly marked as a fire lane. The designated fire lane shall be identified as set forth in Section 22500.1 of the Vehicle Code. The designation shall be indicated (1) by a sign posted immediately adjacent to, and visible from, the designated place clearly stating in letters not less than one inch in height that the place is a fire lane, (2) by outlining or painting the place in red and, in contrasting color, marking the place with the words "FIRE LANE", which are clearly visible from a vehicle, or (3) by a red curb or red paint on the edge of the roadway upon which is clearly marked the words "FIRE LANE". CFC Section 503.3

   Minimum marking shall be pole signage and red curb with “FIRE LANE – CVC 22500.1” stencil. Signage and red curbs shall be done throughout and as needed to clearly identify the no parking zones.

j. Fire Protection. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction. Combustible construction shall not begin until water mains and hydrants are operational and fire apparatus access roads are installed (paved). CFC Section 501.4

k. The Fire Department reserves the right to request site design changes as needed to meet the requirements of the CFC, and/or make the request for additional fire protection measures in conformance with the CFC Section 102.9.

67. Fire Protection Water Supply (hydrants, on-site and public).

a. An approved water supply (hydrants on-site and public) capable of supplying the required fire flow for fire protection shall be provided upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supply shall meet the Fire Code and the City of Milpitas Engineering Division water supply guidelines and the CFC Section 507, Appendix B and Appendix C. Fire flow reduction as noted in the Appendix B of the Fire Code is not permitted, CFC Section B103.2.

b. Water System Calculations Requirements. Private fire service mains and appurtenances shall be designed and installed in accordance with the City of Milpitas Engineering design guideline requirements and the NFPA 24. Design calculations and all the necessary design information for the water system to meet the domestic and fire flow requirements as per the City of Milpitas Engineer Division water design requirements shall be provided as part of the construction permit process. CFC Section 507

The minimum water flow at the worst-case hydrant outlet within the private system shall be not less than 1,875gpm.

c. The location and quantity of hydrants will be evaluated during the construction permit process. This applies to the on-site private streets as well as to the public streets. CFC Section 507.5

d. Hydrant for automatic fire sprinkler and or standpipe systems. Buildings equipped with an automatic fire sprinkler system and or a standpipe system installed in accordance with Sections 903 and or 905 shall have a fire hydrant within 50 feet of the fire department connections. CFC Section 507.1.1, amended by MMC Section V-300-2.61

e. Private hydrants shall have the bottom 6 inches of the hydrant painted, with a weather resistive paint, white in color. CFC Section 507.5.7, added by MMC V-300-2.62

f. No parking is permitted in front of fire hydrants. Hydrants located on streets (Public or Private Street) shall have an unobstructed clearance of not less than 30 feet per CA Vehicle Code 22514. Provide stripping per CA Vehicle Code 22500.1. CFC Section 507.5.4

68. Fire service water laterals for building sprinkler systems.

a. Each building shall have a fire service water laterals for the automatic fire sprinkler system and shall meet the California Fire Code requirements of Chapter 9 and the NFPA 13 and other applicable Standards. Note, the utilities drawings provided are not reviewed nor approved for construction. CFC Section 912.1
Sheet TM5.1. The water line connections for 6"W and 8"SS shall be evaluated during the construction.

b. The location of the FDC's/PIV's (fire department connection/post indicator valve) shall be at a readily visible and accessible location off the fire access road and approved by the Fire Code Official. FDC's/PIV's shall not be located behind parking stalls nor behind any other obstruction. Final review for location for the FDC's/PIV's will be conducted during the construction permit process. CFC Section 912.2

c. FDC/PIV Signage. A metal sign with raised letters at least 1 inch in size shall be mounted on all fire department connections. Signage shall be reflective, weather resistive and approved by the Fire Code Official. CFC Section 912.5

d. Backflow Protection. Potable water supply to the automatic sprinkler and/or the standpipe systems shall be protected against backflow as required by the Health and Safety Code section 13114.7 and the City of Milpitas Utilities Engineering Division. CFC Section 912.6

e. Automatic fire sprinkler riser location. The fire sprinkler system riser shall not be located within electrical rooms or storage closets and shall be provided with clear access and working clearance. California Fire Code Section 903.3.5.5, added by MMC Section V-300-2.66

69. Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the Fire Code Official. All access control devices shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress. CFC Section 504.6, added by MMC Section V-300-2.59

70. Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. CFC Section 505

    The Fire Dept. may require the installation of address numbers at multiple building locations. CFC Section 102.9

71. All required addresses shall be illuminated. CFC Section 505.3, added by MMC V-300-2.60

72. Fire Dept. emergency Key Box (Knox Box, Knox locks, Knox electric switches, etc.). The Fire Code Official is authorized to require a key box(es) to be installed in an approved location(s) if necessary for lifesaving or firefighting purpose. Quantify and location shall be as directed by the Fire Code Official. CFC Section 506

Locked mechanical closets, electrical closets, fire alarm closets, sprinkler riser closets, etc. will need a Fire Dept. approved lock or "Knox" key box.

73. Building/Structure Requirements.
    a. The buildings shall be provided with an automatic fire sprinkler system in conformance with the NFPA 13 Standards. System type will depend on building/structure construction type and area analysis. California Fire Code Section 903.3

    b. All valves controlling the water supply for the automatic sprinkler system shall be electrically supervised by a listed fire alarm control unit. CFC 903.4

    c. Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station. CFC Section 903.4.1

    d. Portable fire extinguishers shall be selected, installed, and maintained in accordance with CFC Section 906.

    e. All new installations of sprinkler systems shall preclude sprinkler test and system drain water from discharging into the storm drain; provisions to direct water to the sanitary sewer or landscape or other approved means shall be provided. Sprinkler system design shall include the proposed method for drainage of sprinkler system discharge. Storm Water Pollution Regulations

    f. Fire alarm system(s) shall be zoned as per the requirements of the CFC Sections 907.6.3 and 907.6.4.

    g. Fire alarm panel (or fire alarm annunciator panel) shall be located in a readily accessible location and shall be provided with the necessary access and working clearance as required by the CA Electrical Code. CFC Section 907.6.4.1.1

    h. Fire alarm monitoring (Approved supervising station - UL, or FM approved). Fire alarm systems required by the Fire Code or by the California Building Code shall be monitored by an approved supervising station in accordance with the NFPA 72. CFC Section 907.6.6
74. Complete plans and specifications for all aspects of fire protection systems shall be submitted to the Fire Department for review and approval prior to system installation. CFC Section 901.2

POLICE DEPARTMENT CONDITIONS

75. Parking Lot Signage: Parking lot areas shall have postings with appropriate signs per California Vehicle Code Section 22658(a) to assist in removal of vehicles at the property owners'/employer's request. **(PD)**

76. No Trespassing Signage: "No Trespassing/Loitering" signage shall be posted at the entrances of parking lots placed in conspicuous areas. Signs shall be at least 2'x1' in overall size, with white background and black 2" high letters. **(PD)**

77. Accessibility: An up-to-date map of the interior floor plan shall be provided to the Police Department. The map shall minimally identify the locations of each room, entry/exit points, storage areas, locations of security cameras, etc. **(PD)**

78. Convex Mirrors: Large convex mirrors shall be installed at the ends of each floor level and/or hallway making users open to visual scrutiny. **(PD)**

79. Knox Boxes: Any and all areas controlled by electronic security devices (i.e. key fobs, access cards, keypads, etc.) shall have Knox boxes installed near such access points with the Knox boxes containing the appropriate security devices to gain entry. If access points are controlled by keypads, management shall provide the Police Department with the needed code(s) and regularly update the Police Department if such code(s) change. **(PD)**

80. Security: A security camera system shall be required for the facility with coverage at all access points into the business. Additionally, the security camera system shall cover the parking lot area to have the clarity necessary to identify an individual vehicle, etc., and have a field of view to maximize the area of coverage. Security cameras shall also cover any enclosed playground area. **(PD)**

81. Security Footage: The security camera system shall be recorded, and the recording shall be maintained for a minimum of one (1) week and be made available to the Police Department upon request. **(PD)**

82. Child Safety Locks: Child safety locks shall be placed on all interior/exterior doors and windows in areas designed for pre-school/Pre-K and elementary students to provide additional safety and security for attending children. **(PD)**

83. Current Photographs: Current photographs of all children enrolled and a parent contact (address, phone numbers, etc.) list at Stratford School shall be maintained. Permittee shall provide the Police Department with photographs and contact lists when requested for specific law enforcement purposes, such as, but not limited to, missing person investigations and custodial abduction cases. **(PD)**

84. Alert Systems: Door chime/alert systems shall be installed on exterior doors in order to notify employees of persons entering and exiting the facility. **(PD)**

85. Emergency Notification: Permittee shall file an emergency notification form with the Police Department so law enforcement can contact Permittee in the event of any major accident, emergency, or unforeseen circumstance. **(PD)**

86. Fire Extinguishers: Permittee shall always have fire extinguishers on site during normal business hours. **(PD)**

Key:

(P) = Planning Department
(B) = Building Department

(E) = Engineering Department
(F) = Fire Department
(CAO) = City Attorney's Office
(PD) = Police Department
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the Project property on the terms and conditions set forth in this resolution.

Dated: _____ _____

Signature of Permittee

Stratford Preparatory School Project
Initial Study and Draft
Mitigated Negative Declaration

Prepared For:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

Prepared By:

Impact Sciences, Inc.
811 W. 7th Street, Suite 200
Los Angeles, California 90017

May 2024

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1.0 INTRODUCTION

1.1 INITIAL STUDY

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.), an initial study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an environmental impact report, a mitigated negative declaration, or a negative declaration is required for a project. The *State CEQA Guidelines* require that an initial study contain a project description, description of the existing setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Stratford Preparatory School Project (herein referenced as the "Project"). The Project would redevelop the existing office building located at 1323 Great Mall Drive into a new preparatory school. The Project would also remove the existing surface parking to construct a new 7,883-square-foot gymnasium building associated with the proposed school and a new 14,695-square-foot artificial turf playfield.

1.2 PUBLIC AND AGENCY REVIEW

This Initial Study / Proposed Mitigated Negative Declaration (IS/MND) will be circulated for public and agency review from **May 29, 2024**, to **June 28, 2024**. Copies of this document are available for review at 455 E. Calaveras Boulevard, Milpitas, California, and on the City of Milpitas' website at https://www.milpitas.gov/379/Environmental-Documents-CEQA. Comments on the IS/MND must be received no later than 5:00 P.M. on **June 28**, **2024**, and can be mailed to:

City of Milpitas Planning Department
Avery Stark, Acting Senior Planner
455 E. Calaveras Boulevard
Milpitas, CA 95035

1.3 ORGANIZATION OF THE INITIAL STUDY

This Initial Study is organized into the following sections:

- **Section I – Introduction:** provides summary background information about the Project, including Project location, lead agency, and contact information.

- **Section II – Project Description:** includes a description of the Project, including the need for the Project and the elements included in the Project.

- **Section III – Environmental Checklist:** contains the Environmental Checklist form for each resource and presents an explanation of all checklist answers. The checklist is used to assist in evaluating the potential environmental impacts of the Project and determining which impacts, if any, need to be further evaluated in an EIR.

- **Section IV – Initial Study Preparers:** lists the names of individuals involved in the preparation of this document.

- **Appendices:** present the technical studies used in the preparation of this Initial Study.

1.4 PROJECT INFORMATION

Project Title

Stratford Preparatory School Project

Lead Agency Name and Address

City of Milpitas, Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035

Contact Person and Phone Number

Avery Stark
Acting Senior Planner
(408) 586-3288

Project Location

1323 Great Mall Drive
Milpitas, CA 95035

Project Applicant's Name and Address

Inhabit Design, Inc.
5231 45th Avenue, SW
Seattle, WA 98136

City General Plan Designation

Milpitas Metro Specific Plan – Business Park Research & Development, Limited Residential (BPRD-R)

City Zoning

Commercial (C2)

2.0 PROJECT DESCRIPTION

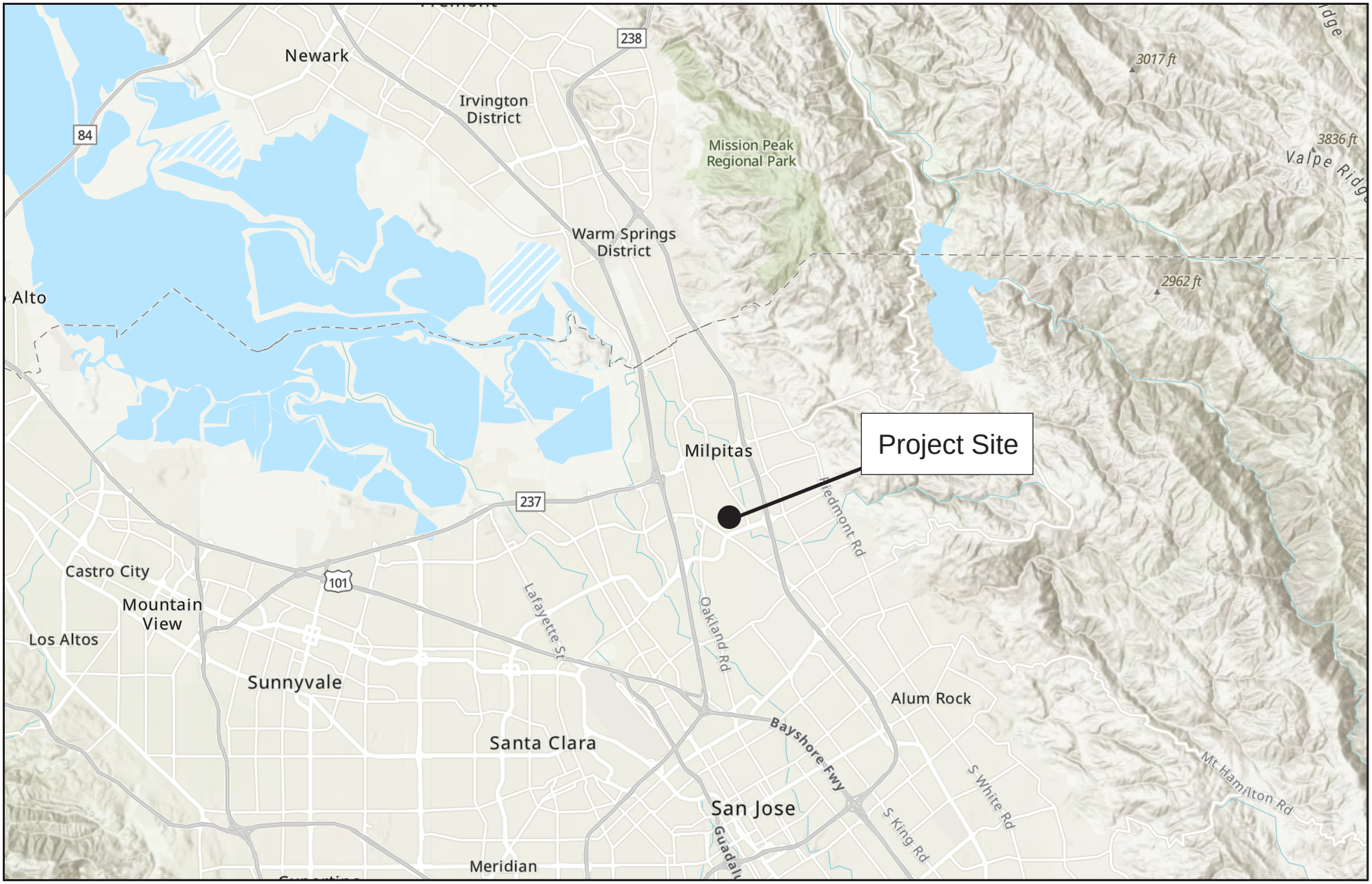
2.1 ENVIRONMENTAL SETTING

Project Location

The Stratford Preparatory School (Project) site is located at 1323 Great Mall Drive (Project Site) in the southern portion of the City of Milpitas. The Project Site (Assessor Parcel Number [APN] 086-24-046) is comprised of approximately 3-acres bounded by Great Mall Drive to the north, Falcon Drive to the east, Great Mall Parkway to the west, and the existing Stratford School to the south. The Project Site is located approximately 0.70 west of Interstate 680 (I-680), 0.90 miles west of I-880, and 428 feet north of Montague Expressway (see **Figure 2.0-1, Regional Location,** and **Figure 2.0-2, Project Site**). The Project Site is approximately 4.7 miles southeast of the San Francisco Bay.

Existing Conditions

The Project Site consists of an existing 51,740-square-foot, 2-story office building that has been vacant for many years and is surrounded by a paved surface parking lot with 183 uncovered parking spaces (see **Figures 2.0-3a** through **2.0-3f**, **Photographs of Existing Site Conditions**). The eastern perimeter of the Project Site is currently surrounded by metal fence panels. Access to the Project Site is provided via two driveways, one along Great Mall Drive and one along Falcon Drive. Sidewalks are located along the northern edge of the Project Site adjacent to Great Mall Drive. Ornamental landscaping in the form of grass medians and approximately 93 trees are present on-site. Commercial uses surround the Project Site to the north, hotel uses to the east, the existing Stratford Preparatory School to the south, and multi-family residential uses and vacant land to the west. It should be noted that the existing vacant land to the west is currently under construction and is anticipated to operate as a multi-family apartment complex by the time the Project begins operations.



SOURCE: Esri, 2023

FIGURE **2.0-1**

Regional Location

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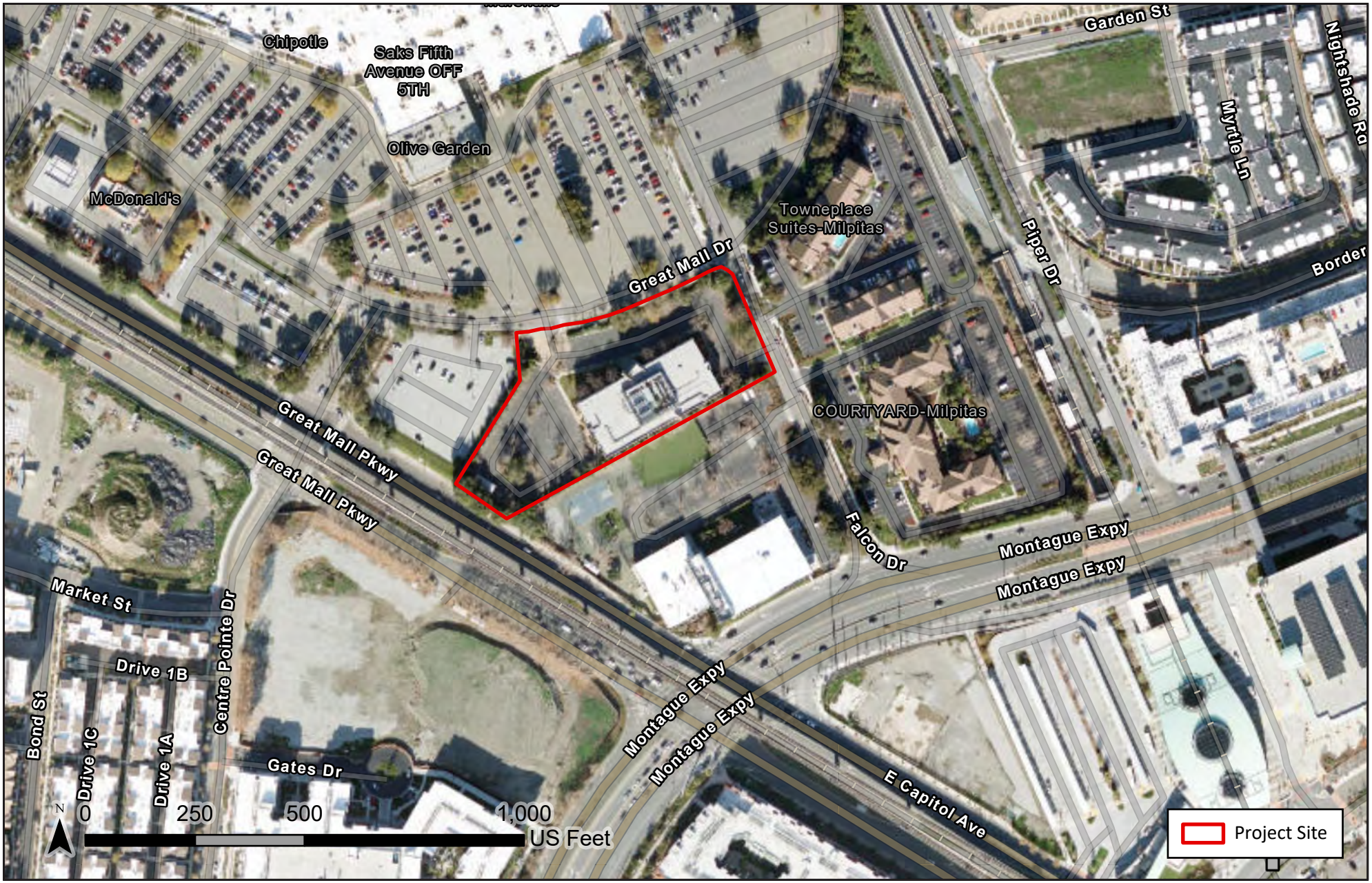

SOURCE: Esri, 2023

FIGURE **2.0-2**

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Project Site

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SOURCE: Impact Sciences, 2023

FIGURE **2.0-3a**

IMPACT SCIENCES

Photographs of Existing Site Conditions: Great Mall Parkway (View 1)

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SOURCE: Impact Sciences, 2023

FIGURE **2.0-3b**

IMPACT SCIENCES

Photographs of Existing Site Conditions: Great Mall Drive, Southwest (View 2)

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SOURCE: Impact Sciences, 2023

FIGURE **2.0-3c**

IMPACT SCIENCES

Photographs of Existing Site Conditions: Great Mall Drive, South (View 3)

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SOURCE: Impact Sciences, 2023

FIGURE **2.0-3d**

IMPACT SCIENCES

Photographs of Existing Site Conditions: Falcon Drive (View 4)

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SOURCE: Impact Sciences, 2023

FIGURE **2.0-3e**

IMPACT SCIENCES

Photographs of Existing Site Conditions: Great Mall Parkway & Centre Pointe Drive (View 5)

1451.002•12/23

SOURCE: Impact Sciences, 2023

FIGURE **2.0-3f**

IMPACT SCIENCES

Photographs of Existing Site Conditions Locations

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Existing Site Zoning and Land Use Designations

According to the General Plan Land Use Map in the *City of Milpitas General Plan 2040,* the Project Site is designated as part of the "Milpitas Metro Specific Plan" (MMSP). The MMSP is an update to the Milpitas Transit Area Specific Plan and provides a vision for the transit area, including a detailed land use and design framework, zoning framework, and public infrastructure financing tools to guide private development and public investment. According to the MMSP, the Project Site is part of the 23.6-acre Great Mall District and is designated as Business Park Research & Development, Limited Residential (BPDR-R). Under the Specific Plan, the BPDR-R supports office, office-supportive commercial retail, hotels, and limited residential uses. Surrounding uses of the Project Site are Boulevard Very High-Density Mixed Use (BVMU) to the north and west, and Business Park Research & Development (BPRD) to the west and south (see **Figure 2.0-4, Aerial View Map and Surrounding Land Uses**). Lastly, the Project Site is zoned for Commercial (C2) with a Transit Oriented Development (TOD) overlay. Parcels that immediately surround the Project Site are designated by the City as MMSP. Parcels to the north, east and south of the Project Site are zoned C2 with a TOD overlay, while parcels to the west are zoned Mixed Use (MXD3) with a TOD overlay. To address areas of nonconformity the Project will include a Development Agreement. The Development Agreement is a legally binding contract between the Project Applicant and the City that outlines the terms and conditions for the Project. This approach will ensure that any deviations from the MMSP or the Zoning Code are appropriately mitigated and managed, providing a mechanism for the City to ensure compliance with its planning objectives while accommodating the needs of the Project. Approval of the Development Agreement will be adopted as an ordinance by the City Council, as part of the Project approval process.

Project Background

The Project Site has historically been a mix of undeveloped land and agricultural uses. Until the early 1980s, the Project Site was predominantly undeveloped, except for the small-scale agricultural uses between 1948 and 1968.[1] By 1980, the Project Site was developed with a manufacturing warehouse with associated parking, and by 1987, the manufacturing plant had been demolished. By 2002, the existing on-site office building had been developed.

The Project Site is located within the Great Mall District sub-area of the MMSP. This sub-area includes the Great Mall itself and is 0.18 miles northwest of the Milpitas Transit Center. According to the MMSP, the purpose of the Great Mall District sub-area is to maintain the original Great Mall, while developing residential infill, urban scaled buildings along Great Mall Parkway, commercial buildings located close to

1 Historic Aerials, "Aerial Viewer." Available online at: https://www.historicaerials.com/viewer, accessed November 28, 2023.

the Milpitas Transit Center, a central public gathering place and linear park, and a walkable street grid. The Project Site is located in a sub-area that is intended to be preserved under the MMSP as commercial priority parcels that are ideal for higher intensity office, R&D, office-supportive retail, and hotel uses that encourage employment in the Great Mall District. As stated above, the Project Site is designated as BPDR-R under the MMSP. According to the MMSP, educational uses are an allowed use for BPDR-R parcels.

The Stratford Preparatory School is an independent private school system that offers campuses throughout California for preschool students and students grades kindergarten (K) through 12. The Stratford School system has an existing Milpitas campus located south of the Project Site. The existing Milpitas campus includes a preschool and classrooms for students grades K through 8. A total of 715 students are currently enrolled in the school, with arrival and departure times that range between 7:30 A.M. to 9:00 A.M. and 2:50 P.M. to 4:00 P.M., respectively. The existing campus employs approximately 97 faculty and staff members, and a maximum number of 85 staff members are present on campus at one time. The existing campus does not accommodate students grades 9 through 12. The proposed new Stratford School would accommodate these upper-class levels for the Stratford Preparatory School system.

2.2 PROJECT CHARACTERISTICS

Project Features

The Project Applicant proposes a new Stratford School comprised of two buildings and a playfield. The existing office building on-site will be remodeled into a two-story middle school/high school for approximately 500 students. Initial enrollment may begin in the 6th to 12th range with the intent to transition to 9th to 12th grade. The Project would also demolish the existing surface parking lot to construct a new 7,883 square foot gymnasium building that would be located west of the remodeled existing building, see **Figure 2.0-5**, **Conceptual Site Plan,** and **Table 2.0-1**, **Project Features**. Supporting rooms for the gymnasium, such as locker rooms, gymnasium storage, a gymnasium office, and restrooms will be located in the southwestern corner of the existing building. The Project would accommodate students from the existing Stratford School facility located south of the Project Site. The Project would be equipped with 41 classrooms (general/biochemistry/art/physical engineering), eight offices, four media common rooms, a library, and a theater. The proposed gymnasium building west of the school would be 42 feet in height and would mainly consist of an indoor gymnasium and a row of retractable bleachers on one side only. Architectural features for the proposed school buildings would include light exterior cosmetic refinishing, including off -white paint on the existing concrete surfaces and some painted metal panel accents at each entry canopy in Stratford's blue branding colors, as well as elegant signage for branding. The architecture of the new gymnasium building would emulate the existing school building to the south, and thus would include off-white painted concrete with relief elements forming a sense of structural and architectural bays.

SOURCE: City of Milpitas, 2023; Esri 2023

FIGURE **2.0-4**

Aerial View Map and Surrounding Land Uses

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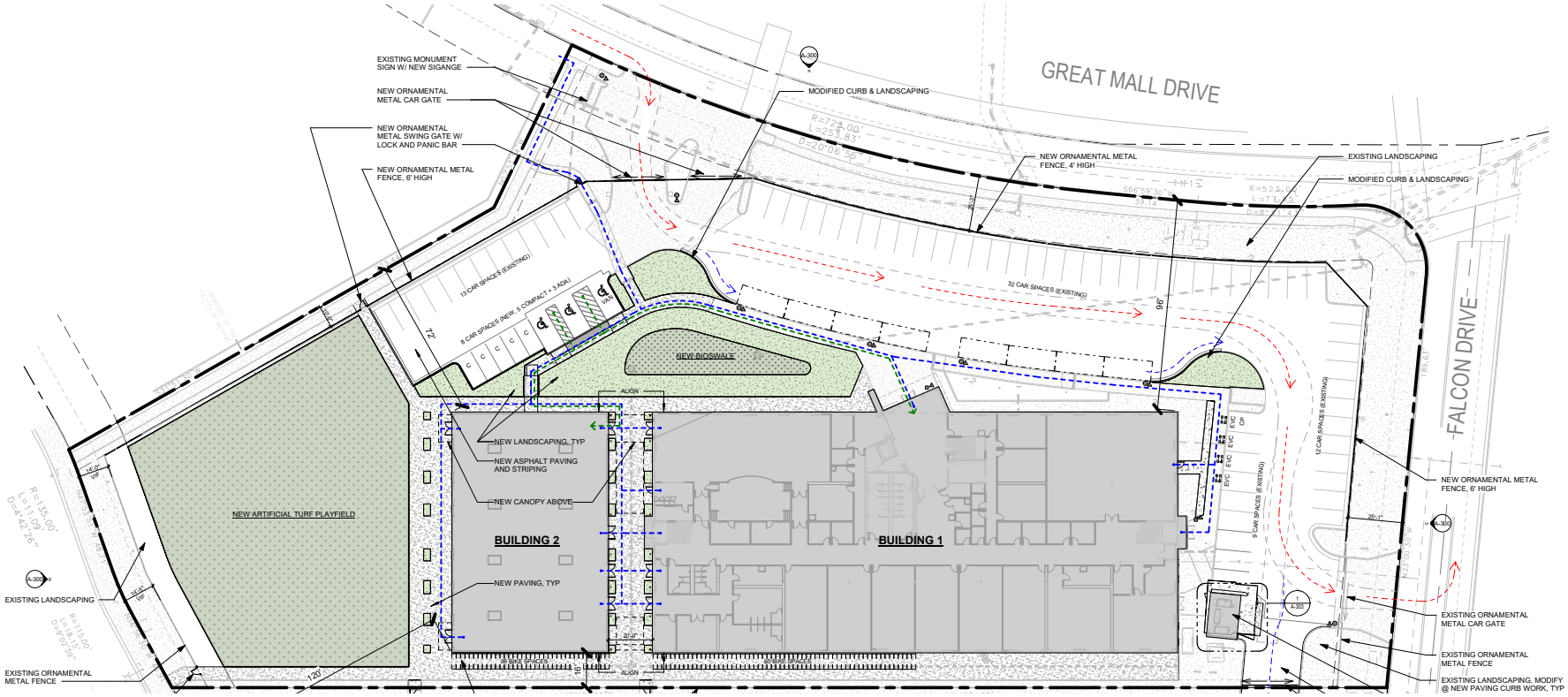

SOURCE: Inhabit Designs 2023

FIGURE **2.0-5**

Conceptual Site Plan

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Additionally, the Project would include supporting components, such as a new trash enclosure and a 14,695-square-foot artificial turf playfield located to the west of the new gymnasium building. The Project would also plant new shrubs, perennials, and groundcovers throughout the Project Site. Furthermore, the Project would remove 35 existing on-site trees, preserve 58 existing trees deemed to be in fair to good condition, and plant 6 new trees. The Project would also generate 0.5 pounds of solid waste per student per day which comes out to be 45.5 tons/year.

The Project would operate from Monday through Friday between the hours of 7:00 A.M. to 6:00 P.M. However, it should be noted that the school would hold occasional evening and weekend events such as basketball, volleyball, or other sports events, theater events, graduation events, and parent/teacher conferences that rarely exceed 200 people but up to a rare maximum 500 person in capacity, within the hours of 7:00 A.M. to 9:00 P.M. on weekdays and weekends.

Table 2.0-1
Project Features

Building Area	Amount	Gross Square Footage (sq. ft.)	Total Square Footage (sq. ft.)
First Floor of Existing Building			
General Classroom	2	746	4,540
General Classroom	4	762	
Music Classroom	1	894	894
Music Storage	1	194	194
Multi-Purpose Room/Theater	1	2,554	2,554
Stage	1	627	627
Control Room	1	180	180
Multi-Purpose Room Storage Room	1	180	180
Kitchen	1	180	180
Kitchen Storage	1	121	121
Office	2	107	214
Office	2	108	216
Office	1	113	113
Office	2	99	198
Staff Restroom	2	43.4	85.8
		42.4	
GN Restroom	3	47.1	141
		45.9	
		48	
Gym Storage	2	295	497
		202	
Locker Room	2	364	732
		368	

Building Area	Amount	Gross Square Footage (sq. ft.)	Total Square Footage (sq. ft.)
Boy's Restroom/Girl's Restroom (Near Gym)	2	128.3	256.6
Gym Office	1	163	163
Work Room/Curriculum Storage Room	1	331	331
Electrical Room	2	195	361
		166	
Mechanical Electrical and Plumbing	2	33	762
		729	
Library	1	2,868	2,868
Conference Room	1	342	342
Director's Office	1	224	224
Assistant Director's Office	1	154	154
Reception	1	215	215
Elevator Machine Room	1	77	77
Copy Room/Curriculum Storage Room	1	26	26
Specialty Teacher Work Room	1	364	364
Boy's Restroom (Across from General Classrooms)	1	286.5	286.5
Girl's Restroom (Across from General Classrooms)	1	280.2	280.2
Janitor's Closet	1	67	67
Sick Room	1	73	73
Mother's Room	1	72	72
Staff Lounge	1	336	336
IT Room	1	51	51
First Floor of Existing Building Total Square Footage			***18,976.1***
Second Floor of Existing Building			0
General Classroom	10 (Total)		
	1	619	6,751
	2	499	
	2	746	
	4	762	
	1	594	
Bio/Chem Classroom	4 (Total)		
	1	821	3,411
	2	885	
	1	820	
Bio/Chem Support	2	189	379
		190	
Art Classroom	2	790	1607
		817	
Art Storage	1	131	131
Graphic Arts	1	688	688
Media Commons	2	1,150	2,548
		1,398	

Building Area	Amount	Gross Square Footage (sq. ft.)	Total Square Footage (sq. ft.)
Computer Science	1	688	688
Physics/Engineering	2	563	1,350
		787	
Physics Storage	1	130	130
Kitchenette/Lounge	1	167	167
Electrical Room	2	55	221
		166	
IT Closet	1	16	16
Work Room/Curriculum Storage	1	112	112
Copy Room/Curriculum Storage	1	79	79
Utility Closet	1	76	76
Janitor's Closet	1	28	28
Boy's Restroom	2	279.8	388.2
		108.4	0
Girl's Restroom	2	275	394.6
		119.6	0
Gender Neutral Restroom	2	50.6	98.4
		47.8	
Second Floor of Existing Building Total Square Footage			***19,263.2***
Existing Building Total Square Footage			***38,239.3***[a]
New Gymnasium Building			0
Gymnasium	1	7,583	7,583
Playfield			0
Artificial Turf Playfield	1	14,695	14,695

[a] *Project features table does not include square footages for hallways, stairways, and elevators.*
Source: Inhabit Design, July 11, 2023.

Access and Parking

Vehicular access to the Project Site would be provided via the two existing driveways along Great Mall Drive and Falcon Drive. Entrances to the Project Site at both driveways would be gated, and a turn-around would be included in the northern portion of the Project Site for student drop-off/pick-up. Security personnel and cameras would be present at both of the Site's entry and exit gates. Additionally, a new gate would be provided for vehicles at the southeastern corner of the Project Site as an egress to the existing Stratford School south of the Project. Currently, the Project Site has 183 surface parking spaces for vehicles. The Project would demolish 117 of the existing parking spaces in the southwest corner of the Project Site to construct the proposed gymnasium building and playfield. The Project would preserve the remaining 66 parking spaces along the northern and eastern portions of the Project Site and construct eight new parking spaces, resulting in a total of 74 parking spaces (of these spaces four of them would be handicap accessible and four of them would include electric vehicle charging capabilities). The Project would also

utilize the existing pedestrian gate at the existing driveway along Falcon Drive. However, the Project would install five additional pedestrian gates: two along the southern perimeter, one at the southwestern corner, and two along the northern perimeter of the Project Site. Additionally, the Project would provide approximately 96 bicycle parking spaces in the form of bike racks along the on the southern edge of the Project Site.

The existing parking supply is able to accommodate the normal daily (Monday through Friday) parking demands of the proposed upper grade school (grades 6-12) and the adjacent existing lower grade school (grades 6-8). In addition, as a private school, the school is able to manage student drivers and limit students of age (grades 11-12) with assigned parking passes. Students are also required to sign a handbook confirming that they will not park within the neighborhood if they do not have a parking pass. Event timing will be scheduled between the two school sites, allowing all spaces to be available for larger events. For rare event capacities that exceed the two parking site limits, carpooling will be required, off-site parking and shuttling services will be provided, or events will be held elsewhere.

Normal daily Monday through Friday parking quantities meet the requirements for the proposed school and the adjacent existing school in quantities clarified on the code analysis drawings provided, and they are generous for the actual demand of staff that is fewer than the available spaces on site, and there are generous bike parking spaces and showers available as well.

Arrivals and departures for both the school's normal drop-off / pick-up operation and events will be managed by the Stratford Preparatory School. To monitor on-site vehicle queuing, staff members would be present at the site entry drive, entry gate, along the drop off length, and at the exit gate of the school and communicate with vehicles arriving or departing to ensure that drivers are proceeding in the correct direction. The school gates are then closed after the designated arrival and departure times, ensuring the security of the upper school campus and efficient traffic flow. The proposed security cameras would further ensure both efficient traffic circulation and safeguarded site access are maintained.

The school's protocol is to have staff with walkie talkies at the drop-off / pick-up location communicating with vehicles arriving or departing and making sure each person is proceeding in the correct direction and in a timely fashion. Security personnel are also located at the building's main entry and exit gates, ensuring that each person entering is intended to be there. Security cameras are also provided throughout the site and covering the site circulation paths to further ensure both efficient traffic circulation and safeguarded site access are maintained.

Architectural Elements

Building elevations are shown on **Figure 2.0-6, Building Elevations-School Building,** and **Figures 2.0-7**, **Building Elevations- Gymnasium**. As detailed, the proposed school building will be 35 feet in height, with protruding features that extend the building to 42 feet in height. The proposed gymnasium would be at a maximum 35 feet in height. The exterior color of both buildings would be a variety of dark blue, red, light beige, and off-white. Exterior materials for both buildings would be used would include concrete, grey brick, and spandrel glass. Additionally, metal fences would encompass the Project Site.

Utilities

The Project would connect to the existing 12-inch water main located along Great Mall Drive. The City of Milpitas would provide potable water services to the Project Site. A new 6-inch sewer line will be constructed to connect to the City's 8-inch main; and new 6inch and 8-inch storm drains will collect water and then route to a detention basin, in order to meet the Stormwater Treatment Requirements, which will then drain into a private storm drain system along Great Mall Drive. A new Recycled Water system will need to be constructed in order to provide irrigation to the landscape areas. A connection to the existing 8-inch Recycled Water Main on Falcon Drive will be established. No natural gas will be used on the Project. The Project would also install new concrete ditch lines that would drain stormwater runoff to new drainage inlets located along the northern and southern borders of the school buildings. Telecommunication distribution comes out of the existing school's Server Room and would connect to the new telecom room. The Project would require a new primary 4-inch conduit routed underground to new electric utility, pad mounted, medium voltage transformer. The new primary 4-inch conduit will be supplied from the existing switching cabinet or manhole adjacent to the property. The new utility transformer will be located inside the new equipment yard.

Exterior Lighting

An existing pole mounted lighting fixture along Great Mall Drive would be preserved for use. The Project would mount 12 new lighting fixtures on the north, east, and south perimeters of the existing building at a height of 10 feet or 20 feet above the ground. The Project would also install nine new lighting fixtures along the perimeter of the proposed gymnasium building at a height of 10 feet above the ground. The lighting plan would ensure that the exterior lighting fixtures will not result in light spillage onto adjacent properties.

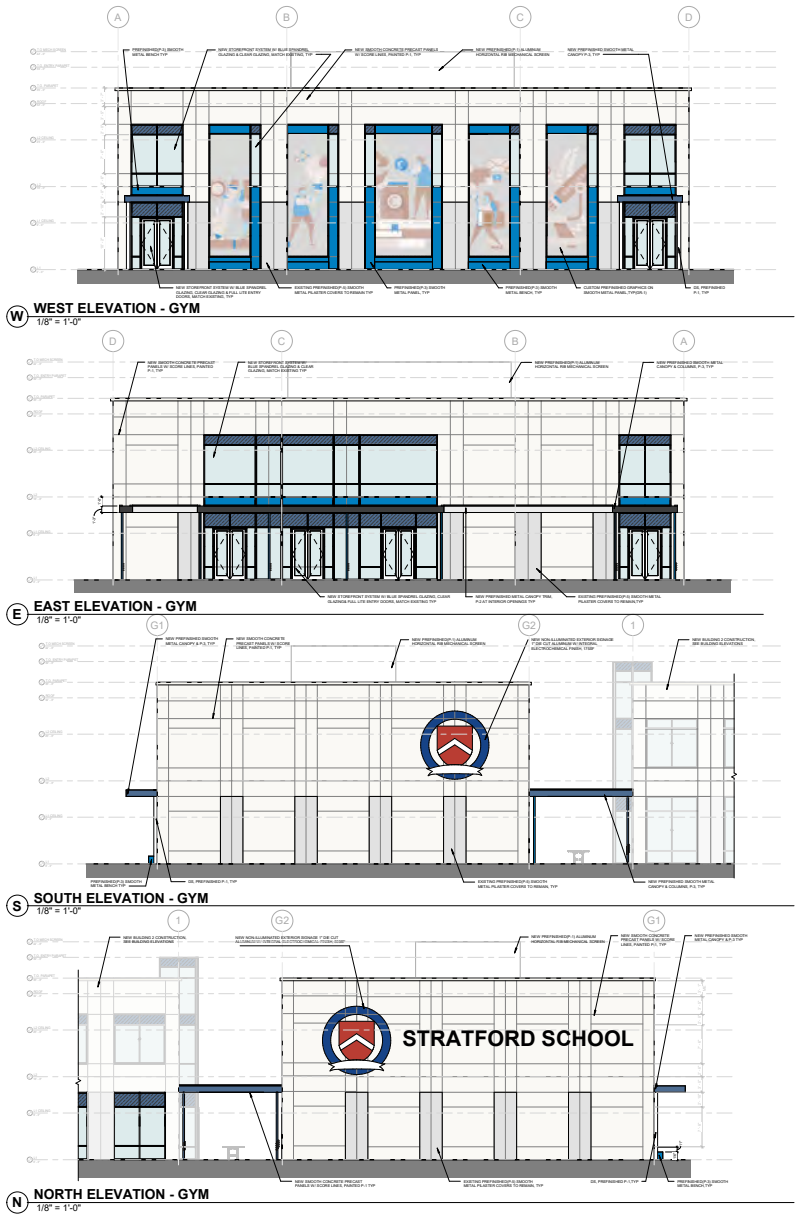
SOURCE: Inhabit Design, 2023

FIGURE **2.0-6**

Building Elevations-School Building

IMPACT SCIENCES

1451.002•12/23



SOURCE: Inhabit Design, 2023

FIGURE **2.0-7**

IMPACT SCIENCES

Building Elevations-Gymnasium

1451.002•12/23

Project Construction

For the purpose of analyzing impacts associated with construction activities, this analysis assumes a construction schedule of approximately 12 months beginning in 2024. This analysis assumes the Project will be fully operational in 2025. This assumption is conservative and yields the maximum daily impacts. Construction activities associated with the Project would be undertaken in three main steps: (1) Removal of existing surface pavement and vegetation (2 weeks), (2) grading/foundation preparation for proposed gymnasium (3 weeks), and (3) building construction for the proposed gymnasium and interior renovation of the existing building (11 months). Equipment and construction staging for the Project will take place on site.

This analysis assumes cut/fill operations would balance soil on site and no soil import or export would be required. It estimated approximately 221.5 tons of debris will be removed during the site clearing and interior renovation phases, of which 153.5 tons will be recycled.

Building construction of the proposed gymnasium would include the construction of the proposed structure, connection of utilities, architectural coatings, and paving the Project Site. Architectural coating and paving are assumed to occur over the final month of the building construction phase.

Conventional construction equipment would be used, such as excavators, backhoes, and both light- and heavy-duty trucks. Truck trips are expected to reach the Project Site via Great Mall Drive and Falcon Drive. Truck trips for off haul materials are expected to travel along these same routes and arterials to dispose of construction and demolition debris.

2.3 DISCRETIONARY ACTIONS AND APPROVALS

Discretionary entitlements, reviews, and approvals required for implementation of the Project would include, but would not necessarily be limited to, the following:

State Agencies

- State Water Resources Control Board: National Pollutant Discharge Elimination System (NPDES) Permit

Local Agencies

- City of Milpitas: Development Agreement
- City of Milpitas: Site Development Permit Review
- City of Milpitas: Conditional Use Approval

3.0 ENVIRONMENTAL CHECKLIST

A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology and Soils	☒	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials
☐	Hydrology and Water Quality	☐	Land Use and Planning	☐	Mineral Resources
☐	Noise	☐	Population and Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities and Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

B. DETERMINATION: (to be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	☐
I find that, although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the Project. A MITIGATED NEGATIVE DECLARATION will be prepared.	☒
I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment., but at least effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	☐

I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.	☐

Avery Stark	Acting Senior Planner
Printed Name	**Title**
	5.29.2024
Signature	**Date**

C. ENVIRONMENTAL IMPACTS

1. Aesthetics

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of public views 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?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. A scenic vista is generally defined as a view of undisturbed natural characteristics exhibiting a unique feature that comprises an important or dominant portion of the viewshed. Although scenic vistas are identified at the discretion of its jurisdiction, common examples of scenic vistas include open hillsides, mountain ranges, rivers/streambeds, and large bodies of water.

The City of Milpitas considers both natural and man-made resources including hillsides, ridges, visually significant vegetation, and other elements that are critical in shaping the City's scenic identity as scenic resources.[1] Due to its location, the existing obstructing trees and structure on-site, and the surrounding uses, the Project Site allows for partial views of the open hillsides located to the east. These views are made available for pedestrians, bicyclists, and vehicles travelling along Great Mall Parkway.

Public viewsheds include the open hillsides, partial views of the existing buildings, several trees, and the existing surface parking lot located within the northwest corner of the Project Site. Implementation of the

[1] City of Milpitas, *City of Milpitas General Plan Environment Impact Report*, November 2020. Available online at: https://www.milpitas.gov/DocumentCenter/View/1344/Draft-EIR-final-edits-PDF?bidId=, accessed December 12, 2023.

Project would include removal of this surface parking lot and construction of a new turf playfield in its place. This use is not anticipated to introduce new obstructions to the public views of the open hillsides. The Project would also construct a new gymnasium building that would be visible within this public viewshed. However, the height and size of the proposed gymnasium would be smaller than the existing building and would not further obstruct the existing views of the open hillsides. Furthermore, the Project would remove some of the existing on-site trees that are currently obstructing the views of the hillsides, making the scenic resource more visible. For these reasons, Project implementation would result in less than significant impacts to scenic vistas.

Mitigation Measures: No mitigation measures are required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated or eligible State scenic highways located near the Project Site or within its immediate vicinity. The nearest designated, or eligible for designation, State scenic highway is Interstate 680 (I-680) beginning at post mark 6.1 and ending at post mark R6.4 in the City of Fremont. This segment is located approximately 4.07 miles northwest of the Project Site.[2] Due to the distance of the Project Site to this segment, topography, and intervening landscape, trees, and structures, the Project Site is not within or visible from any existing designated (or eligible) scenic highways. Thus, the Project would not result in impacts to a scenic resource within a state scenic highway.

Mitigation Measures: No mitigation measures are required.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The Project Site is located in an urbanized area of the City that has been highly disturbed. Thus, for the purpose of this threshold, the Project's potential to conflict with applicable zoning and other regulations governing scenic quality is evaluated.

Although the construction activities associated with the Project would result in changes to the visual quality in the Project Site vicinity, these activities would be temporary and would cease upon completion

2 California Department of Transportation (Caltrans), "California State Scenic Highways." Available online at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa, accessed December 12, 2023.

of Project construction. Project development would be in accordance with all applicable City design guidelines and standards, including those outlined in the MMSP. Project plans would be subject to City review and approval prior to construction. Furthermore, the redevelopment of the existing office building would implement exterior building materials, architectural styles, and color that are compatible with the existing Stratford Preparatory School located south of the Project Site. The proposed gymnasium would also be constructed with similar building materials and colors. As such, the Project would not substantially degrade the existing visual character or quality of the site or its surroundings, and the Project would not conflict with applicable zoning and other regulations governing scenic quality. Project impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) C*reate a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less than Significant Impact. Light emanating from building interiors that pass-through windows and light from exterior sources (i.e., street lighting, parking lot lighting, field lighting, building illumination, security lighting, and landscape lighting) serve as primary sources of light.

The Project Site is located within an urban and developed area and is surrounded by commercial, institutional, hotel, and residential uses. The residential uses include vacant land that is currently under construction and will operate as an apartment complex by the time the Project begins operations.

Project construction may require the use of temporary lighting during evening hours. However, construction activities associated with the Project would adhere to Section V-213-3 (Unlawful to Create or Permit Disturbing Noise) of the City's Municipal Code, which requires construction activities to be limited to occur between the hours of 7:00 A.M. and 7:00 P.M. on weekdays and weekends. No construction activities are permitted on holidays. As such, lighting for short-term construction activities would cease at 7:00 p.m.

Project implementation would increase the exterior nighttime lighting on-site to accommodate the proposed school use. Specifically, the Project would install exterior lighting fixtures that would be mounted on the proposed school building and gymnasium building. While the proposed school's typical weekday activities on-site would cease by 6:30 P.M., the school is anticipated to have occasional events on-site that may cease by 9:00 P.M. However, any light spillover emitted to the west of the Project Site would be obstructed by the existing on-site trees and overhead transit line. Additionally, the Project would adhere to Section XI-10-57.17 (Lighting) of the Milpitas Municipal Code and ensure that all exterior lighting is shielded and uses minimum wattage to reduce visibility off-site. As such, the new lighting introduced by

the Project would not result in a substantial increase in light that could adversely affect nighttime views in the area. Therefore, the Project's impacts regarding light and glare would be less than significant.

Mitigation Measures: No mitigation measures are required.

2. Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range and Assessment Project and Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB). Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. According to the California Department of Conservation's California Important Farmland Finder, the Project Site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.[3] Further, the Project Site is zoned for Commercial (C2) with a Transit Oriented Development (TOD) overlay, and according to the MMSP, the Project Site is part of the 23.6-acre Great Mall District and is designated as Business Park Research & Development, Limited Residential (BPDR-R). Thus, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impact would occur.

Mitigation Measures: No mitigation measures are required.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

No Impact. As stated above, the Project Site is zoned C2 and designated as BPDR-R. The existing zoning does not include any agricultural-related zoning designations, nor is the site part of a Williamson Act contract.[4] Additionally, the land uses surrounding the Project Site are not zoned for agricultural uses or in a Williamson Act contract. Therefore, Project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract. No impact would occur.

Mitigation Measures: No mitigation measures are required.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The Project Site is not zoned or used for forest land or timberland purposes and is not zoned Timberland Production. Further, Project implementation would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production. Therefore, no impact would occur.

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3 California Department of Conservation, "California Important Farmland Finder," Available online at: https://maps.conservation.ca.gov/dlrp/ciff/, Accessed December 8, 2023.

4 California Department of Conservation, *The Williamson Act Status Report*, 2022. Available online at: https://www.conservation.ca.gov/dlrp/wa/Documents/stats_reports/2022%20WA%20Status%20Report.pdf, accessed December 8, 2023.

Mitigation Measures: No mitigation measures are required.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. As stated above, the Project Site is not occupied by or used for forest land. Therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As the Project would occur within a highly developed and urban area, Project implementation would not result in the conversion of farmland or forest land to non-agricultural/non-forest land use. No impact would occur.

Mitigation Measures: No mitigation measures are required.

3. Air Quality

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?	☐	☒	☐	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	☐	☐	☒	☐

Air Quality Setting

Bay Area Air Quality Management District (BAAQMD)

BAAQMD is the primary agency responsible for assuring that the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are attained and maintained in the Bay Area. BAAQMD's jurisdiction includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo and Santa Clara counties, and the southern portions of Solano and Sonoma counties. The Air District's responsibilities in improving air quality in the region include: preparing plans for attaining and maintaining air quality standards; adopting and enforcing rules and regulations; issuing permits for stationary sources of air pollutants; inspecting stationary sources and responding to citizen complaints; monitors air quality and meteorological conditions; awarding grants to reduce mobile emissions; implementing public outreach campaigns; and assisting local governments in address climate change.

The BAAQMD recommends that all proposed projects implement the following Basic Management Practices for Construction Related Fugitive Emissions:[5]

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.

[5] Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines, see Table 5-2*. 2022. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

3. All visible mud or dirt track-out onto adjacent 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 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. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

9. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Local

City of Milpitas General Plan

The *City of Milpitas 2040 General Plan* (General Plan) is a planning document that defines a long-term vision for the City over the next 20 years. The City of Milpitas updated and adopted its current *General Plan* in March 2021. Applicable goals and policies related to air quality from the City of Milpitas General Plan (General Plan) Air Quality Element are listed below:[6]

Goal CON-7: Implement a proactive approach to maintain and improve air quality within Milpitas and the region.

Policy CON 7-1: Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages

6 City of Milpitas. *General Plan 2040 City of Milpitas*. 2021. Available online at: https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=, accessed December 19, 2023.

alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

Policy CON 7-2: Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.

Policy CON 7-3: Require projects which generate high levels of air pollutants, such as heavy industrial, manufacturing facilities and hazardous waste handling operations, to incorporate air quality mitigations in their design to reduce impacts to the greatest extent feasible.

Policy CON 7-4: Require projects to adhere to the requirements of the BAAQMD.

Policy CON 7-5: Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.

Policy CON 7-6: Coordinate with CARB and the BAAQMD to properly measure air quality emission sources and enforce the standards of the Clean Air Act.

Policy CON 7-7: Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.

Policy CON 7-8: Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.

Policy CON 7-9: Coordinate with Santa Clara County and nearby cities to implement regional GHG reduction plans and to consolidate efforts to reduce GHGs throughout the county as appropriate.

Policy CON 7-10: Implement policies and action from the Land Use and Circulation Elements to provide mixed-use developments, locate high-density uses near transit facilities, provide neighborhood-serving retail uses convenient to residential neighborhoods, and other Transportation Demand Management (TDM) programs that would reduce vehicle trips and vehicle miles traveled, thus reducing air-pollutant emissions.

Policy CON 7-11: Encourage improvements and design features that reduce vehicle delay such as bus turnouts, and synchronized traffic signals for new development to reduce excessive vehicle emissions caused by idling.

Policy CON 7-12: Encourage and prioritize infrastructure investments and improvements that promote safe walking, bicycling and increased transit ridership.

Policy CON 7-13: Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.

BAAQMD Thresholds

The BAAQMD CEQA Air Quality Guidelines (BAAQMD Guidelines)[7] set forth methodologies and quantitative significance thresholds that a lead agency may use to estimate and evaluate the significance of a project's air emissions, see **Table 3.3-1, Bay Area Air Quality Management District Regional Significance Thresholds**. The BAAQMD has also established significance thresholds for the excess health risks posed to nearby sensitive receptors, see **Table 3.3-2, Health Risk Significance Thresholds.**

7 Bay Area Air Quality Management District. *BAAQMD CEQA Guidelines*. 2022. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines; accessed February 1, 2024.

Table 3.3-1
Bay Area Air Quality Management District Regional Significance Thresholds

Pollutant	Construction-Related	Operational-Related	
	Average Daily Emissions (lbs/day)	Average Daily Emissions (lbs/day)	Maximum Annual Emissions (tpy)
ROG	54	54	10
NOx	54	54	10
PM10	82 (exhaust)	82	15
PM2.5	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 (1-hour average)	
Fugitive Dust	Best Management Practices	None	

Source: BAAQMD. CEQA Guidelines. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

Table 3.3-2
Health 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 influences)
Excess Cancer Risk	>10 per one million	>100 per one million
Hazard Index	>1.0	>10.0
Incremental Annual PM2.5	>0.3 ug/m3	>0.8 ug/m3

Source: BAAQMD. CEQA Guidelines. Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

Methodology

Construction and operational criteria air pollutant emissions were calculated in the California Emissions Estimator Model (CalEEMod) and were compared to the BAAQMD's significance thresholds. Average daily emissions from Project construction and operation were calculated, including both on-site and off-site activities.

The analysis examines temporary construction emissions, long-term operational emissions, localized pollutant concentrations, TACs, and odors. Common sources of construction emissions include heavy-duty off-road construction equipment exhaust, fugitive dust, and architectural coatings. Sources of operational emissions include the use of consumer products, motor vehicle trips attracted to or generated by a land

use, and on-site combustion of natural gas. Consistent with the requirements of CEQA, this analysis reflects a best-effort approach to disclose all reasonably foreseeable impacts based on currently available information.

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The most recent clean air plan is the Bay Area 2017 Clean Air Plan that was adopted by BAAQMD in April 2017. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Projects that are consistent with the development of a regional or local air quality plan are considered not to conflict with the attainment of air quality standards identified in the plan.

Consistency with the air quality plan can be determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment. Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. The Project would not conflict with the latest 2017 Clean Air Plan since emissions would not exceed BAAQMD thresholds, (see **Table 3.3-1** and **Table 3.3-2** above). Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact with Mitigation Incorporated. A project may have a significant impact if project-related emissions would exceed federal, State, or regional standards or thresholds, or if project-related emissions would substantially contribute to an existing or project air quality violation. To determine Project significance, emissions were compared to the BAAQMD construction and operational air quality thresholds.

Construction Emissions

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project vicinity include ozone-precursor pollutants (i.e.,

ROG and NOx), PM10, and PM2.5. Construction-generated emissions are short term and of temporary duration, lasting only when construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction activities associated with the Project would be undertaken in three main steps: (1) Removal of existing surface pavement and vegetation (2 weeks), (2) grading/foundation preparation for proposed gymnasium (3 weeks), and (3) building construction for the proposed gymnasium and interior renovation of the existing building (11 months). Equipment and construction staging for the Project will take place on-site. Paving and architectural coating is assumed to overlap with the final month of building construction phase. Project construction is anticipated to begin in 2024 with Project operations beginning in 2025.

Construction activities would generate emissions of ozone precursors (ROG and NO_x), CO, and dust (PM10, and PM2.5). Construction activity under the Project has the potential to create air quality impacts through emissions produced by the use of heavy-duty construction equipment and by vehicle trips generated by construction worker commuting, construction vendor material deliveries, and haul truck trips to and from Project Site. Fugitive dust (PM10 and PM2.5) emissions would primarily result from demolition and grading activities. NO_X emissions, a precursor emission to ozone, would primarily result from the use of construction equipment. During the finishing phases, paving operations and the application of architectural coatings (e.g., paints) and other building materials would release ROGs, the other precursor emission to O_3. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions.

Construction-generated emissions associated with the Project were calculated using CalEEMod. Predicted average daily construction-generated emissions for the Project are summarized in **Table 3.3-3, Construction-Related Criteria Pollutant and Precursor Emissions – Average Daily Emissions**. As shown in **Table 3.3-3**, the average daily emissions generated during the construction of the Project would not exceed the BAAQMD construction emission thresholds. Therefore, impacts associated with construction emissions are considered less than significant.

Table 3.3-3
Construction-Related Criteria Pollutant and Precursor Emissions – Average Daily Emissions

Construction Year	ROG	NOx	CO	SO_2	PM10	PM2.5
2024	0.23	2.26	2.70	< 0.05	0.21	0.14
2025	0.46	2.22	3.01	0.01	0.11	0.09
Regional Threshold	**54**	**54**	**None**	**None**	**82**	**54**
Exceed?	*No*	*No*	*No*	*No*	*No*	*No*

*Source: Impact Sciences January 2024. See **Appendix A, Air Quality and Greenhouse Gas Data**. While the BAAQMD thresholds of significance identify particulate matter thresholds for exhaust only, this table has conservatively presented the total (exhaust and dust) particulate matter emissions.*

Operational Emissions

Operational air pollutant emissions would be generated primarily by automobiles driven to drop off and pick up students. Other sources of operational emissions include architectural coatings and maintenance products, consumer products, and energy use at the Project Site. CalEEMod was used to estimate emissions from operation of the Project. The operational air quality emissions were compared against BAAQMD thresholds to determine Project significance.

Emissions associated with vehicle travel depend on the year of analysis as emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates used by CalEEMod. The earliest year the Project could possibly be fully operational would be 2025. Emissions associated with build-out later than 2025 would be lower, as newer vehicles must meet increasingly more stringent emissions standards, while older, more polluting, vehicles are less utilized.

CalEEMod allows the user to enter specific vehicle trip generation rates. According to the Project's transportation engineer, the Project will generate approximately 1,965 vehicle trips per day.[8] The long-term operational emissions attributable to the Project are summarized in **Table 3.3-4, Estimated Operational Emissions**.

8 Hexagon Transportation Consultants, Inc., *1323 Great Mall Drive Stratford School, Traffic Operations Analysis*, January 8, 2024. Report available on file with the City Planning Department.

Table 3.3-4
Estimated Operational Emissions

Emissions Source	ROG	NOx	CO	SO_2	PM10	PM2.5
Average Daily Emissions (lbs./day)						
Mobile	4.74	4.31	39.4	0.10	9.46	2.44
Area	1.66	0.02	1.28	< 0.02	< 0.02	< 0.02
Energy	0.04	0.66	0.56	< 0.02	0.05	0.05
Total Average Daily Operational Emissions	**6.40**	**4.99**	**41.24**	**0.14**	**9.53**	**2.51**
Average Daily Emissions Thresholds (lbs./day)	54	54	None	None	82	54
Exceed Thresholds?	*No*	*No*	*NA*	*NA*	*No*	*No*
Annual Emissions (tons/year)						
Mobile Source	0.87	0.79	7.19	0.02	1.73	0.45
Area Source	0.30	< 0.02	0.23	< 0.02	< 0.02	< 0.02
Energy Source	< 0.02	0.12	0.10	< 0.02	< 0.02	< 0.02
Total Annual Operational Emissions (tons/year)	**1.19**	**0.93**	**7.52**	**0.06**	**1.77**	**0.49**
Annual Thresholds (tons/year)	10	10	None	None	15	10
Exceed Thresholds?	*No*	*No*	*NA*	*NA*	*No*	*No*

*Source: Impact Sciences January 2024. See **Appendix A**. While the BAAQMD thresholds of significance identify particulate matter thresholds for exhaust only, this table has conservatively presented the total (exhaust and dust) particulate matter emissions.*
Area and energy emissions for the existing building and the new gymnasium were calculated together.

As shown in **Table 3.3-3** and **Table 3.3-4**, neither the Project's construction nor operational emissions would exceed the BAAQMD's thresholds for any criteria air pollutants. Furthermore, as for cumulative construction and operational impacts, the Project will not produce cumulatively considerable emissions of nonattainment pollutants since the Project will not exceed regional thresholds. Furthermore, consistent with BAAQMD requirements, the Project would implement **Mitigation Measure AQ-1**. As such, the Project will result in a less than significant impact with mitigation.

Mitigation Measures: While impacts would be less than significant without mitigation, the BAAQMD requires the implementation of the BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions and would ensure impacts remain less than significant.

AQ-1 The following BAAQMD Basic Best Management Practices for Construction-Related Fugitive Dust Emissions shall be implemented:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Based on the BAAQMD CEQA Guide, a significant impact may occur if a project were to generate pollutant concentrations to a degree that would significantly affect sensitive receptors.

Construction

Project impacts related to increased community risk could occur by introducing a new source of localized pollutants during construction and operation with the potential to adversely affect existing sensitive receptors in the Project vicinity. A sensitive receptor is defined by the BAAQMD as the following: "facilities

or land uses that include member of the population that are particularly sensitive to the effects of air pollutant, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." The BAAQMD recommends assessing the potential impacts within 1,000 feet of the Project site in all directions. The closest sensitive receptors include:

- The existing Stratford school adjacent to the south of the Project Site.
- Existing vacant land approximately 551 feet to the west that is currently under construction and is anticipated to operate as a multi-family apartment complex by the time the Project begins operations.
- Centre Pointe Drive Apartments located 511 feet to the west of the Project Site.
- Capitol Apartments 645 feet to the south of the Project Site.

The primary sources of potential TACs under the Project would be construction activity and the associated generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for demolition, grading, paving, and other construction activities. The amount to which nearby sensitive receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk. Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

Construction of the Project, particularly the new gymnasium, would not have the potential to generate large amounts of DPM since a minimal amount of daily heavy construction equipment will be utilized and the overall construction duration would be short (approximately 12 months). Furthermore, as shown in more detail in Appendix A, the low levels of diesel exhaust would primarily be emitted during demolition and grading phases, which are anticipated to last only one month total. Average daily diesel exhaust emissions generated on-site during the 11 months of building construction would be negligible (i.e., less than 0.07 pounds per day). Emissions generated from the development of the new gymnasium are temporary and localized and would cease upon completion of construction. Furthermore, while it is noted that school operations occur directly south of the Project Site, health impacts associated with diesel exhaust are primarily a chronic risk, which means the receptor would need to be exposed to the pollutant for extended periods of time to potentially experience significant health risks (such as a resident in the same location for 30 years). As students are only on-campus during school hours and because diesel exhaust emissions would be low and short term, the Project would not have the potential to expose sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.

Operation

Project-operation impacts related to increased health risk can occur either by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors, or by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs.

The Project does not include any stationary sources of TAC emissions and most Project vehicles would operate on gasoline and not diesel, which is the primary source of TACs and DPM. Therefore, operation of the Project would not generate TAC or PM2.5 emissions that could affect the health of the community near the Project Site. Furthermore, the Project Site does not lie within 1,000 feet of any stationary sources or major roadways that would expose future students to TAC emissions.[9] As such, the Project would not contribute to human health risk to nearby receptors during operation, and the Project would also not contribute to any cumulative human health risk impact.

Carbon Monoxide Hotspots. The BAAQMD's CEQA Guidelines include screening criteria for localized carbon monoxide (CO) concentrations. The BAAQMD Guidelines state that a proposed project would be considered to have a less than significant CO concentration if:

1. Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.

2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. According to the Project's transportation engineer, existing traffic volumes conditions at the busiest intersection, Great Mall Drive and Falcon Drive, generates 3,200 daily trips, with 1,055 vehicle trips occurring during the AM peak hour, 1,088 during school PM peak hour, and 1,057 vehicle trips during PM peak hour. The Project is estimated to generate an increase of 1,965 daily trips, with 835 vehicle trips occurring during the AM peak hour, 485 vehicle trips during the school PM peak hour, and 240 vehicle

9 BAAQMD. *Permitted Stationary Sources Risk and Hazards*. Available online at: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65, accessed February 1, 2024.

trips during the PM peak hour.[10] Thus, the daily trips generated from the Project combined with the existing traffic volumes at the busiest intersection would not have the potential to increase traffic volumes at affected intersections to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizonal mixing is substantially limited. Therefore, the Project would not have the potential to cause or contribute to an exceedance of the California one-hour or eight-hour CO standards. Impacts with respect to localized CO concentrations would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. The BAAQMD CEQA Guidelines identify certain land uses as sources of odors. These land uses include wastewater treatment plants, food processing facilities, composting facilities, petroleum refineries, chemical manufacturing, landfills, dairies, and fiberglass manufacturing. The Project would not include any of the land uses that have been identified by the BAAQMD as odor sources.

Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon buildout. In addition, the Project would be required to comply with the California Code of Regulations, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes. This would reduce the detectable odors from heavy-duty equipment exhaust. Any odor impacts to existing adjacent land uses would be short-term and not substantial. As such, the Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and this impact would be less than significant.

Mitigation Measures: No mitigation measures are required.

10 Hexagon Transportation Consultants, Inc., *1323 Great Mall Drive Stratford School, Traffic Operations Analysis*, January 8, 2024. Report available on file with the City Planning Department.

4. Biological Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. A significant impact would occur if a project were to remove or modify habitat for any species identified or designated as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the state or federal regulatory agencies cited above. A search using the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) determined that there are 71 special-status species that may potentially occur in the vicinity the Project Site (see **Table 3.4-1**, **Potentially Occurring Special-Status Species**).

Table 3.4-1
Potentially Occurring Special-Status Species

Element Type	Scientific Name	Common Name	Federal Status	State Status	Quadrangle
Fauna	*Ambystoma californiense pop. 1*	California tiger salamander - central California DPS	Threatened	Threatened	Milpitas
	Rana boylii pop. 4	foothill yellow-legged frog - central coast DPS	Threatened	Endangered	Milpitas
	Rana draytonii	California red-legged frog	Threatened	None	Milpitas
	Accipiter striatus	sharp-shinned hawk	None	None	Milpitas
	Aquila chrysaetos	golden eagle	None	None	Milpitas
	Circus hudsonius	northern harrier	None	None	Milpitas
	Elanus leucurus	white-tailed kite	None	None	Milpitas
	Haliaeetus leucocephalus	bald eagle	None	None	Milpitas
	Ardea alba	great egret	None	None	Milpitas
	Ardea herodias	great blue heron	None	None	Milpitas
	Egretta thula	snowy egret	None	None	Milpitas
	Nycticorax nycticorax	black-crowned night heron	None	None	Milpitas
	Charadrius nivosus nivosus	western snowy plover	None	None	Milpitas
	Coccyzus americanus occidentalis	western yellow-billed cuckoo	None	None	Milpitas
	Falco columbarius	merlin	Threatened	None	Milpitas
	Falco peregrinus anatum	American peregrine falcon	Threatened	Endangered	Milpitas
	Agelaius tricolor	tricolored blackbird	None	None	Milpitas
	Icteria virens	yellow-breasted chat	Delisted	Delisted	Milpitas

Element Type	Scientific Name	Common Name	Federal Status	State Status	Quadrangle
	Lanius ludovicianus	loggerhead shrike	None	Threatened	Milpitas
	Hydroprogne caspia	Caspian tern	None	None	Milpitas
	Larus californicus	California gull	None	None	Milpitas
	Rynchops niger	black skimmer	None	None	Milpitas
	Geothlypis trichas sinuosa	saltmarsh common yellowthroat	None	None	Milpitas
	Setophaga petechia	yellow warbler	None	None	Milpitas
	Melospiza melodia pusillula	Alameda song sparrow	None	None	Milpitas
	Passerculus sandwichensis alaudinus	Bryants savannah sparrow	None	None	Milpitas
	Nannopterum auritum	double-crested cormorant	None	None	Milpitas
	Coturnicops noveboracensis	yellow rail	None	None	Milpitas
	Laterallus jamaicensis coturniculus	California black rail	None	None	Milpitas
	Rallus obsoletus obsoletus	California Ridgways rail	None	None	Milpitas
	Athene cunicularia	burrowing owl	None	Threatened	Milpitas
	Empidonax traillii	willow flycatcher	Endangered	Endangered	Milpitas
	Lepidurus packardi	vernal pool tadpole shrimp	None	None	Milpitas
	Lavinia exilicauda exilicauda	Sacramento hitch	None	Endangered	Milpitas
	Hysterocarpus traskii traskii	Sacramento-San Joaquin tule perch	Endangered	None	Milpitas
	Spirinchus thaleichthys	longfin smelt	None	None	Milpitas
	Entosphenus tridentatus	Pacific lamprey	None	None	Milpitas
	Oncorhynchus mykiss irideus pop. 8	steelhead - central California coast DPS	Candidate	Threatened	Milpitas
	Oncorhynchus tshawytscha pop. 13	chinook salmon - Central Valley fall / late fall-run ESU	None	None	Milpitas
	Bombus caliginosus	obscure bumble bee	Threatened	None	Milpitas
	Bombus crotchii	Crotch bumble bee	None	None	Milpitas
	Bombus occidentalis	western bumble bee	None	None	Milpitas
	Neotoma fuscipes annectens	San Francisco dusky-footed woodrat	None	Candidate Endangered	Milpitas
	Reithrodontomys raviventris	salt-marsh harvest mouse	None	Candidate Endangered	Milpitas
	Enhydra lutris nereis	southern sea otter	None	None	Milpitas

Element Type	Scientific Name	Common Name	Federal Status	State Status	Quadrangle
	Taxidea taxus	American badger	Endangered	Endangered	Milpitas
	Sorex vagrans halicoetes	salt-marsh wandering shrew	Threatened	None	Milpitas
	Corynorhinus townsendii	Townsends big-eared bat	None	None	Milpitas
	Myotis yumanensis	Yuma myotis	None	None	Milpitas
	Tryonia imitator	mimic tryonia (=California brackishwater snail)	None	None	Milpitas
	Gonidea angulata	western ridged mussel	None	None	Milpitas
	Anniella pulchra	Northern California legless lizard	None	None	Milpitas
	Emys marmorata	western pond turtle	None	None	Milpitas
Vegetation	*Northern Coastal Salt Marsh*	Northern Coastal Salt Marsh	None	None	Milpitas
Flora	*Eryngium aristulatum var. hooveri*	Hoovers button-celery	None	None	Milpitas
	Centromadia parryi ssp. congdonii	Congdons tarplant	None	None	Milpitas
	Lasthenia conjugens	Contra Costa goldfields	Endangered	None	Milpitas
	Atriplex depressa	brittlescale	None	None	Milpitas
	Atriplex minuscula	lesser saltscale	None	None	Milpitas
	Extriplex joaquinana	San Joaquin spearscale	None	None	Milpitas
	Suaeda californica	California seablite	Endangered	None	Milpitas
	Eleocharis parvula	small spikerush	None	None	Milpitas
	Astragalus tener var. tener	alkali milk-vetch	None	None	Milpitas
	Trifolium hydrophilum	saline clover	None	None	Milpitas
	Malacothamnus hallii	Halls bush-mallow	None	None	Milpitas
	Chloropyron maritimum ssp. palustre	Point Reyes salty birds-beak	None	None	Milpitas
	Puccinellia simplex	California alkali grass	None	None	Milpitas
	Navarretia prostrata	prostrate vernal pool navarretia	None	None	Milpitas
	Chorizanthe robusta var. robusta	robust spineflower	Endangered	None	Milpitas

Source: California Department of Fish and Wildlife, BIO Geospatial Map-CNDDB Species for Milpitas Quadrant, https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick, accessed December 12, 2023.

As shown in **Table 3.4-1**, there are several special-status wildlife and plant species that have the potential to occur within the same US quadrant as the Project Site. However, the Project Site is currently developed with an office building, paved surface parking, and minimal non-native vegetation. The Project Site is immediately adjacent to three roadways and a developed school. As such, there is limited potential for the critical habitat of the majority of the special status flora and fauna identified above.

As shown in **Table 3.4-1**, there are several migratory bird species and special-status bird species that could potentially occur within the Project Site that typically nest in tall trees. These species include the white-tailed kite (*Elanus leucurus*), bald eagle (*Haliaeetu sleucocephalus*), great egret (*Ardea alba*), black-crowned night heron (*Nycticorax nycticorax*), and double crested cormorant (*Nannopterum auritum*). The Project would operate as a school and is highly unlikely to disturb any potential nesting habitats on-site. However, construction activities associated with the Project would include removing 35 existing on-site trees. The Project would plant six new trees. As such, the Project could potentially disturb and modify critical habitats that may be present on-site for special-status bird species. **Mitigation Measure BIO-1** would require a pre-construction clearance survey to be conducted on-site with a qualified biologist prior to the initiation of construction activities associated with the Project. In the event that an active nest is discovered during the pre-construction clearance survey, **Mitigation Measure BIO-1** would require all construction activities associated with the Project to stay outside of a 100-foot buffer around the discovered nest. Implementation of **Mitigation Measure BIO-1** would ensure that 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. As such, impacts to special-status migratory birds would be reduced to less than significant levels.

Mitigation Measures:

BIO-1 In the event that ground disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from January 1 through August 31), a qualified biologist retained by the City shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impacts to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 100-foot buffer around the active nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity seasons, which would be determined by the qualified biologist.

The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Results of the pre-construction survey and any subsequent monitoring shall be provided to the City of Milpitas, California Department of Fish and Wildlife, and other appropriate agencies. This requirement shall be indicated on the site improvement plan and specifications for verification by the City of Milpitas prior to the initiation of construction activities.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The CDFW considers sensitive natural communities to have significant biotic value, with species of plants and animals unique to each community. The Project Site does not contain any riparian habitat and does not contain any streams or water courses necessary to support riparian habitat. As shown in Table **3.4-1**, the CNDBB search revealed that the Northern Coastal Salt Marsh is a sensitive natural community. There is no Northern Coastal Salt Marsh vegetation present on-site with the nearest being approximately three miles northeast of the Project Site in the San Francisco Bay.[11] Given this distance and the developed and urbanized nature of the Project Site and surrounding area, the Project would not result in any adverse effects on any identified riparian habitat or other sensitive natural community.

Mitigation Measures: No mitigation measures are required.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. According to the USFWS National Wetlands Inventory Mapper, there are no mapped wetlands within the Project Site.[12] As such, no impacts would result pertaining to state or federally protected wetlands.

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11 Yerba Buena Chapter-CNPS, "Northern Coastal Salt Marsh." Available online at: http://cnps-yerbabuena.org/northern-coastal-salt-marsh/. Accessed January 8, 2024.

12 United States Fish and Wildlife, "National Wetlands Inventory." Available online at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed December 12, 2023.

Mitigation Measures: No mitigation measures are required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact with Mitigation Incorporated. Due to the developed and urbanized nature of the Project Site and surrounding area, Project implementation would not interfere with the movement of any native resident, migratory fish or animal species. However, existing ornamental vegetation on-site has the potential to provide suitable nesting habitat for birds. The Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, or nests. There are several mature trees present within the Project Site that may provide suitable habitat for nesting birds protected under the MBTA and California Fish and Game Code §§ 3500-5500. Birds may also nest on or within the vacant building on-site. As discussed above, construction activities associated with the Project would remove 35 trees on-site, thus removing potential habitat for birds. However, as stated above, the Project would implement **Mitigation Measure BIO-1**, which would ensure any potential direct and indirect impacts to protected nesting birds would be reduced to less than significant levels.

Mitigation Measures: See **Mitigation Measure BIO-1**.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The City of Milpitas Municipal Code (Title X, Streets and Sidewalks Chapter 2.0, *Tree Maintenance and Protection*) prohibits the removal of any street tree, protected tree or heritage planting from the Public Right-of-Way or private properties without first applying for a permit issued by the City of Milpitas Public Works and/or Planning Department. Additionally, the City may seek additional cost recovery for the removal of any protected tree. According to Section X-2-7.01 (Existing Trees Protected) of the Municipal Code, existing trees that are protected include trees that have a circumference greater than 37 inches on vacant properties and "heritage trees". Section X-2-7.01 of the Municipal Code defines heritage trees as:

- An outstanding specimen or grove of a desirable species;
- One of the largest or oldest trees or grove of trees in Milpitas; and/or
- A tree or grove of trees possessing distinctive form, size, age, location and/or historical significance

As discussed, the Project would remove approximately 35 trees. However, the Project would preserve 56 on-site trees that are in fair to good health and plant six new trees on-site. According to the Project's preliminary landscape plan, there are no existing trees on-site with a trunk circumference greater than 37 inches. Prior to the issuance of grading permits, the Project would be required to submit the landscape plan outlining the species of each tree that would be removed to the City for review. In the event that a heritage or protected tree would be removed under the Project, the Project Applicant would be required to comply with Section X-2-4.02 (Permit Required for Removal) and apply for a tree removal permit with the City's Public Works Department. In accordance with the tree removal permit, the Project Applicant would be subject to fees associated with t the value of the removed tree as determined by an arborist certified by the International Society of Arboriculture or required to plant at least two trees for every one protected tree removed by permit. Adherence to the applicable regulatory requirements outlined in the City's Municipal Code would ensure that impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. Th City of Milpitas is partially located within the planning area of the adopted *Santa Clara Valley Habitat Plan* (SCVHP). However, the Project Site is located outside of the SCVHP planning area.[13] As such, the Project Site is not considered to be a Covered Activity under the SCVHP.[14] No other Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the Project Site. Therefore, 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, and no impact would occur.

Mitigation Measures: No mitigation measures are required.

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13 Santa Clara Valley Habitat Agency, *Final Santa Clara Valley Habitat Plan*, Figure 1-2, Santa Clara Valley Habitat Plan Study Area and Permit Area. August 2012. Available online at: https://www.scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan, accessed December 12, 2023.

14 A "Covered Activity" is a lawful action authorized by the Incidental Take Permit and is implemented by the Permittee(s) in accordance with a Habitat Conservation Plan.

5. Cultural Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

This section includes information provided in the Sacred Lands File (SLF) search report from the Native American Heritage Commission (NAHC) completed for this Project dated January 10, 2024. The results were negative. This report is incorporated herein by this reference and provided in **Appendix B, Cultural Resources Documentation,** to this Draft Initial Study.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?

No Impact. A records request was sent to the Northwest Information Center (NWIC) on January 10, 2024, to inquire if any state or federally designated historical resources are identified either on-site or within the immediate vicinity of the Project Site (See **Appendix B** of this IS/MND). No responses from the NWIC have been received as of the publication of this MND**.** Typically, buildings that are recognized by the state as eligible resources are considered historic and are 50 years old or older. The Project Site currently includes an existing building that was constructed in 2002 and therefore was constructed 22 years ago. The existing building does not exhibit the historical architectural themes or styles that are commonly provided in other historically preserved buildings and communities throughout the state (e.g., buildings that have mid-century modern architectural style). Furthermore, the Office of Historic Preservation, the California Register of Historical Resources (CRHR), and the National Register of Historical Places (NRHP) do not identify any historical resources on-site.[15] As such, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to *CEQA Guidelines* Section 15064.5, and no impacts would occur.

[15] Office of Historic Preservation, "Built Environment Resource Directory (BERD)." Available online: https://ohp.parks.ca.gov/?page_id=30338, accessed January 23, 2024.

Mitigation Measures: No mitigation measures are required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation Incorporated. The Project Site is located in a developed and urban area that has been highly disturbed. Surfaces on-site are mostly paved with concrete. As such, it is unlikely that accidental discovery of archeological resources would occur. However, construction activities associated with the Project would involve grading. Thus, undiscovered archaeological resources could potentially be encountered during ground disturbing activities. In the event that previously unidentified archaeological resources are encountered, the Project would be required to comply with **Mitigation Measure CUL-1**. **Mitigation Measure CUL-1** would ensure that work in the immediate area of a potential archaeological find is halted until an archaeologist evaluates the find and determines appropriate subsequent procedures. With implementation of **Mitigation Measure CUL-1**, impacts would be less than significant.

Mitigation Measures:

CUL-1 If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology shall be contacted immediately to evaluate the find. If the resources are Native American human remains, the County Coroner and the Native American Heritage Commission shall be contacted as mandated by law. If necessary, the evaluation may require preparation of archaeological testing for California Register of Historical Resources (CRHR) eligibility. Results of the archaeological testing shall be reviewed and approved by the qualified archaeologist. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work may be warranted, such as data recovery excavation, and, if so, shall be identified by the archaeologist to mitigate any such significant impacts to cultural resources, if identified.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant. As the Project Site has been subject to past subsurface disturbance associated with grading and foundations, it is not anticipated that intact human remains would be encountered during construction activities. However, in the event that human remains are encountered, those remains would require proper treatment, in accordance with the with State of California Health and Safety Code Section

7050.5. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would also be implemented. Adherence to existing State laws would reduce impacts to any human remains, including those interred outside of formal cemeteries to less than significant levels.

Mitigation Measures: No mitigation measures are required.

6. Energy

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Less than Significant Impact. Pacific Gas & Electric (PG&E) provides electrical service to the County of Santa Clara, including the City of Milpitas

Construction Energy Use

Construction activity would use energy in the form of petroleum-based fuels to power off-road construction vehicles and equipment, construction worker travel, and vehicles used to deliver materials to the Project Site. The Project would require site preparation and grading, including hauling material off-site; building construction; paving; and architectural coating.

During construction, electricity would be consumed on a limited basis to power lighting, electrical equipment, and supply and convey water for dust control. Electricity would be supplied to the Project Site from existing electrical lines that connect to the Project Site. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. Electricity use from construction would be short-term, limited to working hours, used for necessary construction-related activities, and represent a small fraction of the Project's annual operational electricity.

Construction activities typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no expected demand generated by construction of the Project. If natural gas is used during construction, it would be in limited amounts and on a temporary basis and would specifically be used to replace or offset diesel-fueled equipment and as such would not result in substantial on-going demand.

Construction of the Project would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with CARB standards and California Code of Regulations, Title 13, sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by shutting it off when not in use or by reducing the time of idling to no more than five minutes.

Construction equipment would be maintained to applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical of construction sites. It is also reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Therefore, the Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

Operation Energy Use

The Project would renovate the existing office building on-site into a new preparatory school. This new school would include a theater, bio/chem lab classrooms, kitchens, and electrical room. The Project would also include 16 bathrooms. Operations of the Project would consume energy for multiple purposes, including, but not limited to, use of electronics, lab equipment and appliances, HVAC equipment, and refrigeration. Energy would also be consumed during school operations related to water usage, solid waste disposal, and vehicle trips. The new gymnasium would consume energy through the use of electricity during practices, games, and other school uses.

The Project would be required to comply with the requirements outlined in the 2022 California Building Green Code (CALGreen Code), which would minimize the Project's energy demands. The Project would also be required to comply with Chapter 20 (Green Building Regulations) of the City's Municipal Code, which, in part, would aim to reduce building energy use. In addition, the Project would be supplied by PG&E, which in turn must comply with the Renewables Portfolio Standard (RPS) targets set by the State. PG&E has demonstrated that it has met these requirements previously, and it is reasonable to assume it will continue to do so and meet these targets. As such, electricity supplied to the Project Site would increasingly come from renewable sources throughout the life of the Project.

During operation, Project-related traffic would result in the consumption of petroleum-based fuels related to vehicular travel to and from the Project Site. The majority of the vehicle fleet would consist of light-duty automobiles and light-duty trucks, which are subject to fuel efficiency standards, such as the Low Carbon Fuel Standard (LCFS) and Low-Emission Vehicle Program Standards. The Low Carbon Fuel Standard, in part, aims to reduce fuel consumption and providers of transportation fuels must demonstrate that the mix

of fuels they supply for use in California meets the LCFS carbon intensity standards for each annual compliance period.[16]

For these reasons, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. The Project would comply with Title 24, CALGreen standards, and the City's Green Building Regulations would ensure the Project would incorporate energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures, which is consistent with the state and City's goals for energy efficiency. As shown in **Figure 2.0-5**, **Conceptual Site Plan**, the Project would include four electric vehicle parking spaces at the northeastern parking lot area, in addition to the bicycle parking included as part of the proposed preparatory school. Per Chapter 20 of the City's Municipal Code, the Project would be LEED certified, which aims to increase energy efficiency. Adherence with state and local regulations and requirements would ensure that no impacts would occur.

16 California Air Resources Board, "Low Carbon Fuel Standard." Available online at: https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard/about, accessed December 11, 2023.

7. Geology and Soils

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault, caused in whole or in part by the project's exacerbation of the existing environmental conditions? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking caused in whole or in part by the project's exacerbation of the existing environmental conditions?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	☐	☐	☒	☐
iv. Landslides, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit 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, caused in whole or in part by the project's exacerbation of the existing environmental conditions?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

In 2015, the California Supreme Court, in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Ca 4th 369 (*CBIA v. BAAQMD*), held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. On the other hand, if a project exacerbates a condition in the existing environment, the lead agency is required to analyze the impact of that exacerbated condition on future residents and users of a project (as well as other impacted individuals). Thus, the analysis associated with existing geological hazards below focuses on whether the Project would exacerbate these environmental conditions and increase the potential to expose people to impacts.

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than Significant Impact. The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within Alquist-Priolo Earthquake Fault Zones require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

According to the California Geological Survey (CGS), the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazard.[17] In addition, the nearest active fault is the

[17] California Department of Conservation, "Earthquake Zones of Required Investigation." Available online at: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed December 18, 2023.

Hayward Fault Zone, located approximately 1.6 miles east of the Project Site.[18] Considering the distance to the nearest known active faults, the potential for surface fault rupture due to a known active fault is considered low. As such, impacts pertaining to potential fault rupture of a known earthquake fault is not likely. Compliance with the mandatory building code structural specifications, as well as adherence to geotechnical recommendations, would result in structures that would adequately resist adverse effects from seismic ground shaking. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

Mitigation Measures: No mitigation measures are required.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

ii) Strong seismic ground shaking?

Less than Significant Impact. As discussed above, the Project Site is located less than two miles from the southeast extension of the Hayward Fault, an earthquake fault line with an estimated magnitude (Mw) of 6.9 Mw. On a movement magnitude scale, seismic events with a magnitude between 6.1 to 6.9 Mw are classified as events that "may cause a lot of damage in very populated areas."[19] As such, the Project would be required to undergo a site plan review from the City's Building Safety and Housing Department to ensure that design plans for the Project would be developed in accordance with the seismic design requirements for building, as detailed in the 2022 California Building Code (CBC). Compliance with the 2022 CBC would ensure that the Project would not directly or indirectly cause potential substantial adverse effects involving strong seismic ground sharking, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction is a phenomenon in which loose, saturated, relatively cohesionless soil deposits lose shear strength during strong ground motions. Primary factors controlling

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18 United States Geological Survey, "Quaternary Fault and Fold Database of the United States." Available online at: https://www.usgs.gov/programs/earthquake-hazards/faults. Accessed on December 13, 2023.

19 Michigan Tech University, "Earthquake Magnitude Scale," Available online at: https://www.mtu.edu/geo/community/seismology/learn/earthquake-measure/magnitude/, accessed on December 13, 2023.

liquefaction include intensity and duration of ground motion, gradation characteristics of the subsurface soils, in-situ stress conditions, and the depth to groundwater. According to the CGS, the Project Site is located within an area that is identified as a liquefaction hazard zone.[20]

As a new preparatory school, Project operations would not include any earth disturbing activities. As stated, the Project would be subject to site plan review and approval by the City's Building Safety and Housing Department to ensure that the proposed structures are seismically sound. Construction activities that involve earth disturbing activities would adhere to the best management practices (BMPs) and design standards outlined in the CGS's *Guidelines for Evaluating and Mitigating Seismic Hazards in California*. The Project would also comply with all applicable regulations and design standards in the 2022 CBC to ensure that liquefaction potential is minimized. Compliance with the 2022 CBC and the City's design standards and site plan review process would ensure that impacts involving ground failure involving liquefaction would be less than significant.

Mitigation Measures: No mitigation measures are required.

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

iv) Landslides?

No Impact. Landslides and other types of slope failures, such as lateral spreading, can result in areas with varying topography in the event of an earthquake. The Project Site is located within an area of the City with relatively flat topography. Additionally, the Project Site is not located within a designated landslide zone.[21] As such, landslide hazard is anticipated to be negligible, and impacts related to landslides would not occur.

Mitigation Measures: No mitigation measures are required.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Construction activities associated with the Project would result in ground surface disruption during site clearance and grading, which would temporarily expose soils, allowing for possible erosion. The Project would be required to comply with federal, regional, and local regulations pertaining to soil erosion related-construction activity. As discussed further in **Section 10**, **Hydrology and**

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20 California State Geoportal, "Liquefaction Zones." Available online at: https://gis.data.ca.gov/datasets/b70a766a60ad4c0688babdd47497dbad/about?layer=0, accessed December 13, 2023.

21 California Department of Conservation, "Landslide Inventory (Beta)." Available online at: https://maps.conservation.ca.gov/cgs/lsi/, accessed December 13, 2023.

Water Quality, construction and operational activities associated with the Project would be subject to the applicable measures and requirements outline in Chapter 16 (Stormwater and Urban Runoff Pollution Control). By complying with local regional regulations, impacts related to soil erosion and loss of topsoil would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant Impact. Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. The surficial blocks are transported downslope or in the direction of a free face, by earthquake and gravitational forces. The Project Site is relatively flat and does not include a free-facing slope in proximity to the site. Therefore, the potential for lateral spreading is considered very low.

Subsidence occurs when large amounts of groundwater have been withdrawn from certain types of rocks, such as fine-grained sediments. In California, large areas of land subsidence were first documented by USGS scientists in the first half of the 20th century. Most of this subsidence was a result of excessive groundwater pumping. The Project Site is located within an area that has been identified to potentially experience groundwater subsidence according to the USGS.[22] However, the Project would operate as a school and would not involve groundwater pumping from the Project area. Further, the Project would adhere to the requirements outlined in the 2022 CBC related to soil treatment and excavation during construction. Therefore, adherence to state regulations would reduce impacts related to subsidence hazards to less than significant levels.

The potential for liquefaction is anticipated at the Project Site and, therefore, the potential for liquefaction-related collapse is also possible. However, as stated above, the Project would comply with the grading and foundation recommendations presented in the CGS's *Guidelines for Evaluating and Mitigating Seismic Hazards in California*. The Project would also be designed and constructed to comply with the 2022 CBC. These design requirements would minimize the impacts from lateral spreading and liquefaction to less than significant levels. Adherence to the seismic design parameters of the 2022 CBC would be confirmed at plan check and building design review with the City of Milpitas. Therefore, Project impacts concerning lateral spreading and liquefaction would be less than significant.

22 U.S. Geological Survey, "Areas of Land Subsidence in California." Available online at: https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html, accessed December 13, 2023.

d) Be located on expansive soil, as identified in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less than Significant Impact. Expansive soils are defined as soils possessing clay particles that react to moisture changes by shrinking (when dry) or swelling (when wet). According to the United States Department of Agriculture (USDA), soils within the Project Site are classified as "Urban land-Hangerone complex" and "Urban land-Clear Lake complex" which generally consist of medium dense to dense sands and gravels. These materials have a low potential for soil expansion.[23] As such, impacts from soil expansion would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. No septic tanks or alternative wastewater disposal systems would be constructed as part of the Project. Therefore, impacts related to soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems would not occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. Paleontological resources include fossil remains or traces of past life forms, including both vertebrate and invertebrate species, as well as plants. Paleontological resources are generally found within sedimentary rock formations.

As discussed above, the Project Site is located within a developed and urban area that has been highly disturbed. Surfaces on-site are mostly paved with concrete and asphalt. However, ground disturbing activities during construction could potentially impact undiscovered paleontological resources, which could be considered a significant impact. **Mitigation Measure GEO-1** would require all construction activities to halt in the event that a paleontological resource is encountered and require a qualified paleontologist to assess the find and prepare a Paleontological Resource Mitigation Plan to address assessment and recovery of the resource. With the implementation of **Mitigation Measure GEO-1**, impacts related to the paleontological resources would be reduced to less than significant levels.

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23 United States Department of Agriculture, "Web Soil Survey." Available online at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed December 13, 2023.

Mitigation Measures:

MM GEO-1 In the event that paleontological resources are discovered all construction activities shall halt within 50 feet of the discovery and a Paleontological Resource Mitigation Plan shall be prepared by a qualified paleontologist to address assessment and recovery of the resource. A final report documenting any found resources, their recovery, and disposition shall be prepared in consultation with the Project Applicant, and a copy of the report shall be provided to the City of Milpitas Planning Division.

8. Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐

Global climate change refers to any significant change in climate measurements, such as temperature, precipitation, or wind lasting for an extended period. Climate change may result from natural factors, natural processes within the climate system, and human activities that change the atmospheric composition and land surface. The dangers of climate change include, but are not limited to, increased wildfire dangers from extended dry seasons, sea level rise from melting ice caps and thermal expansion, and storm surges driven by changing weather patterns.

The natural process through which heat is retained in the troposphere[24] is called the "greenhouse effect." Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases, play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere as short-wave radiation. It travels through the atmosphere without warming it and is absorbed by the Earth's surface. When the Earth re-emits this radiation back toward space, the radiation changes to long wave radiation. GHGs are transparent to incoming short-wave solar radiation but absorb outgoing long wave radiation. As a result, radiation that otherwise would escape back into space is now retained, warming the atmosphere. This phenomenon is known as the greenhouse effect.

Regulatory Framework

The State of California has implemented a series of GHG plans and policies aimed at reducing state GHG emissions. Measures applicable to the project are summarized below:

[24] The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth's surface from 6 to 7 miles).

- Executive Order (EO) S-03-05. EO S-03-05 was issued by Governor Schwarzenegger to set statewide emissions reduction standards. The order required the state to reduce GHG emissions to 1990 levels by 2020 and reduce GHG emissions to 80% below 1990 by 2050.

- Assembly Bill (AB) 32. AB 32 was signed into law in 2006 and codified into law the 2020 GHG emissions target set by EO S-03-5.

- Senate Bill (SB) 32. SB 32 was signed into law in 2016 and sets into law the mandated reduction targets set in EO B-30-15, which required a reduction in GHG emissions to 40% below the 1990 levels by 2030.

- 2022 Final Scoping Plan. CARB issued the third, most comprehensive and far-reaching Scoping Plan developed to date. The 2022 Final Scoping Plan identifies a technologically feasible, cost-effective, and equity-focused path to achieve new targets for carbon neutrality by 2045 and to reduce anthropogenic GHG emissions to at least 85% below 1990 levels, while also assessing the progress California is making toward reducing its GHG emissions by at least 40% below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan

Local Regulations

Bay Area Air Quality Management District (BAAQMD)

For land use development projects, the BAAQMD recommends using the approach endorsed by the California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less than significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

City of Milpitas Climate Action Plan

The City of Milpitas adopted a Climate Action Plan Update (CAP Update) in 2022 to make Milpitas a more sustainable community by reducing GHG emissions and to establish a "qualified greenhouse gas reduction strategy." The CAP Update is designed to be a comprehensive roadmap to continue addressing the challenges of climate change and keep the City on its path to carbon neutrality by 2045. The CAP Update is the product of extensive and ongoing engagement with residents, businesses, local government, and other organizations and stakeholders. These extensive community engagement efforts have resulted in

locally based and context-specific strategies, measures, and actions designed to achieve the City's climate objectives while simultaneously enhancing the quality of life for Milpitas's residents, workers, and visitors.

The CAP Update also identifies nine "co-benefits" that would result from the implementation of the CAP Update. These co-benefits are considered as additional valuable outcomes that are not the primary intent of climate change mitigation or adaptation actions, such as improvements to local air quality and water supply, increases in local green jobs and cost savings, and benefits to public health and improved mobility options. The CAP Update incorporates best practices to produce a blueprint for achieving GHG emissions reduction in Milpitas and ultimately, to comply with AB 32, SB 32, AB 1279 and SB 375.

Milpitas's CAP Update meets the standards of a Qualified GHG Reduction Plan (which parallel and elaborate upon criteria established in *State CEQA Guidelines* Section 15183.5(b)(1)), as presented in the chapters referenced below.[25]

- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area (Chapter 2).
- Establish a level, based on substantial evidence, below which the contribution of GHG emissions from activities covered by the plan would not be cumulatively considerable (Chapter 2).
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area (Chapter 3).
- Specify measures or a group of measures, including performance standards that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level (Chapter 4).
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specific levels (Chapter 6).
- Adopt the GHG Reduction Strategy in a public process following environmental review.

The City also published an Addendum to the *City of Milpitas General Plan Final EIR* for the CAP Update in June 2022. The Addendum includes an attachment with an environmental checklist that serves as the appropriate CEQA compliance document and has been prepared in compliance with the requirements of Section 15162 of the *State CEQA Guidelines*. The checklist contains substantial evidence to support that the

25 City of Milpitas, *Climate Action Plan Update*, 2022. Available online at: https://www.milpitas.gov/DocumentCenter/View/891/Addendum-to-the-Milpitas-General-Plan-EIR-for-the-Milpitas-Climate-Action-Plan-Update-PDF. Accessed November 30, 2023.

CAP update would not result in any new or substantially more severe environmental impacts from those identified in the *City of Milpitas General Plan EIR*.

City of Milpitas Green Building Regulations

The City of Milpitas Municipal Code (MMC) includes Chapter 20, Green Building Regulations which regulates the design, construction, maintenance, operation, and deconstruction of buildings by incorporating green building practices into all development. The building provisions are designed to achieve the following goals:

1. Increase energy efficiency;

2. Encourage water and resource conservation;

3. Reduce waste generated by construction projects; and

4. Promote the health of residents, workers, and visitors to the City.[26]

BAAQMD Thresholds

The BAAQMD does not provide an adopted threshold of significance for construction related GHG emissions. The *BAAQMD 2022 CEQA Guidelines*[27] states that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. Therefore, the thresholds for land use projects are designed to address operational GHG emissions, which represent the project's GHG emissions.

According to the *BAAQMD 2022 CEQA Guidelines*, a proposed land use development project would not have a significant GHG impact if operation of the Project would meet one of the following thresholds (must include **A** or **B)**:

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26 City of Milpitas, Milpitas Municipal Code, Chapter 20 – Green Building Regulations, Available online at: https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITIIBURE_CH20GRBURE. Accessed November 30, 2023.

27 Bay Area Air Quality Management District, *2022 CEQA Guidelines.* Available online at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, Accessed November 30, 2023.

Threshold A: Projects must include, at a minimum, the following project design elements:

- Buildings:
  - The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
  - The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the *State CEQA Guidelines.*
- Transportation:
  - Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15%) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
    - Residential projects: 15% below the existing VMT per capita
    - Office projects: 15% below the existing VMT per employee
    - Retail projects: no net increase in existing VMT
  - Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

Threshold B: Projects must be consistent with a local GHG reduction strategy that meets the criteria under *State CEQA Guidelines* Section 15183.5(b).

Methodology

GHG emissions for the Project were analyzed using the methodology recommended in the *BAAQMD 2022 CEQA Guidelines*. As stated under the thresholds of significance heading above, the BAAQMD recommends the operation of all land use projects meet either BAAQMD Thresholds "**A**" or "**B**." As discussed earlier, the City's CAP qualifies as a "greenhouse gas emissions reduction plan" pursuant to Section 15183(b)(1) of the *State CEQA Guidelines*. Therefore, impact questions "a" and "b" have been analyzed together within the scope of BAQMD Threshold "**B**."

GHG emissions were calculated with the CalEEMod. Operational GHG emissions result from both direct and indirect sources. Direct emissions include emissions from fuel combustion in vehicles and natural gas combustion from stationary sources. Indirect sources include off-site emissions occurring as a result of electricity and water consumption and solid waste.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact with Mitigation Incorporated. Using CalEEMod, project GHG emissions throughout the construction phases were calculated from off-road equipment usage, hauling vehicles, delivery, and worker vehicle trips to and from the site. The total GHG construction emissions over the approximately 12-month construction duration of the Project would be approximately 178.8 MT CO2e. As GHG emissions impact from construction activities would occur over a relatively short time span, it would contribute a relatively small portion of the lifetime GHG emission impact of the Project. The total construction GHG emissions were divided by 30 to determine an annual construction emission rate estimate to be amortized over the Project's first 30 years of operational life, consistent with CEQA analysis across the state. Amortized over a 30-year period, the Project is anticipated to emit approximately 5.96 MT CO2e/year.

CalEEMod was also used to calculate the annual GHG emissions generated by the Project during operation. Sources of GHG emissions during operation include emissions from area sources, electricity, mobile sources, waste, and water. Amortized yearly construction emissions were added to operational GHG emissions to calculate the Project's total annual GHG emissions.

Emissions from area sources are based on land use sizes, GHG emission factors for fuel combustion, and the global warming potential (GWP) values for the GHGs emitted. Electricity usage emissions are based on the land uses, default demand factors for the land use, GHG emission factors for the utility provider, and the GWP values of the GHGs emitted. Mobile-source GHG emissions were determined by the Project's transportation engineer.[28] Waste and water emissions are derived from the anticipated water usage and wastewater generated based on the Project's proposed land uses and the associated water demand factors.

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28 Hexagon Transportation Consultants, Inc., *1323 Great Mall Drive Stratford School, Traffic Operations Analysis,* January 8, 2024. Report available on file with the City Planning Department.

As shown in **Table 3.8-1, Project Greenhouse Gas Emissions**, the Project's estimated GHG operational emissions would be 1,895 MT CO2e/year. This quantification has been included for illustrative purposes and to satisfy the requirements of CEQA. The determination of significance for the Project is discussed below.

Table 3.8-1
Project Greenhouse Gas Emissions

Emissions Source	Metric Tons of Carbon Dioxide Equivalent (per year)
Mobile Sources	1,680
Area Sources	0.88
Energy Sources	160.70
Water Sources	5.25
Waste Sources	42.50
Refrigerants	0.04
Amortized Construction	5.96
Total GHG Emissions	**1,895**

*Source: Impact Sciences, Inc. See **Appendix A** for CalEEMod data.*
Area, energy, water, and waste emissions for the existing building and the new gymnasium were calculated together.

BAAQMD Threshold "B" states that projects must be consistent with a local GHG reduction strategy that meets the criteria under *State CEQA Guidelines* Section 15183.5(b). The City of Milpitas Climate Action Plan Update (CAP Update) satisfies Section 15183.5(b) of the *State CEQA Guidelines* and is therefore the appropriate local GHG reduction plan that the Project can be compared to for consistency. **Table 3.8-2, Project Consistency with Milpitas 2022 CAP Update**, shows the Project's consistency with the strategies and measures of the Milpitas CAP.

Table 3.8-2
Project Consistency with Milpitas 2022 CAP Update

Strategies and Actions	Consistency Analysis
Strategy BE-1: Shift to Clean and Reliable Energy	
Measure BE-1.1: Achieve 100 percent carbon-free electricity by 2030 in all existing and new developments.	**Consistent. Mitigation Measure GHG-1** would require new development associated with the Project to install on-site renewable energy storage systems, such as solar panels.

Strategies and Actions	Consistency Analysis
Measure BE-1.2: Facilitate innovative approaches to energy generation, distribution, and storage (e.g., microgrids).	**Not Applicable.** This measure requires the City to consider opportunities for alternative energy generation, and to collaborate with local electricity agencies to implement said opportunities. The Project would not interfere with any strategies or measures by the City to identify and adopt alternative methods of energy generation.
Measure BE-1.3: Strengthen community awareness of energy efficiency, energy conservation, electrification, and clean energy.	**Not Applicable.** This measure directs the City to implement comprehensive energy efficiency, energy conservation, electrification, and clean energy outreach and education campaigns. The Project would not conflict with this campaign.
Strategy BE-2: Maximize Building Decarbonization and Efficiency	
Measure BE-2.1: Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.	**Not Applicable.** This measure directs the City to update the reach code that prohibits the installation of natural gas infrastructure, as well as coordinate with other cities and electric/natural gas companies to implement mor efficient strategies. The Project would not interfere with any strategies or measures by the City to update energy efficient electricity Citywide.
Measure BE-2.2: Facilitate all-electric development projects for industrial buildings.	**Not Applicable.** This measure calls for the market demand for all-electric industrial buildings to be met. The Project would not introduce new industrial buildings to the Project Area.
Measure BE-2.3: Expand the City's Green Building Program.	**Not Applicable.** This measure requires the City to develop and implement incentives for projects that incorporate sustainable design approaches and/or elements that exceed local, regional, and State requirements. The Project would not interfere or conflict with these incentives.
Measure BE-2.4: Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.	**Not Applicable.** This measure is aimed at improving the energy efficiency of existing residential and nonresidential buildings and municipal facilities and does not involve any actions towards new development. The Project would not conflict with this measure.
Measure BE-2.5: Facilitate energy audits for existing buildings to identify energy efficiency retrofit and electrification opportunities.	**Not Applicable.** This measure is aimed at improving existing buildings and does not involve any actions towards new development. The Project would not conflict with this measure.
Measure BE-2.6: Reduce plug loads in existing buildings.	**Not Applicable.** This measure is aimed at improving existing buildings and does not involve any actions towards new development. The Project would not conflict with this measure.
Strategy TR-1 Facilitate Sustainable Transportation and Land Use Planning	
Measure TR-1.1: Reduce VMT from new development in compliance with SB 743.	**Consistent:** As concluded in **Section 3.14, Transportation**, the Project would reduce VMT generated from the Project Site from 2,635 VMT/employee to 1,163 VMT/employee. The Project would not conflict with SB 743.
Measure TR-1.2: Reduce VMT from existing development.	**Consistent.** The Project would renovate an existing office building into a new preparatory school. As concluded in **Section 3.14, Transportation**, the Project would reduce VMT generated from the Project Site from 2,635 VMT/employee to 1,163 VMT/employee. The Project would not conflict with this measure.
Measure TR-1.3: Continue to implement and adopt policies that support high-density, mixed use, and transit-oriented development and housing near jobs.	**Consistent.** While this measure directs the City to implement and adopt policies that promote the use of transit-oriented development in more areas of the City, the Project Site supports this measure because it is located within a transit-oriented development area.
Measure TR-1.4: Explore car-free zones or shared streets in appropriate areas.	**Not Applicable.** This measure focuses on implementing car-free zones in areas with multiple commercial developments. The Project would not conflict with the City's efforts to implement car-free zones.

Strategies and Actions	Consistency Analysis
Strategy TR-2 Decarbonize Vehicles	
Measure TR-2.1: Increase EV charging infrastructure.	**Consistent:** With implementation of **Mitigation Measure GHG-1**, the Project would install four electric vehicle charging stations on-site.
Measure TR-2.2: Increase EV and low-carbon vehicle adoption.	**Not Applicable:** This measure directs the City to collaborate with local and regional agencies and implement incentives to increase the number of EV and low-carbon vehicles within the City. The Project would not conflict with these efforts.
Measure TR-2.3: Reduce vehicle idling.	**Not Applicable:** This measure directs the City to take actions to reduce vehicle idling. The Project would not interfere with such efforts.
Measure TR-2.4: Reduce the amount of parking such that it meets the needs of residents, workers, and visitors in a way that is consistent with the City's sustainability goals.	**Not Applicable.** This measure is directed at the City to lower the number of parking spaces within the City to meet the needs of the City population, while maintaining consistency with the City's sustainability goals. The Project would not interfere with such efforts.
Strategy TR-3 Increase Active and Public Transportation Use	
Measure TR-3.1: Enhance and expand transit facilities and infrastructure.	**Not Applicable**. This measure aims to improve and expand the City's existing transit facilities. The Project would not interfere with such efforts.
Measure TR-3.2: Increase transit ridership.	**Not Applicable.** This measure aims to increase the number of transit rides and riders within the City. The Project would not interfere with such efforts.
Measure TR-3.3: Improve active transportation options.	**Consistent.** The Project Site is located within the Milpitas Metro Specific Plan; according to the MMSP, the purpose of the Great Mall District sub-area is to maintain the original Great Mall, while developing residential infill, urban scaled buildings along Great Mall Parkway, commercial buildings located close to the Milpitas Transit Center, a central public gathering place and linear park, and a walkable street grid. The Project helps achieve the vision of the Specific Plan through the introduction of new EV charging stations and new bike racks for students and faculty and is 0.20 miles northwest of the Milpitas Transit Center.
Strategy SW-1 Achieve Zero Waste	
Measure SW-1.1: Eliminate the disposal of organic solid waste in landfills.	**Consistent:** The Project would adhere to the regulatory requirements of AB 341, SB1383 AB 1826, and the City's Municipal Code that pertain to organic solid waste disposal.
Measure SW-1.2: Increase recycling and the diversion of other inorganic solid waste.	**Consistent:** The Project would adhere to the recycling standards set forth in Chapter 200 (Solid Waste) of the City's Municipal Code and the CALGreen Code.
Measure SW-1.3: Reduce the generation of waste from residents and businesses.	**Consistent.** The Project would comply with state and local laws and regulations (i.e., CALGreen Code, AB 341, SB1383, AB 1826, and in Chapter 200 of the City's Municipal Code) that govern the generation and disposal of waste in residential developments.
Measure SW-1.4: Reduce the generation of construction and demolition waste.	**Consistent.** All construction activities associated with the Project would be required to demonstrate compliance with the applicable state and local laws and regulations (i.e., AB 939 and Chapter 200 of the City's Municipal Code) that requires all generated construction-related waste to be reduced, recycled, and re-used. The Project will be recycling 153.45 of the 221.5 tons of demolition debris.
Measure SW-1.5: Facilitate repair and reuse of consumer products.	**Not Applicable.** This measure directs the City to create reuse facilities. The Project would not interfere with such efforts.

Strategies and Actions	Consistency Analysis
Strategy OT-1 Shift to Clean Off-Road Equipment and Vehicles	
Measure OT-1.1: Reduce landscaping-related emissions.	**Consistent.** The Project would utilize energy efficient equipment to maintain the proposed open space and landscaping on-site.
Measure OT-1.2: Reduce construction-related emissions.	**Consistent.** As discussed above, construction activities associated with the Project would generate approximately 178.8 MT CO_{2e}. However, emissions would be temporary in nature and would represent a small portion of a Project's lifetime GHG emissions. Further, implementation **Mitigation Measure GHG-1** would require the Project to implement practices that would reduce emissions, such as utilizing energy-efficient construction equipment.
Strategy WA-1 Promote Resilient Water Supply, Water Use, and Water Resources	
Measure WA-1.1: Reduce indoor water consumption in buildings**.**	**Not Applicable.** This measure directs the City to implement water conserving programs and policies. The Project would not conflict with these policies.
Measure WA-1.2: Reduce water consumption for irrigation and landscaping.	**Consistent.** With implementation of **Mitigation Measure GHG-1**, the Project would include water-efficient irrigation systems capable of using reclaimed water.
Measure WA-1.3: Increase the use of recycled water and support efforts to drought-proof our water supply.	**Consistent.** The Project would utilize reclaimed water on-site, where feasible.
Strategy CS-1 Resilient Infrastructure and Healthy Forest and Natural Systems	
Measure CS-1.1: Protect native trees and vegetation and enhance carbon sequestration.	**Consistent.** Presently, the Project Site contains ornamental landscaping in the form of grass medians and approximately 93 trees are present on-site. The Project would remove 35 existing on-site trees, preserve 58 existing trees, and plant 6 new trees. Additionally, the Project will plant new shrubs, perennials, and groundcovers throughout the Project Site.
Measure CS-1.2: Reduce the urban heat island effect to conserve energy.	**Consistent.** As previously stated, the Project would retain multiple existing trees and incorporate new shrubs, perennials, and groundcovers throughout the Project Site, reducing the urban heat island effect.
Measure CS-1.3: Increase the use of green infrastructure.	**Consistent.** The Project would implement all sustainable building materials as recommended by the CALGreen Code to the proposed Project.
Measure CS-1.4: Increase soil carbon content.	**Not Applicable.** This measure requires the City to develop a soil strategy for the city to support urban agriculture, address carbon sequestration, and increase water capture. The Project would not conflict with these efforts.
Measure CS-1.5: Use low-carbon and carbon sequestering construction materials in new development.	**Not Applicable.** This measure implements plazas to include pervious pavement material, and new nonresidential developments to utilize building materials that store carbon.
Strategy GE-1 Foster Green and Sustainable Economic Development Opportunities	
Measure GE-1.1: Support and attract clean technology businesses and green jobs in Milpitas.	**Not Applicable.** This measure directs the City to collaborate with local and regional agencies to provide outreach programs, training, and educational courses pertaining to energy efficiency. This measure also requires the City to develop a Green Business Strategic Plan. The Project would not conflict with these efforts.
Measure GE-1.2: Incentivize and promote green business practices.	**Not Applicable.** This measure requires the City to promote certain "green" business practices: such as promoting green tenant and leasing practices for commercial businesses and to develop a "Clean Energy Pledge for commercial businesses. The Project would not conflict with these efforts.

Strategies and Actions	Consistency Analysis
Strategy GE-2 Support Circular Economy Policies	
Measure GE-2.1: Engage with circular economy and zero waste policymaking at the Federal, State, and local levels.	**Not Applicable.** This measure would encourage the City to implement best management practices that would reduce the City's waste generation. The Project would not conflict with these efforts.

Source:
City of Milpitas. Climate Action Plan Update. 2022. Available online at: https://www.milpitas.gov/DocumentCenter/View/899/Milpitas-Climate-Action-Plan-PDF?bidId=, accessed January 24, 2024.

The Project would not generate greenhouse gas emissions that would result in a significant impact on the environment, nor would it conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs. Further, as noted in **Mitigation Measure GHG-1** the Project is required to demonstrate compliance with the *Milpitas 2022 CAP Update.* Therefore, impacts are less than significant with mitigation incorporated.

Mitigation Measures: Implementation of **Mitigation Measure GHG-1** would demonstrate the Project's compliance with applicable goals and measures set forth in the *Milpitas 2022 CAP Update*. As such, the Project would comply with BAAQMD threshold "B" which states that projects must be consistent with a local GHG reduction strategy.

MM GHG-1 Prior to the issuance of a building permit, the Project Applicant shall demonstrate compliance with relevant and applicable measures of the CAP Update by preparing and implementing a project-specific consistency review checklist. The City shall review this consistency review checklist as part of the Project plan review.

The consistency review checklist shall outline feasible, effective and applicable measures that will be required for the Project. Applicable and effective measures in reducing Project GHG emissions include, but are not limited to, the following:

- Utilize the latest energy-efficient construction equipment, when feasible;
- Install Energy Star appliances;
- Install on-site renewable energy, such as solar panels;
- Provide on-site electric vehicle charging stations and associated infrastructure; and
- Install water-efficient irrigation systems capable of using reclaimed water, when available.

9. Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

As noted above, the California Supreme Court, in *CBIA v. BAAQMD*, held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. On the other hand, if a project exacerbates a condition in the existing environment, the lead agency is required to analyze the impact of that exacerbated condition on future residents and users of a project (as well as other impacted individuals). Thus, the analysis associated with existing hazardous

conditions below focuses on whether the proposed project would exacerbate these environmental conditions so as to increase the potential to expose people to impacts.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. Exposure of the public or the environment to hazardous materials could potentially occur through improper handling or use of hazardous materials or hazardous wastes during routine use, disposal, and/or transport of hazardous materials. The severity of these potential effects varies with the activity conducted, the concentration and type of hazardous materials or wastes present, and the proximity of sensitive receptors.

Operating as a school, the Project would not involve the handling, use or transport of substantial amounts of hazardous materials or hazardous wastes. However, construction activities associated with the Project would involve the use of those hazardous materials that are typically necessary for construction and renovations (i.e., paints, solvents, building materials, cleaners, and fuel for construction equipment). Accordingly, limited amounts of some hazardous materials could be used in the short-term construction phase of the Project and could expose construction workers and the general public to standard construction materials (e.g., paints and solvents), vehicle fuel, and other hazardous materials. In the event of a release of hazardous material the Project Applicant would be required to notify the following State agencies under the following State statutes, respectively:

- Department of the California Highway Patrol: California Vehicle Code Section 23112.5;
- Office of Emergency Services and the California Public Utilities Commission: Public Utilities Code Section 7673, (PUC General Orders #22-B, 161);
- State Fire Marshal: Government Code Sections 51018
- Office Emergency Services: Water Codes Sections 13271, 13272; and
- Division of Occupational Safety and Health (Cal/OSHA): California Labor Code Section 6409.1 (b)10.

Compliance with applicable state regulations would reduce impacts related to the routine transport, use or disposal of hazardous materials to less than significant levels.

Mitigation Measures: No mitigation measures are required.

b) Create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. Project operations would not contribute to conditions that could cause a reasonably foreseeable release in hazardous materials. Construction equipment utilized during construction activities associated with the Project could result in accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. However, the level of risk associated with this type of accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction.

According to the State Water Resources Control Board (SWRCB) and the Department of Toxic Substances Control (DTSC), there are no reported cases of soil, soil vapor, or groundwater contamination on-site.[29,30] Furthermore, the potential of exposure to asbestos containing materials (ACMs) and lead based paint (LBP) is low, as the existing building on-site was constructed in 2002. As such, the Project would not create a significant hazard to the public or the environment through an accidental release of hazardous materials, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The adjacent Stratford Preparatory School is located immediately south of the Project Site and is less than a one-quarter mile from the Project Site.

As previously discussed, construction of the Project would involve the use of hazardous materials that are typically necessary for construction and renovations. However, the transport, use, and disposal of construction-related hazardous materials would be temporary and would adhere to all applicable state federal regulations governing such activities.

As a new preparatory school, hazardous materials on-site would be limited to the nominal use of solvents (i.e., bleach and other cleaning materials) used for janitorial purposes, materials used for landscaping, and materials used for maintenance. However, these uses would be nominal and would be contained, stored,

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29 State Water Resources Control Board, "Geotracker." Available online at: https://geotracker.waterboards.ca.gov/. Accessed December 13, 2023.

30 Department of Toxic Substances Control. "Envirostor." Available online at: https://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST. Accessed December 13, 2023.

and used in accordance with the manufacturers' instructions and handled in compliance with applicable standards and regulations. As such, impacts related to the emission of hazardous materials within one-quarter mile of a school would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. Government Code §65962.5 requires DTSC, State Department of Health Services, SWRCB, and California Integrated Waste Management Board to compile and annually update lists of hazardous waste sites and land designated as hazardous waste property throughout the state. The Project Site is not listed pursuant to Government Code §65962.5.[31] As such, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The closest airport to the Project Site is Norman Y. Mineta San Jose International Airport, located approximately 4.5 miles southwest. The Project Site is located outside of the Airport Influence Area of the *Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan*.[32] Therefore, the Project would not expose students, faculty, and visitors to excessive airport-related noise levels, and no impacts would occur.

Mitigation Measures: No mitigation measures are required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Construction activities would be limited to the Project's boundaries, and all

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31 California Environmental Protection Agency, "Cortese List Data Resources." Available online at: https://calepa.ca.gov/sitecleanup/corteselist/, accessed January 2, 2024.

32 Walter B. Windus PE, Aviation Consultant, *Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan, Figure 8 "Airport Influence Area, November 16, 2016.*

staging for construction would occur on-site. The existing driveways along Great Mall Drive and Falcon Drive would be used as emergency and evacuation access points. As such, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. Wildfire hazard areas are commonly identified in regions of the wildland/urban interface. However, the Project Site is located in an entirely built-out urban community that is characterized by a mix of commercial and industrial areas. The Project Site does not interface with any wildlands, or an area classified as a Fire Hazard zone as identified by the California Department of Forestry and Fire Protection (CAL FIRE).[33] Therefore, impacts related to exposure of people to wildland fires would not occur. As such, the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impact would occur.

Mitigation Measures: No mitigation measures are required.

[33] California Department of Forestry and Fire Prevention (CAL FIRE), "Fire Hazard Severity Zone Viewer." Available online at: https://egis.fire.ca.gov/FHSZ/, accessed January 2, 2024.

10. Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site?				
i. result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation??	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. Section 402 of the Clean Water Act (CWA) includes regulations established by the U.S. EPA under the National Pollutant Discharge Elimination System (NPDES) program to control direct stormwater discharges. In the State of California, the State Resources Water Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting

requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The City of Milpitas is located within the jurisdiction of the San Francisco Regional Water Quality Control Board (SFRWQCB).

Construction activities associated with the Project would involve grading activities to construct the proposed gymnasium building and playfield. As a result, waste discharge would occur and may consist of oil and grease, trash, heavy metals and pathogens as well as other pollutants. Further, construction activities associated with the Project have the potential to degrade water quality through the exposure of surface runoff (primarily rainfall) to exposed soils, dust, and other debris, as well as from runoff from construction equipment. The ground disturbing activities associated with construction of the Project (new gymnasium and playfield) would be limited to the western portion of the Project Site that makes up less than one acre of the overall Project Site. Therefore, the Project would not be required to obtain coverage under the NPDES Construction General Permit.

The Project would be required to comply with Chapter 16 (Stormwater Management and Urban Pollution Control) of the City's Municipal Code. Specifically, the Project must adhere to Section XI-16-6 (Industrial and Commercial Site Controls), which requires Low Impact Development (LID) source control, site design, and stormwater treatment measures to ensure that stormwater runoff from the Project Site is reduced during construction and operational activities. As stated in Section XI-16-6, all plan documents and construction activities are subject to inspection and approval by the City. Additionally, the Project would comply with stormwater treatment requirements for redevelopment and new development outlined in Section XI-16-7 (Inspection and Maintenance of Permanent Stormwater Treatment Measures) by implementing a new stormwater treatment system for the Project. Under this system, the Project would install new concrete ditch lines that would drain stormwater runoff to new drainage inlets, in which new 6-inch and 8-inch underground storm drains lines collect water and then route to a detention basin which will then drain into a private storm drain system along Great Mall Drive. Stormwater runoff would flow to the modified biofiltration planter area located in front of the proposed school building. This planter area would act as a bioswale that would minimize the amount of stormwater runoff by filtering, temporarily storing and minimizing the amount water runoff using soils and vegetation. Adherence to the City's regulations for stormwater runoff treatment during construction, as well as the implementation of the new stormwater treatment system in accordance with the City would reduce potential impacts related to stormwater quality. Therefore, the Project would not violate any water quality or waste discharge requirements, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the Project may impede sustainable groundwater management of the basin?

No Impact. The Project would result in comparable impervious surfaces as the existing conditions. The Project would not install any new groundwater wells and would not otherwise directly withdraw any groundwater. The Project Site is currently developed and is not currently, nor is it planned to be used for groundwater recharge activities. Thus, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge, and no impacts would occur.

Mitigation Measures: No mitigation measures are required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(i) Result in substantial erosion or siltation on- or off-site;

Less than Significant Impact. The Project would include grading activities associated with the Project that could adversely affect water quality due to erosion resulting from exposed soils and the generation of water pollutants, including trash, construction materials, and equipment fluids.

As stated, the Project would install new underground storm drain lines that would capture stormwater runoff from the proposed gymnasium through drain inlets. The proposed biofiltration planter area would collect runoff from these underground drains and for treatment prior to draining the City's existing stormwater drainage system off-site. Thus, the proposed on-site storm drain systems would reduce the amount of erosion and siltation from the Project Site. Further, the Project would adhere to the applicable requirements that are outlined in Chapter 16 of the City's Municipal Code related to runoff treatment during Project construction and operation. The implementation of the proposed on-site stormwater treatment system and adherence to existing local regulations would ensure impacts are less than significant.

Mitigation Measures: No mitigation measures are required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less than Significant Impact. According to the Federal Emergency Management Agency's (FEMA's) Flood Map Service Center, the Project Site is located within a 100-year FEMA Flood Hazard Zone.[34] However, the Project would implement the applicable provisions for flood hazard reduction per Section XI-15, Chapter 15 (Floodplain Management Regulations) of the City's Municipal Code. Specifically, the Project would comply with Section XI-15-5.1 (Standards of Construction) of the Municipal Code and ensure that all construction materials and equipment are flood resistant so that there are adequate drainage paths around structures to guide flood waters around and away from proposed structures. Project plans would be submitted to the City to ensure the proposed buildings would not contribute to substantive runoff during a flooding event. Further, the proposed on-site storm drain system described above would minimize the amount of surface runoff on-site. As such, potential impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. Implementation of the Project would not increase the size of the existing building on-site. Thus, the amount of stormwater runoff from the existing building is not expected to increase during Project operations when compared to existing conditions. The proposed permeable turf playfield is not expected to increase in stormwater runoff, as soil erosion would not occur, and rainfall would permeate on the playfield. However, implementation of the new gymnasium building could contribute to additional stormwater runoff. As stated, the proposed on-site stormwater drainage system would minimize the additional runoff from the Project by collecting and filtering stormwater runoff using bioswale filtration. As such, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

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34 Federal Emergency Management Agency, "Flood Map Service Center- National Flood Hazard Layer FIRMette." Available online at: https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprintb_gpserver/j3cc6c97f749e4c8d8fab0cff536ae375/scratch/FIRMETTE_938d2d6a-be69-4901-953f-24b964930a42.pdf, accessed January 5, 2024.

iv) Impede or redirect flood flows?

Less than Significant Impact. As stated above, the Project is located within a 100-year FEMA Flood Hazard Zone. However, the proposed on-site storm system would minimize stormwater runoff. Additionally, the Project would adhere to the applicable local regulations that would minimize drainage impacts, as well as the City's floodplain management requirements. As such, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

Less than Significant Impact. The Project Site is located approximately 35.27 miles east of the Pacific Ocean, and, according to the California Department of Conservation, is located at a sufficient distance so as not to be subject to potential tsunami hazards.[35] Therefore, there would be no impacts related to risk of release of pollutants due to inundation from a tsunami or seiche.

As stated above, the Project Site is located within a 100-year FEMA Flood Hazard Zone. The Project would comply with the requirements specified in Chapter 15 (Floodplain Management Regulations) of the Milpitas Municipal Code. Adherence with applicable regulations relating to floodplain management, as well as the applicable local, regional, state and federal regulations would reduce potential impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. As stated, the Project would not result in substantial additional groundwater recharge, nor would the Project install any new groundwater wells and would not otherwise directly withdraw any groundwater. The Project may result in an increase in stormwater runoff on-site. Accordingly, the Project would adhere to all applicable local, state, and federal rules and regulations regarding water quality. Adherence to these regulations, as well as the proposed on-site stormwater drainage system, would minimize the Project's effects on the City's overall water quality. As such, impacts to a water quality control plan or sustainable groundwater management plan would be less than significant.

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35 California Department of Conservation, "Los Angeles County Tsunami Hazard Areas." Available online at: https://www.conservation.ca.gov/cgs/tsunami/maps/los-angeles. Accessed January 2, 2024.

Mitigation Measures: No mitigation measures are required.

11. Land Use and Planning

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Would the project:

a) Physically divide an established community?

No Impact. The Project would renovate an existing office building into a preparatory school and construct an associated gymnasium and playfield. The Project would serve the community overall by providing a new school for students in grades 6th to 12th to attend. The Project would not introduce any new factors that could physically divide an established community, such as constructing major highways/roadway, storm channel, bridge, or utility transmissions. Therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

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 Impact.

Milpitas Metro Specific Plan

According to the City's General Plan 2040 Land Use Map, the Project Site is designated as "Milpitas Metro Specific Plan."[36] Under the Milpitas Metro Specific Plan (MMSP), the land use designation for the Project Site would remain designated as Business Park Research & Development, Limited Residential (BPDR-R). The BPRD-R identifies educational use as an allowable use. As a new preparatory school, the Project would be consistent with the MMSP. Further, he Project would include a total of 58,623 square feet of building area on a 130,680-square foot (three acres) site and would therefore have a floor to area ratio (FAR) of 0.44.

[36] City of Milpitas, *City of Milpitas General Plan 2040.* March 2021. Available online at: https://static1.squarespace.com/static/57277b461d07c02f9c2f5c2c/t/60906e6349539311604cae70/1620078198914/Milpitas+General+Plan_Final_online+version.pdf, accessed January 5,2024.

It should be noted that MMSP provides minimum FAR requirements for mixed-use (1.0-5.0), and office uses (1.0) in BPRD-R zones and excludes minimum FAR requirements for school uses.[37] Therefore, the Project would include a less intensive use than what was analyzed in the MMSP. As discussed in **Section 2.0, Project Description**, the Project would also include a Development Agreement that outlines the terms and conditions for the Project. This approach will ensure that any deviations from the MMSP or the Zoning Code are appropriately mitigated and managed.

The Project would have a maximum height of 49 feet and would therefore meet the MMSP's maximum height requirement for BPRD-R uses of 275 feet. The Project would be consistent with the MMSP's applicable land use policies and metro plan area guidelines, and district guidelines. Thus, the Project would be consistent with the requirements to be in a designated BPRD-R zone. As such, the Project would be consistent with the MMSP, and impacts would be less than significant.

City of Milpitas General Plan 2040

Table 3.11-1, Project Consistency with Applicable General Plan 2040 Policies, analyzes the Project's consistency with applicable goals and policies in the General Plan. As shown, the Project would be consistent with all applicable General Plan policies. Thus, the impacts to the applicable policies of the General Plan 2040 would be less than significant.

Table 3.11-1
Project Consistency with Applicable General Plan 2040 Policies

Relevant Policy	Project Consistency Analysis
Goal LU-1 Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched	
Policy LU 1-6 Ensure adequate school sites by allowing new schools to be located in a variety of compatible land use designations, including residential, commercial, public facilities, and mixed-use designations.	**Consistent.** The Project Site is designated as MPDR-R and zoned for Commercial (C2) with a Transit Oriented Development (TOD), therefore the Project would provide an adequate school site in a compatible land use designation.
Goal LU-4: Coordinate and integrate land use and transportation objectives.	
Policy LU 4-2 Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.	**Consistent.** As discussed in **Section 17**, **Transportation**, the Project would not result in significant impacts to vehicle miles traveled (VMT). Additionally, the Project would install new bicycle facilities on-site, such as bicycle parking spaces.

[37] City of Milpitas. *City of Milpitas Metro Specific Plan*. February 2023. Available online at: https://www.milpitas.gov/DocumentCenter/View/3428/2023-Metro-Specific-Plan-PDF?bidId=, accessed January 5,2024.

Relevant Policy	Project Consistency Analysis
Goal CD-1: Strengthen Milpitas' identity and sense of place by reinforcing the community's distinctive, high-quality community form, natural landscape, and character	
Policy CD 1-1: Require development projects to: A. Preserve positive characteristics and unique features of the site; and B. Incorporate a context-sensitive design approach that considers the scale and existing and desired character of adjacent uses and the surrounding neighborhood or district.	**Consistent**. The Project would be designed in similar character and design as the adjacent preparatory school immediately south of the Project Site. Thus, Project design would be context-sensitive and consistent with the desired character of adjacent uses.
Goal CD-2 Ensure project designs reinforce a sense of place, display design excellence, and are cohesive and sensitive to the surrounding build environment and natural landscape.	
Policy CD 2-2 Continue to develop and implement design standards and guidelines for residential, non-residential, and infrastructure development, both in the private and public realms, consistent with state law, to provide design and site planning approaches, landscaping, site grading and similar architectural and site planning criteria that will add design excellence, visual quality and interest to the community.	**Consistent.** As discussed below, the Project would be consistent with the development standards of BPRD-R uses and the BPRD-R zoning district, as detailed in the MMSP. Furthermore, the architectural and landscaping components of the Project would be consistent with the design guidelines of the MMSP.
Policy CD 2-7 Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular, bicycle, and pedestrian facilities and other standards set forth in local, state, and federal regulations	**Consistent.** As a standard condition of approval, the Project would include the proposed renderings and design elements as part of the planning application that would subject to the City's reviewal and approval.
Policy CD 2-8 Minimize the visual impact of wireless telecommunication facilities by designing them as an integral architectural feature to a site or structure.	**Consistent.** The Project would not introduce new telecommunication facilities (i.e., telecommunication towers) on-site.
Goal CON-1Ensure a sustainable future for the city of Milpitas by promoting a carbon free energy future that increases renewable resources, conservation, and efficiency throughout the city.	
Policy CON 1-1 Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).	**Consistent.** As concluded in **Section 8, Greenhouse Gas Emissions**, the Project would be consistent with the strategies and measures outlined in the City's CAP.
Policy CON 1-2 Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).	**Consistent.** As discussed in **Section 6, Energy**, the Project would comply with all CALGreen requirements.
Policy CON 1-3 Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.	**Consistent.** As discussed in **Section 6, Energy**, the Project would ensure that all buildings-onsite would-be LEED Silver certified, in compliance with the CALGreen Code.

Relevant Policy	Project Consistency Analysis
Goal CON-2 Protect and enhance native trees and vegetation throughout the city	
Policy CON 2-3 Avoid removal of large, mature trees that provide wildlife habitat, visual screening, or contribute to the visual quality of the environment through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations. Replacement trees for high-quality mature trees should generally be of like kind, and provide for comparable habitat functionality, where appropriate site conditions exist.	**Consistent.** Although the Project would remove 35 trees on-site, the Project would plant 6 new trees and preserve 58 trees on-site to maintain the overall visual quality of the Project Site to the same level as the site's existing conditions.
Goal CON-7 Implement a proactive approach to maintain and improve air quality within Milpitas and the region	
Policy CON 7-2 Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.	**Consistent.** As discussed in **Section 2**, **Air Quality**, the Project would not exceed the Bay Area Air Quality Management District construction and operational thresholds for emissions of the region's identified criteria pollutants (i.e., ROG, NOx, CO, SO_2, PM_{10} and $PM_{2.5}$). **Section 2** of this IS/MND also concluded that the Project would not have the potential to expose sensitive receptors to substantial pollutant concentrations, as students are only on-campus during school hours and because diesel exhaust emissions would be low and short term. Furthermore, due to the Project Site's distance to stationary sources of TAC emissions, the Project would not contribute to human health risk to nearby receptors during operation, and the Project would also not contribute to any cumulative human health risk impact

Source: City of Milpitas General Plan 2040. Dated 2014.

City of Milpitas Zoning

The Project Site is currently zoned by the City as General Commercial (C2). Under Section XI-10-5.02 (Commercial Use Regulations) of the City's Municipal Code, private schools (elementary, middle, high) would be considered as an acceptable use under C2 zoning, provided that a Conditional Use Permit (CUP) is issued to the Project Applicant prior to Project approval. Prior to issuance of the CUP, the Project site plan and supporting documents would be reviewed and considered by the City as part of the Project Application submitted by the Project Applicant. As stated in XI-10-5.04 (Commercial Zone Special Development Standards) of the City's Municipal Code, the Planning Commission shall consider site conditions and design elements of the Project prior to the issuance of a CUP. The Project would renovate the existing office building and would not alter the current size, height, massing, and setback of the existing building. The new building under the Project (i.e., gymnasium) would be inconsistent with two

development standards outlined in Table XI-10-5.03-1, Commercial Zone General Development Standards, of the City's Municipal Code as it would not meet the Floor Area Ratio and building height requirements. To address areas of nonconformity, the Project will include a Development Agreement. The Development Agreement is a legally binding contract between the Project Applicant and the City that outlines the terms and conditions for the Project. This approach will ensure that any deviations from the MMSP or the Zoning Code are appropriately mitigated and managed, providing a mechanism for the City to ensure compliance with its planning objectives while accommodating the needs of the Project. Approval of the Development Agreement will be adopted as an ordinance by the City Council, as part of the Project approval process.. Upon approval and issuance of the CUP and the Development Agreement, the Project would be consistent with the City's Municipal Code.

In conclusion, the Project would be generally consistent with the relevant policies and standards under the MMSP, City's General Plan and Municipal Code for development in BPRD-R and C2 zones.

Therefore, the Project would not conflict with any local land use plan, policy, or regulation, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

12. Mineral Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. According to the California Department of Conservation, Division of Mine Reclamation, there are no active mines within the City.[38] Although there are known mineral resources in Santa Clara County and the region, the Project Site is not located within an area that is known to contain regionally significant mineral resources.[39] Thus, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As stated above, there are no active mines within the City or the Project Site. Additionally, the four areas identified by the City to contain "Regionally Significant Construction Aggregate Resources" are located outside of the City's jurisdiction and are part of the South San Francisco Bay Production-Consumption Region.[40] The Project would not result in the loss of availability of a locally important

38 California Department of Conservation, "Mines Online." Available online at: https://maps.conservation.ca.gov/mol/index.html, accessed December 15, 2023.

39 California Department of Conservation, "Update of Mineral Land Classification: Aggregate Materials in the South San Francisco Bay Production-Consumption Region." 1996.

40 City of Milpitas, *Draft Environmental Impact Report for the Milpitas General Plan Update*. November 2020. Available online at: https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=, accessed January 11, 2024.

mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

Mitigation Measures: No mitigation measures are required.

13. Noise

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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, would the project expose people residing or working in the project area to excessive noise	☐	☐	☐	☒

Characteristics of Noise

Noise is usually defined as unwanted sound that is an undesirable byproduct of society's normal day-to-day activities. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, and/or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The human ear does not respond uniformly to sounds at all frequencies. For example, the human ear is less sensitive to low and high frequencies than medium frequencies, which more closely correspond with human speech. In response to the sensitivity of the human ear to different frequencies, the A-weighted noise level (or scale), which corresponds better with people's subjective judgment of sound levels, has been developed. This A-weighted sound level, referenced in units of dBA, is measured on a logarithmic scale such that a doubling of sound energy results in a 3 dBA increase in noise level. Typically, changes in a community noise level of less than 3 dBA are not noticed by the human ear.[41] Changes from 3 to 5 dBA may be noticed by some individuals who are sensitive to changes in noise. A greater than 5 dBA increase is readily noticeable, while the human ear perceives a 10 dBA increase in sound level to be a doubling of sound.

41 California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. 2013. Available online at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf, accessed January 5, 2024.

On the A-weighted scale, the range of human hearing extends from approximately 3 to 140 dBA. **Table 3.13-1, A-Weighted Decibel Scale**, provides examples of A-weighted noise levels from common sources. Noise sources occur in two forms: (1) point sources, such as stationary equipment or individual motor vehicles; and (2) line sources, such as a roadway with a large number of point sources (motor vehicles). Sound generated by a point source typically diminishes (attenuates) at a rate of 6 dBA for each doubling of distance from the source to the receptor at acoustically "hard" sites and 7.5 dBA at acoustically "soft" sites.[42,43] For example, if a noise source produces a noise level of 89 dBA at a reference distance of 50 feet, the noise level would be 83 dBA at a distance of 100 feet from the noise source, 77 dBA at a distance of 200 feet, and so on. Noise generated by a mobile source will decrease by approximately 3 dBA over hard surfaces and 4.5 dBA over soft surfaces for each doubling of distance.[44]

Table 3.13-1
A-Weighted Decibel Scale

Typical A-Weighted Sound Levels	Sound Level (dBA, Leq)
Threshold of Pain	140
Jet Takeoff at 100 Meters	125
Jackhammer at 15 Meters	95
Heavy Diesel Truck at 15 Meters	85
Conversation at 1 Meter	60
Soft Whisper at 2 Meters	35

Source: United States Occupational Safety & Health Administration, Noise and Hearing Conservation Technical Manual, 1999.

Sound levels also can be attenuated by man-made or natural barriers (e.g., sound walls, berms, and ridges), as well as elevational differences. Noise is most audible when traveling by direct line-of-sight, an uninterrupted visual path between the noise source and noise receptor. Barriers, such as walls or buildings that break the line-of-sight between the source and the receiver, can greatly reduce noise levels from the

42 Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance,* 2011. Available online at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf, accessed January 5, 2024.

43 Examples of "hard" or reflective sites include asphalt, concrete, and hard and sparsely vegetated soils. Examples of acoustically "soft" or absorptive sites include soft, sand, plowed farmland, grass, crops, heavy ground cover, etc.

44 Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance,* 2011. Available online at: https://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf, accessed January 5, 2024.

source since sound can only reach the receiver by diffraction. However, if a barrier is not high or long enough to break the line-of-sight from the source to the receiver, its effectiveness is greatly reduced.

Equivalent Noise Level

Equivalent Noise Level (Leq) is the sound level corresponding to a steady-state A-weighted sound level containing the same total energy as several single event noise exposure level events during a given sample period. Leq is the "acoustic energy" average noise level during the period of the sample. It is based on the observation that the potential for noise annoyance is dependent on the total acoustical energy content of the noise. The equivalent noise level is expressed in units of dBA. Leq can be measured for any period, but is typically measured for 15 minutes, 1 hour, or 24 hours. Leq for a 1-hour period is used by the Federal Highway Administration (FHWA) for assessing highway noise impacts. Leq for 1 hour is referred to as the Hourly Noise Level (HNL) in the California Airport Noise Regulations and is used to develop Community Noise Equivalent Level values for aircraft operations. Construction noise levels and ambient noise measurements in this section use the Leq scale.

Characteristics of Vibration

Vibration consists of waves transmitted through solid material. Groundborne vibration propagates from a source through the ground to adjacent buildings by surface waves. Vibration may comprise a single pulse, a series of pulses, or a continuous oscillatory motion. The frequency of a vibrating object describes how rapidly it is oscillating and is measured in hertz (Hz). Most environmental vibrations consist of a composite, or "spectrum" of many frequencies, and are generally classified as broadband or random vibrations. The normal frequency range of most groundborne vibration that can be felt generally starts from a low frequency of less than one Hz to a high of about 200 Hz. Vibration is often measured in terms of the peak particle velocity (PPV) in inches per second (in/sec) when considering impacts on buildings or other structures, as PPV represents the maximum instantaneous peak of vibration that can stress buildings. Because it is a representation of acute vibration, PPV is often used to measure the temporary impacts of short-term construction activities that could instantaneously damage existing structures. Vibration is often also measured by the Root Mean Squared (RMS) because it best correlates with human perception and response. Specifically, RMS represents "smoothed" vibration levels over an extended period of time and is often used to gauge the long-term chronic impact of a project's operation on the adjacent environment. RMS amplitude is the average of a signal's squared amplitude. It is most commonly measured in decibel notation (VdB).

Vibration energy attenuates as it travels through the ground, causing the vibration amplitude to decrease with distance away from the source. High frequency vibrations reduce much more rapidly than low

frequencies, so that in the far-field from a source, the low frequencies tend to dominate. Soil properties also affect the propagation of vibration. When groundborne vibration interacts with a building, there is usually a ground-to-foundation coupling loss (i.e., the foundation of the structure does not move in sync with the ground vibration), but the vibration can also be amplified by the structural resonances of the walls and floors. Vibration in buildings is typically perceived as rattling of windows or items on shelves, or the motion of building surfaces. At high levels, vibration can result in damage to structures.

Manmade groundborne vibration is generally limited to areas within a few hundred feet of certain types of construction activities, especially pile driving. Road vehicles rarely create enough groundborne vibration to be perceptible to humans unless the road surface is poorly maintained and there are potholes or bumps. If traffic induces perceptible vibration in buildings, such as window rattling or shaking of small loose items (typically caused by heavy trucks in passing), then it is most likely an effect of low-frequency airborne noise or ground characteristics.

Regulatory Framework

Federal Transit Administration Vibration Guidance

The Federal Transit Administration (FTA) has published guidance relative to vibration impacts. Construction vibration damage criteria are assessed based on structural category (e.g., reinforced-concrete, steel, or timber). The FTA guidelines consider 0.2 inch/sec PPV to be the significant impact level for non-engineered timber and masonry buildings. Structures or buildings constructed of reinforced concrete, steel, or timber have a vibration damage criterion of 0.5 inch/sec PPV pursuant to FTA guidelines.[45] The FTA guidelines include a table showing the vibration damage criteria based on structural category and is presented below in **Table 3.13-2, Construction Vibration Damage Criteria.**

45 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, 2018. Available online at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed December, 1, 2023.

Table 3.13-2
Construction Vibration Damage Criteria

Building/Structural Category	PPV, in/sec
I. Reinforced-concrete, steel, or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Non-engineered timber and masonry buildings	0.2
IV. Buildings extremely susceptible to vibration damage	0.12

Source: Federal Transit Administration. 2018. Transit Noise and Vibration Impact Assessment Manual.

Local Plans and Policies

City of Milpitas 2040 General Plan

The Noise Element of the *General Plan* contains goals, policies, and actions that seek to reduce community exposure to excessive noise levels through the establishment of noise level standards for a variety of land uses.[46] The Noise Element includes information on existing and projected noise conditions with policies and programs to maintain or reduce noise from transportation, land use operations and single-event noise. Applicable Goals, Policies and Actions include:

Goal N-1: Preserve a nuisance-free noise environment for existing and future land uses by minimizing exposure to harmful and excessive noise levels.

Policy N 1-1: Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 to ensure acceptable noise exposure levels for existing and future development.

Policy N 1-2: Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-

46 City of Milpitas, *General Plan 2040,* adopted March 9, 2021. Available online at: https://static1.squarespace.com/static/57277b461d07c02f9c2f5c2c/t/60906e6349539311604cae70/1620078198914/Milpitas+General+Plan_Final_online+version.pdf, accessed December 1, 2023

generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.

Policy N 1-3: Use sound walls for sound attenuation only when other measures are not practical, or when recommended by an acoustical expert as part of a mitigation measure. Sound walls shall be designed to be aesthetically pleasing, and should incorporate features such as vegetation, variations in color and texture, artwork, and other features deemed appropriate by the City.

Policy N 1-5: Require acoustical studies for new discretionary developments and transportation improvements that have the potential to affect existing noise-sensitive uses such as schools, hospitals, libraries, care facilities, and residential areas; and for projects that would introduce new noise-sensitive uses into an area where existing noise levels may exceed the thresholds identified in this element.

Policy N 1-6: For projects that are required to prepare an acoustical study to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:

Stationary and Non-Transportation Noise Sources

A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.

Transportation Noise Sources

Where existing traffic noise levels are 60 dB Ldn or less at the outdoor activity areas of noise-sensitive uses, a +5 dB Ldn increase in roadway noise levels will be considered significant;

Where existing traffic noise levels are greater than 60 dB Ldn and up to 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dB Ldn increase in roadway noise levels will be considered significant; and

Where existing traffic noise levels are greater than 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +1.5 dB Ldn increase in roadway noise levels will be considered significant.

Applicable Actions in Support of Goal N-1

Action N-1a: Require that new development projects are reviewed for compliance with the noise requirements established in this element, including the standards established in Tables N-1 and N-2, prior to project approval.

Action N-1b: Require acoustical studies for new development projects which have the potential to generate noise impacts which exceed the standards identified in this element. The studies shall include representative noise measurements, estimates of existing and projected noise levels, and mitigation measures necessary to ensure compliance with the noise standards included in this element. Studies shall be conducted by a qualified acoustical professional.

Action N-1c: Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.

Action N-1d: During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:

Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm. No construction shall occur on National holidays.

All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.

The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences.

Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.

Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible.

Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.

The construction contractor shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

Table 3.13-3
Noise and Land Use Compatibility Guidelines (City of Milpitas Noise Element)

Land Use Category	Exterior Noise Exposure (Ldn) 55	60	65	70	75	80
Single-Family Residential						
Multi-Family Residential, Hotels, and Motels						
Outdoor Sports and Recreation, Neighborhood Parks, and Playgrounds						
Schools, Libraries, Museums, Hospitals, Personal Care, Public Assembly						
Office Buildings, Business Commercial, and Professional						
Industrial						

Normally Acceptable - Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.

Conditionally Acceptable - Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Unacceptable - New construction or development should generally not be undertaken because mitigation was found to be infeasible to comply with noise element policies.

**Please note that these guidelines are general and may not apply to specific sites.*
Source: City of Milpitas. General Plan Noise Element. Table N-1.

City of Milpitas Municipal Code

Chapter 213, Noise Abatement, of Title V – PUBLIC HEALTH, SAFETY AND WELFARE, of the City of Milpitas Municipal Code (MMC) sets noise standards for construction and operation activities as follows:[47]

- *V-213-3 - Unlawful to Create or Permit Disturbing Noise*
- *(a)Residential Zone Regulations.*
    - *3.01 Except as permitted in Section V-213-3(b), it shall be unlawful for any person in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the*

47 City of Milpitas. *Municipal Code*. Available online: https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITVPUHESAWE_CH213NOAB_213-3UNCRPEDINO accessed December 12, 2023.

Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained, or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.

- *3.02 Except as permitted in Section V-213-3(b), it shall be unlawful for any person who owns, possesses, or controls any real property in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to make, continue, maintain, permit or cause to be made, continued, maintained or permitted any Disturbing Noise that increases the noise exposure level by three dB over the local ambient noise level measured from the property line of the noise source, or more than 65 dB measured from the property line of the noise source, whichever is more restrictive.*

- *3.03 Notwithstanding any other provision of this Chapter and in addition thereto, it is unlawful for any person or any person who owns, possesses, or controls real property in any district zoned for residential use (under provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to make, continue, maintain, permit, or cause to be made, continued, maintained or permitted any Disturbing Noise. It shall be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or from a distance of 100 feet from any nonstationary noise source. It shall also be prima facie violation of this Section if any Disturbing Noise is audible during the hours of 7:01 a.m. to 9:59 p.m. from a distance of 100 feet from the property line of the noise source or any nonstationary noise source.*

- *3.04 The above prohibition against making, continuing, maintaining or permitting any Disturbing Noise in any district zoned for residential use shall not apply to the authorized collection of solid waste, recyclables, and/or yard trimmings by an authorized collector beginning at 6:00 a.m.*

    - *(b)Outdoor Music Regulations for Commercial and Mixed Use Zones.*

- *3.05 Outdoor music shall be permitted on real property in the C1, C2, TC, MXD, MXD2, and MXD3 zoning districts (per Chapter 10, Title XI of the Milpitas Municipal Code) as an accessory use to a restaurant or bar that is a principal permitted use or approved conditional use. Outdoor music shall be permitted between the hours of 9:00 a.m. and 11:00 p.m.*

- *3.06 Except as provided below in Subsection V-213-3(b) 3.06(1), noise levels for outdoor music as an accessory use shall not exceed 70-90 dB measured from the property line of the parcel on which the outdoor music occurs. See also "Table XI-10-5.02-1 - Commercial Zone Uses" in Title XI, Chapter 10, Section 5.02 and "Table XI-10-6.02-1 - Mixed Use Zone Uses" in Title XI, Chapter 10, Section 6.02.*

    - *(1)For any parcel in a C1, C2, TC, MXD, MXD2, or MXD3 zoning district that is located within 100 feet of a parcel in a R1 or R2 zoning district, noise levels for outdoor music as an accessory use shall not exceed 65 dB measured from the property line of*

the parcel on which the outdoor music occurs.(2)For residential uses in the MXD, MXD2, and MXD3 zoning districts, it is recognized that ambient noise from outdoor music that is permitted as an accessory use to a restaurant or bar is a normal condition inherent to a mixed-use, urban living environment; therefore accessory outdoor music at a restaurant or bar shall not be subject to the noise restrictions in Section V-213-3(a) 3.01 and 3.02 in the case of residential uses in the MXD, MXD2, and MXD3 zones.

- *(c)Site Construction Regulations.*

- *3.07 No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.05 of this Chapter.*

- *3.08 Exemption from Off-Site Construction Regulations. Exempt from the Off-Site Construction Regulations of this article are as follows:*

  - *(1)Emergency construction and repair that is necessary for protection of life and property,(2)Operation preempted from local regulation by state law, such as construction of public school buildings,(3)Furnishing utility-type service including construction and maintenance of utility facilities,(4)Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner,(5)Operation to construct and maintain facilities within the public right-of-way as deemed necessary by the Public Works Director, and(6)Any other circumstances where the City Manager deems that an exemption would be appropriate.*

Environmental Setting

Existing Ambient Noise Levels

To establish baseline noise conditions, existing noise levels were monitored at four locations in the vicinity of the Project Site. The locations of the noise measurements are depicted in **Figure 3.0-1, Noise Monitoring and Sensitive Receptor Location Map**. The noise survey was conducted in December 2023 using the Larson Davis SoundTrack LxT (Type 1) sound level meter, which conforms to industry standards set forth in ANSI S1.4-1983 (R2006) – Specification for Sound Level Meters/Type 1. This instrument was calibrated and operated according to the manufacturer's written specifications. At the measurement sites, the microphone was placed at a height of approximately five feet above grade. The results of the measurements are summarized in **Table 3.13-4, Existing Noise Levels in the Vicinity of the Project Site**. As shown in **Table 3.13-4**, the ambient noise levels ranged from 63.7 dBA Leq to 66.1 dBA Leq in the vicinity of the Project Site. In addition, based on the measurement data collected at Location 1 (located on the eastern boundary of the

Project Site), the existing on-site noise level for the Project Site is 72.5 dBA Ldn, as shown in **Appendix C Noise Data**.

Table 3.13-4
Existing Noise Levels in the Vicinity of the Project Site

Noise Monitoring Locations		Primary Noise Sources	Noise Levels (dBA)		
			Leq	Lmin	Lmax
1. Falcon Drive	Morning Drop Off	Morning Student Drop Off Vehicle Traffic	64.6	57.2	81.0
	After School Pick Up	After School Pick Up Vehicle Traffic, Car Honking, Retail Vehicle Traffic	66.1	54.5	79.5
2. Great Mall Drive		Morning Student Drop Off Vehicle Traffic	64.7	57.7	79.6
3. Northwest Corner of the Project Site		Vehicle Traffic, Train	63.8	59.0	79.3
4. Centre Pointe Drive Apartments		Vehicle Traffic, Neighborhood Activity	63.7	51.9	77.8

*Source: Impact Sciences, Inc., December 2023. See **Appendix C**.*

SOURCE: Esri, 2024

FIGURE **3.0-1**

Noise Monitoring and Sensitive Receptor Locations

IMPACT SCIENCES

1451.002•01/24

Existing Vehicle Traffic Noise Levels

Existing roadway noise levels were calculated for primary roadway segments located in the vicinity of the Project Site. The roadways selected are representative of the segments that would be most impacted by an increase in traffic according to the Project's transportation engineer.[48]

Calculations of the existing roadway noise levels are based on the Federal Highway Administration Highway Noise Prediction Model (FHWA-RD-77-108) and traffic volumes from the Project's Transportation Analysis.[49] The model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (energy rates) utilized in the FHWA Model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data show that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along study area roadway segments are presented in **Table 3.13-5, Existing Roadway Noise Levels**.

Table 3.13-5
Existing Roadway Noise Levels

Roadway	Roadway Segment	Existing Land Uses Along Segment	dBA Ldn
Falcon Drive	Between Montague Exp and Site Driveway	Commercial	61.0
	Between Site Driveway and Great Mall Drive	Commercial	61.0
Great Mall Drive	Between Mustang Drive and Site Driveway	Commercial	59.9
	Between Site Driveway and Falcon Drive	Commercial	59.8

*Source: Impact Sciences, January 2024. See **Appendix C, Noise Data**.*
Traffic data: Hexagon Transportation Consultants, Inc., 1323 Great Mall Drive Stratford School, Traffic Operations Analysis, January 8, 2024. Report available on file with the City Planning Department.

Existing Groundborne Vibration

The main sources of groundborne vibration near the Project Site are heavy-duty vehicular travel (e.g., refuse trucks, delivery trucks, and transit buses) on local roadways and I-880. Trucks and buses typically

48 Hexagon Transportation Consultants, Inc., *1323 Great Mall Drive Stratford School, Traffic Operations Analysis*, January 8, 2024. Report available on file with the City Planning Department.

49 See **Appendix C** for roadway noise calculations.

generate groundborne vibration velocity levels of around 63 VdB at 50 feet, and these levels could reach 72 VdB where trucks and buses pass over bumps in the road.[50] In terms of PPV levels, a heavy-duty vehicle traveling at a distance of 50 feet can result in a vibration level of approximately 0.001 inch per second.

Noise Sensitive Receptors

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for individuals to be exposed to increased and prolonged exposure to both interior and exterior noise levels. According to the City's Noise Element, noise-sensitive uses include schools, hospitals, libraries, care facilities, and residential areas.[51] The closest noise-sensitive receptors to the Project Site include: the existing Stratford School adjacent to the south of the Project Site; existing vacant land approximately to the west that is currently under construction and is anticipated to operate as a multi-family apartment complex by the time the Project begins operations (551 ft); Centre Pointe Drive apartments to the west of the Project Site (511 ft); and, the Capitol Apartments south of the Project Site (645 ft) (See **Figure 3.0-1, Noise Monitoring and Sensitive Receptor Location Map.**)

Would the project:

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?

Less than Significant Impact.

Construction Noise Impacts

Construction activities associated with the Project would result in temporary noise level increases in the vicinity of the Project Site on an intermittent basis and, as such, could expose nearby sensitive receptors to increased noise levels. The increase in noise at off-site sensitive receptors during construction of each phase of construction under the Project would be temporary in nature and would not generate continuously high noise levels, although occasional single-event disturbances from construction would occur. Construction noise would typically be higher during the heavier periods of initial construction (i.e., demolition and

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50 Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*. 2018. Available online at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed March, 14, 2023.

51 City of Milpitas, *General Plan Noise Element*, see Policy N 1-5.

grading work) and reduced in the later construction phases (i.e., interior building construction) because the physical structure of the buildings would break line-of-sight noise transmission from the construction area to the nearby sensitive receivers. Noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between the noise source and receivers, and presence or absence of intervening structures, terrain, or other noise attenuation barriers.

Table 3.13-6, Estimated Construction Noise Levels, shows the maximum expected noise levels at sensitive receptors in the vicinity of the Project Site. The analysis shows the maximum noise levels from the use of equipment anticipated to be used during demolition, grading and building construction.

Table 3.13-6
Estimated Construction Noise Levels

Sensitive Land Uses	Distance to Project Site (feet)	Estimated Construction Noise Levels [dBA]	Exceed FTA Threshold of 80 dBA Leq?
1. Existing Stratford School (nearest school building)	165	72.6	No
2. Centre Pointe Drive Apartments	511	60.6	No
3. Vacant Land Under Construction - anticipated to operate as a multi-family apartment complex	551	62.2	No
4. Capitol Apartments	645	58.5	No

*Source: Impact Sciences, January 2024. See **Appendix C** for equipment noise data sheets and assumptions.*

As shown in **Table 3.13-6**, construction activity would generate noise levels of up to 72.6 dBA Leq at the nearest existing sensitive receptor (Sensitive Receptor No. 4). As such, temporary construction noise would not exceed the FTA's 80 dBA Leq daytime construction threshold. Furthermore, the Project would be consistent with Chapter 213 of Title V of the City's Municipal Code, which prohibits construction activities outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and on holidays except during emergencies. It should also be noted that the Project would be required to comply with Noise Element Action N-1d, which requires the Project Applicant to implement standard best practices to limit construction noise levels to the extent feasible. Notwithstanding the implementation of best practices, because the Project would be consistent with the construction hours identified in the City's Municipal Code and because Project construction noise would not exceed the FTA's 80 dBA Leq daytime construction threshold, impacts would be less than significant.

Operational Noise Impacts

Traffic Noise

The Project would increase the number of vehicle trips within the vicinity of the Project Site which would increase traffic noise on roadways. To determine whether the Project would create traffic noise resulting in a significant noise increase, existing and potential future noise levels were calculated based on the FHWA Traffic Noise Model consistent with data provided by the Project's transportation engineer[52] (see **Appendix C**). The noise increases between the Existing and Existing Plus Project scenarios are shown in **Table 3.13-7**, **Project Traffic Noise**.

Table 3.13-7
Project Traffic Noise

Roadway	Roadway Segment	dBA Ldn		
		Existing	Existing Plus Project	Project Increase
Falcon Drive	Between Montague Exp and Site Driveway	61.0	61.8	0.8
	Between Site Driveway and Great Mall Drive	61.0	62.4	1.4
Great Mall Drive	Between Mustang Drive and Site Driveway	59.9	62.2	2.3
	Between Site Driveway and Falcon Drive	59.8	61.5	1.7

*Source: Impact Sciences, January 2024. See **Appendix C**.*
Traffic data: Hexagon Transportation Consultants, Inc., 1323 Great Mall Drive Stratford School, Traffic Operations Analysis, January 8, 2024. Report available on file with the City Planning Department

As shown in **Table 3.13-7**, **Project Traffic Noise**, the Project would increase local traffic noise levels by a maximum of 2.3 dBA Ldn along Falcon Drive. As discussed previously, where existing traffic noise levels are greater than 60 dBA Ldn and up to 65 dBA Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dBA Ldn increase in roadway noise levels would be considered significant. Because the Project would increase local traffic noise levels by a maximum of 2.3 dBA Ldn along any segment, these thresholds would not be exceeded and impacts with respect to operational traffic noise would be less than significant.

52 Hexagon Transportation Consultants, Inc., *1323 Great Mall Drive Stratford School, Traffic Operations Analysis*, January 8, 2024. Report available on file with the City Planning Department.

On Site Noise

Stationary Noise

The operation of the Project would generate on-site stationary noise from HVAC equipment. Noise from HVAC equipment serving the Project would typically generate noise in the range of 60 to 70 dBA Leq at a reference distance of 15 feet from the source.[53] As discussed previously, noise-sensitive receptors are located at least 165 feet from the Project Site and noise from HVAC equipment would attenuate at a rate of approximately 6 dBA per doubling of distance from the source. Thus, HVAC related noise would not exceed 52 dBA Leq at the nearest sensitive receptor. As shown in **Table 3.13-4,** ambient noise levels in the Project Site vicinity were measured between 63.7 dBA Leq to 66.1 dBA Leq. Based on estimated noise level of 52 dBA Leq at 165 feet for HVAC equipment, noise levels from such equipment would not exceed ambient noise levels at off-site sensitive receptors. Furthermore, HVAC units are traditionally rooftop-mounted and/or shielded from surrounding land uses, serving to block line-of-sight noise transmission to sensitive receptors. Impacts would be less than significant.

Playfield Noise

The proposed synthetic turf playfield would introduce noise sources associated with children playing. As noted above, the City's noise ordinance generally limits the generation of noise that exceeds the actual measured existing ambient noise level by 3 dB(A) DNL at neighboring properties. The day-night average sound level (Ldn or DNL) is an average noise level over a 24-hour period. Noise levels occurring between the hours of 10:00 PM and 7:00 AM are increased by 10 decibels (dB). This noise is weighted to take into account the decrease in community background noise of 10 dB(A) during this period.

A noise measurement was taken at the existing Stratford School's outdoor play area and noise levels reached 62.4 dBA Leq during typical play activities (see **Appendix C** for noise measurement data). As shown in **Table 3.13-4** above, ambient noise levels in the Project Site vicinity were measured between 63.7 dBA Leq to 66.1 dBA Leq. Thus, noise associated with the playfield would not exceed ambient noise levels in the area. Furthermore, as no playfield activity would occur during evening hours, there would be no potential to increase the day-night average noise levels at neighboring properties by 3 dBA. Impacts would be less than significant.

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53 Illingworth & Rodkin. *Environmental Noise Assessment for Wal-Mart Expansion, Williamson Ranch Plaza – Antioch, California*. Available at: https://www.antiochca.gov/fc/community-development/planning/Walmart/DEIR-VOLII-APPENDICES-C-H/Appendix%20G%20Noise%20Assessment.pdf Accessed on March, 14, 2023.

Parking Noise

Operational noise sources are also associated with on-site parking and vehicle circulation, including delivery trucks and trash-hauling trucks. The Project is a K-12 preparatory school and would not cause a substantive increase in delivery or trash trucks in the Project area. Various noise events would occur periodically from the Project's parking uses. Such periodic events would include activation of car alarms, sounding of car horns, slamming of car doors, engine revs, and tire squeals. It should be noted that the existing urban environment of the Project Site currently generates noise levels associated with these parking and vehicular noise sources. Although the Project would increase the number of vehicles parking in the area, the types of noise would be similar to those currently occurring in the vicinity of the Project Site. Parking-related noise for the existing Stratford School was observed during field noise measurements. As detailed in **Appendix C,** parking noise levels were found to be 64.6 dBA Leq, which would be generally consistent ambient noise levels that range from 63.7 dBA Leq to 66.1 dBA Leq (see **Table 3.13-4**). Therefore, impacts would be less than significant.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact.

Vibration Impacts

Construction activities associated with the Project could intermittently generate vibration in the Project Site vicinity when it reaches building walls and floors of sensitive receptors. Vibration-generating equipment could include bulldozers and loaded trucks to move materials and debris, jackhammers to break apart concrete, and caisson drills for foundations. **Table 3.13-8, Vibration Source Levels for Construction Equipment**, identifies vibration velocity levels for equipment at various distances from the source.

Table 3.13-8
Vibration Source Levels for Construction Equipment

	Approximate PPV (in/sec)					Approximate RMS (VdB)				
Equipment	**25 Feet**	**50 Feet**	**60 Feet**	**75 Feet**	**100 Feet**	**25 Feet**	**50 Feet**	**60 Feet**	**75 Feet**	**100 Feet**
Large Bulldozer	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Caisson Drilling	0.089	0.031	0.024	0.017	0.011	87	78	76	73	69
Loaded Trucks	0.076	0.027	0.020	0.015	0.010	86	77	75	72	68
Jackhammer	0.035	0.012	0.009	0.007	0.004	79	70	68	65	61
Small Bulldozer	0.003	0.001	0.0008	0.0006	0.0004	58	49	47	44	40

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018.

With respect to human annoyance, the FTA thresholds are 80 VdB at residences and buildings where people normally sleep, and 75 dB for institutional uses such as schools. With respect to building damage, the FTA guidelines consider 0.12 inch/sec PPV to be the significant impact level for buildings extremely susceptible to vibration damage, 0.2 inch/sec PPV to be the significant impact level for non-engineered timber and masonry buildings, 0.3 inch/sec PPV to be the significant impact level for engineered concrete and masonry, and 0.5 inch/sec PPV to be the significant impact level for reinforced-concrete, steel or timber.

Based on **Table 3.13-8**, construction equipment could reach vibration levels of 69 VdB at 100 feet. As such, the 80 VdB residential annoyance threshold would not be exceeded at the nearest residential receptor (Sensitive Receptor No. 2). In addition, the 75 VdB annoyance threshold for schools would not be exceeded at Sensitive Receptor No. 1. It should also be noted that construction-related vibration levels experienced would be temporary and intermittent and the Project would be consistent with Title V, Chapter 213 of the City's Municipal Code, which prohibits construction activities outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and on holidays except during emergencies. As such, construction-related vibration would not disturb residences during sensitive nighttime hours. Therefore, this impact would be less than significant.

Based on **Table 3.13-8**, construction equipment would reach a maximum of 0.011 PPV (in/sec) at 100 feet. The building nearest the Project Site is the existing school building 165 feet south on Falcon Drive. These vibration levels would not exceed the most conservative 0.12 inch/sec PPV threshold for buildings extremely susceptible to vibration damage. As such, construction-related vibration impacts with respect to building damage would be less than significant.

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, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project Site is not located in the vicinity of a private airstrip or airport land use plan. The closest airport to the Project Site is the Norman Y. Mineta San Jose International Airport located approximately 5.4 miles southwest of the Project Site. Additionally, the Project Site is located outside of the Airport Influence Area of the *Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan*.[54] Therefore, the Project would not expose residents at the Project Site to excessive airport-related noise levels. No impact would occur in this regard.

54 Walter B. Windus PE, Aviation Consultant, *Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan, Figure 8 "Airport Influence Area, November 16, 2016.*

14. Population and Housing

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. A Project could induce population growth in an area either directly, through the development of new businesses, or indirectly, through the extension of roads or other infrastructure. The Project does not include the addition or removal of housing and thus would have no direct impact on population and housing forecasts for the area. Although the Project would increase the number of students and employees at the Project Site, it is anticipated that the future students and employees would primarily consist of existing residents in the Milpitas area. Estimating the number of families of future students and employees who may choose to relocate to the City would be highly speculative, since many factors influence personal housing location decisions (e.g., family income levels and the cost and availability of suitable housing in the local area). Nevertheless, in an effort to present a worst-case population growth scenario, this analysis assumes the Project would enroll a maximum of 500 students and employ 75 full-time employees, all of whom would permanently relocate to the City.

Based on the City's average household size of 3.13 persons, the Project could result in a maximum population increase of approximately 1,800 persons.[55] As of 2023, the City has an estimated population of 81,067 persons.[56] According to the City's General Plan Update Environmental Impact Report, the City's

[55] California Department of Finance, Demographic Research Unit, "E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark." May 2022.

[56] California Department of Finance Demographic Research Unit, "E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark." May 2022.

population is forecasted to reach an estimated 113,530 persons by the year 2040, representing a total increase of 31,933 persons.[57] The Project's potential maximum increase of 1,800 persons would represent approximately six percent of the City's projected increase in population between the years 2023 and 2040 (32,463 persons). However, this conservative estimate is based on the assumption that the maximum number of students and employees would be new to the City. It is more likely that the majority of the students are currently in attendance in the existing lower division Stratford school campuses. Furthermore, as discussed in **Section 11, Land Use and Planning**, the Project would be consistent with its designated land use under the MMSP as a BPRD-R. Thus, the anticipated population generation has been accounted for in the City's long-range planning documents. Therefore, the Project would not induce substantial unplanned population growth in an area, either directly or indirectly, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project would renovate an existing vacant office building into a new preparatory school and construct a new gymnasium and playfield. There are no existing residential facilities on-site. Thus, the Project would not displace substantial numbers of existing people or housing, and no impacts would occur.

Mitigation Measures: No mitigation measures are required.

57 City of Milpitas. *The City of Milpitas General Plan Update Environmental Impact Report*, November 2020. Available online at: https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=. Accessed January 2, 2024.

15. Public Services

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☒	☐

a) Fire protection?

Less than Significant Impact. Fire protection and other related services to the Project Site are provided by the Milpitas Fire Department (MFD). There are four fire stations in the City. The MFD offers fire protection and emergency services to the City, including fire suppression services, emergency medical services, rescue services, hazardous and toxic materials emergency response, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of State and Federal hazardous materials regulations, and investigation of fire cause, arson and other emergency events for reason and origin.[58] The closest fire station to the Project Site is Fire Station One, located approximately 0.68 miles northwest of the Project Site.

As discussed in **Section 14**, **Population and Housing**, the Project would not result in a substantive increase in population within the City, nor would it generate growth beyond what has been accounted for in the City's long-range planning documents. Thus, the Project would not substantively increase the service population or demand for fire protection services. The Project would utilize the existing driveways along Great Mall Drive and Falcon Drive, which can accommodate emergency vehicles that are entering the Project Site. Additionally, a new fire service line would be installed and would connect to the existing water

58 City of Milpitas, "Fire," Available online at: https://www.milpitas.gov/milpitas/departments/fire/, accessed January 11, 2024.

mains located along Great Mall Drive. The proposed fire line and the overall Project design would be in accordance with the applicable design standards outlined in the 2022 California Building Code (CBC), Chapter 9, *Fire Protection and Life Safety Systems*. The Project would also be designed in accordance with the City's Municipal Code, Chapter 300 (Fire Code) which adopts by reference the 2022 editions of California Fire Code and the California Fire Code. The California Fire Code includes fire safety-related building standards for construction, access, water mains, fire flows, and hydrants. As such, impacts on fire protection services and facilities would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Police protection?

Less than Significant Impact. Law enforcement protection services for the City of Milpitas are provided by the Milpitas Police Department (MPD). The MPD station is located 2.62 miles north of the Project Site at 1275 North Milpitas Boulevard.

Construction activities associated with the Project may create a temporary increase in demand for MPD services at the construction site. However, construction activities would be required to comply with the emergency site access requirements outlined in the 2022 CBC. Project implementation would result in an increase in individuals on-site, potentially resulting in increased calls for service and traffic and traffic-related calls for the proposed school. However, as discussed in **Section 14**, **Population and Housing**, the Project would not result in a substantive increase in population within the City, nor would it generate growth beyond what has been accounted for in the City's long-range planning documents. Thus, the Project would not substantively increase the service population or demand for police fire protection services. The Project would have a total of five pedestrian access gates to the school grounds, each equipped with security locks to minimize potential criminal activity on-site. Further, the Project Site is currently within the MPD's service area and thus, the Project would not extend MPD's resources and staffing beyond their existing service area. As such, impacts to police protection and services would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) Schools?

No Impact. As stated, the projected indirect population growth in the City from the Project would be nominal. The Project would provide an additional secondary school and would not warrant additional schools in the area. As such, no impacts to school facilities would occur.

Mitigation Measures: No mitigation measures are required.

d) Parks?

No Impact. The closest public park to the Project Site is Parc Metro Clubhouse, located 0.58 miles north of the Project Site at 330 Curtis Avenue.[59] As stated, the Project would not result in a substantial increase in the City's population and would not substantially increase the use of the City's parks and recreational facilities. As such, no impact would occur.

Mitigation Measures: No mitigation measures are required.

e) Other Public Facilities?

Less than Significant Impact. The City of Milpitas is served by the Santa Clara County Public Library District (County Library District). The County Library includes eight branch libraries that provide services to Santa Clara County.[60] The closest public library to the Project Site is the Milpitas Library (MPL), located approximately 1.46 miles northwest of the Project Site at 160 North Main Street.

As stated above, the Project is not expected to result in a substantial increase in population compared to existing conditions. Thus, the Project is not expected to result in an additional demand for library services. Therefore, less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

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59 City of Milpitas, "Facilities." Available online at: https://www.milpitas.gov/Facilities?clear=False, accessed January 4, 2023.

60 Santa Clara County Library District, "Library Locations." Available online at: https://sccl.bibliocommons.com/locations/?_ga=2.6142516.641854484.1668657211-740783852.1665682817&_gl=1*1jk0cnn*_ga*NzQwNzgzODUyLjE2NjU2ODI4MTc.*_ga_G99DMMNG39*MTY2ODY1NzIxMS43LjEuMTY2ODY1NzI2Ny4wLjAuMA, accessed January 4, 2024.

16. Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. As stated in **Section 15**, **Public Services**, the nearest recreational facility to the Project Site is the Parc Metro Clubhouse, located 0.58 miles north of the Project Site. Further, as stated above, the Project would not result in a substantial increase in the City's population and would not increase the use of existing parks and recreational facilities. Accordingly, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project would involve the renovation of an existing vacant office building into a preparatory school. While the Project does include the construction of a playfield and gymnasium, the facilities are intended for the use of the private school and are not open to the general public. As stated above, the Project would not increase the use of existing recreational facilities and therefore would not require the construction or expansion of recreational facilities. Therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

17. Transportation and Traffic

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with a plan, ordinance or policy addressing the performance of the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	☐	☐	☒	☐
b. For a transportation project, would the project conflict with or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact.

Pedestrian and Bicycle Facilities

Off-site pedestrian facilities that surround the Project Site are limited to sidewalks located along Great Mall Drive and Great Mall Parkway. All intersections adjacent to the Project Site provide marked crosswalks and curb ramps on most approaches. Additionally, Great Mall Parkway is identified by the City of Milpitas as an existing Class II Bike Lane and as an existing trailway that is prioritized for improvement.[61]

Project construction would not disturb the surrounding pedestrian facilities as all associated construction activities/staging equipment would occur on-site. With respect to operations, the Project Site includes direct pedestrian connections to the nearby Milpitas BART Station (see **Appendix D, Transportation Impact Analysis)**. The Project would install pedestrian/bike gates that would provide access for students walking along all adjacent roadways. Pedestrians and bicyclists travelling to/from the Milpitas BART station would

61 City of Milpitas, *City of Milpitas Bicycle/Pedestrian & Trails Plan,* Adopted May 2022. Available online at: https://www.milpitas.gov/DocumentCenter/View/4954/Trail-Pedestrian-and-Bicycle-Master-Plan---Adopted-May-2022-PDF?bidId=, accessed January 5, 2024.

maintain access to the Project Site. As such, the Project would not remove any pedestrian facilities, nor would it conflict with the City of Milpitas *Trail, Pedestrian and Bicycle Master Plan*.

According to **Appendix D**, the volume of cyclists generated by the Project would not exceed the carrying capacity of the existing bike facilities surrounding the site, nor would Project implementation require additional bicycle facilities. Rather, the Project would provide bicycle parking spaces on-site for students and staff. Thus, the Project would not conflict with the City's *Trail, Pedestrian and Bicycle Master Plan*.

Transit Systems

The Project Site is surrounded by several stops for light rail and public transit lines provided by the Valley Transportation Authority (VTA), Alameda-Contra Costa Transit District (AC,) and the San Francisco Bay Area Rapid Transit District (BART) (see **Appendix D**).[62] The closest VTA bus stop is located approximately 275 feet southwest from the Project Site along Great Mall Parkway and 0.20 miles northwest at the intersection of Great Mall Parkway and McCandless Drive. Additionally, the Project Site is located less than 0.50 miles from the nearest major transit stop. The closest major transit stops include Milpitas BART Station and the VTA Great Mall/ Main Station. Thus, the Project Site is located within a Transit-Oriented Development (TOD) area.[63]

The Project would introduce new students and staff to the Project area. Thus, the Project would generate additional transit trips in the Project area. However, according to **Appendix D**, the volume of transit trips generated by the Project is not expected to exceed the carrying capacity of the existing transit services to the site. The Project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. Thus, the Project would not require conflict with existing or proposed transit projects or policies identified by the VTA.

In conclusion, the Project would not conflict with the plans or policies addressing the circulation system of the transit, roadway, bicycle and pedestrian facilities. Less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

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62 Valley Transportation Authority, "Routes." Available online at: https://www.vta.org/go/routes, accessed January 5, 2024.

63 A Transit-Oriented Development is defined by U.S. Department of Transportation as "projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact"

b) Conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b)?

Less than Significant Impact.

CEQA Guidelines Section 15064.3(b) provides considerations for evaluating a project's transportation impacts. Land Use Projects (b)(1) are evaluated through vehicle miles traveled (VMT). Generally, projects within one-half miles of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact.[64] Projects that decrease VMT in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

On May 18, 2021, the City of Milpitas adopted a local transportation policy analysis for VMT, the *City of Milpitas Transportation Analysis* (dated March 2022), to comply with State law and provide established and consistent criteria for analyzing transportation impacts of development projects and long-range plans. The transportation policy is intended for evaluating potential transportation impacts of new developments to comply with the California Environmental Quality Act (CEQA). The City has established thresholds of significance for non-residential Projects that are in accordance with the Office of Planning and Research (OPR). According to the *City of Milpitas Transportation Analysis,* a project shall be presumed to have a less-than-significant transportation impact of they meet any of the following screening criteria:

- Small Project Screening: Projects generating 110 daily trips or less. Examples: Single-family residential development of 12 units or fewer, multi-family residential development of 20 units or fewer, and office developments of 10,000 square feet or less.
- Retail projects that are local serving defined as 100ksf or less;
- Local serving public projects such as fire stations, neighborhood parks, libraries, and community centers;
- Transit Supportive Project transit screening: All land-use projects located within one half mile of a major transit stop, or a stop along a high-quality transit corridor, pursuant to State definitions for such facilities and meet the following criteria;
  - For Office/R&D projects, a minimum floor area ratio of 0.75

64 California Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, 2018. Available online at: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed February 2, 2024.

  - For Residential projects, a minimum density of 35 units/acre (40 units/acre in the Serra Center and 50 units/acre in the Milpitas Metro Specific Plan area);

  - No excess parking: the project does not include more parking for use by residents, customers, or employees of the project than required by the Municipal Code;

  - No loss of affordable dwelling units: the project does not replace affordable residential units with a smaller number of affordable units, and any replacement units are at the same level of affordability; and

- Projects with restricted affordable housing.

Project Screening

Appendix D determined that the Project could potentially be screened out of the VMT Analysis, as the proposed school use would qualify the Project to be screened out of VMT Analysis under the following screening criteria identified in the *City of Milpitas Transportation Analysis*:

- **Local Serving Project:** As stated above, the City of Milpitas *Transportation Analysis Policy Guidelines* (March 2022) presumes that local serving public projects would have a have a less-than-significant transportation impact. The Governor's Office of Planning and Research (OPR) *Technical Advisory* (December 2018) states that "By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact." **Appendix D** states that school uses are similar to retail uses, in that, the more schools that are located within in a given area, the shorter the student trips between the school and other complementary land uses (such as employment or residential uses).

- **Prior Approvals:** The Project Site is located within the MMSP planning area. The Project Site is designated as BPRD-R and educational uses are listed as an acceptable use in BPRD-R designated areas under the MMSP. Thus, the proposed educational use was contemplated as a potential development on-site under the MMSP. According to **Appendix D**, CEQA impacts related to traffic for projects that are consistent with the MMSP have been analyzed in the Supplemental Environmental Impact Report (EIR) for the MMSP. As such, the Project may qualify for a statutory exemption under CEQA.

Therefore, given the City's screening criteria, prior finding regarding private school projects, and that the use for the site is already cleared environmentally, the impacts of the project on VMT are considered less than significant.

VMT Analysis

The Project would implement a new school with a maximum student enrollment of 500 students and 75 employees. The VMT Analysis (**Appendix D**) determined that implementation of the Project would decrease the VMT per employee (VMT/employee) from 2,635 VMT/employee to 1,163 VMT/employee.

As a new secondary school for 6th through 12th graders, the Project would be the only Stratford secondary school for three existing lower division Stratford preparatory schools located within a three-mile distance from the Project Site. According to **Appendix D**, the Project would provide an alternate location for Stratford school students to continue their education without traveling to a more distant location, thus reducing VMT per capita from existing conditions. Thus, the Project's overall impact on VMT would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The Project would not include any on-site or off-site roadway improvements. The majority of the existing on-site circulation would be maintained with implementation of the Project. The Project would utilize the two existing driveways off of Great Mall Drive and Falcon Drive. Visitors would use the existing driveway off of Great Mall Drive as the primary vehicular entry to the Project Site. As illustrated in **Figure 2.0-5**, upon entering the school grounds, visitors may either turn right to park within the proposed 21 parking spaces located at the northwestern corner of the Project Site or turn left towards the remaining on-site parking spaces or towards the proposed drop-off and pick up-zone for students along the northern frontage of the school. As depicted, vehicles would then continue through the proposed egress route and exit the Project Site through the security gate along the southern perimeter of the site to the parking lot of the existing adjacent school, or through the existing driveway along Falcon Drive. The Project would be required to comply with all on-site circulation site access requirements imposed by the City and the Milpitas Fire Department (MFD). As such, Project plans would be subject to review by the City and the MFD. Upon approval, the Project would not include any geometric design features or incompatible uses that would substantially increase hazards. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) Result in inadequate emergency access?

Less than Significant Impact. Construction activities would remain on-site. The Project would utilize the existing driveways on-site for emergency access. The Project would incorporate all applicable design and safety standards and regulations outlined in Chapter 33 of the 2022 California Building Code, and Chapter 11 (Construction Requirements for Existing Buildings) of the California Fire Code. Furthermore, the Project would be subject to site plan review by the City and MFD to ensure that on-site emergency access points are sufficient. Upon site plan approval, and by adhering to applicable state requirements, impacts regarding emergency access would be less than significant.

Mitigation Measures: No mitigation measures are required.

18. Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Would the project:

Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resource Code section 5020.1(k)?

No Impact. Impacts related to historical resources are evaluated in **Section 5, Cultural Resources**. As discussed, there are no buildings or structures within the Project Site that are eligible to be listed on the CRHR or the NRHP. The existing building on-site was constructed in 2002. As such, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impact with Mitigation Incorporated. As discussed in **Appendix B**, **Cultural Resources Documentation**, results of the Sacred Lands File (SLF) search report from the Native American Heritage Commission (NAHC) for the Project Site were negative.

In compliance with AB 52, the City will distribute letters notifying each tribe that may have knowledge of cultural resources within the Project Area in coordination with the circulation of this MND.

Ground disturbing activities associated with the Project could result in the discovery of previously undiscovered cultural resources. This includes potential discovery of tribal cultural resources. In the event Native American resources are discovered, the City would consult with the Native American monitor and affected tribe(s). Additionally, as stated in **Section 5, Cultural Resources,** in the event that human remains are encountered, **Mitigation Measure CUL-1** would ensure that work in the immediate area of a potential archaeological find is halted until an archaeologist evaluates the find and determines appropriate subsequent procedures. With implementation of **Mitigation Measure CUL-1**, impacts to resources that are applicable under Public Resources Code Section 5024.1 would be reduced to less than significant levels.

Mitigation Measures: See **Mitigation Measure CUL-1**.

19. Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact.

Water

The City provides water services to the Project Site and receives water supplies from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (formerly Santa Clara Valley Water District). The SFPUC is a regional wholesale water supplier that supplies predominantly snowmelt from the Sierra

Nevada, delivered through the Hetch Hetchy aqueducts.[65] Valley Water is a countywide wholesale water and groundwater management agency, relies on local retailers (municipalities and private companies) to deliver water to homes and businesses throughout the county, including the City of Milpitas.[66]

Potable water is currently being conveyed to the Project Site with the existing underground waterlines that connect to a 12-inch water main along Great Mall Drive. The Project would continue to use the existing water lines on-site to receive potable water for the landscaping, restrooms, and kitchens. The proposed gymnasium would not include uses that need potable water. The Project Site is designated in the City's General Plan as Milpitas Metro Specific Plan (MMSP), and in the MMSP, the Project Site is designated as Business Park Research & Development, Limited Residential (BPDR-R), which supports and allows educational uses. Therefore, the expected development intensity of the Project has been accounted for in the City's long-range planning documents. As such, the Project would not require new or relocated or expanded water facilities.

Wastewater

The Project would include the construction of new bathrooms within the existing building, which would generate additional demand for wastewater treatment. No bathrooms are being proposed within the new gymnasium. Wastewater produced by the Project would be treated at the San Jose-Santa Clara Regional Wastewater Facility (RWF), located 1.23 miles southwest of the Project Site in the City of San Jose. The proposed school would construct a new 6-inch sewer lines to connect to the City's 8-inch main and new 6-inch and 8-inch storm drains will collect water and then route to a detention basin, which will then drain into a private storm drain system along Great Mall Drive. A new Recycled Water system will need to be constructed in order to provide irrigation to the landscape areas. A connection to the existing 8-inch Recycled Water Main on Falcon Drive will be established.

The RWF has a total contracted peak flow capacity of 14.25 million gallons per day (mgd).[67] The Project is anticipated to generate approximately 570 gallons per day.[68,69] The anticipated wastewater generated by

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65 City of Milpitas, *2020 Urban Water Management Plan*, 2021. Available online at: https://www.milpitas.gov/_pdfs/Milpitas_2020_%20UWMP_FINAL.pdf, accessed January 11, 2024.

66 Valley Water, "Find My Water Retailer," Available online at: https://www.valleywater.org/find-my-retailer, accessed January 10, 2024.

67 City of Milpitas, *2020 Urban Water Management Plan*, 2021. Available online at: https://www.milpitas.gov/_pdfs/Milpitas_2020_%20UWMP_FINAL.pdf, accessed January 11, 2024.

68 City of Milpitas, *Sewer Master Plan Update*, 2009. Available online: https://www.milpitas.gov/_pdfs/eng_mp_sewer.pdf, accessed January 11, 2024.

69 The estimated wastewater generation is based on the land use designation for schools under the Sewer Master Plan Update (Public Facilities) and the acreage of the Project Site (See 7-6: Calibrated UF Factors of the Sewer Master Plan Update).

the Project would represent less than one percent of the City's contracted peak flow for the RWF. As such, the existing wastewater treatment capacity is anticipated to be sufficient to accommodate the Project. The Project is consistent with the Project Site's land use designation under the MMSP and therefore its development intensity and its wastewater generation have already been accounted for in the City's long range planning documents. Thus, the Project would not require the relocation or construction of new or expanded wastewater treatment facilities and impacts related to wastewater conveyance would be less than significant.

Stormwater

Stormwater runoff from the Project Site is currently conveyed off-site by the City's stormwater drainage system. Compared to existing conditions, the Project would increase the amount of impervious surfaces at the Project Site. However, the Project would implement a new stormwater system to offset the increase in stormwater resulting from the new gymnasium building. The Project would install new storm drain lines that would drain runoff into a new planter area and would act as a bioswale for treatment. The Project would also adhere to local regulations to ensure that stormwater pollution from the Project would be minimized. The proposed stormwater design features and adherence to applicable requirements would reduce the Project's impacts to the City's stormwater system to less than significant levels.

Electricity, Natural Gas, or Telecommunications

According to the MMSP, Pacific Gas & Electric (PG&E) provides electric services to properties within the planning area, including the Project Site. The Project would utilize the existing electricity, natural gas, and telecommunication lines and services at the Project Site. Payment of standard utility connection fees and ongoing user fees to PG&E would be required to ensure these utility services would be able to accommodate the proposed gymnasium. Payment of these standard fees would ensure that Project impacts to dry utility services would be less than significant.

Mitigation Measures: No mitigation measures are required.

b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less than Significant Impact. Valley Water provides treated water from its Penitencia and Santa Teresa treatment plant via its Milpitas Pipeline which terminates in the City. Although the City's purchases are currently limited to surface water largely purchased by Valley Water from the State Water Project and Central Valley Project, Valley Water's overall water supply comes from a variety of sources. Nearly half is from local groundwater aquifers, and more than half is imported from the Sierra Nevada through pumping

stations in the Sacramento-San Joaquin River Delta. Both groundwater and imported water are sold to retailers.

According to the City's 2020 Urban Water Management Plan (UWMP), the total storage of both the Penitencia and Santa Teresa treatment plant combined is 170,000 acre-feet (AF). Further, the City is projected to have a water demand and supply of 4,917-acre feet per year (AFY) by the year 2045 during normal, dry, and multiple dry years. According to **Appendix A, Air Quality and Greenhouse Gas Data**, the Project would generate a water demand of approximately 2,648,705 gallons per year or 7,256 gallons per day (gpd) (or 8.12 AFY). Thus, the Project would represent less than one percent of both the City's water demand and supply, as well as the treatment capacity of both the Penitencia and Santa Teresa treatment plant. As such, impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. As discussed above, the Project would not require the relocation or construction of new or expanded wastewater treatment facilities. The Project involves the renovation of an existing office building into a new preparatory school and the construction of a new gymnasium and turf playfield. As stated, the Project would result in an increase in demand for wastewater treatment compared to existing conditions. However, the Project is not anticipated to be a substantial source of wastewater. Based on available data, it is anticipated that the RWF has adequate capacity to serve the Project's projected demand for wastewater treatment. Therefore, the Project's impacts to wastewater treatment would be less than significant.

Mitigation Measures: No mitigation measures are required.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. Approximately 75 percent of total solid waste generated within the City is disposed at the Newby Island Sanitary Landfill and Monterey Peninsula Landfill.[70] The Newby Island Landfill permits 4,000 tons of solid waste per day and a remaining capacity of 16,400,000 tons of solid

70 CalRecycle, "Jurisdiction Disposal and Alternative Daily Cover (ADC) Tons by Facility." Available online at: https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility. Accessed January 11, 2024.

waste.[71] The Monterey Peninsula Landfill permits 3,500 tons of solid waste per day and a remaining capacity of 48,560,000 tons of solid waste.

Construction activities associated with the Project would generate approximately 221. 5 tons of debris, 153.5 tons of which would be recycled. However, the amount of waste generated by the Project would not exceed the amount of waste permitted or the capacities of the Newby Island Sanitary Landfill and Monterey Peninsula Landfill. Additionally, solid waste generation from the Project's construction activities would be temporary and would cease upon completion of the Project. The Project would generate approximately 45.5 tons of waste per year (or 0.12 ton per day). Accordingly, the Project would represent less than one percent of the daily permitted and remaining capacities for solid waste for both landfills. Therefore, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. As stated above, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Furthermore, the Project would demonstrate compliance with the California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939), which requires all California cities to "reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible." AB 939 requires that at least 50 percent of waste produced is recycled, reduced, or composted. The Project would also comply with the 2022 CALGreen Code, which includes design and construction measures that help reduce construction-related waste through material conservation and other construction-related efficiency measures. Thus, less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

71 CalRecycle, "SWIS Facility/Site Activity Details- Newby Island Sanitary Landfill." Available online at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1362?siteID=3388, accessed January 11, 2024.

20. Wildfire

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The City's Emergency Operations Plan (EOP) details the City's incident management organization, compliance with relevant legal statutes, other relevant guidelines, whole community engagement, continuity of government focus, and critical components of the incident management structure in the event of a city-wide emergency or disaster.[72] The Project Site is located within a predominately urbanized and developed area of the City. The Project does not propose any off-site improvements, and all construction activities, staging, and equipment would occur on-site. Additionally, the Project Site plans would be reviewed by the Milpitas Fire Department prior to approval. Thus, the Project would not interfere with the City's EOP, and impacts would therefore be less than significant.

72 City of Milpitas, *Emergency Operations Plan of Milpitas*. August 2021. Available online at: https://www.milpitas.gov/DocumentCenter/View/1406/City-of-Milpitas-Emergency-Operations-Plan-PDF, accessed January 11, 2024.

Mitigation Measures: No mitigation measures are required.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. Wildfires have the potential to occur not only in fire-prone undeveloped areas, but also in developed areas where existing transmission lines, lightning strikes, lawn equipment operated over dry grass, fireworks, and even arson may ignite a wildfire. Wildfires pose a significant public health risk due to their air quality impacts, particularly with regard to smoke and particulate matter exposure. This risk persists even after a wildfire is extinguished because particulate matter from fire ash can be picked up by winds.

The Project Site is not located within a Very High Fire Hazard Zone (VHFHZ), nor does the Project Site contain vegetation that could contribute to the uncontrolled spread of wildfire.[73] The nearest VHFHZ includes the open hillsides of Milpitas, located more than ten miles to the east of the Project Site.[74] Therefore, given the urbanized location of the Project Site, the Project would not exacerbate wildfire risks and would therefore result in no impact.

Mitigation Measures: No mitigation measures are required.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The Project Site is urbanized and does not include wildlands or high fire terrain. The Project Site is surrounded by existing structures and infrastructure including roadways and interstate highways and would not require the installation or maintenance of roads, fuel breaks, emergency water or other sources that could exacerbate fire risk. Due to the urbanized nature of the Project Site and surrounding area, it is unlikely any fire would spread and would therefore result in no impact.

Mitigation Measures: No mitigation measures are required.

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73 County of Santa Clara, "Wildland Urban Interface." Adopted February 24, 2009. Available online at: https://stgenpln.blob.core.windows.net/document/WUIFA_Adopted_Map.pdf. Accessed December 8, 2023.

74 CalFire, "FHSZ Viewer." Available online at: https://egis.fire.ca.gov/FHSZ/, accessed on December 8, 2023.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. In Northern California, intense rainfall may occur during the winter months, creating natural flooding events when the ground is saturated and water levels are high. This has the potential for flooding issues, and fire hazards may exacerbate such flooding and debris flows along waterways. Since debris flows may occur quickly and without warning, such flows can damage structures, block drainage or even sweep away vegetation resulting in tenuous post-fire slope stability. Fast moving debris flows can be one of the most dangerous post-fire hazards. The Project Site is generally flat and urbanized, is not in an area of wildfire risk, and would not be subject to any post fire slope instability or landslides. Therefore, there would be no impact.

Mitigation Measures: No mitigation measures are required.

21. Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact with Mitigation Incorporated. As discussed in **Section 3, Air Quality**, the Project will not exceed regional emission thresholds. Furthermore, consistent with BAAQMD requirements, the Project would implement **Mitigation Measure AQ-1** to ensure impacts remain less than significant. As discussed in **Section 8, Greenhouse Gas Emissions**, the Project would not generate greenhouse gas emissions that would result in a significant impact on the environment, nor conflict with an applicable plan, policy, or regulation for reducing GHG emissions. Implementation of **Mitigation Measure GHG-1** would demonstrate the Project's compliance with the *Milpitas 2022 CAP Update;* and ensure impacts are less than significant.

As discussed in **Section 4**, **Biological Resources**, the Project could potentially disturb and modify critical habitats that may be present on-site for special-status bird species. As such, implementation of **Mitigation Measure BIO-1** would ensure that the impacts to the critical habitat of special-status bird species would be reduced to less than significant.

As discussed in **Section 5**, **Cultural Resources**, **Section 7**, **Geology and Soils, and Section 18, Tribal Cultural Resources**, ground disturbing activities associated with the Project may potentially uncover cultural, archaeological, or paleontological resources. As such, implementation of **Mitigation Measures CUL-1** and **GEO-1** would reduce these potential impacts to less than significant levels.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact with Mitigation Incorporated. The Project generally would not contribute to potentially cumulatively considerable impacts. As indicated in the above analysis, with implementation of the required mitigation measures, the Project would not result in any unmitigated significant adverse impacts and/or cumulatively considerable impacts. Specifically, **Mitigation Measures AQ-1, BIO-1, CUL-1, GHG-1, and GEO-1**, would reduce potentially significant impacts to less than significant levels. The Project does not include any unmitigated cumulatively considerable impacts when considered in connection with the effects of past, present and probable future projects. No further analysis is necessary.

c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact with Mitigation Incorporated. As indicated in the above analysis, with implementation of the required mitigation measures, the Project would not result in any unmitigated significant adverse impacts. Thus, the Project would not have the potential to result in substantial adverse effects on human beings.

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APPENDIX A

Air Quality and Greenhouse Gas Data

Stratford Preparatory School - School Building Custom Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Stratford Preparatory School - School Building
Operational Year	2025
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	31.0
Location	37.411455, -121.895387
County	Santa Clara
City	Milpitas
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1903
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.21

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
High School	500	Student	1.52	51,740	0.00	0.00	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	7.80	8.43	5.84	61.4	0.14	0.14	12.9	13.0	0.13	3.26	3.39	53.4	14,987	15,040	6.00	0.56	55.7	15,412
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	7.10	7.73	6.73	54.9	0.13	0.13	12.9	13.0	0.13	3.26	3.39	53.4	14,123	14,177	6.07	0.61	1.64	14,512
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	5.43	6.21	4.89	41.0	0.10	0.11	9.39	9.50	0.11	2.38	2.49	53.4	10,815	10,868	5.88	0.44	18.0	11,165
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.99	1.13	0.89	7.48	0.02	0.02	1.71	1.73	0.02	0.43	0.45	8.84	1,790	1,799	0.97	0.07	2.99	1,848

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Mobile	7.34	6.77	5.25	58.7	0.14	0.09	12.9	13.0	0.08	3.26	3.35	—	14,160	14,160	0.57	0.54	55.5	14,392
Area	0.40	1.62	0.02	2.25	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.25	9.25	< 0.005	< 0.005	—	9.29
Energy	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	809	809	0.08	< 0.005	—	812
Water	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Waste	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Total	7.80	8.43	5.84	61.4	0.14	0.14	12.9	13.0	0.13	3.26	3.39	53.4	14,987	15,040	6.00	0.56	55.7	15,412
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	7.04	6.45	6.16	54.4	0.13	0.09	12.9	13.0	0.08	3.26	3.35	—	13,306	13,306	0.64	0.60	1.44	13,502
Area	—	1.26	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	809	809	0.08	< 0.005	—	812
Water	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Waste	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Total	7.10	7.73	6.73	54.9	0.13	0.13	12.9	13.0	0.13	3.26	3.39	53.4	14,123	14,177	6.07	0.61	1.64	14,512
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	5.17	4.74	4.31	39.4	0.10	0.07	9.39	9.46	0.06	2.38	2.44	—	9,993	9,993	0.45	0.43	17.8	10,150
Area	0.20	1.44	0.01	1.11	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	4.56	4.56	< 0.005	< 0.005	—	4.58
Energy	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	809	809	0.08	< 0.005	—	812
Water	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Waste	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Total	5.43	6.21	4.89	41.0	0.10	0.11	9.39	9.50	0.11	2.38	2.49	53.4	10,815	10,868	5.88	0.44	18.0	11,165
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.94	0.87	0.79	7.19	0.02	0.01	1.71	1.73	0.01	0.43	0.45	—	1,654	1,654	0.07	0.07	2.95	1,680
Area	0.04	0.26	< 0.005	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.76	0.76	< 0.005	< 0.005	—	0.76

Energy	0.01	0.01	0.10	0.09	< 0.005	0.01	—	0.01	0.01	—	0.01	—	134	134	0.01	< 0.005	—	134
Water	—	—	—	—	—	—	—	—	—	—	—	0.70	1.32	2.02	0.07	< 0.005	—	4.33
Waste	—	—	—	—	—	—	—	—	—	—	—	8.14	0.00	8.14	0.81	0.00	—	28.5
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.03	0.03
Total	0.99	1.13	0.89	7.48	0.02	0.02	1.71	1.73	0.02	0.43	0.45	8.84	1,790	1,799	0.97	0.07	2.99	1,848

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	7.34	6.77	5.25	58.7	0.14	0.09	12.9	13.0	0.08	3.26	3.35	—	14,160	14,160	0.57	0.54	55.5	14,392
Total	7.34	6.77	5.25	58.7	0.14	0.09	12.9	13.0	0.08	3.26	3.35	—	14,160	14,160	0.57	0.54	55.5	14,392
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	7.04	6.45	6.16	54.4	0.13	0.09	12.9	13.0	0.08	3.26	3.35	—	13,306	13,306	0.64	0.60	1.44	13,502
Total	7.04	6.45	6.16	54.4	0.13	0.09	12.9	13.0	0.08	3.26	3.35	—	13,306	13,306	0.64	0.60	1.44	13,502
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	0.94	0.87	0.79	7.19	0.02	0.01	1.71	1.73	0.01	0.43	0.45	—	1,654	1,654	0.07	0.07	2.95	1,680
Total	0.94	0.87	0.79	7.19	0.02	0.01	1.71	1.73	0.01	0.43	0.45	—	1,654	1,654	0.07	0.07	2.95	1,680

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	128	128	0.02	< 0.005	—	130
Total	—	—	—	—	—	—	—	—	—	—	—	—	128	128	0.02	< 0.005	—	130
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	128	128	0.02	< 0.005	—	130
Total	—	—	—	—	—	—	—	—	—	—	—	—	128	128	0.02	< 0.005	—	130
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	21.2	21.2	< 0.005	< 0.005	—	21.5
Total	—	—	—	—	—	—	—	—	—	—	—	—	21.2	21.2	< 0.005	< 0.005	—	21.5

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

High School	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	681	681	0.06	< 0.005	—	683
Total	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	681	681	0.06	< 0.005	—	683
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	681	681	0.06	< 0.005	—	683
Total	0.06	0.03	0.57	0.48	< 0.005	0.04	—	0.04	0.04	—	0.04	—	681	681	0.06	< 0.005	—	683
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	0.01	0.01	0.10	0.09	< 0.005	0.01	—	0.01	0.01	—	0.01	—	113	113	0.01	< 0.005	—	113
Total	0.01	0.01	0.10	0.09	< 0.005	0.01	—	0.01	0.01	—	0.01	—	113	113	0.01	< 0.005	—	113

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	1.11	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.15	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.40	0.37	0.02	2.25	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.25	9.25	< 0.005	< 0.005	—	9.29
Total	0.40	1.62	0.02	2.25	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	9.25	9.25	< 0.005	< 0.005	—	9.29

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	1.11	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.15	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	1.26	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.20	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.03	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.04	0.03	< 0.005	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.76	0.76	< 0.005	< 0.005	—	0.76
Total	0.04	0.26	< 0.005	0.20	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.76	0.76	< 0.005	< 0.005	—	0.76

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2

Total	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Total	—	—	—	—	—	—	—	—	—	—	—	4.22	7.97	12.2	0.43	0.01	—	26.2
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	0.70	1.32	2.02	0.07	< 0.005	—	4.33
Total	—	—	—	—	—	—	—	—	—	—	—	0.70	1.32	2.02	0.07	< 0.005	—	4.33

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Total	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Total	—	—	—	—	—	—	—	—	—	—	—	49.2	0.00	49.2	4.92	0.00	—	172
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

High School	—	—	—	—	—	—	—	—	—	—	—	8.14	0.00	8.14	0.81	0.00	—	28.5
Total	—	—	—	—	—	—	—	—	—	—	—	8.14	0.00	8.14	0.81	0.00	—	28.5

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.20	0.20
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
High School	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.03	0.03
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.03	0.03

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Remove	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
High School	1,965	290	125	533,943	18,254	2,694	1,161	4,960,064

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	77,610	25,870	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
High School	229,593	204	0.0330	0.0040	2,124,489

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
High School	2,202,480	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
High School	91.3	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
High School	Household refrigerators and/or freezers	R-134a	1,430	0.02	0.60	0.00	1.00
High School	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
High School	Stand-alone retail refrigerators and freezers	R-134a	1,430	< 0.005	1.00	0.00	1.00
High School	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

8. User Changes to Default Data

Screen	Justification
Land Use	Existing building is 51,740 square feet and will accommodate 500 students.
Operations: Vehicle Data	According to the traffic operations analysis prepared by Hexagon Transportation Consultants, Inc., the Project will generate 1,965 daily trips.

Stratford Preparatory School - Gymnasium Custom Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Stratford Preparatory School - Gymnasium
Construction Start Date	7/1/2024
Operational Year	2025
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	31.0
Location	37.411455, -121.895387
County	Santa Clara
City	Milpitas
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1903
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.21

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description

Health Club	7.88	1000sqft	0.18	7,883	0.00	—	—	—
Parking Lot	8.00	Space	0.07	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	1.46	5.20	11.4	14.3	0.02	0.53	2.13	2.67	0.49	1.02	1.51	—	2,481	2,481	0.10	0.08	1.26	2,493
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.68	0.57	5.66	7.12	0.01	0.26	0.04	0.29	0.24	0.01	0.24	—	1,367	1,367	0.06	0.02	0.01	1,373
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.28	0.46	2.26	3.01	0.01	0.10	0.11	0.21	0.09	0.05	0.14	—	566	566	0.02	0.01	0.05	569
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.05	0.08	0.41	0.55	< 0.005	0.02	0.02	0.04	0.02	0.01	0.03	—	93.7	93.7	< 0.005	< 0.005	0.01	94.2

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	1.44	1.21	11.4	11.1	0.02	0.53	2.13	2.67	0.49	1.02	1.51	—	1,779	1,779	0.07	0.08	1.26	1,786
2025	1.46	5.20	10.5	14.3	0.02	0.44	0.19	0.63	0.40	0.04	0.45	—	2,481	2,481	0.10	0.03	0.82	2,493
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.68	0.57	5.66	7.12	0.01	0.26	0.04	0.29	0.24	0.01	0.24	—	1,367	1,367	0.06	0.02	0.01	1,373
2025	0.63	0.53	5.20	7.08	0.01	0.22	0.04	0.25	0.20	0.01	0.21	—	1,366	1,366	0.06	0.02	0.01	1,372
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.28	0.23	2.26	2.70	< 0.005	0.10	0.11	0.21	0.09	0.05	0.14	—	508	508	0.02	0.01	0.05	511
2025	0.28	0.46	2.22	3.01	0.01	0.09	0.02	0.11	0.09	0.01	0.09	—	566	566	0.02	0.01	0.05	569
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2024	0.05	0.04	0.41	0.49	< 0.005	0.02	0.02	0.04	0.02	0.01	0.03	—	84.2	84.2	< 0.005	< 0.005	0.01	84.6
2025	0.05	0.08	0.40	0.55	< 0.005	0.02	< 0.005	0.02	0.02	< 0.005	0.02	—	93.7	93.7	< 0.005	< 0.005	0.01	94.2

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.07	0.25	0.10	0.42	< 0.005	—	—	—	—	—	—	25.1	163	188	2.53	< 0.005	0.04	253
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.01	0.20	0.09	0.08	< 0.005	—	—	—	—	—	—	25.1	162	187	2.53	< 0.005	0.04	251

Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.04	0.22	0.09	0.25	< 0.005	—	—	—	—	—	—	25.1	163	188	2.53	< 0.005	0.04	252
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.01	0.04	0.02	0.05	< 0.005	—	—	—	—	—	—	4.16	26.9	31.1	0.42	< 0.005	0.01	41.7

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	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	0.00
Area	0.06	0.25	< 0.005	0.34	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.41	1.41	< 0.005	< 0.005	—	1.41
Energy	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	160	160	0.02	< 0.005	—	161
Water	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Waste	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Vegetation	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Total	0.07	0.25	0.10	0.42	< 0.005	NaN	NaN	NaN	NaN	NaN	NaN	25.1	163	188	2.53	< 0.005	0.04	253
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	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	0.00
Area	—	0.19	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	160	160	0.02	< 0.005	—	161
Water	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54

Waste	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Vegetation	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Total	0.01	0.20	0.09	0.08	< 0.005	NaN	NaN	NaN	NaN	NaN	NaN	25.1	162	187	2.53	< 0.005	0.04	251
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	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	0.00
Area	0.03	0.22	< 0.005	0.17	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.70	0.70	< 0.005	< 0.005	—	0.70
Energy	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	160	160	0.02	< 0.005	—	161
Water	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Waste	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Vegetation	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Total	0.04	0.22	0.09	0.25	< 0.005	NaN	NaN	NaN	NaN	NaN	NaN	25.1	163	188	2.53	< 0.005	0.04	252
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	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	0.00
Area	0.01	0.04	< 0.005	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.12	0.12	< 0.005	< 0.005	—	0.12
Energy	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	26.5	26.5	< 0.005	< 0.005	—	26.7
Water	—	—	—	—	—	—	—	—	—	—	—	0.15	0.28	0.43	0.02	< 0.005	—	0.92
Waste	—	—	—	—	—	—	—	—	—	—	—	4.01	0.00	4.01	0.40	0.00	—	14.0
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.01	0.01
Vegetation	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Total	0.01	0.04	0.02	0.05	< 0.005	NaN	NaN	NaN	NaN	NaN	NaN	4.16	26.9	31.1	0.42	< 0.005	0.01	41.7

3. Construction Emissions Details

3.1. Demolition (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.61	0.51	4.69	5.79	0.01	0.19	—	0.19	0.17	—	0.17	—	852	852	0.03	0.01	—	855
Demolition	—	—	—	—	—	—	0.31	0.31	—	0.05	0.05	—	—	—	—	—	—	—
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.01	0.13	0.16	< 0.005	0.01	—	0.01	< 0.005	—	< 0.005	—	23.3	23.3	< 0.005	< 0.005	—	23.4
Demolition	—	—	—	—	—	—	0.01	0.01	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.02	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	3.87	3.87	< 0.005	< 0.005	—	3.88
Demolition	—	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	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	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.03	0.44	0.00	0.00	0.08	0.08	0.00	0.02	0.02	—	87.4	87.4	< 0.005	< 0.005	0.37	88.8
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.04	0.01	0.52	0.25	< 0.005	0.01	0.10	0.11	< 0.005	0.03	0.03	—	409	409	0.03	0.07	0.88	430
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.24	2.24	< 0.005	< 0.005	< 0.005	2.28
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	11.2	11.2	< 0.005	< 0.005	0.01	11.8
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.37	0.37	< 0.005	< 0.005	< 0.005	0.38
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.85	1.85	< 0.005	< 0.005	< 0.005	1.95

3.3. Grading (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.41	1.19	11.4	10.7	0.02	0.53	—	0.53	0.49	—	0.49	—	1,713	1,713	0.07	0.01	—	1,719

Dust From Material Movement	—	—	—	—	—	—	2.07	2.07	—	1.00	1.00	—	—	—	—	—	—	—
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.05	0.47	0.44	< 0.005	0.02	—	0.02	0.02	—	0.02	—	70.4	70.4	< 0.005	< 0.005	—	70.6
Dust From Material Movement	—	—	—	—	—	—	0.09	0.09	—	0.04	0.04	—	—	—	—	—	—	—
Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.09	0.08	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	11.7	11.7	< 0.005	< 0.005	—	11.7
Dust From Material Movement	—	—	—	—	—	—	0.02	0.02	—	0.01	0.01	—	—	—	—	—	—	—
Onsite truck	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	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.03	0.03	0.02	0.33	0.00	0.00	0.06	0.06	0.00	0.01	0.01	—	65.6	65.6	< 0.005	< 0.005	0.28	66.6
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.52	2.52	< 0.005	< 0.005	< 0.005	2.56
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.42	0.42	< 0.005	< 0.005	< 0.005	0.42
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Building Construction (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.67	0.56	5.60	6.98	0.01	0.26	—	0.26	0.23	—	0.23	—	1,305	1,305	0.05	0.01	—	1,309
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.67	0.56	5.60	6.98	0.01	0.26	—	0.26	0.23	—	0.23	—	1,305	1,305	0.05	0.01	—	1,309
Onsite truck	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	0.00

Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.19	0.16	1.63	2.03	< 0.005	0.07	—	0.07	0.07	—	0.07	—	380	380	0.02	< 0.005	—	382
Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	0.03	0.30	0.37	< 0.005	0.01	—	0.01	0.01	—	0.01	—	63.0	63.0	< 0.005	< 0.005	—	63.2
Onsite truck	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	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.15	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	28.9	28.9	< 0.005	< 0.005	0.12	29.4
Vendor	< 0.005	< 0.005	0.05	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	35.4	35.4	< 0.005	0.01	0.09	37.1
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.13	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	26.8	26.8	< 0.005	< 0.005	< 0.005	27.2
Vendor	< 0.005	< 0.005	0.05	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	35.4	35.4	< 0.005	0.01	< 0.005	37.1
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.04	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	7.90	7.90	< 0.005	< 0.005	0.02	8.02
Vendor	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	10.3	10.3	< 0.005	< 0.005	0.01	10.8
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.31	1.31	< 0.005	< 0.005	< 0.005	1.33

Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	1.71	1.71	< 0.005	< 0.005	< 0.005	1.79
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.7. Building Construction (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.62	0.52	5.14	6.94	0.01	0.22	—	0.22	0.20	—	0.20	—	1,305	1,305	0.05	0.01	—	1,309
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.62	0.52	5.14	6.94	0.01	0.22	—	0.22	0.20	—	0.20	—	1,305	1,305	0.05	0.01	—	1,309
Onsite truck	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	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.23	0.19	1.89	2.55	< 0.005	0.08	—	0.08	0.07	—	0.07	—	480	480	0.02	< 0.005	—	482
Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	0.03	0.35	0.47	< 0.005	0.01	—	0.01	0.01	—	0.01	—	79.5	79.5	< 0.005	< 0.005	—	79.7
Onsite truck	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	0.00

Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.14	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	28.4	28.4	< 0.005	< 0.005	0.11	28.8
Vendor	< 0.005	< 0.005	0.04	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	34.9	34.9	< 0.005	0.01	0.09	36.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.01	0.12	0.00	0.00	0.03	0.03	0.00	0.01	0.01	—	26.3	26.3	< 0.005	< 0.005	< 0.005	26.6
Vendor	< 0.005	< 0.005	0.05	0.02	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	—	34.9	34.9	< 0.005	0.01	< 0.005	36.4
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.04	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	9.78	9.78	< 0.005	< 0.005	0.02	9.92
Vendor	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	12.8	12.8	< 0.005	< 0.005	0.01	13.4
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.62	1.62	< 0.005	< 0.005	< 0.005	1.64
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	2.12	2.12	< 0.005	< 0.005	< 0.005	2.22
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.9. Paving (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.61	0.51	4.37	5.31	0.01	0.19	—	0.19	0.18	—	0.18	—	823	823	0.03	0.01	—	826
Paving	—	0.01	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.03	0.25	0.31	< 0.005	0.01	—	0.01	0.01	—	0.01	—	47.4	47.4	< 0.005	< 0.005	—	47.5
Paving	—	< 0.005	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.05	0.06	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	7.84	7.84	< 0.005	< 0.005	—	7.87
Paving	—	< 0.005	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	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	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.06	0.06	0.04	0.72	0.00	0.00	0.14	0.14	0.00	0.03	0.03	—	150	150	< 0.005	0.01	0.59	152
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Worker	< 0.005	< 0.005	< 0.005	0.03	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	8.08	8.08	< 0.005	< 0.005	0.01	8.20
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.34	1.34	< 0.005	< 0.005	< 0.005	1.36
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

3.11. Architectural Coating (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	0.13	0.88	1.14	< 0.005	0.03	—	0.03	0.03	—	0.03	—	134	134	0.01	< 0.005	—	134
Architectural Coatings	—	3.96	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.01	0.05	0.07	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	7.68	7.68	< 0.005	< 0.005	—	7.71
Architectural Coatings	—	0.23	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Onsite truck	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	0.01	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.27	1.27	< 0.005	< 0.005	—	1.28
Architectural Coatings	—	0.04	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Onsite truck	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	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.03	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	5.67	5.67	< 0.005	< 0.005	0.02	5.76
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.31	0.31	< 0.005	< 0.005	< 0.005	0.31
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	< 0.005	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	0.05	0.05	< 0.005	< 0.005	< 0.005	0.05
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	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	0.00
Parking Lot	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	0.00
Total	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	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	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	0.00
Parking Lot	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	0.00
Total	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	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	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	0.00
Parking Lot	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	0.00
Total	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	0.00

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	48.1	48.1	0.01	< 0.005	—	48.5
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	1.54	1.54	< 0.005	< 0.005	—	1.55
Total	—	—	—	—	—	—	—	—	—	—	—	—	49.6	49.6	0.01	< 0.005	—	50.1
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	48.1	48.1	0.01	< 0.005	—	48.5
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	1.54	1.54	< 0.005	< 0.005	—	1.55
Total	—	—	—	—	—	—	—	—	—	—	—	—	49.6	49.6	0.01	< 0.005	—	50.1
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	7.96	7.96	< 0.005	< 0.005	—	8.04
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	—	0.25	0.25	< 0.005	< 0.005	—	0.26
Total	—	—	—	—	—	—	—	—	—	—	—	—	8.21	8.21	< 0.005	< 0.005	—	8.29

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	111	111	0.01	< 0.005	—	111
Parking Lot	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
Total	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	111	111	0.01	< 0.005	—	111
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	111	111	0.01	< 0.005	—	111
Parking Lot	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
Total	0.01	0.01	0.09	0.08	< 0.005	0.01	—	0.01	0.01	—	0.01	—	111	111	0.01	< 0.005	—	111
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	18.3	18.3	< 0.005	< 0.005	—	18.4
Parking Lot	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
Total	< 0.005	< 0.005	0.02	0.01	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	18.3	18.3	< 0.005	< 0.005	—	18.4

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.17	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.02	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.06	0.06	< 0.005	0.34	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.41	1.41	< 0.005	< 0.005	—	1.41
Total	0.06	0.25	< 0.005	0.34	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	1.41	1.41	< 0.005	< 0.005	—	1.41
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.17	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	0.02	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	0.19	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Consumer Products	—	0.03	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	—	< 0.005	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	0.01	0.01	< 0.005	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.12	0.12	< 0.005	< 0.005	—	0.12
Total	0.01	0.04	< 0.005	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	0.12	0.12	< 0.005	< 0.005	—	0.12

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	0.89	1.69	2.58	0.09	< 0.005	—	5.54
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	0.15	0.28	0.43	0.02	< 0.005	—	0.92
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	0.15	0.28	0.43	0.02	< 0.005	—	0.92

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	24.2	0.00	24.2	2.42	0.00	—	84.7
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	4.01	0.00	4.01	0.40	0.00	—	14.0
Parking Lot	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	4.01	0.00	4.01	0.40	0.00	—	14.0

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.04	0.04
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Health Club	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.01	0.01
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.01	0.01

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—

—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
undefined	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	NaN	NaN	NaN	NaN	NaN	NaN	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	7/1/2024	7/12/2024	5.00	10.0	—
Grading	Grading	7/15/2024	8/2/2024	5.00	15.0	—
Building Construction	Building Construction	8/5/2024	7/7/2025	5.00	241	—
Paving	Paving	6/7/2025	7/7/2025	5.00	21.0	—
Architectural Coating	Architectural Coating	6/7/2025	7/7/2025	5.00	21.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Tractors/Loaders/Backhoes	Diesel	Average	2.00	6.00	84.0	0.37
Demolition	Rubber Tired Dozers	Diesel	Average	1.00	1.00	367	0.40
Demolition	Concrete/Industrial Saws	Diesel	Average	1.00	8.00	33.0	0.73
Grading	Graders	Diesel	Average	1.00	6.00	148	0.41
Grading	Rubber Tired Dozers	Diesel	Average	1.00	6.00	367	0.40
Grading	Tractors/Loaders/Backhoes	Diesel	Average	1.00	7.00	84.0	0.37
Building Construction	Cranes	Diesel	Average	1.00	4.00	367	0.29

Building Construction	Forklifts	Diesel	Average	2.00	6.00	82.0	0.20
Building Construction	Tractors/Loaders/Backhoes	Diesel	Average	2.00	8.00	84.0	0.37
Paving	Tractors/Loaders/Backhoes	Diesel	Average	1.00	7.00	84.0	0.37
Paving	Cement and Mortar Mixers	Diesel	Average	4.00	6.00	10.0	0.56
Paving	Pavers	Diesel	Average	1.00	7.00	81.0	0.42
Paving	Rollers	Diesel	Average	1.00	7.00	36.0	0.38
Architectural Coating	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	10.0	11.7	LDA,LDT1,LDT2
Demolition	Vendor	—	8.40	HHDT,MHDT
Demolition	Hauling	5.60	20.0	HHDT
Demolition	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	7.50	11.7	LDA,LDT1,LDT2
Grading	Vendor	—	8.40	HHDT,MHDT
Grading	Hauling	0.00	20.0	HHDT
Grading	Onsite truck	—	—	HHDT
Building Construction	—	—	—	—
Building Construction	Worker	3.31	11.7	LDA,LDT1,LDT2
Building Construction	Vendor	1.29	8.40	HHDT,MHDT

Building Construction	Hauling	0.00	20.0	HHDT
Building Construction	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	17.5	11.7	LDA,LDT1,LDT2
Paving	Vendor	—	8.40	HHDT,MHDT
Paving	Hauling	0.00	20.0	HHDT
Paving	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	0.66	11.7	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	8.40	HHDT,MHDT
Architectural Coating	Hauling	0.00	20.0	HHDT
Architectural Coating	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	0.00	0.00	11,825	3,942	188

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (Ton of Debris)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	222	—

Grading	—	—	11.3	0.00	—
Paving	0.00	0.00	0.00	0.00	0.07

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	2	61%	61%
Water Demolished Area	2	36%	36%

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Health Club	0.00	0%
Parking Lot	0.07	100%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2024	0.00	204	0.03	< 0.005
2025	0.00	204	0.03	< 0.005

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Health Club	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
0	0.00	11,825	3,942	188

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Health Club	86,005	204	0.0330	0.0040	345,190
Parking Lot	2,747	204	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)

Health Club	466,225	0.00
Parking Lot	0.00	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Health Club	44.9	—
Parking Lot	0.00	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Health Club	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Health Club	Stand-alone retail refrigerators and freezers	R-134a	1,430	0.04	1.00	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

8. User Changes to Default Data

Screen	Justification
Construction: Construction Phases	Paving and architectural coating will take place concurrently with the final month of building construction.
Operations: Vehicle Data	This model run is for the construction and non-mobile source operations of the gymnasium, which does not generate trips. See separate CalEEMod run for the motor vehicle emissions.

APPENDIX B

Cultural Resources Documentation

811 West 7th Street, Suite 200
Los Angeles, California 90017
www.impactsciences.com

Sent via email on January 10, 2024 to: Andrew.Green@nahc.ca.gov

NATIVE AMERICAN HERITAGE COMMISSION
Environmental and Cultural Department
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3710

Information Below is Required for a Sacred Lands File Search

Project: Stratford Preparatory School Project

County: Santa Clara

USGS Quadrangle Name: Milpitas, California

Township: 6 South **Range**: 1 East

Company/Firm/Agency: Impact Sciences, Inc.

Contact Person: Eleni Getachew

Street Address: 811 W. 7th Street, Suite 200

City: Los Angeles **Zip**: 90017

Phone: (805) 453-2862

Email: egetachew@impactsciences.com

PROJECT LOCATION

The Project is located at 1323 Great Mall Drive in the southern portion of the City of Milpitas (Project Site) (Assessor Parcel Number [APN] 086-24-046). The Project Site is located approximately 0.70 west of Interstate 680 (I-680), 0.90 miles west of I-880, and 428 feet north of Montague Expressway (see **Figure 1**, **Regional Location** and **Figure 2**, **Project Site**).

PROJECT DESCRIPTION

The Stratford Preparatory School Project (Project) proposes to redevelop the existing building on-site into a new preparatory school. The Project would also demolish the existing surface parking lot to construct a new 7,883 square foot gymnasium building that would be located west of the remodeled existing building. Supporting rooms for the gymnasium, such as locker rooms, gymnasium storage, a gymnasium office, and restrooms will be located in the southwestern corner of the existing building. The Project would accommodate students from the existing Stratford School facility located south of the Project Site. The Project would be equipped with 41 classrooms (general/biochemistry/art/physical engineering), eight offices, four media common rooms, a library, and a theater. Additionally, the Project would include supporting components, such as a new trash enclosure and a 14,695 square foot artificial turf playfield located to the west of the new gymnasium building (see **Figure 3**, **Conceptual Site Plan**).

We appreciate your assistance in responding to this query. Your response will help ensure that our analysis is accurate and complete. To ensure a timely completion of our analysis, please provide your response (via mail, or email) no later than February 10, 2024.

If you have any questions or require any additional information, please contact me at (805) 453-2862 or via email at egetachew@impactsciences.com.

Sincerely,

_____

Eleni Getachew
Planner

IMPACT SCIENCES

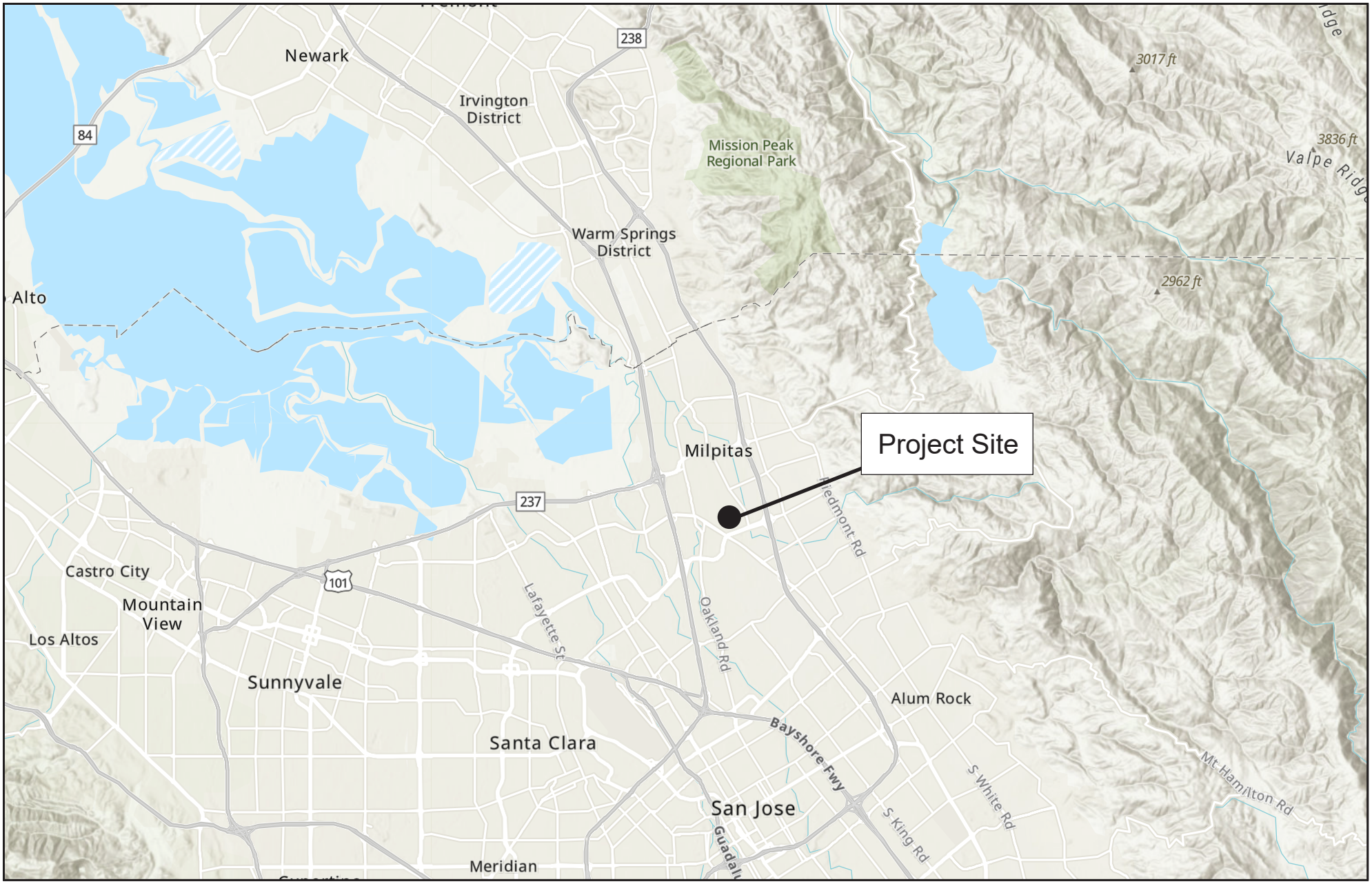
811 W. 7th Street, Suite 200
Los Angeles, CA 90017
egetachew@impactsciences.com

Attachments:

Figure 1 – Regional Location Map

Figure 2 – Project Site

Figure 3 - Conceptual Site Plan



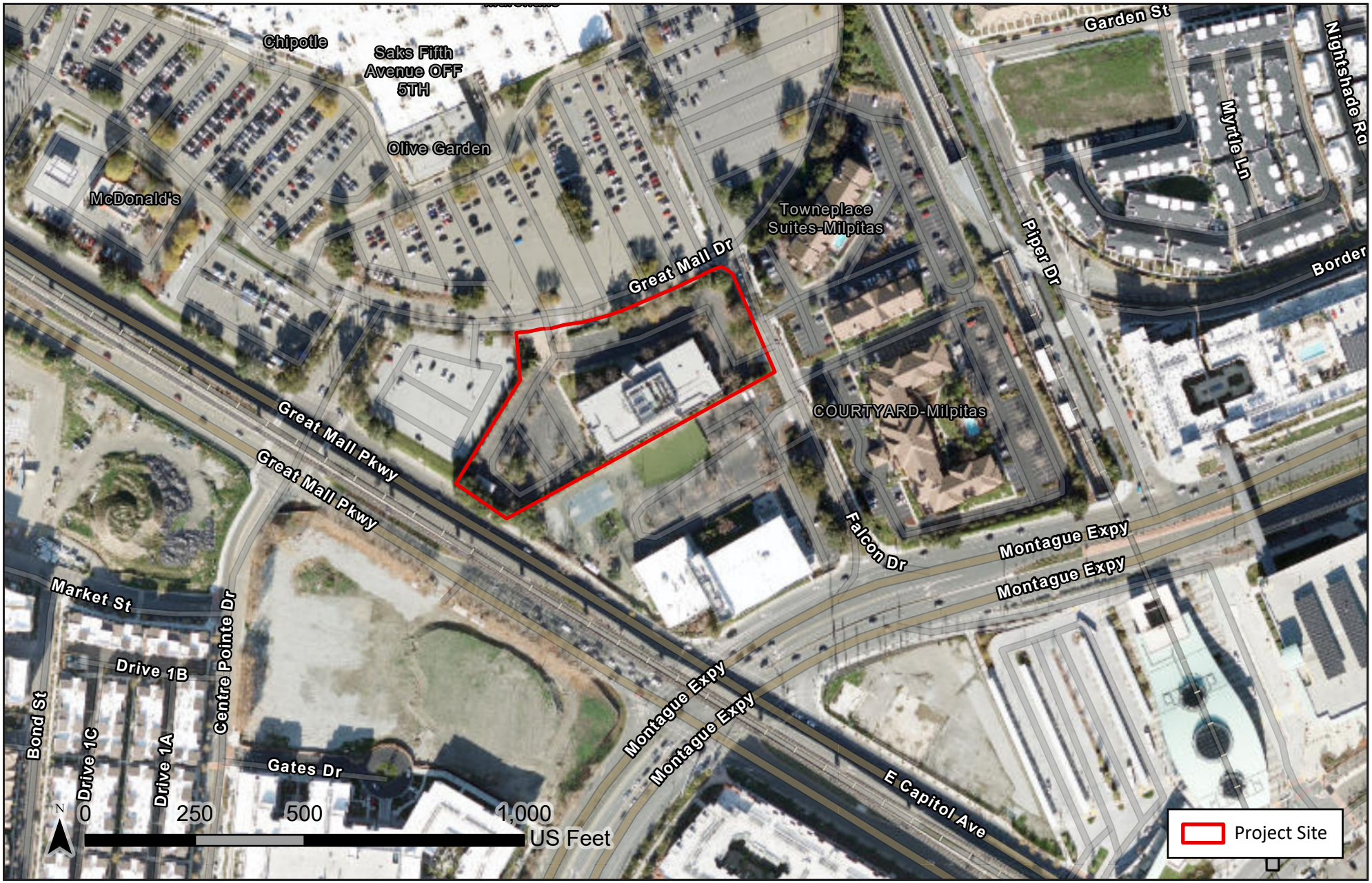
SOURCE: Esri, 2023

FIGURE 1

Regional Location

IMPACT SCIENCES

1451.002•12/23



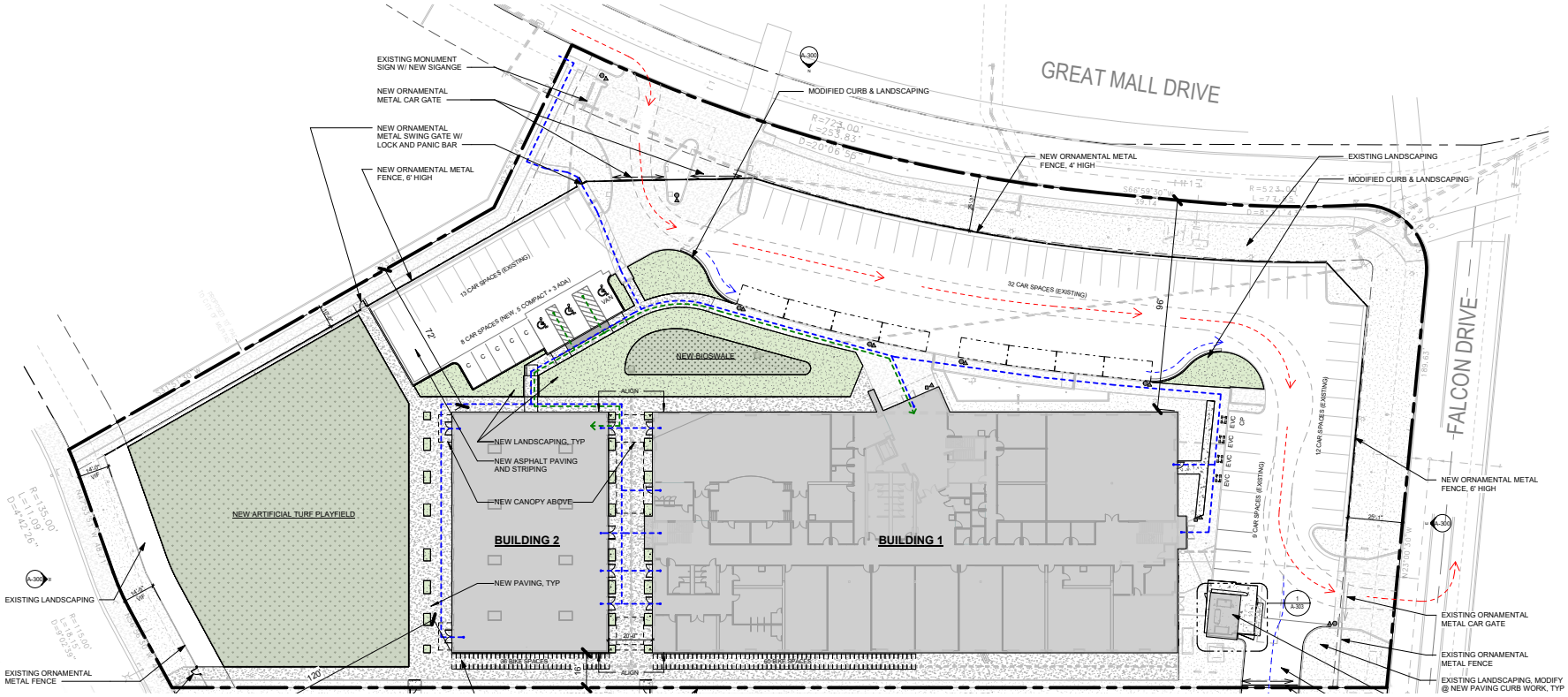
SOURCE: Esri, 2023

FIGURE **2**

IMPACT SCIENCES

Project Site

1451.002•12/23



SOURCE: Inhabit Designs 2023

FIGURE 3

Conceptual Site Plan

IMPACT SCIENCES

1451.002•12/23

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

January 26, 2024

Eleni Getachew
Impact Sciences, Inc.

Via Email to: egetachew@impactsciences.com

Re: Stratford Preparatory School Project, Santa Clara County

To Whom It May Concern:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

IMPACT SCIENCES

811 W. 7th Street, Suite 200
Los Angeles, CA 90017
(213) 935-1901
www.impactsciences.com

SENT VIA EMAIL: nwic@sonoma.edu

January 10, 2024

Northwest Information Center
Sonoma State University,
1400 Valley House Drive, Suite 210,
Rohnert Park, CA 94928-3609

RE: – Request for Service Information-Stratford Preparatory School Project

To Whom it May Concern,

Impact Sciences, Inc. is preparing an Initial Study/Mitigated Negative Declaration for the proposed Stratford Preparatory School Project in accordance with the California Environmental Quality Act (CEQA). As such, we are requesting an historical and archaeological resources records search. Below you will find a brief description of the project location and description. Maps depicting the project location and site plan are included.

Project Location

The Stratford Preparatory School Project (Project)proposes improvements to an adjacent property located at 1323 Great Mall Drive(Assessor Parcel Number [APN] 086-24-046) in the southern perimeter of the City of Milpitas (Project Site). Adjacent roadways to the Project include Great Mall Drive, Falcon Drive, and Great Mall Parkway The Project Site is located approximately 0.70 west of Interstate 680 (I-680), 0.90 miles west of I-880, and 428 feet north of Montague Expressway (see **Figure 1**, **Regional Location** and **Figure 2**, **Project Site**).

The legal description is:

California, Mt. Diablo Meridian T06S,R01E

The 7.5 minute series topographic maps for that area:

Newark	Niles	La Costa Valley
Mountain View	**Milpitas**	Calaveras Reservoir
Cupertino	San Jose West	San Jose East

Project Description

The Project would remodel the existing building on-site into a new preparatory school. The Project would also demolish the existing surface parking lot to construct a new 7,883 square foot gymnasium building that would be located west of the remodeled existing building. Supporting rooms for the gymnasium, such

as locker rooms, gymnasium storage, a gymnasium office, and restrooms will be located in the southwestern corner of the existing building. The Project would accommodate students from the existing Stratford School facility located south of the Project Site. The Project would be equipped with 41 classrooms (general/biochemistry/art/physical engineering), eight offices, four media common rooms, a library, and a theater. Additionally, the Project would include supporting components, such as a new trash enclosure and a 14,695 square foot artificial turf playfield located to the west of the new gymnasium building (see **Figure 3**, **Conceptual Site Plan**).

Thank you for your assistance in responding to this query. Your responses will help us ensure that our analysis is accurate and complete. In order to ensure a timely completion of our analysis, please provide your response (via mail, or email) no later than **February 10, 2023.**

If you have any questions or require any additional information, please call me at 213.935.1901 ext. 323. You may also reach me by email at egetachew@impactsciences.com.

Sincerely,

Eleni Getachew
Planner

IMPACT SCIENCES

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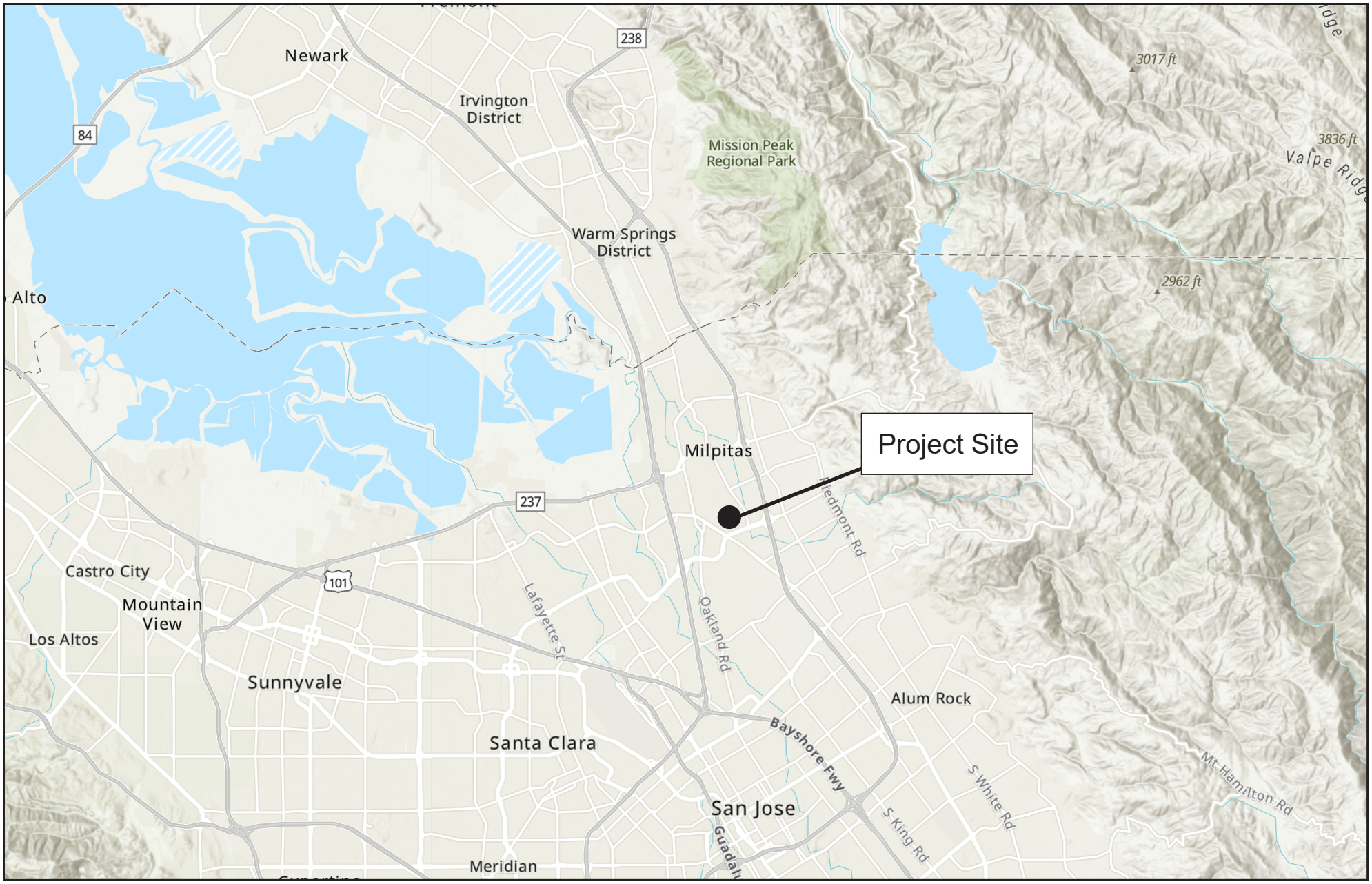
o: 213.935.1901 Ext. 323 | c: 805.453.2862
egetachew@impactsciences.com

Attachments:

Figure 1 – Regional Location Map

Figure 2 – Project Site

Figure 3 - Conceptual Site Plan



SOURCE: Esri, 2023

FIGURE 1

Regional Location

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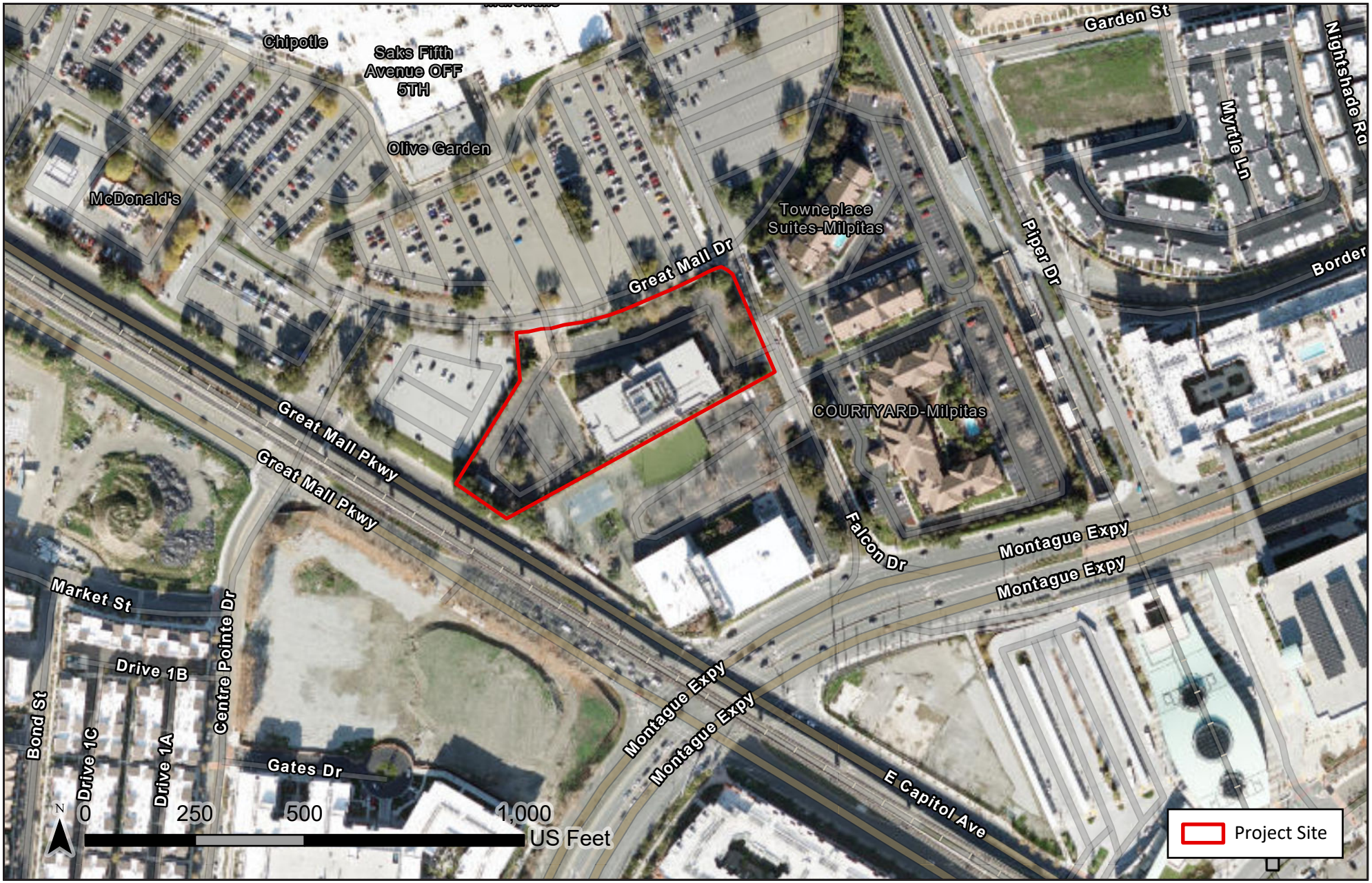
1451.002•12/23



SOURCE: Esri, 2023

FIGURE **2**

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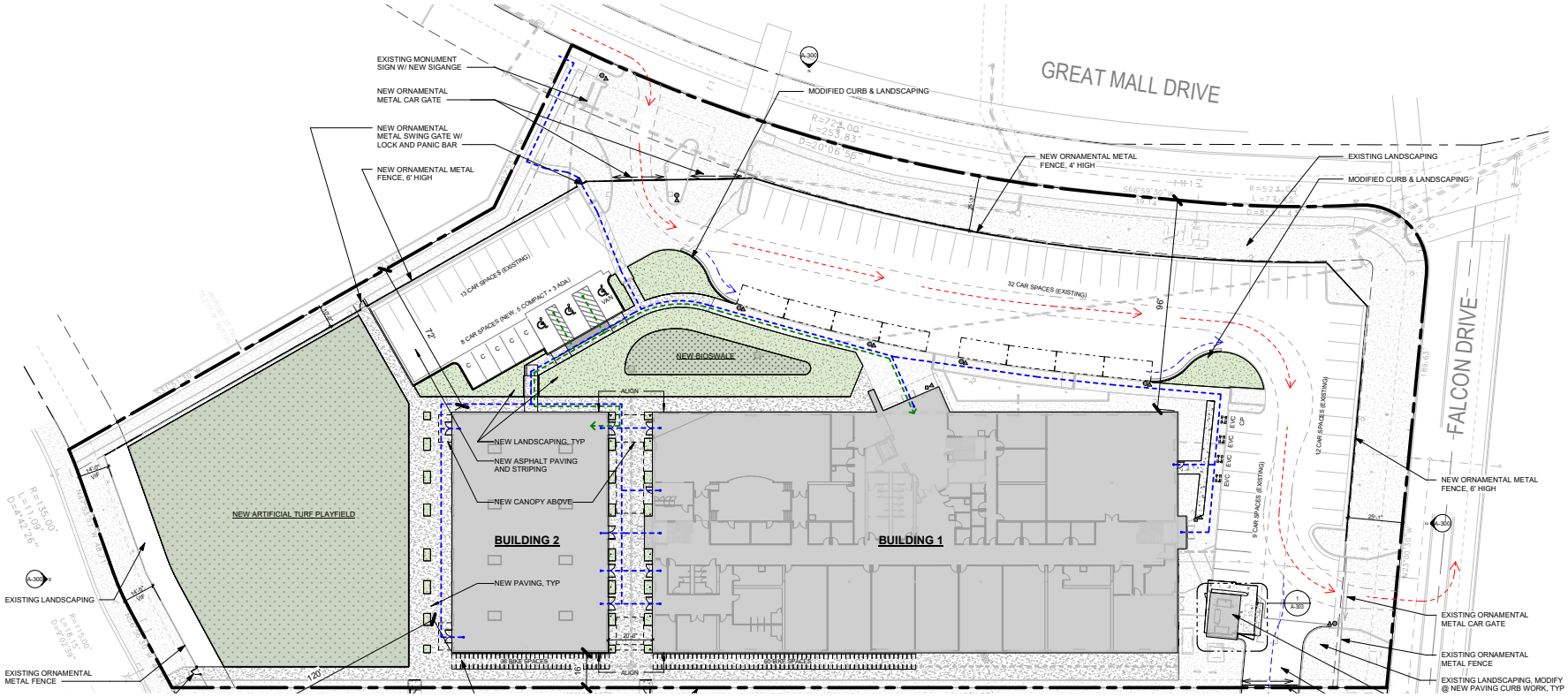
Project Site

1451.002•12/23



SOURCE: Inhabit Designs 2023

FIGURE 3

Conceptual Site Plan

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1451.002•12/23

APPENDIX C

Noise Data

NOISE MONITORING FIELD REPORT

Project Name: 1323 Great Mall Drive Project

Monitoring Location: Falcon Drive (Drive off)

Date: 12/14/23 Site Number: 1

Measured By: Annalie Sarrieddine

Measurement Start Time: 7:52 AM

Measurement End Time: 7:52 AM

Total Measurement Time: 15 min.

Noise Meter Model: Larson Davis Soundtrack LxT Calibration: 94.0 (dBA)

Meter Setting: A-Weighted Sound Level (SLOW)

Session File Name: Lxt_Data 298

Primary Noise Sources: Morning student drop off Vehicle traffic

Site Map

Data Summary

Noise Scale	Noise Level (dBA)
L_{eq}	64.6
L_{max}	81.0
L_{min}	57.2

Other Noise Sources During Monitoring

1. Car Horn Time: 7:44
2. _____ Time: _____
3. _____ Time: _____
4. _____ Time: _____
5. _____ Time: _____

Additional Notes:

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Measurement Report

Report Summary

Meter's File Name	LxT_Data.298.s	Computer's File Name	LxT_0005667-20231214 073723-LxT_Data.298.ldbin
Meter	LxT1 0005667	Firmware	2.302
User		Location	
Job Description			
Note			

Start Time	2023-12-14 07:37:23	Duration	0:15:00.0		
End Time	2023-12-14 07:52:23	Run Time	0:15:00.0	Pause Time	0:00:00.0
Pre-Calibration	2023-12-14 07:16:27	Post-Calibration	None	Calibration Deviation	---

Results

Overall Metrics

LA_{eq}	64.6 dB		
LAE	94.1 dB	SEA	--- dB
EA	288.4 µPa²h		
EA8	9.2 mPa²h		
EA40	46.1 mPa²h		
LA_{peak}	93.7 dB	2023-12-14 07:44:13	
LAS_{max}	81.0 dB	2023-12-14 07:44:13	
LAS_{min}	57.2 dB	2023-12-14 07:43:10	
LA_{eq}	64.6 dB		
LC_{eq}	74.5 dB	LC_{eq} - LA_{eq}	9.9 dB
LAI_{eq}	66.1 dB	LAI_{eq} - LA_{eq}	1.5 dB

Exceedances

	Count	Duration
LAS > 85.0 dB	0	0:00:00.0
LAS > 115.0 dB	0	0:00:00.0
LApk > 135.0 dB	0	0:00:00.0
LApk > 137.0 dB	0	0:00:00.0
LApk > 140.0 dB	0	0:00:00.0

Community Noise

L_{DN}	L_{Day}	L_{Night}
--- dB	--- dB	0.0 dB

L_{DEN}	L_{Day}	L_{Eve}	L_{Night}
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L_{eq}	64.6 dB		74.5 dB		--- dB	
$L_{S(max)}$	81.0 dB	2023-12-14 07:44:13	--- dB	None	--- dB	None
$L_{S(min)}$	57.2 dB	2023-12-14 07:43:10	--- dB	None	--- dB	None
$L_{Peak(max)}$	93.7 dB	2023-12-14 07:44:13	--- dB	None	--- dB	None

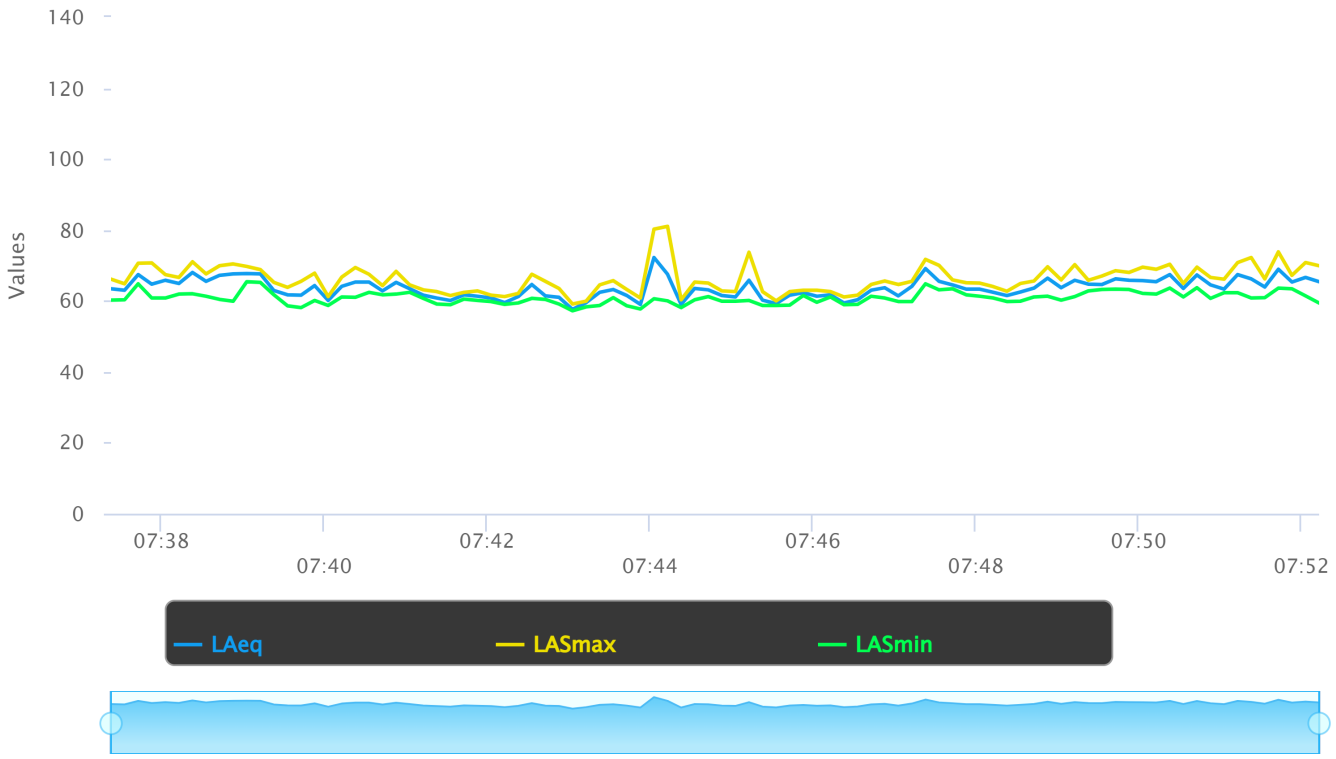
Overloads

Count	Duration	OBA Count	OBA Duration
0	0:00:00.0	0	0:00:00.0

Statistics

LAS 0.0	--- dB
LAS 0.0	--- dB
LAS 10.0	67.4 dB
LAS 33.3	64.2 dB
LAS 66.7	61.7 dB
LAS 90.0	59.7 dB

Time History



NOISE MONITORING FIELD REPORT

Project Name: 1323 Great Mall Drive Project

Monitoring Location: Falcon Drive (Pick-up)

Date: 12/14/23 Site Number: 1

Measured By: Annalie Sarrieddine

Measurement Start Time: 3:02 PM

Measurement End Time: 3:17 PM

Total Measurement Time: 15 min.

Noise Meter Model: Larson Davis Soundtrack LxT Calibration: 94.0 (dBA)

Meter Setting: A-Weighted Sound Level (SLOW)

Session File Name: Lxt. Data. 3035

Primary Noise Sources: After school drop off vehicle traffic, car honking, retail vehicle traffic

Site Map

Data Summary

Noise Scale	Noise Level (dBA)
L_{eq}	66.1
L_{max}	79.5
L_{min}	54.5

Other Noise Sources During Monitoring

1. Helicopter Time: 3:10
2. Vehicle honking altercation Time: 3:16
3. _____ Time: _____
4. _____ Time: _____
5. _____ Time: _____

Additional Notes:

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Measurement Report

Report Summary

Meter's File Name	LxT_Data.303.s	Computer's File Name	LxT_0005667-20231214 150202-LxT_Data.303.ldbin
Meter	LxT1 0005667	Firmware	2.302
User		Location	
Job Description			
Note			

Start Time	2023-12-14 15:02:02	Duration	0:15:00.0		
End Time	2023-12-14 15:17:02	Run Time	0:15:00.0	Pause Time	0:00:00.0
Pre-Calibration	2023-12-14 07:16:27	Post-Calibration	None	Calibration Deviation	---

Results

Overall Metrics

LA_{eq}	66.1 dB		
LAE	95.6 dB	SEA	--- dB
EA	407.4 µPa²h		
EA8	13.0 mPa²h		
EA40	65.2 mPa²h		
LA_{peak}	92.6 dB	2023-12-14 15:08:46	
LAS_{max}	79.5 dB	2023-12-14 15:09:15	
LAS_{min}	54.5 dB	2023-12-14 15:04:00	
LA_{eq}	66.1 dB		
LC_{eq}	76.2 dB	LC_{eq} - LA_{eq}	10.1 dB
LAI_{eq}	67.6 dB	LAI_{eq} - LA_{eq}	1.5 dB

Exceedances

	Count	Duration
LAS > 85.0 dB	0	0:00:00.0
LAS > 115.0 dB	0	0:00:00.0
LApk > 135.0 dB	0	0:00:00.0
LApk > 137.0 dB	0	0:00:00.0
LApk > 140.0 dB	0	0:00:00.0

Community Noise

L_{DN}	L_{Day}	L_{Night}
--- dB	--- dB	0.0 dB

L_{DEN}	L_{Day}	L_{Eve}	L_{Night}
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L_{eq}	66.1 dB		76.2 dB		--- dB	
$LS_{(max)}$	79.5 dB	2023-12-14 15:09:15	--- dB	None	--- dB	None
$LS_{(min)}$	54.5 dB	2023-12-14 15:04:00	--- dB	None	--- dB	None
$L_{Peak(max)}$	92.6 dB	2023-12-14 15:08:46	--- dB	None	--- dB	None

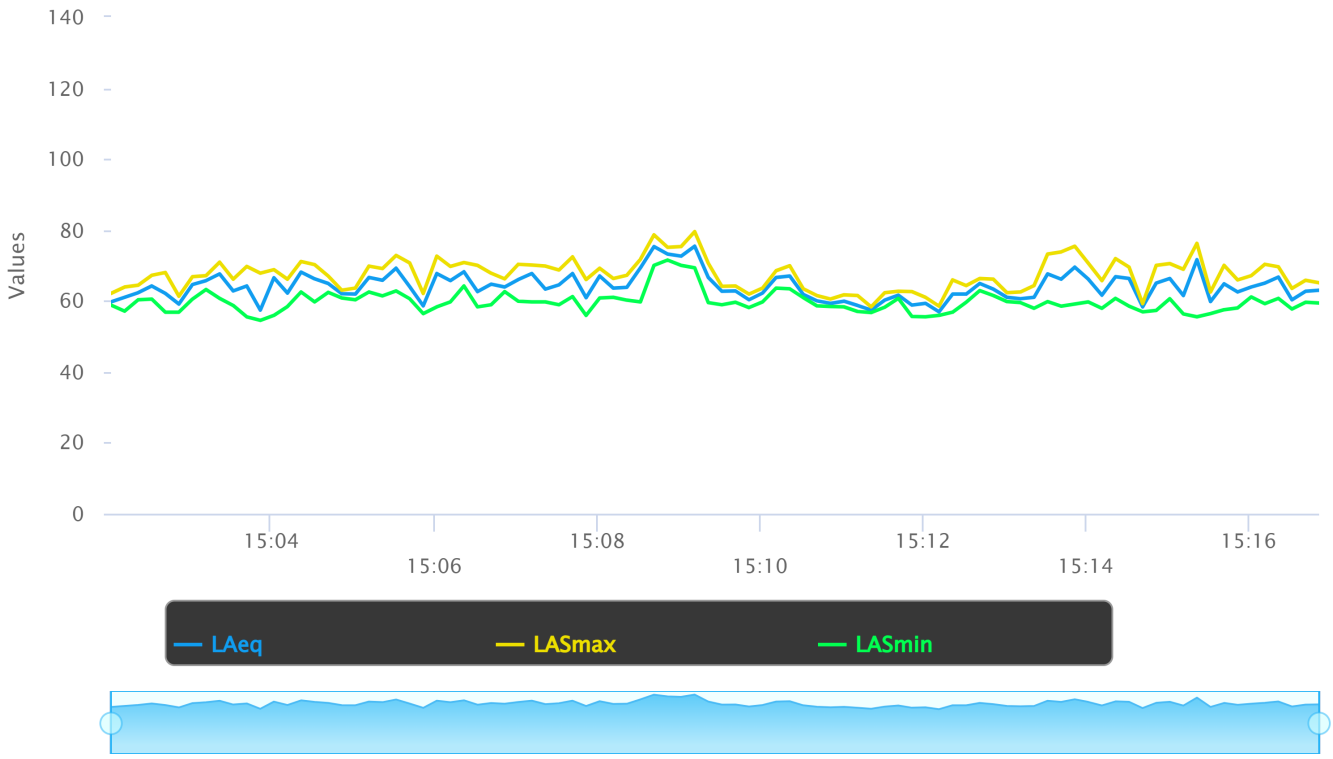
Overloads

Count	Duration	OBA Count	OBA Duration
0	0:00:00.0	0	0:00:00.0

Statistics

LAS 0.0	--- dB
LAS 0.0	--- dB
LAS 10.0	69.5 dB
LAS 33.3	64.5 dB
LAS 66.7	61.0 dB
LAS 90.0	58.3 dB

Time History



NOISE MONITORING FIELD REPORT

Project Name: 1323 Great Mall Drive Project

Monitoring Location: Great Mall Drive

Date: 12/14/23 Site Number: 2

Measured By: Annalie Sarrieddine

Measurement Start Time: 7:57 AM

Measurement End Time: 8:12 AM

Total Measurement Time: 15 min.

Noise Meter Model: Larson Davis Soundtrack LxT Calibration: 94.0 (dBA)

Meter Setting: A-Weighted Sound Level (SLOW)

Session File Name: Lxt. Data. 299.s

Primary Noise Sources: Morning student drop off traffic

Site Map

Data Summary

Noise Scale	Noise Level (dBA)
L_{eq}	64.7
L_{max}	79.6
L_{min}	57.7

Other Noise Sources During Monitoring

1. _____ Time: _____
2. _____ Time: _____
3. _____ Time: _____
4. _____ Time: _____
5. _____ Time: _____

Additional Notes:

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Measurement Report

Report Summary

Meter's File Name	LxT_Data.299.s	Computer's File Name	LxT_0005667-20231214 075701-LxT_Data.299.ldbin
Meter	LxT1 0005667	Firmware	2.302
User		Location	
Job Description			
Note			

Start Time	2023-12-14 07:57:01	Duration	0:15:00.0		
End Time	2023-12-14 08:12:01	Run Time	0:15:00.0	Pause Time	0:00:00.0
Pre-Calibration	2023-12-14 07:16:27	Post-Calibration	None	Calibration Deviation	---

Results

Overall Metrics

LA_{eq}	64.7 dB		
LAE	94.2 dB	SEA	--- dB
EA	295.1 µPa²h		
EA8	9.4 mPa²h		
EA40	47.2 mPa²h		
LA_{peak}	100.5 dB	2023-12-14 08:00:43	
LAS_{max}	79.6 dB	2023-12-14 08:00:45	
LAS_{min}	57.7 dB	2023-12-14 08:08:41	
LA_{eq}	64.7 dB		
LC_{eq}	73.0 dB	LC_{eq} - LA_{eq}	8.3 dB
LAI_{eq}	67.1 dB	LAI_{eq} - LA_{eq}	2.4 dB

Exceedances

	Count	Duration
LAS > 85.0 dB	0	0:00:00.0
LAS > 115.0 dB	0	0:00:00.0
LApk > 135.0 dB	0	0:00:00.0
LApk > 137.0 dB	0	0:00:00.0
LApk > 140.0 dB	0	0:00:00.0

Community Noise

L_{DN}	L_{Day}	L_{Night}
--- dB	--- dB	0.0 dB

L_{DEN}	L_{Day}	L_{Eve}	L_{Night}
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L_{eq}	64.7 dB		73.0 dB		--- dB	
$LS_{(max)}$	79.6 dB	2023-12-14 08:00:45	--- dB	None	--- dB	None
$LS_{(min)}$	57.7 dB	2023-12-14 08:08:41	--- dB	None	--- dB	None
$L_{Peak(max)}$	100.5 dB	2023-12-14 08:00:43	--- dB	None	--- dB	None

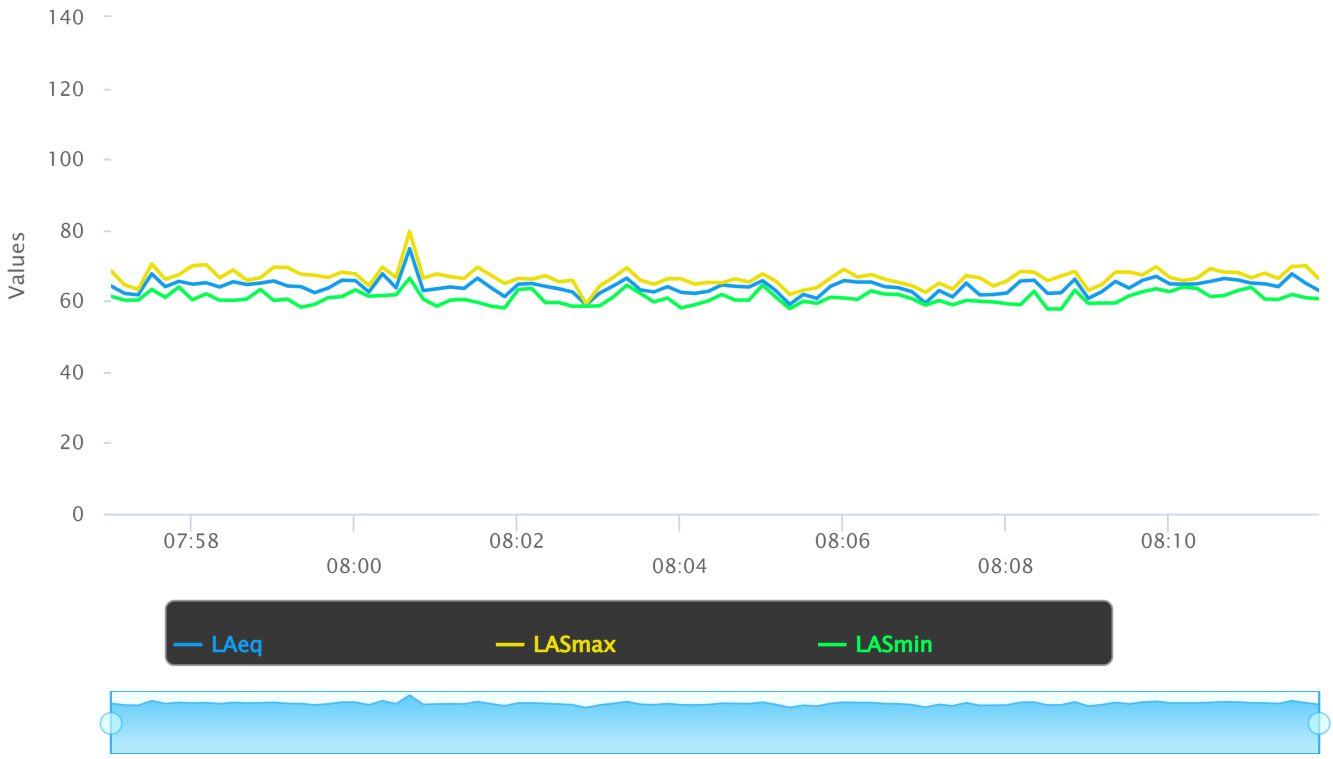
Overloads

Count	Duration	OBA Count	OBA Duration
0	0:00:00.0	0	0:00:00.0

Statistics

LAS 0.0	--- dB
LAS 0.0	--- dB
LAS 10.0	67.0 dB
LAS 33.3	64.8 dB
LAS 66.7	62.2 dB
LAS 90.0	59.7 dB

Time History



NOISE MONITORING FIELD REPORT

Site Map

Project Name: 1323 Great Mall Drive Project

Monitoring Location: Northwest Project Site

Date: 12/14/23 Site Number: 3

Measured By: Annalie Sarrieddine

Measurement Start Time: 8:16 AM

Measurement End Time: 8:31 AM

Total Measurement Time: 15 min.

Noise Meter Model: Larson Davis Soundtrack LxT Calibration: 94.0 (dBA)

Meter Setting: A-Weighted Sound Level (SLOW)

Session File Name: LxT. Data .300s

Primary Noise Sources: Vehicle traffic, train

Data Summary

Noise Scale	Noise Level (dBA)
L_{eq}	63.8
L_{max}	79.3
L_{min}	59.0

Other Noise Sources During Monitoring

1. _____ Time: _____
2. _____ Time: _____
3. _____ Time: _____
4. _____ Time: _____
5. _____ Time: _____

Additional Notes:

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Measurement Report

Report Summary

Meter's File Name	LxT_Data.300.s	Computer's File Name	LxT_0005667-20231214 081653-LxT_Data.300.ldbin
Meter	LxT1 0005667	Firmware	2.302
User		Location	
Job Description			
Note			

Start Time	2023-12-14 08:16:53	Duration	0:15:00.0		
End Time	2023-12-14 08:31:53	Run Time	0:15:00.0	Pause Time	0:00:00.0
Pre-Calibration	2023-12-14 07:16:27	Post-Calibration	None	Calibration Deviation	---

Results

Overall Metrics

LA_{eq}	63.8 dB		
LAE	93.3 dB	SEA	--- dB
EA	239.9 µPa²h		
EA8	7.7 mPa²h		
EA40	38.4 mPa²h		
LA_{peak}	91.2 dB	2023-12-14 08:20:14	
LAS_{max}	79.3 dB	2023-12-14 08:20:14	
LAS_{min}	59.0 dB	2023-12-14 08:24:26	
LA_{eq}	63.8 dB		
LC_{eq}	74.1 dB	LC_{eq} - LA_{eq}	10.3 dB
LAI_{eq}	64.6 dB	LAI_{eq} - LA_{eq}	0.8 dB

Exceedances

	Count	Duration
LAS > 85.0 dB	0	0:00:00.0
LAS > 115.0 dB	0	0:00:00.0
LApk > 135.0 dB	0	0:00:00.0
LApk > 137.0 dB	0	0:00:00.0
LApk > 140.0 dB	0	0:00:00.0

Community Noise

L_{DN}	L_{Day}	L_{Night}
--- dB	--- dB	0.0 dB

L_{DEN}	L_{Day}	L_{Eve}	L_{Night}
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L_{eq}	63.8 dB		74.1 dB		--- dB	
$LS_{(max)}$	79.3 dB	2023-12-14 08:20:14	--- dB	None	--- dB	None
$LS_{(min)}$	59.0 dB	2023-12-14 08:24:26	--- dB	None	--- dB	None
$L_{Peak(max)}$	91.2 dB	2023-12-14 08:20:14	--- dB	None	--- dB	None

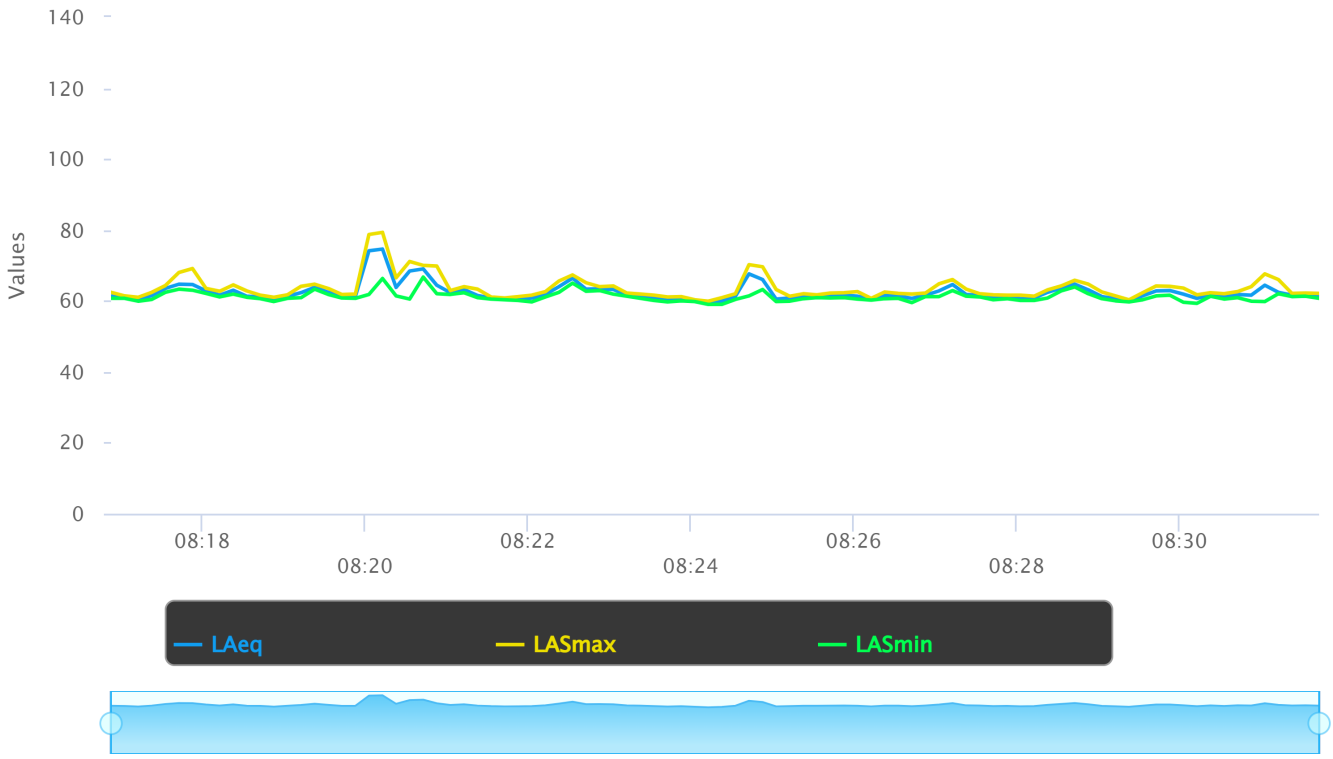
Overloads

Count	Duration	OBA Count	OBA Duration
0	0:00:00.0	0	0:00:00.0

Statistics

LAS 0.0	--- dB
LAS 0.0	--- dB
LAS 10.0	64.5 dB
LAS 33.3	62.2 dB
LAS 66.7	61.1 dB
LAS 90.0	60.3 dB

Time History



NOISE MONITORING FIELD REPORT

Project Name: 1323 Great Mall Drive Project

Monitoring Location: Centre Point Dr. Apartments

Date: 12/14/23 **Site Number**: 4

Measured By: Annalie Sarrieddine

Measurement Start Time: 8:44 AM

Measurement End Time: 8:59 AM

Total Measurement Time: 15 min.

Noise Meter Model: Larson Davis Soundtrack LxT **Calibration**: 94.0 (dBA)

Meter Setting: A-Weighted Sound Level (SLOW)

Session File Name: LxT_Data.301s

Primary Noise Sources: Neighborhood Activity, Vehicle Traffic

Site Map

Data Summary

Noise Scale	Noise Level (dBA)
L_{eq}	63.7
L_{max}	77.8
L_{min}	57.9

Other Noise Sources During Monitoring

1. _____ Time: _____
2. _____ Time: _____
3. _____ Time: _____
4. _____ Time: _____
5. _____ Time: _____

Additional Notes:

Neighborhood Activity includes people walking, dogs, talking on the phone, cars parking, doors opening and closing

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Measurement Report

Report Summary

Meter's File Name	LxT_Data.301.s	Computer's File Name	LxT_0005667-20231214 084429-LxT_Data.301.ldbin
Meter	LxT1 0005667	Firmware	2.302
User		Location	
Job Description			
Note			

Start Time	2023-12-14 08:44:29	Duration	0:15:00.0		
End Time	2023-12-14 08:59:29	Run Time	0:15:00.0	Pause Time	0:00:00.0
Pre-Calibration	2023-12-14 07:16:27	Post-Calibration	None	Calibration Deviation	---

Results

Overall Metrics

LA_{eq}	63.7 dB		
LAE	93.2 dB	SEA	--- dB
EA	234.4 µPa²h		
EA8	7.5 mPa²h		
EA40	37.5 mPa²h		
LA_{peak}	94.6 dB	2023-12-14 08:51:40	
LAS_{max}	77.8 dB	2023-12-14 08:54:10	
LAS_{min}	51.9 dB	2023-12-14 08:58:08	
LA_{eq}	63.7 dB		
LC_{eq}	70.5 dB	LC_{eq} - LA_{eq}	6.8 dB
LAI_{eq}	66.1 dB	LAI_{eq} - LA_{eq}	2.4 dB

Exceedances

	Count	Duration
LAS > 85.0 dB	0	0:00:00.0
LAS > 115.0 dB	0	0:00:00.0
LApk > 135.0 dB	0	0:00:00.0
LApk > 137.0 dB	0	0:00:00.0
LApk > 140.0 dB	0	0:00:00.0

Community Noise

L_{DN}	L_{Day}	L_{Night}
--- dB	--- dB	0.0 dB

L_{DEN}	L_{Day}	L_{Eve}	L_{Night}
--- dB	--- dB	--- dB	--- dB

Any Data

	A		C		Z	
	Level	Time Stamp	Level	Time Stamp	Level	Time Stamp
L_{eq}	63.7 dB		70.5 dB		--- dB	
$LS_{(max)}$	77.8 dB	2023-12-14 08:54:10	--- dB	None	--- dB	None
$LS_{(min)}$	51.9 dB	2023-12-14 08:58:08	--- dB	None	--- dB	None
$L_{Peak(max)}$	94.6 dB	2023-12-14 08:51:40	--- dB	None	--- dB	None

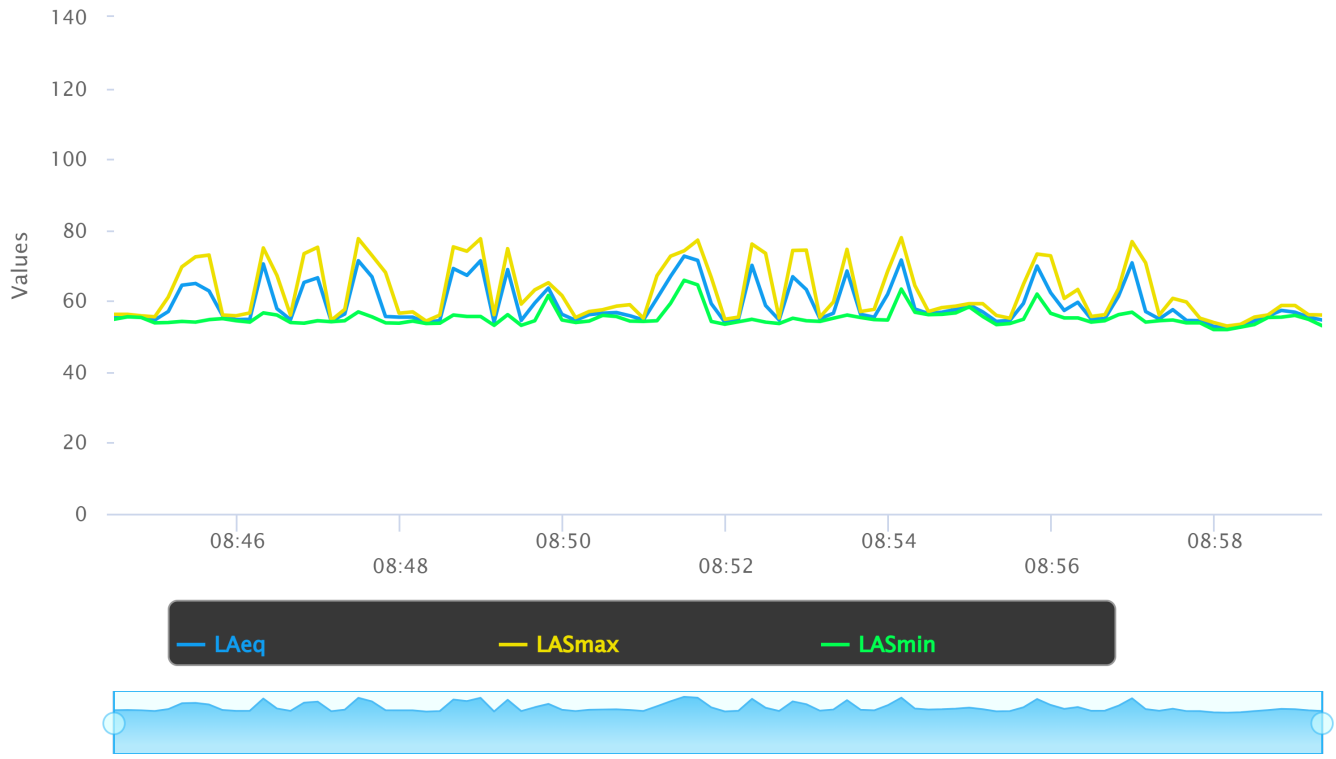
Overloads

Count	Duration	OBA Count	OBA Duration
0	0:00:00.0	0	0:00:00.0

Statistics

LAS 0.0	--- dB
LAS 0.0	--- dB
LAS 10.0	66.8 dB
LAS 33.3	57.1 dB
LAS 66.7	55.0 dB
LAS 90.0	54.0 dB

Time History



Project Site Noise Level (Ldn) (Location 1)		
Hour of Day	**dBA Leq**	**With Ldn Penalty**
12:00 AM	66.1	76.1
1:00 AM	66.1	76.1
2:00 AM	66.1	76.1
3:00 AM	66.1	76.1
4:00 AM	66.1	76.1
5:00 AM	66.1	76.1
6:00 AM	66.1	76.1
7:00 AM	66.1	66.1
8:00 AM	66.1	66.1
9:00 AM	66.1	66.1
10:00 AM	66.1	66.1
11:00 AM	66.1	66.1
12:00 PM	66.1	66.1
1:00 PM	66.1	66.1
2:00 PM	66.1	66.1
3:00 PM	66.1	66.1
4:00 PM	66.1	66.1
5:00 PM	66.1	66.1
6:00 PM	66.1	66.1
7:00 PM	66.1	66.1
8:00 PM	66.1	66.1
9:00 PM	66.1	66.1
10:00 PM	66.1	76.1
11:00 PM	66.1	76.1
	Calculated Ldn:	**72.5**

Daytime Hours:	7:00 AM - 10:00 PM
Nighttime Hours:	10:00 PM - 7:00 AM

Note: Ldn based on measurement data collected at Location 1. See noise monitoring data.

Roadway Construction Noise Model (RCNM),Version 1.1

Report date: 1/30/2024
Case Description: 1323 Great Mall Drive Project (Construction)

---- Receptor #1 ----

		Baselines (dBA)		
Description	Land Use	Daytime	Evening	Night
Centre Pointe Dr Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Tractor	No	40	84		511	0
Crane	No	16		80.6	511	0

Results

	Calculated (dBA)	
Equipment	*Lmax	Leq
Tractor	63.8	59.8
Crane	60.4	52.4
Total	63.8	60.6

*Calculated Lmax is the Loudest value.

---- Receptor #2 ----

		Baselines (dBA)		
Description	Land Use	Daytime	Evening	Night
Capitol Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Tractor	No	40	84		645	0
Crane	No	16		80.6	645	0

Results

	Calculated (dBA)	
Equipment	*Lmax	Leq
Tractor	61.8	57.8
Crane	58.3	50.4
Total	61.8	58.5

*Calculated Lmax is the Loudest value.

---- Receptor #3 ----

		Baselines (dBA)		
Description	Land Use	Daytime	Evening	Night
Under Construction Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Tractor	No	40	84		551	0
Crane	No	16		80.6	551	0

Results

	Calculated (dBA)	
Equipment	*Lmax	Leq
Tractor	63.2	59.2
Crane	59.7	51.7
Total	63.2	59.9

*Calculated Lmax is the Loudest value.

---- Receptor #4 ----

		Baselines (dBA)		
Description	Land Use	Daytime	Evening	Night
Existing Stratford School	Commercial	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Tractor	No	40	84		165	0
Crane	No	16		80.6	165	0

Results

	Calculated (dBA)	
Equipment	*Lmax	Leq
Tractor	73.6	69.7
Crane	70.2	62.2
Total	73.6	70.4

*Calculated Lmax is the Loudest value.

Roadway Construction Noise Model (RCNM),Version 1.1

Report date: 1/30/2024
Case Description: 1323 Great Mall Drive Project (Demo)

---- Receptor #1 ----

Description	Land Use	Baselines (dBA) Daytime	Evening	Night
Centre Pointe Dr Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Concrete Saw	No	20		89.6	511	0
Crane	No	16		80.6	511	0

Results

Equipment	Calculated (dBA) *Lmax	Leq
Concrete Saw	63.8	59.8
Crane	60.4	52.4
Total	63.8	60.6

*Calculated Lmax is the Loudest value.

---- Receptor #2 ----

Description	Land Use	Baselines (dBA) Daytime	Evening	Night
Capitol Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Concrete Saw	No	20		89.6	645	0
Crane	No	16		80.6	645	0

Results

Equipment	Calculated (dBA) *Lmax	Leq
Concrete Saw	61.8	57.8
Crane	58.3	50.4
Total	61.8	58.5

*Calculated Lmax is the Loudest value.

---- Receptor #3 ----

Description	Land Use	Baselines (dBA) Daytime	Evening	Night
Under Construction Apartments	Residential	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Concrete Saw	No	20		89.6	551	0
Crane	No	16		80.6	551	0

Results

Equipment	Calculated (dBA) *Lmax	Leq
Concrete Saw	68.7	61.7
Crane	59.7	51.7
Total	68.7	62.2

*Calculated Lmax is the Loudest value.

---- Receptor #4 ----

Description	Land Use	Baselines (dBA) Daytime	Evening	Night
Existing Stratford School	Commercial	60	60	60

Description	Impact Device	Usage(%)	Equipment Spec Lmax (dBA)	Actual Lmax (dBA)	Receptor Distance (feet)	Estimated Shielding (dBA)
Concrete Saw	No	20		89.6	165	0
Crane	No	16		80.6	165	0

Results

Equipment	Calculated (dBA) *Lmax	Leq
Concrete Saw	79.2	72.2
Crane	70.2	62.2
Total	79.2	72.6

*Calculated Lmax is the Loudest value.

TRAFFIC NOISE LEVELS

Project Name: 1323 Great Mall Drive Milpitas

Background Information

Model Description:	FHWA Highway Noise Prediction Model with California Vehicle Noise (CALVENO) Emission Levels.
Analysis Scenario(s):	Existing, Existing Plus Project
Source of Traffic Volumes:	Transportation Analysis (1323 Great Mall, Hexagon Transportation Consultants, January 2024)
Community Noise Descriptor:	X

Assumed 24-Hour Traffic Distribution:	(Ldn) Day	Evening	(CNEL) Night
Total ADT Volumes	77.70%	12.70%	9.60%
Medium-Duty Trucks	87.43%	5.05%	7.52%
Heavy-Duty Trucks	89.10%	2.84%	8.06%

Traffic Noise Levels

Analysis Condition Roadway Name Roadway Segment	Lanes	Median Width	Peak Hour Volume	ADT Volume	Design Speed (mph)	Dist. from Center to Receptor[1]	Alpha Factor	Barrier Attn. dB(A)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Peak Hour dB(A) L_{eq}	24-Hour dB(A) Ldn
Existing Traffic Noise												
Falcon Drive												
Between Montague Exp and Site Driveway	2	10	903	9,030	25	50	0	0	1.8%	0.7%	62.2	61.0
Between Site Driveway and Great Mall Drive	2	10	903	9,030	25	50	0	0	1.8%	0.7%	62.2	61.0
Great Mall Drive												
Between Mustang Drive and Site Driveway	2	0	702	7,015	25	50	0	0	1.8%	0.7%	61.0	59.9
Between Site Driveway and Falcon Drive	2	0	697	6,970	25	50	0	0	1.8%	0.7%	61.0	59.8
Existing Plus Project Traffic Noise												
Falcon Drive												
Between Montague Exp and Site Driveway	2	10	1,068	10,680	25	50	0	0	1.8%	0.7%	62.9	61.8
Between Site Driveway and Great Mall Drive	2	10	1,226	12,260	25	50	0	0	1.8%	0.7%	63.5	62.4
Great Mall Drive												
Between Mustang Drive and Site Driveway	2	0	1,197	11,965	25	50	0	0	1.8%	0.7%	63.3	62.2
Between Site Driveway and Falcon Drive	2	0	1,020	10,200	25	50	0	0	1.8%	0.7%	62.6	61.5

1 Distance in feet from the roadway centerline to nearest receptor location.

APPENDIX D

Transportation Impact Analysis

Hexagon Transportation Consultants, Inc.

Memorandum

Date: May 28, 2024

To: Mr. Roberto Alanzo, City of Milpitas

From: Brett Walinski
Trisha Dudala

Subject: Transportation CEQA Analysis for the Stratford Preparatory School at 1323 Great Mall Drive in Milpitas, California

The purpose of this report is to analyze the transportation-related impacts of the proposed Stratford School located at 1323 Great Mall Drive in Milpitas, California, as required by the California Environmental Quality Act (CEQA). The project proposes a new preparatory school for 500 students in grades 6 to 12 to be located on the site of an existing office building. The site is located just north of the existing Stratford school with grades pre-kindergarden to 8. The project would renovate the existing 51,740 square-foot office building for school use and modify the existing site, which currently consists mostly of paved surface parking areas, into a campus with 14,965 square feet of synthetic turf (play field) and a new gym building of 7,883 square feet. Initial enrollment for the proposed school may begin in grades 6 to 12 with the intent to transition to Grades 9 to 12.

It is also an in-fill project and further completes the urban fabric of the city without requiring the expansion of services to unincorporated areas. The project falls within the boundaries of the recently adopted Milpitas Metro Specific Plan (MMSP) and is within the Great Mall District sub-area. Its land use classification in the MMSP is “Business Park Research & Development Limited Residential (BPRD-R).” The BPRD-R land use classification specifically identifies “educational uses” as allowed uses.

The implementation section of the MMSP states that “Property owners in the Great Mall District have expressed interest in developing a mix of land uses that may occur over time rather than immediately. The plan aims to be responsive to developer needs while ensuring that the development of the parcel results in a high-quality, well-integrated, pedestrian-accessible urban node.”

This report includes an analysis of Vehicle Miles Travelled (VMT); potential impacts to pedestrian, bicycle and transit facilities; and emergency access.

VMT Analysis

Senate Bill 743 (SB 743) requires local jurisdictions to use Vehicle Miles Traveled (VMT) instead of Level of Service (LOS) to analyze transportation impacts under the California Environmental Quality Act (CEQA). City staff developed a new citywide VMT policy to comply with State law and provide established criteria for analyzing transportation impacts of development projects and long-range plans. The Milpitas City Council adopted the VMT policy on May 18, 2021, which establishes VMT as the methodology for measuring potential transportation environmental impacts and provides significance thresholds for CEQA analysis of future projects. The VMT policy aligns with the goals

and policies of the General Plan and adopted plans, and supports new development in suitable areas near transit, mixed-use neighborhoods, and other amenities.

VMT Policy

According to the City VMT policy, projects shall be presumed to have a less-than-significant transportation impact if they meet any of the following screening criteria:

- Projects generating 110 daily trips or less. Examples are single-family residential development of 12 units or fewer, multi-family residential development of 20 units or fewer, and office developments of 10,000 square feet or less.
- Retail projects that are local serving defined as 100,000 square feet or less.
- Local serving public projects such as fire stations, neighborhood parks, libraries, and community centers.
- All land use projects located within one-half mile of a major transit stop, or a stop along a high-quality transit corridor (pursuant to State definitions for such facilities) and meet the following criteria:
    - A minimum floor area ratio of 0.75; or for residential projects, a minimum density of 35 units/acre (40 units/acre in the Serra Center and 50 units/acre in the Milpitas Metro Specific Plan area).
    - The project does not include more parking than required by City Code for use by residents, customers, or employees.
    - The project does not replace affordable residential units with a smaller number of affordable units, and any replacement units are at the same levels of affordability.
    - The project is consistent with the applicable Sustainable Communities Strategy (SCS).
- Projects with restricted affordable housing (as described in the policy).

In addition, the City policy establishes the following:

- The Santa Clara County areawide average VMT shall be the regional baseline.
- For residential, office and industrial projects, a project will have a less than significant impact if the project results in a 15% VMT reduction compared to the baseline. For industrial projects, the 15% threshold applies to the employee commute trip only.
- Retail projects which result in a net increase in total VMT shall constitute a significant impact; however, retail projects determined by the city to be local serving are exempt from VMT analysis. In all cases, retail projects larger than 100,000 square feet may be considered regional-serving and would be subject to the retail threshold of significance.
- Each land use within a mixed-use project, and all other project types, shall be evaluated independently by applying the most appropriate threshold of significance to each land use type being proposed.

- Projects that are currently approved will not require any supplemental VMT environmental review unless the "Project" requires supplemental environmental review not covered by an addendum.

- For projects such as regional retail, hospitals, stadium, sports complexes, or schools not regulated by a public-school district or that require permits from local jurisdiction, a net increase in total VMT may indicate a significant transportation impact.

The City VMT policy does not directly address how redevelopment projects are to be treated. The State criteria does. The state guidance is as follows: "*Where a project replaces existing VMT-generating land uses, if the replacement leads to a net overall decrease in VMT, the project would lead to a less-than-significant transportation impact.*"

Project VMT Screening

The proposed school project could potentially be screened out based on the "Local Serving" and "Prior Approvals" criteria as described below.

Local Serving

The project would be less than 100,000 square feet and its trip generation characteristics would be similar to local-serving retail. Based on data provided by the project applicant, approximately 80% of the student population would reside within 5-miles of the project site. The Governor's Office of Planning and Research (OPR) *Technical Advisory* dated December 2018 states that "By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact." School uses are similar to retail uses, in that, the more schools that are located within in a given area, the shorter the student trips between the school and other complementary land uses (such as employment or residential uses). Student trips to and from schools are analogous to customer trips to and from retail uses. Both land uses (retail and schools) are supported by growth in employment and housing, which are the main drivers of trip-making activity. Thus, applying the same reasoning OPR uses for retail projects, the proposed school could be screened-out based on the local-serving criteria. A similar finding was reached by the City of Milpitas for the proposed Stratford School located at 125 North Milpitas Boulevard, which was screened using local serving criteria. However, the supporting analysis for this finding was prepared in April of 2021, which pre-dates the adoption of the City's formal VMT policy. Although there is reasonable evidence to support a finding that the project could be screened out based on current City policy, a detailed analysis of the VMT generated by the project was prepared to confirm this finding.

Prior Approvals

The Milpitas Metro Specific Plan Project (MMSP) supplemental Environmental Impact Report (SEIR) was prepared in April, 2022. The MMSP is a long-term planning document that updates the original 2008 Milpitas Transit Area Specific Plan (TASP) and vision for the area. The changes between the TASP and MMSP included:

1. Expansion of the original 437-acre TASP Plan Area by approximately 73 additional acres, for a total of 510 acres, in order to facilitate the development of an Innovation District east of the Milpitas Transit Center and to promote opportunities for housing development along South Main Street. In addition, the Metro Plan redefines the five Districts, such that they are

bounded by major streets and include a mix of land uses, development densities, parks, street grids, and pedestrian connections.
2. Changes to the land use classifications and policies.
3. Additional residential and non-residential density, and related population and employment growth.
4. Extension of the Metro Plan horizon year by 10 years (from 2030 to 2040), compared to the TASP.

The current zoning for the project site is C2 Commercial, which will be updated with the adoption of the Phase 1 Zoning Code update to establish BPRD Zoning Districts. The proposed project is located within the MMSP area and its land use designation is BPRD-R (Business Park R&D, Limited Residential). This land use classification supports research and development activities, offices, high tech, hotels, retail services, and education uses.

The proposed educational use was contemplated as a potential development on the project site in the MMSP and therefore its CEQA impacts have been addressed in the MMSP EIR which was prepared as a supplemental EIR to the TASP. Although the Metro Plan would result in an increase in VMT compared to the TASP because of more intensive development, the MMSP draft SEIR concluded that the Metro Plan (2040 Cumulative Plus Project) scenario is estimated to substantially lower VMT per service population, per capita, and per employee relative to both the 2040 Santa Clara countywide average and the Milpitas 2040 General Plan (2040 Cumulative No Project) scenario.

Individual projects consistent with the MMSP may qualify for a statutory exemption under CEQA. Once consistency is determined, no additional CEQA review is required though projects will still need to be reviewed by the City's Engineering and Planning Departments for non-CEQA related site-specific measures.

The MMSP envisions continued investments in essential infrastructure, including mobility/transportation to serve new development. Investments in new infrastructure and improvements expected to serve the MMSP are expected to be primarily funded through:

1. The Transit Area Development Impact Fee (TADIF) – The TADIF will continue to be levied upon new development within the MMSP area to ensure that new development pays its appropriate and proportionate share of new infrastructure and other improvements.

2. Citywide Fees/Exactions – New and existing infrastructure investments will serve new development in both the Milpitas Metro Specific Plan and other areas of the city. This could include new public safety facilities. A portion of the new funding for these improvements will likely come from other city funding sources, including fees on new development outside of the Milpitas Metro Specific Plan.

3. Grants – The City has successfully pursued grant funding for a range of improvements since TASP adoption. Grant funding helps cover potions of new public infrastructure and improvement costs that cannot be allocated to new development.

The Milpitas Metro Specific Plan requires all new development projects to implement a travel demand management program (TDM), with a goal of reducing VMT by 15 percent or more below the regional baseline per employee or per resident and efficiently provide parking that meets the needs of employees and visitors. TDM is typically categorized as a set of strategies aimed at

encouraging transit use, walking, biking, and carpooling while reducing single occupant vehicle trips, vehicle miles traveled, and parking demand. Possible TDM measures for the proposed project include:

- Marketing/education
- Provision of bicycle parking spaces
- Fully subsidized transit passes (e. g. VTA, BART, Caltrain). At a minimum the transit subsidy should be equivalent to the cost of a monthly VTA pass
- Carpooling

Although the project use was previously included in the MMSP and prior CEQA documentation, this report includes a detailed analysis of Vehicle Miles Travelled (VMT) to ensure the project would not create additional impacts over and above what has previously been identified.

Detailed VMT Analysis

The detailed VMT analysis must consider the trip-making activity of the employment component of the project (school staff), the students, as well as the VMT generated by the existing office use it would replace. This is described in the following sections.

School Employee VMT Analysis

Because school employees would have similar trip-making characteristics (origin/destination and length of trips) as typical office employees, the total employee VMT for the existing office building was compared to the total employee VMT for the proposed Stratford school (see Table 1). Valley Transportation Authority (VTA) Travel Demand Forecast (TDF) model assumptions were used to estimate the number of employees that could be expected to occupy the existing vacant office use. The conversion rate from office square footage to employees was 3.3 jobs per 1,000 square feet. Thus, for an office building size of 51,740 square feet, approximately 170 employees could be expected. Based on the Santa Clara County VMT Estimation Tool, the VMT per employee for the zone within which the project is located would be 15.5. The total employee VMT for the existing office building would therefore be 2,635 (170 x 15.5). The proposed school is expected to have a maximum of 75 employees on any given day. Using a VMT per employee of 15.5, the proposed project would generate a total employee VMT of 1,163 (75 x 15.5), which would be less than the total employee VMT for the existing office building. Thus, the proposed project would result in a decrease in the total employee VMT from the site.

Table 1
Employee VMT Analysis

	# of Employees	VMT/ Employee [3]	Total Employee VMT
Existing Office [1]	170	15.5	2,635
Proposed Stratford School [2]	75	15.5	1,163
Difference			-1,473

Notes:

[1] Based on the VTA Travel Demand Model, 3.3 jobs per 1,000 sq. ft. was assumed.

[2] Based on information provided by Stratford School.

[3] Based on Santa Clara County VMT Estimation Tool, for the zone that the project is located in.

Student VMT Analysis

For common land uses such as residential, employment, and retail, quantitative methods are frequently used to determine VMT. However, for unique land uses for which models are not readily available, such as private schools, OPR guidelines allow for qualitative analysis of VMT impacts. This section evaluates, qualitatively, whether the proposed school would increase the travel distances of students, given the relative location of complementary land uses and other Stratford schools in the area.

There are currently three Stratford schools in Milpitas. These lower division schools are all located less than 3 miles from the proposed Stratford high school, including:

- 341 Great Mall Parkway - grades pre-kindergarten to 8th
- 25 Corning Avenue - grades kindergarten to 5th
- 125 N Milpitas Boulevard - grades preschool to 2nd

Based on the analysis of student zip code data provided by Stratford for students currently enrolled in all of the Milpitas Stratford Schools (Pre-K to 8th grade, 1410 students including siblings), 80% of the students reside within a 5-mile distance and 92% of the students reside within a 10-mile distance from the proposed school. There is currently only one Stratford high school in the south bay region, and it is located at 3800 Blackford Avenue in San Jose. Thus, in the absence of the proposed Stratford High School in Milpitas, to continue their high school education at Stratford School, Milpitas Stratford students would attend the San Jose Blackford Avenue campus, that is located 11 to 15 miles from the proposed high school at 1323 Great Mall Drive. Stratford anticipates that the student population for the proposed high school at full enrollment will resemble the demographics of all pre-school to 8th grade students at the existing Milpitas campuses. By providing a high school in Milpitas in close proximity to the existing lower division Stratford schools, the project would shorten trips and reduce VMT by providing an opportunity for students to attend high school locally, instead of travelling to the neighborhood city. The proposed project would also result in shorter travel distances for students coming from Alum Rock and Fremont, which are all located within a 5-to-10-mile radius of the proposed project. Thus, lower grade students from these communities who wish to continue high school with Stratford would have shorter travel distances to the proposed high school at 1323 Great Mall Parkway compared to travelling to the San Jose Blackford Avenue campus. Furthermore, the project would be located in close proximity to the

Milpitas Transit Center, which provides access to BART, light rail, and several bus routes. Given that the project would primarily serve older, high school-age students, the proximity of these facilities would increase the probability of transit trips to and from the project site, further reducing VMT. Last, as previously mentioned, school uses are similar to retail uses, in that, the more private schools that are located in a given area, the shorter the student trips between the school and other complementary land uses (such as employment or residential uses). Schools are primarily supporting uses for residential and employment uses, which are the main drivers of trip-making activity. Thus, by providing additional private schools in accessible and centralized locations, the private school student VMT per capita could be expected to decrease.

VMT Conclusions

The proposed project meets two of the criteria outlined in the City VMT guidelines for project screening. First, the project would constitute a local serving use, as it would primarily serve the surrounding residents, act as a feeder school for existing Stratford schools within the City, and would be less than 100,000 square feet. This is consistent with a prior finding from the City that the Stratford Schol at 125 North Milpitas Boulevard was determined to be local serving. Second, the project is consistent with the approved land use for the site identified in the MMSP, which includes educational uses and was cleared environmentally by the City's MMSP SEIR. The transportation impacts of the MMSP have already been identified and mitigated to the extent feasible. The project would be required to implement a TDM program and other types of fees adopted by the City. Therefore, given the City's screening criteria, prior finding regarding private school projects, and that the use for the site is already cleared environmentally, the impacts of the project on VMT are considered *less than significant.*

Because the City guidelines state that school projects *may* require detailed analysis of VMT impacts, further analysis was conducted to confirm the results of the VMT screening assessment. The VMT impacts of the proposed project were evaluated in terms of its effects on staff and student VMT. For staff, the employment VMT from the site would be reduced by approximately 1,473 vehicle-miles per day relative to the existing use. For students, the proposed project would provide an alternate location for Stratford school students to continue their education without traveling to a more distant location, thus reducing VMT per capita at Stratford schools. This effect is similar to what occurs when local-serving retail projects are constructed, which are presumed to have a less than significant impact on VMT. Thus, the detailed VMT analysis supports the finding that project's overall impact to VMT is considered *less than significant.*

Pedestrians, Bicycles and Transit

Pedestrian Facilities

Sidewalks are provided on most of the roadways surrounding the project site. There are existing sidewalks on the east side of Great Mall Parkway, both sides of Mustang Drive, south side of Great Mall Drive, east side of Falcon Drive and the north side of Montague Expressway. The signalized intersections at Great Mall Parkway/Mustang Drive and Great Mall Parkway/Montague Expressway provide crosswalks, curb ramps, and pedestrian-actuated pedestrian-crossing phases on all approaches. The unsignalized intersections surrounding the project site have a marked crosswalk on at least one of the approaches. There is also an existing pedestrian pathway that runs parallel to and south of Mustang Drive along the northwestern boundary of the project site connecting Great Mall Parkway to Great Mall Drive. Although there is no existing sidewalk on the west side of Falcon Drive, there would be direct pedestrian connections between the project site and the nearby BART/LRT stations. The project would install a pedestrian/bike gate that would provide a direct link

for students to access the sidewalk along Great Mall Parkway, adjacent to the new artificial turf field, between the proposed school and the existing school to the south. Pedestrians and cyclists to/from the Great Mall/Main LRT station could access the project site via the existing sidewalk along the east side of Great Mall Parkway and the pedestrian bridge near South Main Street. Alternatively, they could access the South Milpitas LRT station via sidewalks on Great Mall Parkway and the at-grade signalized pedestrian crossing at South Milpitas Boulevard. Pedestrians and cyclists to/from the Milpitas BART station could access the project site via either the pedestrian bridge at Piper Drive and the sidewalk along the north side of Montague Expressway or use the signalized crosswalk across Montague Expressway at Great Mall Parkway. The preferred route to/from the BART station would be to use the pedestrian bridge near Piper Drive, as it would not require students to cross the busy signalized intersection of Great Mall Drive/Montague Expressway.

> **Recommendation:** The school should provide educational material to students and staff on safe routes to/from the LRT and BART stations, discouraging them from using the drive aisles of the existing school to the south and from jaywalking across Falcon Drive.

It is anticipated that the volume of pedestrians generated by the project would not exceed the carrying capacity of the existing sidewalks and crosswalks on streets surrounding the site. The project would not remove any pedestrian facilities, nor would it conflict with the City of Milpitas *Trail, Pedestrian and Bicycle Master Plan.* Accordingly, the project would have no significant impact on pedestrian facilities.

Bicycle Facilities

Near the project site, Class II bike lanes are located on both sides along Great Mall Parkway, McCandless Drive, and on South Milpitas Boulevard. The project would provide a total of 96 onsite bicycle parking spaces between the proposed project site and the existing Stratford school to the south, so that they can be used by students and staff of both schools. It is anticipated that the volume of cyclists generated by the project would not exceed the carrying capacity of the existing bike facilities surrounding the site. In addition, the project would not remove any bicycle facilities, nor would it conflict with the City's *Trail, Pedestrian and Bicycle Master Plan*. Thus, the project would have no significant impact on bicycle facilities.

Transit Facilities

The project would be located in close proximity to the Milpitas Transit Center, which provides access to BART, light rail, and several bus routes. Given that the project would primarily serve older, high school-age students, the project would generate some transit trips made by students and staff. However, the volume of transit trips generated by the project is not expected to exceed the carrying capacity of the existing transit services to the site. The project, by itself, would not require additional transit service to the area or improvements to existing transit service frequencies. Nor would the project preclude, modify, or otherwise affect existing or proposed transit projects or policies identified by the Valley Transportation Authority (VTA). Therefore, the proposed project would not create an adverse impact to transit services in the area.

Emergency Access

The proposed project would not reroute or change any of the City streets in its vicinity that would impact emergency vehicle access to properties in the area. In addition, the proposed project would maintain the site's existing driveways, which would accommodate emergency vehicles. Thus, the project would not result in a significant impact to emergency vehicle access.

REGULAR

NUMBER: **XX.XXX**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MILPITAS AND STORE MASTER FUNDING IV, LLC**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Suzanne Guzzetta, City Clerk

APPROVED:

_____
Carmen Montano, Mayor

APPROVED AS TO FORM:

_____
Michael Mutalipassi, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, on July 28, 2023, an application was submitted by Jeremy Theodore of Inhabit Design Inc. ("Applicant") to allow the operation of a private high school in an existing 51,740 square-foot, two-story office building ("Project"). The Project site is on a 3-acre lot located at 1323 Great Mall Dr. Milpitas, CA 95035 (APN 086-024-046) and;

WHEREAS, the City and the applicant wish to memorialize the rights to development in the document entitled "Development Agreement By and Between the City of Milpitas and STORE MASTER FUNDING IV, LLC." (hereinafter referred to herein as the "Development Agreement"), a draft of which is attached hereto as **Exhibit 1**; and

WHEREAS, the Planning Department completed an environmental impact assessment for the project in accordance with the California Environmental Quality Act ("CEQA") and, based on this assessment, decided to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project in accordance with CEQA, and State and local guidelines implementing CEQA.

WHEREAS, on April 24, 2024, 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 June 26, 2024, the Planning Commission held a duly noticed public hearing, during which the Planning Commission, by the adoption of Resolution No. 24-023, recommended that the City Council approve SD23-0012, EA24-0001 and DA24-001 and Resolution No. 24-023, recommending that the City Council approve UP23-0008 based on the findings and subject to the Conditions of Approval; and

WHEREAS, on _____, the City Council held a duly-noticed public hearing and considered the proposed Development Agreement for compliance with City of Milpitas Resolution No. 6642 and Government Code Section § 65864.

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 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. FINDINGS

The City Council makes the following findings based on the evidence in the public record in support thereof:

A. The City Council finds that the proposed project meets the requirements for development agreement eligibility specified in City Resolution No. 6642, including because the opening and pre-enrollment of the proposed private school requires significant front-end investment and otherwise

requires long-term certainty on the part of the applicant, at least for the five year term of the currently proposed Agreement. The City Council finds that the public health, safety and general welfare of the citizens of the City will be best served by accepting this application.

B. The City Council finds that the proposed Development Agreement is consistent with the City's General Plan and other applicable plans, policies, and regulations of the City currently in effect, is not detrimental to the heal, safety, and general welfare of the citizens of the City, is entered into and constitutes an appropriate exercise of the City's police power, and is entered into in compliance with the applicable State law and City Resolution No. 6642, as amended.

C. The City Council finds that the proposed Development Agreement complies with all the applicable procedural and eligibility requirements for the approval and execution of development agreements outlined in City of Milpitas Resolution No. 6442 and Government Code Section 65864. A valid application as submitted to the Planning Department by an applicant with proper legal standing. The proposed Development Agreement would eliminate uncertainty in land use planning and help ensure the orderly development of a Private High School in an appropriate zoning district and location. The proposed Development Agreement would also result in a project that would be significantly superior in terms of its overall effect on the environment and the community than would otherwise result without such a development agreement. The proposed Development Agreement would also be beneficial to the health, safety, and general welfare of the community.

SECTION 3. APPROVAL AND AUTHORIZATION

The City Council hereby approves and authorizes the City Manager or his or her designee to execute the Development Agreement between the City of Milpitas and Store Master Funding IV, LLC, attached hereto as **Exhibit 1**. Within ten (10) days of the effective date of this Ordinance, the City Clerk shall have the Development Agreement recorded with the Santa Clara County Recorder if it has not been so recorded by the applicant or otherwise prior to that date.

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.

DRAFT – FOR DISCUSSION ONLY

RECORDING REQUESTED BY

CITY OF MILPITAS
City Attorney's Office
455 East Calaveras Boulevard
Milpitas, CA 95035

WHEN RECORDED MAIL TO

CITY OF MILPITAS
City Attorney's Office
455 East Calaveras Boulevard
Milpitas, CA 95035

Record at No Fee per Government Code section 6103 [Space above this line for Recorder's use only]

DEVELOPMENT AGREEMENT
BY AND BETWEEN
STRATFORD SCHOOLS, INC. AND THE CITY OF MILPITAS

Project name: Private Middle School and High School Project

THIS DEVELOPMENT AGREEMENT, dated for convenience _____, 2024, at Milpitas, California ("Agreement") is entered into by and between STORE Master Funding IV, LLC ("STORE"), the owner of the Property, and Stratford Schools, Inc., a California corporation ("Stratford"), the operator and developer of the Project under a long-term lease with the STORE (STORE and Stratford being referred to collectively herein as "Landowner") and the City of Milpitas, a general law city created and existing under the laws of the State of California (the "City"),. This Agreement creates legal obligations pertaining to the Private Middle School and High School Project development as more particularly described below.

RECITALS

A. State Authorization. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 *et seq*. of the Government Code (the "Development Agreement Statute"), which authorizes the City to enter into a binding property development agreement with any person having a legal or equitable interest in real property for the development associated with such property in order to establish certain development rights in the property which is the subject of the development project application.

B. City Procedure and Requirements. The City has implemented the provisions of Government Code Section 65864 *et seq*. and adopted certain development agreement procedures and requirements through the enactment of Resolution No. 6642, adopted on May 6, 1997 (hereinafter referred to as the "Development Agreement Resolution"). The terms of the

Development Agreement Resolution supersede any inconsistent part of this Agreement.

C. Property. The subject of this Agreement is the development of that certain property located at 1323 Great Mall Drive in the city of Milpitas, California, County of Santa Clara, Assessor's Parcel Number APN 8624046 consisting of one parcel totaling approximately 3.00 acres. It is improved with a commercial office building of approximately 54,000 square feet, and an improved parking area with landscaping ("the Property"), described and shown on Exhibits A-1 and A-2 attached hereto and incorporated herein by reference. The Landowner either owns, or is the sole member of each of the entities that own, the Property in fee. Subject to the terms of Section 8.5 and Section 11.2 hereof, all persons holding legal or equitable interests in the Property shall be bound by this Agreement.

D. Milpitas Metro Specific Plan. The subject Property is located within the area subject to the Milpitas Metro Specific Plan (the "MMSP"). The MMSP was originally adopted on February 7, 2023. Prior to that, the subject Property was located within the area subject to the Milpitas Transit Area Specific Plan ("TASP"), which the MMSP generally updated, expanded upon, and replaced. The TASP was adopted in 2008, and for the subject Property would have allowed development with a floor area ratio ("FAR") of .48 for this proposed use and would not have limited maximum side and front setbacks for this parcel.

E. Project. Landowner proposes to renovate the existing building and to construct a new building of approximately 8,200 square feet, to make related site improvements including parking, landscaping and space for outdoor activities, all for the operation of a private school on the site (the "Project"). The adopted MMSP allows for some educational uses, and the existing zoning allows such use in appropriate density with approval of a Conditional Use Permit and a Site Development Permit.

F. Environmental Review. The City examined the environmental effects of this Agreement and the Development Approvals (as defined in Recital M below) in an initial study that concluded that all environmental effects had been analyzed and will be mitigated pursuant to the Environmental Impact Report (the "EIR") prepared pursuant to the California Environmental Quality Act (CEQA) for the MMSP and a Mitigated Negative Declaration ("MND") prepared specifically for this Project. The MND has not been approved.

G. Purposes. The Landowner and City desire to enter into an agreement for the purpose of implementing the plan for development of the Project as set forth herein, and in the Specific Plan and Development Approvals. The City has determined that the development of the Project pursuant to the MMSP is a development for which a development agreement is appropriate. A development agreement will provide certain benefits to the City, as described in Article 2, will eliminate uncertainty in the City's land use planning, will provide orderly development of the Property in accordance with the policies and goals set forth in the City's General Plan and MMSP, and will otherwise achieve the goals and purposes of the Development Agreement Resolution. The Landowner has incurred and will incur substantial costs in order to comply with the conditions of approval and to assure development of the Property in accordance with this Agreement. Through this Agreement, the Landowner and City intend to preserve the Floor Area Ratio ("FAR") and absence of maximum side and front setbacks previously allowed for the subject Property under the

TASP and thereby allow for the beneficial reuse of an existing building developed under previous standards with additional construction and improvements only allowable through the benefit of this Agreement.. In order to effectuate these purposes, the Parties desire to enter into this Agreement.

H. Relationship of City and Landowner. It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Landowner and that the Landowner is an independent entity and not an agent or partner of City. City and Landowner hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as making City and Landowner joint venturers or partners.

I. Planning Commission Recommendations of Approval. The application for approval of this Agreement and the appropriate California Environmental Quality Act (Public Resource Code Section 21000 *et seq.*; "CEQA") documentation required for approval of this Agreement, were considered by the Planning Commission, on _____, 2024. After conducting a duly noticed public hearing, the Commission recommended the adoption of this Agreement to the City Council.

J. Development Agreement Adoption. After conducting a duly noticed public hearing and making the requisite findings, the City Council approved and introduced this Agreement by the first reading of Ordinance No. ____ (the "Enacting Ordinance") on _____, 2024. On _____, 2024, the City Council adopted this Agreement by the second reading of Ordinance No.____ (the "Adoption Date"), and authorized its execution.

K. Consistency with Milpitas General Plan and MMSP. Development of the Property in accordance with this Agreement will provide for orderly growth and development in accordance with the policies set forth in the City General Plan, the MMSP, and the Development Approvals as further described in Paragraph M, below. Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, the City Council finds and declares that this Agreement is consistent with the MMSP, or as allowed herein the TASP, the General Plan of the City, and with the Development Approvals, except where explicitly modified. This Agreement satisfies the requirements of Government Code Section 65867.5.

L. Project Entitlements; Development Approvals. The following approvals, entitlements, and findings have been adopted by the City with respect to the Property, and constitute the Project Entitlements:

a. The Environmental Impact Report for the MMSP (SCH #2006032091) (comprised of the Draft Environmental Impact Report and the Final Environmental Impact Reports, collectively the "FEIR"), the written findings and a Mitigation Monitoring and Reporting Program adopted on February 7, 2023.

b. The MND prepared for this Project.

c. The MMSP adopted on February 7, 2023.

d. This Agreement.

e. The Conditional Use Permit and Site Development Permit (File Numbers P-UP23-0008 and P-SD23-0012, respectively) for the Project, to be considered concurrently with this Agreement. The Conditional Use Permit and Site Development Permit constitute the Development Approvals as of the time of their approval; as used herein, the term "Development Approvals" also includes any Subsequent Approvals as defined in Section 1.2.7 below.

f. Approved Interior Demolition Permit B-DM23-0039.

M. Development Agreement Resolution. City and Landowner have taken all actions mandated by and fulfilled all requirements set forth in the Development Agreement Resolution.

NOW THEREFORE, pursuant to the authority contained in Government Code Sections 65864-65869.5 and the Development Agreement Resolution and in consideration of the mutual covenants and promises contained herein, the adequacy and sufficiency of which is hereby acknowledged, the Landowner and the City, each individually referred to as a Party and collectively referred to as the Parties, agree as follows.

ARTICLE 1
RECITALS, DEFINITIONS AND DATES

1.1 Incorporation of Recitals. The Preamble, the Recitals and all the defined terms set forth in both, are hereby incorporated into this Agreement as if set forth herein in full.

1.2 Definitions. In addition to the defined terms in the Preamble and the Recitals, each reference in this Agreement to any of the following terms shall have the meaning set forth below for each such term. Certain other terms shall have the meaning set forth for such term in this Agreement

1.2.1 Applicable Laws. The laws and Constitution of the State of California, the laws and Constitution of the United States and any codes, statutes or executive mandates in any court decision, state or federal, thereunder.

1.2.2 Assignee. Any person, business entity, association, organization or other similar entity succeeding to some or all of Landowners' rights and obligations under this Agreement by sale, transfer, or otherwise, including, but not limited to, purchasers, mortgagees, or long term ground lessees of individual lots, parcels, or of any of the buildings located within the Property.

1.2.3 City Laws. The ordinances, resolutions, codes, rules, regulations and official policies of the City, governing the permitted uses of land, density, design, improvements and construction standards and specifications applicable to the development of the Property, all as of the Effective Date hereof. Specifically, but without limiting the generality of the foregoing, City Laws shall include the City's General Plan, the MMSP, the City's Zoning

Ordinance, and the City's Subdivision Ordinance.

1.2.4 Conditions. All conditions, exactions, fees or payments, dedication or reservation requirements, obligations for on or off-site improvements, services or other conditions of approval called for in connection with the development of or construction on the Property under City Laws, whether such conditions of approval constitute public improvements, or mitigation measures in connection with environmental review of any aspect of the Project.

1.2.5 Director. The Director of the Planning Department.

1.2.6 Party. A signatory to this Agreement, or a successor or assign of a signatory to this Agreement.

1.2.7 Subsequent Approvals. Any and all Development Approvals applied for by Landowner that are approved by City during the Term of this Agreement, including but not limited to, conditional use permits, variances, subdivision approvals, street abandonments, design review approvals, demolition permits, improvement agreements, infrastructure agreements, grading permits, building permits, right-of-way permits, lot line adjustments, site plans, sewer and water connection permits, parcel maps, lot splits, landscaping plans, master sign programs, transportation demand management programs, encroachment permits, and amendments to the Conditional Use Permit or Site Development Permit to allow construction of the Project.

1.3 Effective Date; Recordation. The Enacting Ordinance became effective on _____, 2024. The obligations of the Parties under this Agreement shall be effective as of the effective date of the Enacting Ordinance (the "Effective Date"), pursuant to Government Code Section 36937. Not later than ten (10) days after the Effective Date, the Landowners shall cause this Agreement to be recorded in the Official Records of the County of Santa Clara, State of California, as provided for in Government Code Section 65868.5 and Resolution No. 6642. However, failure to record this Agreement and any amendment thereto within ten (10) days shall not affect its validity or enforceability by and between the Parties.

1.4 Term. Except as provided herein, the term of this Agreement shall commence on the Effective Date and terminate five (5) years thereafter ("Term"); Following the expiration of the Term, this Agreement shall be deemed terminated and of no further force and effect; provided, however, said termination of the Agreement shall not affect any right or duty emanating from City entitlements on the Property approved concurrently with or during the term of this Agreement, except as expressly set forth in those entitlements.

1.5 Capitalized Terms. If any capitalized terms contained in this Agreement are not defined above, then any such terms shall have the meaning otherwise ascribed to them in this Agreement.

ARTICLE 2
BENEFITS TO THE CITY

Landowner shall provide the following public benefits to the City:

1. Payment of the sum of One Million Dollars ($1,000,000) as and for a voluntary contribution to the City as a community benefit payable at the time of issuance of final occupancy;

2. Design and construction of all electric building with no natural gas infrastructure in furtherance of the City's Climate Action goals.

ARTICLE 3
GENERAL DEVELOPMENT OF THE PROJECT; VESTED ENTITLEMENTS

3.1 Project Development. Landowner shall have a vested right to develop the Project on the Property in accordance with the Vested Entitlements (defined in Section 3.2) in effect as of the Effective Date and pursuant to all the terms of this Agreement.

3.2 Vested Entitlements. During the term of this Agreement, the Landowner has certain vested entitlements (collectively, "Vested Entitlements"), including: (a) the certified EIR for the MMSP, the MMSP, and this Agreement; (b) the Development Approvals; (c) the Subsequent Approvals; (d) any other conditions of development applicable to the Property are as set forth in the General Plan, the MMSP, the Zoning Code, the Subdivision Code and other City Laws, all as applicable on the Effective Date of this Agreement ("Applicable Rules"). The Landowner shall have the vested right to develop the Project on the Property in accordance with the terms and conditions of the Vested Entitlements, as the same may be amended from time to time upon application by the Landowner. Except as otherwise specified herein, the Vested Entitlements shall control the overall design, development, construction, use and occupancy of the Project, and all improvements and appurtenances in connection therewith, including without limitation, the permitted uses on the Property, density and intensity of uses, the maximum height and sizes of buildings, and the allowable floor area ratios.

3.2.2 Except as provided herein, development of the Property shall be governed by the Vested Entitlements as defined above.

3.2.3 This Agreement does not impose affirmative obligations on the Landowner to commence development of the Project, or any phase thereof, in advance of its decision to do so. The expiration of any entitlements or approvals shall remain as set forth in any entitlement or approval.

3.2.4 City agrees that it will accept, in good faith, for processing, review and action all applications for use and development of the Property in accordance with the Vested Entitlements, and shall act upon such applications with regular diligence as set forth in this Agreement, including without limitation, Article 4 hereof.

3.2.5 Developer shall be allowed to develop the Project with a floor area ratio ("FAR") of up to .48 and without the maximum front and side setback limit specified in the MMSP. Notwithstanding the expiration of this Agreement, The Development Approvals shall

continue without expiration in accordance with and subject to all applicable City rules and regulations, excluding those allowing for project expansion, but including without limitation the City's Zoning Code, which shall guide any proposed change or intensification of use or building and site modification. Developer understands and acknowledges that the Development Approvals limit the private school's enrollment to 500 students as provided for in the Conditional Use Permit and the physical development of the site, including the building footprints, is limited by the Site Development Permit. Developer understands and agrees that any Major Modification of the Project shall result in the need to re-entitle the project in conformity with then current development standards. A Major Modification shall include any modification that expands the project building footprint, increases the capacity of the Stratford High School Project to serve more than 500 students, or changes the use.

3.3 Timing of Development. The project shall be completed within 4 years of the execution of this Agreement. For the purpose of this Agreement, the project shall be deemed complete upon the City's issuance of a certificate of occupancy for the primary structure.

3.4 Compliance with Requirements of Other Government Entities.

3.4.1 During the term of this Agreement, Landowner, at no cost to City, shall comply with lawful requirements of, and obtain all permits and approvals required by other local, regional, State and Federal agencies having jurisdiction over Landowner's activities in furtherance of this Agreement. Landowner shall pay all required fees when due to Federal, State, regional, or other local governmental agencies and acknowledges that City does not control the amount of any such fees.

3.4.2 As provided in California Government Code Section 65869.5, this Agreement shall not preclude the application to the Property of changes in laws, regulations, plans, or policies, to the extent that such changes are specifically mandated and required by changes in State or Federal laws or regulations ("State or Federal Law"). In the event changes in State or Federal Law prevent or preclude compliance with one or more provisions of this Agreement, this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal Law. The Parties shall meet and confer in good faith in order to determine whether such provisions of this Agreement shall be modified or suspended as may be necessary to comply with changes in the law and City and Landowner shall agree to such action as may be reasonably required. It is the intent of the Parties that any such modification or suspension be limited to that which is necessary and to preserve to the extent possible the original intent of the Parties in entering into this Agreement. This Agreement shall remain in full force and effect to the extent it is not inconsistent with such State or Federal Law. Nothing in this Agreement shall preclude the City or Landowner from contesting by any available means (including administrative or judicial proceedings) the applicability to the Property of any such State or Federal Law.

3.5 As provided in Section 10.0 of the Development Agreement Resolution, the City may apply new rules, regulations, and policies which do not conflict with those rules, regulations, and policies set forth in this Agreement, or such rules, regulations, and policies that are required for the health, safety, or welfare of the general public, nor shall the City be prohibited

from denying or conditionally approving any subsequent development project application on the basis of such existing new rules, regulations, and policies.

3.6 Reservations of Authority. Notwithstanding any other provision of this Agreement, at the time Subsequent Approvals are applied for, the following regulations and provisions shall apply only to those Subsequent Approvals:

3.6.1 Processing fees and, subject to the terms of Section 3.6 of this Agreement, charges of every kind and nature imposed by the City, including application, inspection, and monitoring fees, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for on an area-wide basis, which shall be paid at the rate then in effect.

3.6.2 All taxes, assessments, impact fees of any type, inclusionary including housing impact fees and transportation impact fees, other fees, or other monetary and non-monetary exactions imposed by the City, which are in force and effect within the jurisdiction of the City for other similarly situated projects in the City on a City wide or area wide basis, discretionary or ministerial approvals, or taxpayers, as applicable, on which they are imposed shall be imposed..

3.6.3 If the City forms an assessment district including the Property and the assessment district is City-wide or area-wide, as defined in Section 3.6.6, the Property may be legally assessed through such district based on the benefit to the Property, which assessment shall be consistent with the assessment of other property in the district similarly situated. Any subsequently created assessment district is subject to collection solely based on the special assessment statute and shall not affect the development rights for the Project.

3.6.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for.

3.6.5 Regulations governing construction standards and specifications including, without limitation, the City's building code, plumbing code, mechanical code, electrical code, fire code and grading code, and all provisions of the Milpitas Municipal Code, and all other uniform construction codes, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied at the time the building permit in question is applied for.

3.6.6 For purposes of this Agreement, “area-wide” shall cover not only the Property, but also at least all parcels zoned and/or developed in a manner similar to the Property and located in the combined area of the MMSP. The Parties acknowledge that the provisions contained in this Section are intended to implement the intent of the Parties that the Landowner has the right to develop the Project pursuant to specified and known criteria and rules, and that the City receives the benefits which will be conferred as a result of such development without abridging the right of the City to act in accordance with its powers, duties

and obligations.

3.7 Subsequently Enacted Rules and Regulations. The City may, during the term of this Agreement, apply such newer City Laws that are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for and which are not inconsistent or in conflict with the intent or purposes or any terms, standards or conditions of this Agreement. To the extent any changed City Law is in conflict with the terms of this Agreement, the terms of this Agreement shall prevail.

3.8 Moratorium, Quotas, Restrictions or Other Limitations. Without limiting the generality of any of the foregoing, no moratorium or other limitation (whether relating to the rate, timing, phasing, sequencing or permission of development or construction of all or any part of the Property, whether imposed by ordinance, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of City, or otherwise) affecting parcel or subdivision maps (tentative, vesting tentative or final), building permits or any other Approvals (including entitlements to use or service, such as water, sewer and/or storm drains) shall apply to the Property during the term of this Agreement. Landowner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or impose any other limitation that may affect the Property.

3.9 [Reserved]

3.10 Mutual Obligations of the Parties. City has agreed to provide Landowner with the long term assurances, Vested Entitlements, and other City obligations described in this Agreement in consideration for the Landowner obligations contained in this Agreement. Landowner has agreed to provide City with the Landowner obligations contained in this Agreement. To ensure that the understanding of the Parties and mutual consideration remain effective, should either Party bring any administrative, legal, or equitable action or other proceeding to set aside or otherwise make ineffective any of the City or Landowner obligations described in this Agreement, this Agreement may be terminated by the Party against whom the proceeding is brought at that Party's sole discretion.

3.11 Landowner's Right to Rebuild. Landowner may rebuild the Project or element of the Project should it become necessary due to damage from any event, natural disaster or changes in seismic requirements during the Term of this Agreement, notwithstanding any contrary provisions of the City of Milpitas Municipal Code. Landowner may renovate the Project at any time within the Term of this Agreement as long as such renovation does not cause a change of use to a use not allowed by this Agreement or applicable City Laws. Any such rebuilding or renovation shall be subject to the Vested Entitlements, shall comply with the Subsequent Approvals and the building regulations existing at the time of such rebuilding or reconstruction, as well as the requirements of CEQA.

ARTICLE 4
SPECIFIC CRITERIA OF THE PROJECT

4.1 Permitted Development. Notwithstanding anything to the contrary herein or

in the Development Approvals, the Landowner is hereby allowed to develop the Property consistent with the definition of the Project in the Recitals hereto.

4.2 Landowner Obligations. As a material consideration for the long term assurances, Vested Entitlements, and other City obligations provided by this Agreement, and as a material inducement to City to enter into this Agreement, Landowner has offered and agreed to provide the public benefits to the City listed in Article 2 of this Agreement.

ARTICLE 5
CONCURRENT AND SUBSEQUENT APPROVALS

5.1 Subsequent Approvals. Landowner will submit the Development Approvals for the Project which shall be considered concurrently with this Agreement for approval by the Planning Commission. The development of the Project may require additional Subsequent Approvals from the City.

Applications for Subsequent Approvals are anticipated to be submitted to the City by the Landowner. Applications for Subsequent Approvals shall be accepted, reviewed for completeness, and processed to completion with ordinary diligence by the City and considered in a manner consistent with the rights granted by this Agreement and the Applicable Laws.

With the Vested Entitlements, the City has made a final policy decision that the development of the Property, consistent with the MMSP and the Applicable Laws, is in the best interests of the public health, safety, and general welfare. Nothing herein shall limit the ability of the City to require the necessary reports, analysis, or studies to assist in determining whether the requested Subsequent Approval is consistent with the Applicable Laws and Applicable Rules and this Agreement. City's review of the Subsequent Approvals shall be consistent with City Laws and this Agreement, including without limitation Section 3.6 of this Agreement. To the extent that it is consistent with CEQA, as determined by the City in its reasonable discretion, City shall utilize existing CEQA documentation to review the environmental effects of any Subsequent Approvals. In the event that any additional CEQA documentation is legally required for any discretional Subsequent Approval for the Project, then the scope of such documentation shall be focused, to the extent possible consistent with CEQA, on the specific subject matter of the Subsequent Approval. Landowner shall defend, indemnify and hold the City harmless from or in connection with any litigation seeking to compel the City to perform additional environmental review of any Subsequent Approvals.

Any conditions, terms, restrictions, procedures or requirements imposed by the City on Subsequent Approvals shall not be inconsistent with the Development Approvals (including this Agreement) or the Applicable Laws and Applicable Rules and shall not prevent development of the Property for the uses and the density of development, and at the rate, timing and sequencing, contemplated by this Agreement, except as and to the extent required by state or federal law or as allowed herein. In connection with approval of any Subsequent Approvals that implement and are consistent with the Development Approvals in effect on the Effective Date (including without limitation any minor modifications thereto), the City shall not impose

conditions of approval that require dedications or reservations for, or construction or funding of, public infrastructure or public improvements beyond those already included in the Development Approvals, except to the extent required by CEQA review conducted in accordance with Section 5.1.2 of this Agreement. Landowner may protest any conditions, dedications or fees imposed on Subsequent Approvals while continuing to develop the Project, such protest by Developer shall not delay or stop the issuance of building permits or certificates of occupancy.

5.2 Life of Development Approvals. The terms of the Development Approvals shall automatically be extended for the duration of this Agreement (including any extension to this Agreement as permitted by Section 1.4) if the term otherwise applicable to such Approval is shorter than the duration of this Agreement (including any extension).

ARTICLE 6
AMENDMENT OF AGREEMENT AND DEVELOPMENT APPROVALS; OPERATING MEMORANDA

6.1 Amendment or Cancellation. Either Party may propose an amendment to or cancellation of this Agreement in whole or in part, in the manner provided for in Government Code Section 65868 and Resolution No. 6642. No amendment to or cancellation of this Agreement or any provision hereof shall be effective for any purpose unless adopted pursuant to the procedures included in Resolution No. 6642 and specifically set forth in a writing, which refers expressly to this Agreement and is signed by duly authorized representatives of the Parties.

6.2 Recordation. Any amendment, termination or cancellation of this Agreement shall be recorded by the Landowner not later than ten (10) days after the effective date of the action effecting such amendment, termination or cancellation; however, a failure to record shall not affect the validity of the amendment, termination or cancellation. Landowner shall also similarly record a notice of expiration or expunge this Agreement and any amendments thereto upon the competition of this Agreement's term and any extensions thereto.

6.3 Amendments to Development Agreement Statute. This Agreement has been entered into in reliance upon the provisions of California Government Code Section 65864 et seq. relating to development agreements and the Development Agreement Resolution, as those provisions existed at the date of execution of this Agreement. No amendment or addition to those provisions which would materially affect the interpretation or enforceability of this Agreement shall be applicable to this Agreement unless such amendment or addition is specifically required by the California State Legislature, or is mandated by a court of competent jurisdiction. If such amendment or change is permissive (as opposed to mandatory), this Agreement shall not be affected unless the Parties mutually agree in writing, after following the procedures in Section 6.1, to amend this Agreement to permit such applicability

6.4 Amendment of Development Approvals. To the extent permitted by local, state, and federal law, any Development Approval may, from time to time, be amended or modified by submittal of an application from the Landowner and following the procedures for such amendment or modification contained in the Milpitas Municipal Code. Upon any approval of such

an amendment or modification, the amendment or modification shall automatically be deemed to be incorporated into the Development Approvals without any further procedure to amend this Agreement.

6.5 Operating Memoranda. Separate and apart from provisions contained herein for a formal amendment of this Agreement, the parties agree that the provisions of this Agreement require a close degree of cooperation between City and Landowners, and refinements and further development of the Project may demonstrate that clarifications with respect to the details of performance of City and Landowners or minor revisions to the Project are appropriate. If and when, from time to time, during the term of this Agreement, City and Landowners agree that such clarifications or minor modifications are necessary or appropriate, they may effectuate such clarifications through operating memoranda approved by City and Landowners, which, after execution, shall be attached to and become a part of this Agreement. No such operating memoranda shall constitute an amendment to this Agreement requiring public notice or hearing. The City Attorney shall be authorized to make the determination whether a requested clarification may be effectuated pursuant to this Section 6.5 or whether the requested clarification is of such a character to require an amendment hereof. The City Manager may execute any operating memoranda hereunder without City Council action.

ARTICLE 7
ANNUAL REPORT

7.1 Time of Review. To determine Landowner's good faith compliance with this Agreement, in accordance with Government Code Section 65865.1, and in compliance with the Development Agreement Resolution, Landowner shall submit a report approximately every twelve (12) months from the Effective Date, commencing on the first anniversary of the Effective Date detailing all actions taken with respect to the development of this Property. Upon receipt of the report, the Community Development Director may schedule an annual review of the report to be heard by the Planning Commission. This obligation for annual reporting shall expire upon Project occupancy.

Consistent with Development Agreement Resolution, the Community Development Director or designee shall give notice to the Landowner that the City intends to schedule an annual review of the Agreement at least thirty (30) days in advance of the time at which the matter will be considered by the Planning Commission and shall include the statement that review may result in an election to terminate this Agreement as provided herein.

7.2 Determination of Good Faith Compliance. Such annual report shall be limited in scope to compliance with the terms of this Agreement pursuant to Government Code Section 65865.1. The Planning Commission shall conduct a public hearing. If the Planning Commission determines that, based upon substantial evidence in the record, Landowner has substantially complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period shall be concluded. If the Planning Commission determines that, in good faith and based upon substantial evidence in the record, Landowner has not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission shall forward its report and recommendation to the City Council.

If the City Council determines, in good faith and based upon substantial evidence in the record, that Landowner has not complied in good faith with the terms and conditions of this Agreement during the period under review, the City Council may issue a Notice of Breach (as defined in Section 8.2) and exercise the remedies set forth in Section 8.1.

7.3 No Waiver. Failure of Landowner to provide an annual report or failure of City to conduct an annual review hearing shall not constitute a default under this Agreement or a waiver by City of its rights to otherwise enforce the provisions of this Agreement nor shall Landowner have or assert any defense to such enforcement by reason of any failure to conduct an annual review. City does not waive any claim of defect or breach by Landowner if, following periodic review pursuant to this Article 7, City does not propose to modify or terminate this Agreement.

ARTICLE 8
DEFAULT, REMEDIES AND TERMINATION

8.1 Remedies for Breach. City and Landowner acknowledge that the purpose of this Agreement is to carry out the Parties' objectives as set forth in the recitals. City and Landowner agree that to determine a sum of money which would adequately compensate either Party for choices they have made which would be foreclosed should the Property not be developed as contemplated by this Agreement is not possible and that damages would not be an adequate remedy. Therefore, City and Landowner agree that in the event of a breach of this Agreement, the only remedies available to the non-breaching Party shall be: (1) suits for specific performance to remedy a specific breach, (2) suits for declaratory or injunctive relief, (3) suits for mandamus under Code of Civil Procedure Section 1085, and/or 1094.5, and (4) termination or cancellation of this Agreement or, at the option of City in the event of breach by Landowner, termination of the rights of Landowner under this Agreement. Except for attorney's fees and associated costs as set forth herein, monetary damages shall not be awarded to either Party. This exclusion on damages is limited to a breach of this Agreement and shall not preclude actions by a Party to enforce payments of monies due or the performance of obligations requiring the expenditures of money under the terms of this Agreement or Applicable Laws. All of these remedies shall be cumulative and not exclusive of one another, and the exercise of any one or more of these remedies shall not constitute a waiver or election with respect to any other available remedy.

8.2 Notice of Breach. Prior to the initiation of any action for relief specified in Section 8.1 above because of an alleged breach of this Agreement, the Party claiming breach (the "Complaining Party") shall deliver to the other Party (the "Defaulting Party") a written notice of breach (the "Notice of Breach"). The Notice of Breach shall specify the reasons for the allegation of breach with reasonable particularity. The Defaulting Party shall have thirty (30) days to either: (a) use good faith efforts to cure the breach or, if such cure is of the nature to take longer than 30 days, to take reasonable actions to commence curing the breach during the thirty (30) day period and diligently complete such cure; or (b) if in the determination of the Defaulting Party, the event does not constitute a breach of this Agreement, the Defaulting Party, within thirty (30) days of receipt of the Notice of Breach, shall deliver to the Complaining Party a "Notice of Non-Breach,"

which sets forth with reasonable particularity the reasons that a breach has not occurred. Failure to respond within the thirty (30) days shall not be deemed an admission of the breach, but the Complaining Party may proceed to pursue its remedies under this Article 8.

8.2.1 Mutual Agreement for Cure of Certain Defaults. If the Defaulting Party believes that the breach cannot practically be cured within the thirty (30)-day period, the Defaulting Party shall not be deemed in breach provided that: (a) the cure shall be commenced during the thirty (30)-day period after receipt of the Notice of Breach; (b) within the thirty (30)-day period, the Defaulting Party provides a schedule to the Complaining Party for cure of the breach, subject to the reasonable approval of the Complaining Party; and (c) the cure is completed in accordance with the schedule agreed to by the Parties, or such additional time as may be agreed to by the Complaining Party. If the Parties cannot mutually agree on a schedule for cure of the breach, at the conclusion of the initial thirty (30)-day period, the Complaining Party may issue a Notice of Breach and proceed to pursue its remedies under this Article 8.

8.3 Failure to Assert; No Waiver. Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any breach shall not operate as a waiver of any breach or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies, irrespective of the length of the delay, shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies, nor constitute a waiver of such party's right to demand strict compliance by such other Party in the future. No waiver by a Party of a breach shall be effective or binding upon such Party unless made in writing by such Party, and no such waiver shall be implied from any omission by a party to take any action with respect to such breach.

8.4 Termination by Mutual Consent. This Agreement may be voluntarily terminated in whole or in part by the mutual consent of the Parties or their successors in interest, in the sole and absolute discretion of each as to its consent, in accordance with the provisions of Resolution No. 371-81 and the Development Agreement Statute.

8.5 Effect of Termination on Landowner's Obligations.

8.5.1 Notwithstanding any other provision to the contrary, termination or cancellation of this Agreement or termination of the rights of Landowner as to the entire Property, or any part the Property, shall not affect any requirement to comply with the Vested Entitlements the terms and conditions of any other Subsequent Approval, nor any payments then due and owing to City, nor shall it affect the covenants of Landowner specified in Section 8.5.2 below, to continue after the termination or cancellation of this Agreement, nor shall termination of this Agreement as to all or any portion of the Property result in termination of Subsequent Approvals that would not otherwise have expired pursuant to Existing City Laws.

8.5.2 Notwithstanding anything in this Agreement to the contrary, the following provisions of this Agreement shall survive and remain in effect following termination or cancellation of this Agreement for so long as necessary to give them full force and effect with respect to claims or rights of City arising prior to termination or cancellation:

(a) Section 8.1 (Remedies; limitation on damages and exceptions thereto; accrued obligations);
(b) Section 8.5.1 (Landowner's obligations upon termination or cancellation);
(c) Section 12.2 (Indemnification); and
(d) Section 14.1 and 14.1.1 (Third Party Challenges; Indemnification).

ARTICLE 9
ESTOPPEL CERTIFICATE

Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party, (a) this Agreement is in full force and effect and is a binding obligation of the Parties, (b) this Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, to describe the nature of any defaults, and (d) such other information as the other Party may reasonably request. The Party receiving a request under Article 9 shall execute and return the certificate within thirty (30) days following receipt of the request. The City Manager shall be authorized to execute any certificate requested by Landowner. Landowner and City acknowledge that a certificate hereunder may be relied upon by transferees, tenants, investors, partners, bond counsel, underwriters, and Mortgagees. The request shall clearly indicate that failure of the receiving Party to respond within the thirty (30) day period will lead to a second and final request. Failure to respond to the second and final request within fifteen (15) days following receipt of the second request shall be deemed approval of the estoppel certificate.

ARTICLE 10
TRANSFERS, ASSIGNMENTS

10.1 Agreement Runs with the Land.

10.1.1 This Agreement and all of its provisions, agreements, rights, powers, standards, terms, covenants and obligations, shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons or entities acquiring the Property or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns.

10.1.2 All of the provisions of this Agreement shall be enforceable during the Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to Section 1468 of the California Civil Code. Each covenant to do or refrain from doing some act on the Property hereunder, (a) is for the benefit of the Property and is a burden upon the Property, (b) runs with the Property, and (c) is binding upon Landowner and each successive owner during its ownership of the Property or any portion thereof (subject to the terms of Section 11.2 below), and each person or entity having any interest in the Property. Every person who now or hereafter owns or acquires any right, title or interest in or to

any portion of the Property is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

10.2 Right to Assign. Landowner shall have the right to assign (by sale, transfer, or otherwise) its rights and obligations under this Agreement as to any portion of the Project to any person, business entity, association, organization, or other similar entity ("Assignee"). Landowner's right to assign shall not be subject to City's approval.

10.3 Release Upon Assignment. Upon the express written assumption by the Assignee of Landowner's rights and interests under this Agreement (the "Assignment Agreement"), and Landowner's delivery of a conformed copy of the recorded Assignment Agreement to City, Landowner shall be free from any and all liabilities accruing on or after the date of assignment with respect to those obligations assumed by the Assignee pursuant to the Assignment Agreement.

ARTICLE 11
MORTGAGEE PROTECTION

11.1 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property or any portion of the Property after the date of recording of this Agreement, including the lien of any deed of trust or mortgage ("Mortgage"). Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement (including but not limited to City's remedies to terminate the rights of Landowner (and its successors and assigns) under this Agreement, to terminate this Agreement, and to seek other relief as provided in this Agreement) shall be binding upon and effective against any person or entity, including any deed of trust beneficiary or mortgagee ("Mortgagee") who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

11.2 Mortgagee Not Obligated. Notwithstanding the provisions of Section 11.1 above, no Mortgagee shall have any obligation or duty under this Agreement to construct or complete the construction of improvements on the Property, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements on the Property other than those uses or improvements provided for or authorized by this Agreement, or otherwise under Applicable Law.

11.3 Notice of Default to Mortgagee. If City receives a written notice from a Mortgagee, Landowner or any approved assignee requesting a copy of any notice of default given Landowner or any approved or permitted assignee and specifying the address for service, then City shall deliver to the Mortgagee at Mortgagee's cost (or Landowner's cost), concurrently with service to Landowner, any notice given to Landowner with respect to any claim by City the Landowner is in default under this Agreement, and if City makes a determination of default, City shall if so requested by the Mortgagee likewise serve at Mortgagee's cost (or Landowner's cost) notice of noncompliance on the Mortgagee concurrently with service on Landowner. Each Mortgagee shall have the right during the same period available to Landowner to cure or remedy, or to commence

to cure or remedy, the event of default claimed or the areas of noncompliance set forth in City's notice.

11.4 No Supersedure. Nothing in Article 11 shall be deemed to supersede or release a Mortgagee or modify a Mortgagee's obligations under any subdivision improvement agreement or other obligation incurred with respect to the Property outside this Agreement, nor shall any provision of Article 11 constitute an obligation of City to the Mortgagee, except as to the notice requirements of Section 11.3.

ARTICLE 12
INDEMNIFICATION

12.1 No Duty of City; Hold Harmless. It is specifically understood and agreed by the Parties that the development contemplated by this Agreement is a private development, that City has no interest in or responsibility for or duty to third persons concerning any of said improvements, and that Landowner shall have full power over and exclusive control of the Property subject only to the limitations and obligations of Landowner under this Agreement.

12.2 Indemnification and Duty to Defend.

(a) To the fullest extent permitted by law, Landowner hereby agrees to and shall immediately defend, indemnify, and hold City and its elected and appointed representatives, officers, agents, and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Landowner's operations under this Agreement, excepting suits or actions brought by Landowner for default of the Agreement or to the extent arising from the intentional acts, sole negligence, or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors, or of a third party ("Indemnified Party").

(b) This indemnification and hold harmless agreement apply to all damages and claims for damages suffered or alleged to have been suffered by reason of Landowner's performance of its obligations under this Agreement, regardless of whether or not City prepared, supplied, or approved plans or specifications for the Property, but does not apply to damages and claims for damages caused by City with respect to public improvements and facilities after City has accepted responsibility for them.

(c) The duty to defend is a separate and distinct obligation from Landowner's duty to indemnify. Subject to the limitations or requirements stated in this Agreement, Landowner shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel reasonably approved by the Indemnified Party immediately upon tender to Landowner, which shall be made to Landowner promptly upon it becoming known to the Indemnified Party. An allegation or determination of the sole negligence or willful misconduct by the Indemnified Party shall not relieve Landowner from its separate and distinct obligation to defend the Indemnified Party. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes the obligation to provide independent defense counsel of Landowner's sole choosing if Landowner asserts that liability is caused in whole or in part by the sole negligence

or willful misconduct of the Indemnified Party.

ARTICLE 13
NOTICES

13.1 Notices. Any notice to either Party shall be in writing and given by delivering the notice in person or by sending the notice by registered or certified mail, or Express Mail, return receipt requested, with postage prepaid, to the Party's mailing address.

13.2 Mailing Addresses. The respective mailing addresses of the Parties are, until changed as hereinafter provided, the following:

City:	City of Milpitas 455 East Calaveras Blvd. Milpitas, CA 95035 Attn: City Manager
With a copy to:	City of Milpitas 455 East Calaveras Blvd. Milpitas, CA 95035 Attn: City Attorney
Landowner:	Stratford Schools, Inc. 1999 S. Bascom Ave. Suite 400 Campbell, CA 95008 Attn: Mark Philpott
With a copy to:	STORE Master Funding IV, LLC 8377 E. Hartford Drive, Suite 100 Scottsdale, AZ 85255 Attn:

Either Party may change its mailing address at any time by giving ten (10) days' notice of such change in the manner provided for in this section. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal delivery is effectuated or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. Nothing in this provision shall be construed to prohibit communication by facsimile transmission or email, so long as an original is sent by first class mail, commercial carrier or is hand-delivered.

ARTICLE 14

MISCELLANEOUS

14.1 Third-Party Legal Challenge. In the event of any legal action, claim, or proceeding instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the CEQA documentation of this Agreement or any approvals hereunder, or the Vested Entitlements ("Third Party Challenge"), the responsibilities of the Parties shall be as follows.

14.1.1 Indemnification

(a) The Landowner shall defend, indemnify, and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees and agents from any Third Party Challenge against the City, its City Council, its boards and commissions, officials, officers, employees and agents to attack, set aside, void, or annul this Agreement, or the Vested Entitlements and shall indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees and agents against any and all third-party attorneys' fees, court costs and other liabilities determined by a court to be arising out of such Third Party Challenge.

(b) The City shall promptly notify the Landowner of the Third Party Challenge and shall cooperate fully in the defense of the Third Party Challenge, including but not limited to decisions about selection of counsel, settlement, preparation of the administrative record (if any) and litigation strategies.

(c) Under no circumstances shall subsections (a) – (b) above require Landowner to pay or perform any settlement arising out of a Third Party Challenge unless the settlement is expressly approved by Landowner.

14.1.2 Invalidity. If any part of this Agreement is held by a court of competent jurisdiction to be invalid or unlawful as the result of a Third Party Challenge or otherwise, the Parties shall use their best efforts to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Agreement, and then to adopt or re-enact such part of this Agreement as necessary or desirable to permit implementation of this Agreement.

14.2 Applicable Law/Venue/Attorneys' Fees and Costs. This Agreement shall be construed and enforced in accordance with the laws of the State of California, excluding its conflict of laws provisions. Any legal actions under this Agreement shall be brought only in the Superior Court of the County of Santa Clara, State of California. Should any legal action or arbitration be brought by either Party because of breach of this Agreement or to enforce any provision of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and such other costs as may be found by the court.

14.3 Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person, by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other person or

circumstance and the same shall remain in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

14.4 Nondiscrimination Clause. Landowner covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, ancestry, or national origin in the development of the Property in furtherance of this Agreement. The foregoing shall run with the land.

14.5 Construction of Agreement. The provisions of this Agreement and the Exhibits shall be construed as a whole according to their common meaning and not strictly for or against any Party in order to achieve the objectives and purpose of the Parties. The captions preceding the text of each Article, Section, Subsection and the Table of Contents are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Agreement. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neuter genders, or vice versa. All references to "person" shall include, without limitation, any and all corporations, partnerships or other legal entities.

14.6 Other Necessary Acts. Each Party covenants, on behalf of itself and its successors, heirs and assigns, to take all actions and do all things, and to execute, with acknowledgment or affidavit if required, any and all further instruments, documents and writings as may be reasonably necessary or proper to achieve the purposes and objectives of this Agreement and to secure the other party the full and complete enjoyment of its rights and privileges hereunder.

14.7 Applicable Law. This Agreement, and the rights and obligations of the Parties, shall be construed by and enforced in accordance with the laws of the State of California, excluding its conflict of laws provisions.

14.8 Equal Authorship. This Agreement has been reviewed by legal counsel for both the Landowner and City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

14.9 Time. Time is of the essence of this Agreement and of each and every term and condition hereof.

14.10 Subsequent Projects. After the Effective Date of this Agreement, the City may approve other projects that place a burden on the City's infrastructure; however, it is the intent and agreement of the Parties that the Landowner's right to build and occupy the Project, as described in this Agreement, shall not be diminished despite the increased burden of future approved development on public facilities.

14.11 Entire Agreement. This written Agreement and the Exhibits contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof. Except as otherwise specified in this Agreement, any prior correspondence, memoranda,

agreements, warranties or representations are superseded in total by this Agreement and Exhibits.

14.12 Form of Agreement; Exhibits. This Agreement is executed in three duplicate originals, each of which is deemed to be an original. This Agreement, including its exhibits constitutes the entire understanding and agreement of the parties. Said exhibits are identified as follows:

Exhibit A-1 and A-2: Property Description and Site Map

14.13 No Third Party Beneficiary. This Agreement and all of its terms, conditions, and provisions are entered into only for the benefit of the Parties executing this Agreement (and any successor in interest) and not for the benefit of any other individual or entity.

14.14 Authority. The Parties hereby represent that the person hereby signing this Agreement on behalf of each respective Party has the authority to bind the Party to the Agreement.

14.15 Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same Agreement.

(SIGNATURES ARE ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"City"

CITY OF Milpitas,
A Charter City

By:_____
Ned Thomas,
City Manager

Date:_____

Attest:

_____
Suzanne Guzzetta, City Clerk

Approved as to Form:

_____
Michael Mutalipassi, City Attorney

"Stratford Schools, Inc., Landowner"

By _____
Name:
Title: President

By _____
Name:
Title: Chairman of the Board

Date: _____

STORE Master Funding IV, LLC

By _____
Its

ACKNOWLEDGMENT

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

State of California
County of_____)

On_____before me, _____
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature_____**(Seal)**

EXHIBIT "A-1”
Legal Description

EXHIBIT “A-2”

Site Plan

DRAFT – FOR DISCUSSION ONLY

Stratford Preparatory School - Milpitas

Stratford Schools
1323 Great Mall Drive, Milpitas, CA 95035

PROJECT DESCRIPTION

THE PROJECT SCOPE INCLUDES THE ALTERATION OF AN EXISTING 51,740 SF GROUP B OFFICE BUILDING FOR USE AS A GROUP E MIDDLE SCHOOL / HIGH SCHOOL FOR 500 STUDENTS WITH MIXED OCCUPANCY GROUP B ADMINISTRATIVE SPACES, THE CONSTRUCTION OF A NEW 7,883 SF GROUP E GYM, A 600 SF CANOPY, AND A 291 SF TRASH ENCLOSURE ON THE SITE, AS WELL AS ASSOCIATED SITE WORK TO SUPPORT THE SCHOOL INCLUDING AN ARTIFICIAL TURF PLAY AREA AND MINOR PARKING, DROP-OFF / PICK-UP, AND SITE CIRCULATION MODIFICATIONS.

THE EXISTING BUILDING WILL REQUIRE A SEISMIC UPGRADE DUE TO THE CHANGE IN PRIMARY OCCUPANCY FROM B TO E WITH AN OCCUPANT LOAD GREATER THAN 250, AND THE CORRESPONDING CHANGE IN THE RISK CATEGORY FROM II TO III.

GENERAL

G-001 GENERAL INFORMATION

CIVIL

C-1 EXISTING CONDITIONS MAP & PRELIMINARY DEMOLITION PLAN
C-2 PRELIMINARY GRADING & DRAINAGE PLAN
C-3 PRELIMINARY UTILITY PLAN
C-4 PRELIMINARY STORMWATER CONTROL PLAN
C-5 PRELIMINARY HORIZONTAL CONTROL & STRIPING PLAN AND FIRE APPARATUS TURNING PATH
C-6 GARBAGE TRUCK TURNING PATHS
C-8 PRELIMINARY RECYCLED WATER IRRIGATION SERVICE

LANDSCAPE

L-1.0 PLANTING PLAN

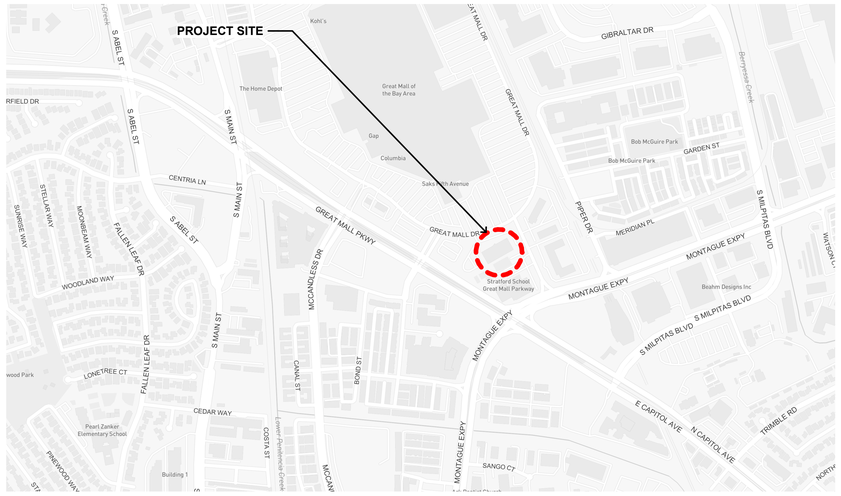
ELECTRICAL

E 0.0 ELECTRICAL GENERAL INFORMATION
ES1.0 ELECTRICAL SITE PLAN
EP1.0 ELECTRICAL SITE PHOTOMETRIC PLAN

ARCHITECTURAL

A-001 CODE ANALYSIS
A-002 CODE ANALYSIS
A-010 CODE ANALYSIS SITE PLAN
A-011 CODE ANALYSIS FLOOR PLANS
A-201 1ST FLOOR PLAN
A-202 2ND FLOOR PLAN
A-203 ROOF PLAN
A-300 SITE ELVATIONS
A-301 EXTERIOR ELEVATIONS - MAIN
A-302 EXTERIOR ELEVATIONS - GYM
A-814 EXTERIOR DETAILS - SITE, TRASH ENCLOSURE

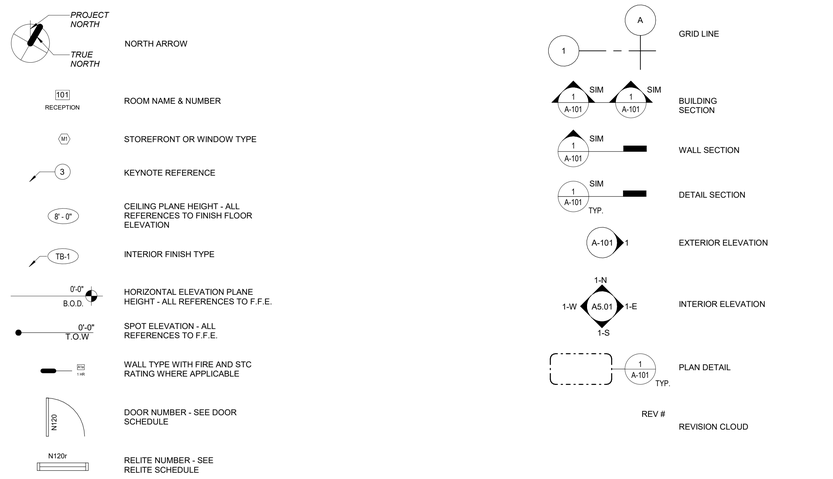
VICINITY MAP



ABBREVIATIONS

∠	ANGLE	(E)	EXISTING	JAN	JANITOR	R	RADIUS	W/	WITH
&	AND	EA	EACH	JT	JOINT	RD	ROOF DRAIN	W/O	WITHOUT
AB	ANCHOR BOLT	EF	EXHAUST FAN	JST	JOIST	REF	REFERENCE	WC	WATER CLOSET
ACT	ACOUSTICAL CEILING TILE	EJ	EXPANSION JOINT			REFR	REFRIGERATOR	WD	WOOD
ADD	ADDENDUM	EL	ELEVATION	L	LENGTH	REQ'D	REQUIRED	WF	WIDE FLANGE
AESS	ARCHITECTURAL EXPOSED STRUCTURAL STEEL	ELEC	ELECTRICAL	LAV	LAVATORY	REV	REVISE OR REVISION	WH	WATER HEATER
		EOS	EDGE OF SLAB	LB	LAG BOLT	RM	ROOM	WP	WATERPROOFING
AFF	ABOVE FINISH FLOOR	ENGR	ENGINEER	LKR	LOCKER	RO	ROUGH OPENING	WRB	WATER-RESISTIVE BARRIER
ALS	AREA LIGHT STANDARD	EQ	EQUAL	LS	LANDSCAPING	RCP	REFLECTED CEILING PLAN	WS-	WINDOW SHADES
ALUM	ALUMINUM	EQUIP	EQUIPMENT	LVR	LOUVER			WSCT	WAINSCOT
ANOD	ANODIZED	ES	EACH SIDE			SAHTS	SELF ADHERED HIGH TEMPERATURE SHEET	WT	WEIGHT
AP-	ACCESS PANEL - (SIZE)	EW	EACH WAY	MATL	MATERIAL		
AVG	AVERAGE	EXP	EXPANSION	MB	MARKERBOARD	SAM	SELF-ADHERED MEMBRANE		
		EXT	EXTERIOR	MAX	MAXIMUM	SC	SOLID CORE		
BD	BOARD	EX	EXISTING	ME	MATCH EXISTING	SECT	SECTION		
BLDG	BUILDING			MECH	MECHANICAL	SF	SQUARE FOOT		
BLKG	BLOCKING	FA	FIRE ALARM	MED	MEDIUM	SHTG	SHEATHING		
BM	BENCH MARK	FD	FLOOR DRAIN	MEZZ	MEZZANINE	SHWR	SHOWER		
BOT	BOTTOM	FDN	FOUNDATION	MFR	MANUFACTURER	SHT	SHEET		
BTWN	BETWEEN	FE	FIRE EXTINGUISHER	MIN	MINIMUM	SIM	SIMILAR		
		FEC	FIRE EXTINGUISHER CABINET	MIR	MIRROR	SJ	SEISMIC JOINT		
C	CHANNEL			MISC	MISCELLANEOUS	SM	SHEET METAL		
CB	CATCH BASIN	FF	FINISH FLOOR	MTD	MOUNTED	SQ	SQUARE		
CCTV	CLOSED CIRCUIT TV	FIN	FINISH	MTL	METAL	SS	STAINLESS STEEL		
CG	CORNER GUARD	FL	FLOOR			STD	STANDARD		
CIP	CAST IN PLACE CONCRETE	FO	FACE OF	(N)	NEW	STL	STEEL		
CLG	CEILING	FOC	FACE OF CONCRETE	NA	NOT APPLICABLE	STOR	STORAGE		
CLR	CLEAR	FOF	FACE OF FINISH	NIC	NOT IN CONTRACT	STRUCT	STRUCTUAL		
CJ	CONTROL JOINT	FOM	FACE OF MASONRY	NOM	NOMINAL	SUSP	SUSPENDED		
CMU	CONCRETE MASONRY UNIT	FOS	FACE OF STUD	NS	NELSON STUD				
CONC	CONCRETE	FRT	FIRE RETARDANT TREATED	NTS	NOT TO SCALE	T/M	TO MATCH		
CONT	CONTINUOUS	FTG	FOOTING			T	TEMPERED GLAZING		
CORR	CORRIDOR	FURR	FURRING	OA	OVERALL	TC	TOP OF CURB		
CR	CLASSROOM			OC	ON CENTER	TEL	TELEPHONE		
CSJ	CONSTRUCTION JOINT	GA	GAUGE	OD	OVERFLOW DRAIN	T&G	TONGUE AND GROOVE		
CSMT	CASEMENT	GALV	GALVANIZED	OD	OUTSIDE DIAMETER	THK	THICK		
CT	CERAMIC TILE	GB	GRAB BAR	OFCI	OWNER FURNISHED CONTRACTOR INSTALLED (SEE 01 10 00)	TO	TOP OF		
CTR	CENTER	GC	GENERAL CONTRACTOR			TOD	TOP OF DECK		
CL.℄	CENTERLINE	GL	GLASS			TOS	TOP OF STRUCTURE		
		GND	GROUND	OFOI	OWNER FURNISED OWNER INSTALLED (SEE 01 10 00)	TJ	TOOL JOINT		
DBL	DOUBLE	GWB	GYPSUM WALL BOARD			TP	TOILET PAPER		
DTL	DETAIL			OH	OVERHEAD	TS	TUBE STEEL		
DF	DRINKING FOUNTAIN	HB	HOSE BIBB	OPNG	OPENING	TYP	TYPICAL		
DIA	DIAMETER	HC	HANDICAP	OPP	OPPOSITE				
DIAG	DIAGONAL	HM	HOLLOW METAL	OS	OUTSIDE	UNFIN	UNFINISHED		
DIM	DIMENSION	HPC	HIGH PERFORMANCE COATING			UNO	UNLESS NOTED OTHERWISE		
DISP	DISPENSER	HVAC	HEATING, VENTILATION AND AIR CONDITIONING	PL	PROPERTY LINE	UON	UNLESS OTHERWISE NOTED		
DN	DOWN			PLAM	PLASTIC LAMINATE				
DP	DAMPPROOFING	HW	HOT WATER	PLYWD	PLYWOOD	VB	VAPOR BARRIER		
DR	DOOR			PSF	PER SQUARE FOOT	VERT	VERTICAL		
DS	DOWNSPOUT	INSUL	INSULATION	PT	PRESSURE TREATED	VEST	VESTIBULE		
DWG	DRAWING	I.S.	INSIDE	PTD	PAINT, PAINTED	VFY	VERIFY		
		INT	INTERIOR	PVMT	PAVEMENT	VIF	VERIFY IN FIELD		

ARCHITECTURAL SYMBOLS



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LICENSED ARCHITECT
JEREMY THEODORE BOND
C-39996
02 - 28 - 2024
RENEWAL DATE
STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
1323 Great Mall Drive, Milpitas, CA 95035

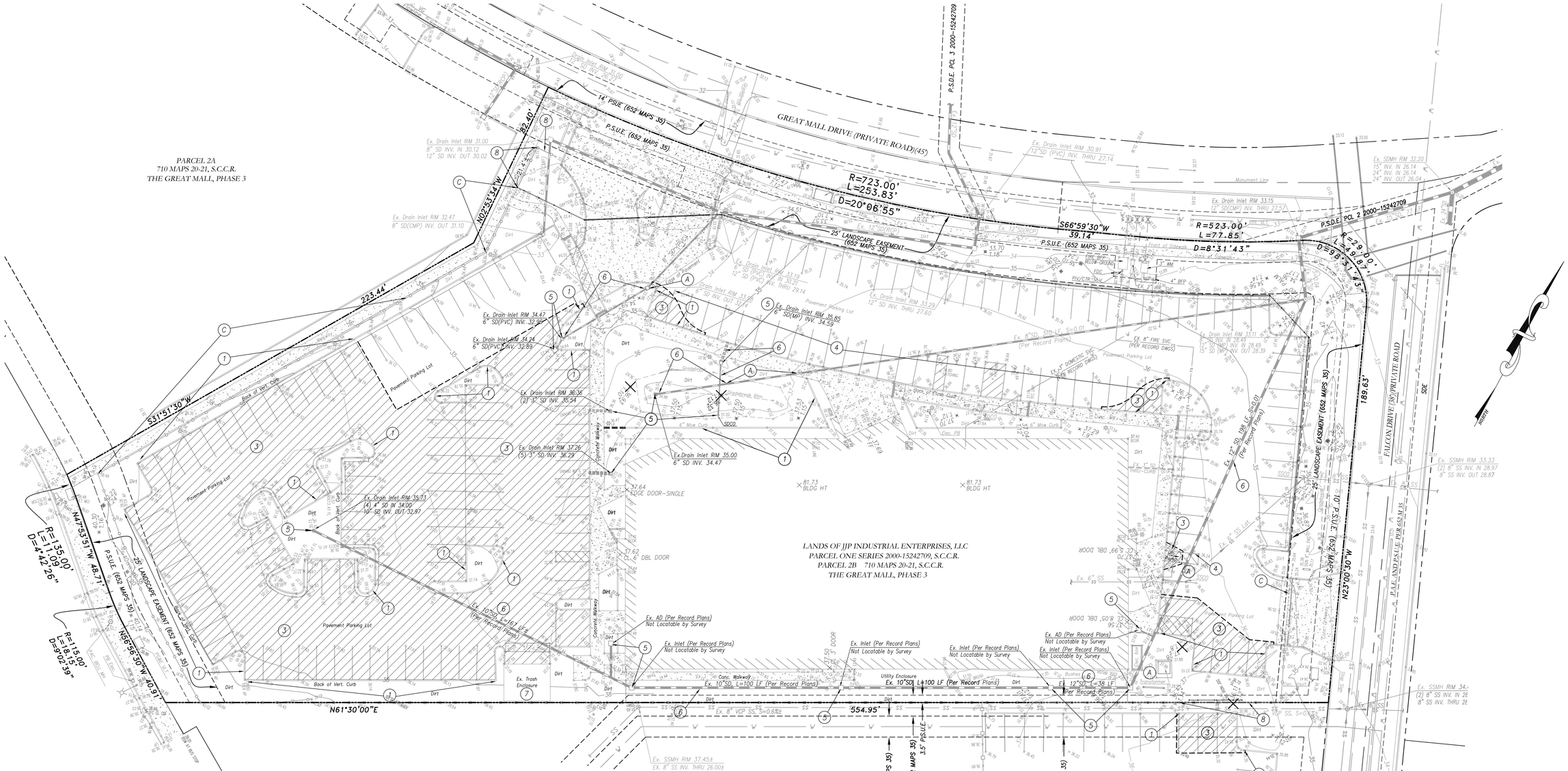
CUP SET
07/112023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

GENERAL INFORMATION

G-001

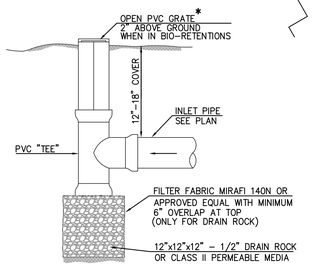

PARCEL 2A
710 MAPS 20-21, S.C.C.R.
THE GREAT MALL, PHASE 3
GREAT MALL DRIVE (PRIVATE ROAD)(457)
P.S.D.E. PCL 3 2000-15242709
P.S.D.E. PCL 2 2000-15242709
14' PSUE (652 MAPS 35)
P.S.U.E. (652 MAPS 35)
25' LANDSCAPE EASEMENT (652 MAPS 35)
R=723.00'
L=253.83'
D=20°06'55"
S66°59'30"W
39.14'
R=523.00'
L=77.85'
D=8°31'43"
R=29.00'
L=49.84'
D=98°31'43"
N0°53'34"W
82.40'
223.44'
S31°51'30"W
N47°53'51"W 48.71'
R=135.00'
L=11.09'
D=4°42'26"
R=150.00'
L=18.15'
D=6°55'59"
N58°36'30"W 40.91'
N61°30'00"E
554.95'
N23°00'30"W
189.63'
FALCON DRIVE (58') PRIVATE ROAD
Pavement Parking Lot
Concrete Walkway
Back of Vert. Curb
Back of Walk
Dock of Trash Compactor
Trash Enclosure
Transformer
Utility Enclosure
Ex. Drain Inlet RIM 34.47
6" SD(PVC) INV. 32.97
Ex. Drain Inlet RIM 34.24
6" SD(PVC) INV. 32.89
Ex. Drain Inlet RIM 36.38
(2) 3" SD INV. 35.54
Ex. Drain Inlet RIM 37.26
(5) 3" SD INV. 36.29
Ex. Drain Inlet RIM 35.73
(4) 4" SD IN 34.00
10" SD INV. OUT 32.97
Ex.Drain Inlet RIM 35.00
6" SD INV. 34.47
Ex. Drain Inlet RIM 35.85
6" SD(MP) INV. 34.50
Ex. Drain Inlet RIM 31.00
8" SD INV. IN 30.12
12" SD INV. OUT 30.02
Ex. Drain Inlet RIM 32.47
8" SD(CMP) INV. OUT 31.10
Ex. Drain Inlet RIM 33.15
12" SD(CMP) INV. THRU 27.57
Ex. Drain Inlet RIM 30.91
12" SD (PVC) INV. THRU 27.14
Ex. SDMH RIM 32.20
15" INV. IN 26.14
24" INV. IN 26.14
24" INV. OUT 26.04
Ex. Drain Inlet RIM 33.11
15" INV. IN 28.49
15" SD (MP) INV. OUT 28.39
Ex. SSMH RIM 33.33
(2) 8" SS INV. IN 28.97
8" SS INV. OUT 28.87
Ex. SSMH RIM 37.45±
EX. 8" SS INV. THRU 26.00±
Ex. 8" VCP SS, S=0.62%
Ex. 8" SS, S=0.01
Ex. 6" SS
Ex. 8" FIRE SVC (PER RECORD DWGS)
Ex. 6" DOMESTIC SVC (PER RECORD DWGS)
Ex. 12" SD, 198 LF, S=0.01 (Per Record Plans)
Ex. 10" SD, L=161 LF (Per Record Plans)
Ex. 10" SD, L=100 LF (Per Record Plans)
Ex. 10" SD, L+100 LF (Per Record Plans)
Ex. 12" SD, L=38 LF (Per Record Plans)
Ex. AD (Per Record Plans) Not Locatable by Survey
Ex. Inlet (Per Record Plans) Not Locatable by Survey
Ex. Trash Enclosure
Ex. 4" GAS
Ex. 6" FIRE SVC
Ex. 4" DOMESTIC SVC
Ex. 4" FIRE SVC
Ex. 4" BFP
Ex. 1" IRR
Ex. 2" DOMESTIC SVC
Ex. 2" IRR
Ex. 2" FIRE SVC
Ex. 2" BFP
Ex. 1" DOMESTIC SVC
Ex. 1" FIRE SVC
Ex. 1" BFP
Ex. 1" IRR
Ex. 1" WM
Ex. 6" WM
Ex. 4" WM
Ex. 2" WM
Ex. 6" DBL DOOR
Ex. 3' DOOR
Ex. 8' DBL DOOR
Ex. 6' DBL DOOR
Ex. 3' DOOR
Ex. 4' DOOR
Ex. 6'

PRELIMINARY GRADING & DRAINAGE PLAN

SCALE: 1" = 20'

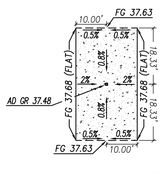
LEGEND

- PROPERTY LINE
- PROPOSED PEDESTRIAN ACCESS EASEMENT
- EXISTING EASEMENT AS NOTED
- SAWCUT LINE
- NEW ASPHALT PAVEMENT
- NEW CONCRETE PAVEMENT

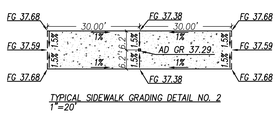


* USE FLAT TOP GRATES FOR LAWN AREAS AND DOMED OR ATRIUM GRATES WHERE MOWING OR TRIPPING IS NOT OF CONCERN & CAST IRON GRATES IN PARKING AREAS.

BUBBLE UP DETAIL
NOT TO SCALE



TYPICAL SIDEWALK GRADING DETAIL NO. 1
1"=20'



TYPICAL SIDEWALK GRADING DETAIL NO. 2
1"=20'

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

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CUP SET

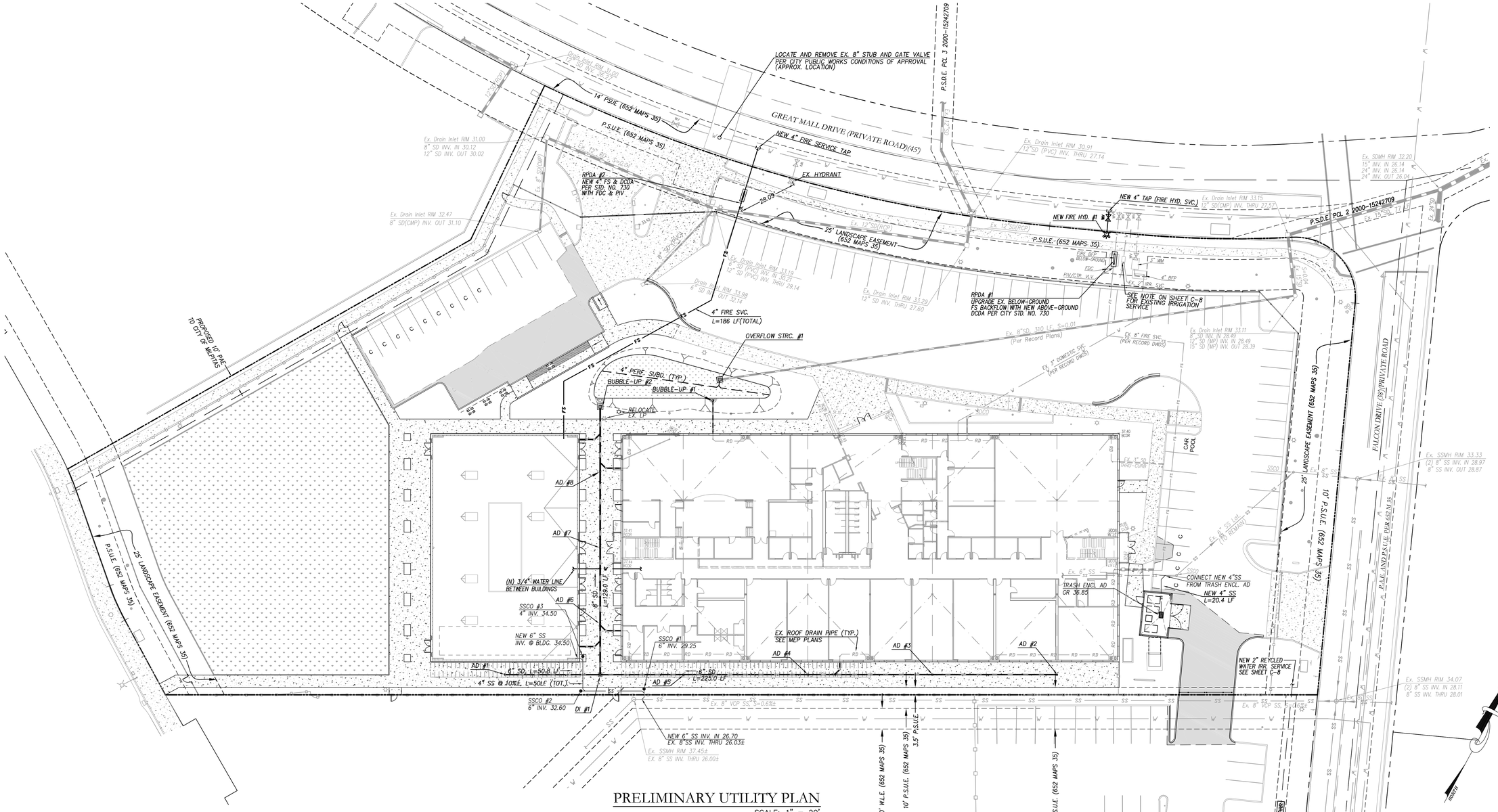
07/11/2023

1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER:

PRELIMINARY GRADING & DRAINAGE PLAN

C-2



PRELIMINARY UTILITY PLAN

SCALE: 1" = 20'

STORM DRAIN SCHEDULE

ITEM	DESCRIPTION / STANDARD DETAIL	QUANTITY
AD #1-5	9"SQ. AREA DRAIN OVER 6" STORM DRAIN PIPE	5
AD #6-8	9"SQ. AREA DRAIN OVER 8" STORM DRAIN PIPE	3
BUBBLE-UP #1	4" OPEN BOTTOM BUBBLE-UP (SEE DETAIL ON SHEET C-2)	1
BUBBLE-UP #2	12"SQ. OPEN BOTTOM BUBBLE-UP (SEE DETAIL ON SHEET C-2)	1
OVERFLOW STRC. #1	18"SQ. OVERFLOW RISER (SEE DETAIL ON SHEET C-4)	1
DI #1	12" SQ. DRAIN INLET (JENSEN PRECAST OR EQUIVALENT)	1
4" PERF. SUBD PIPE	POLYVINYL CHLORIDE GRAVITY PIPE (P.V.C.), SDR-35	80.3 LF
4" STORM DRAIN PIPE	POLYVINYL CHLORIDE GRAVITY PIPE (P.V.C.), SDR-35	16 LF
6" STORM DRAIN PIPE	POLYVINYL CHLORIDE GRAVITY PIPE (P.V.C.), SDR-35	276 LF
8" STORM DRAIN PIPE	POLYVINYL CHLORIDE GRAVITY PIPE (P.V.C.), SDR-35	129 LF

SEWER SYSTEM SCHEDULE

ITEM	DESCRIPTION / STANDARD DETAIL	QUANTITY
TRASH ENCL. AD	TRASH ENCLOSURE AREA DRAIN (SEE ARCH PLANS FOR DETAILS)	1
SSCO #1-#3	SANITARY SEWER CLEAN OUT	3
6" SEWER PIPE (LATERAL)	POLYVINYL CHLORIDE PIPE (PVC), SDR-26	70 LF
CONNECT 6" LAT. TO EX. 8" MAIN	CONNECT 6" SANITARY SEWER PIPE TO EXISTING 8" MAIN	1

WATER SYSTEM SCHEDULE

ITEM	DESCRIPTION / STANDARD DETAIL	QUANTITY
FIRE HYDRANT #1	NEW FIRE HYDRANT AND CHECK VALVE	1
RPDA #1	REPLACE EX. 8" FIRE SERVICE BELOW-GROUND BACKFLOW WITH NEW 8" REDUCED-PRESSURE DETECTOR ASSEMBLY (RPDA) PER CITY STANDARD DETAIL NO. 730	1
RPDA #2, FDC/PIV	NEW REDUCED-PRESSURE DETECTOR ASSEMBLY (RPDA) PER CITY STD. DETAIL NO. 730 WITH FIRE DEPARTMENT CONNECTION (FDC) & POST INDICATOR VALVE (PIV)	1
3/4" DOMESTIC WATER PIPE	3/4" DOMESTIC WATER PIPE FROM EX. BUILDING (SEE MEP PLANS)	SEE MEP
4" FIRE SERVICE	POLYVINYL CHLORIDE PIPE (PVC), C900	186 LF
NEW 4" TAP	NEW 4" TAP TO EXISTING 12" WATER MAIN PER CITY STANDARD DETAIL NO. 708	2
NEW 2" IRR. SERVICE	2" RECYCLED WATER IRRIGATION SERVICE, METER, AND REDUCED-PRESSURE BACKFLOW DEVICE	1
2" RECYCLED WATER PIPE	POLYVINYL CHLORIDE PIPE (PVC), C900 CLASS 200	305 LF

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

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CUP SET

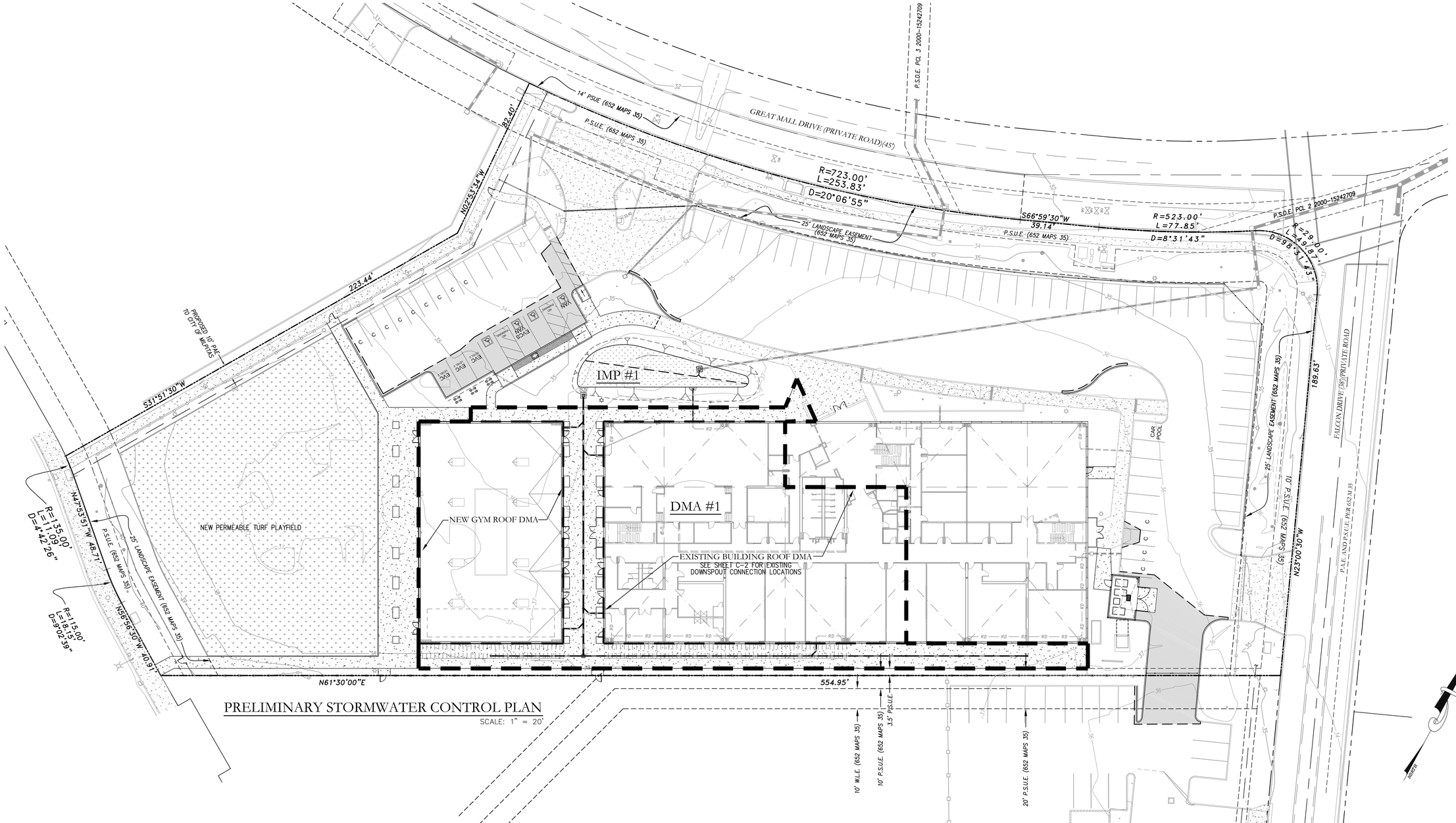
07/11/2023

1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER:

PRELIMINARY UTILITY PLAN

C-3



PRELIMINARY STORMWATER CONTROL PLAN

SCALE: 1" = 20'

LEGEND

- DRAINAGE MANAGEMENT AREA (DMA)
- ROOF DMA AREA
- IMP #1 — BIORETENTION PLANTER SEE TYPICAL DETAIL

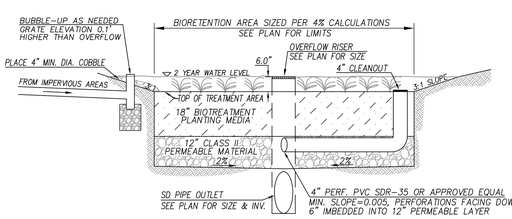
NEW IMPERVIOUS AREA SUMMARY TABLE

NEW IMPERVIOUS AREA SURFACE	AREA (SQ.FT.)
NEW ROOF AREA (GYM + TRASH ENCLOSURE)	8,240
NEW ASPHALT PAVEMENT	3,277
NEW CONCRETE SIDEWALK AND HARDSCAPE	12,495
TOTAL =	24,012
TREATMENT AREA REQUIRED (@ 4%) =	960

NOTE: NEW IMPERVIOUS AREAS WILL BE TREATED BY COMBINATION OF DIRECT RUNOFF CAPTURE AND SWAP AREAS OF EXISTING IMPERVIOUS AREAS (FOR NEW IMPERVIOUS AREAS THAT ARE NOT TRIBUTARY TO THE PROPOSED STORMWATER TREATMENT FACILITY).

DRAINAGE MANAGEMENT AREA (DMA) AND TREATMENT SUMMARY TABLE

DMA NO.	DMA SURFACE BREAKDOWN (SQ.FT.)		TOTAL DMA AREA (SQ.FT.)	TREATMENT METHOD	SIZING METHOD	TREATMENT AREA REQUIRED (SQ.FT.)	TREATMENT AREA PROVIDED (SQ.FT.)
DMA #1	NEW ROOF AREA (GYM)	7,883	30,024	IMP #1 BIO-RETENTION (6" PONDING)	4% OF IMPERVIOUS AREA	1,201	1,245
	EXISTING ROOF AREA	14,548					
	NEW CONCRETE HARDSCAPE	7,593					



TYPICAL BIO-RETENTION PLANTER

NOT TO SCALE

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)

1 inch = 20 ft.

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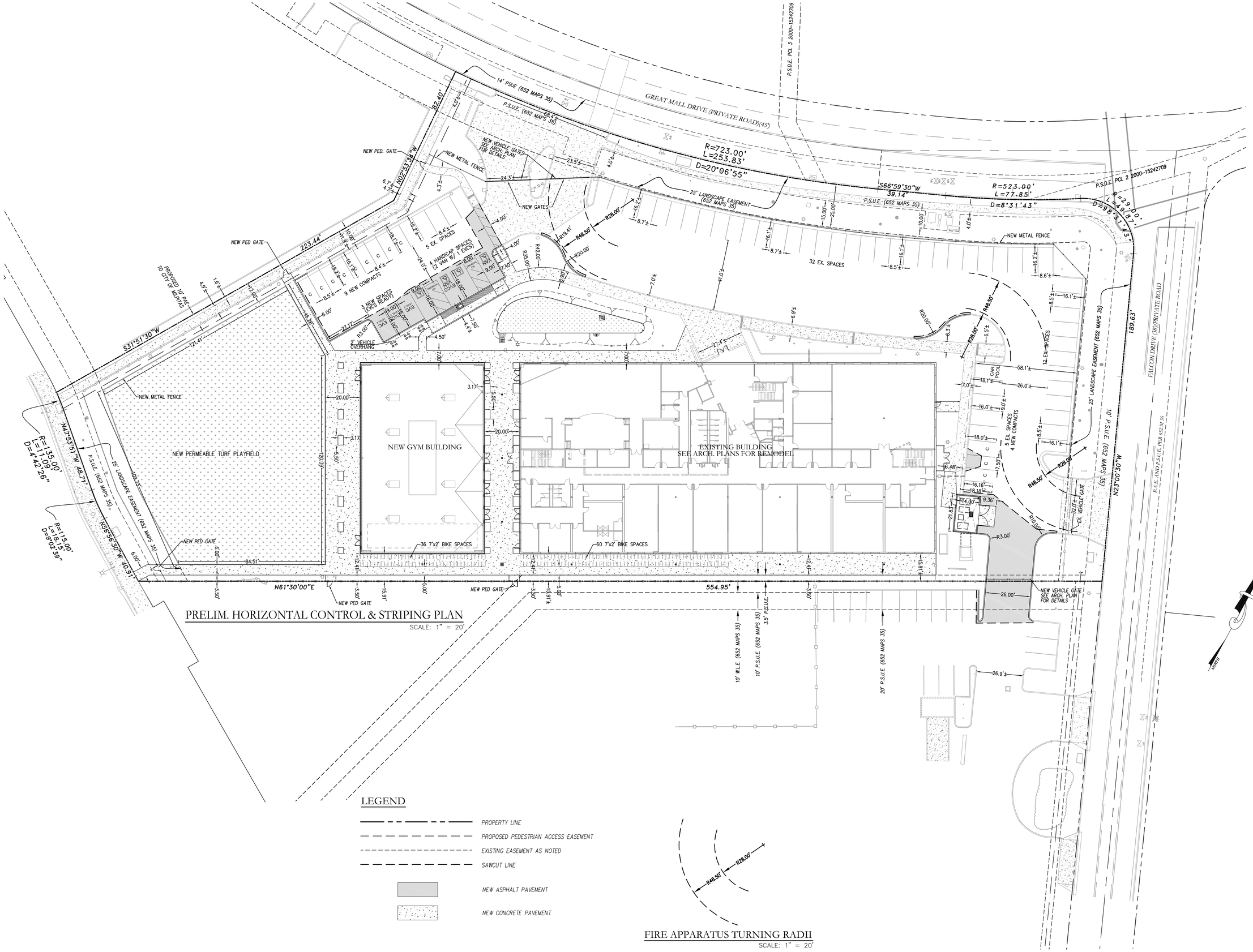
4	05/17/2024	CUP REVISION 4

JOB NUMBER:

PRELIMINARY STORMWATER CONTROL PLAN

C-4



PRELIM. HORIZONTAL CONTROL & STRIPING PLAN

SCALE: 1" = 20'

LEGEND

- PROPERTY LINE
- PROPOSED PEDESTRIAN ACCESS EASEMENT
- EXISTING EASEMENT AS NOTED
- SAWCUT LINE
- NEW ASPHALT PAVEMENT
- NEW CONCRETE PAVEMENT

FIRE APPARATUS TURNING RADII

SCALE: 1" = 20'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

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CUP SET

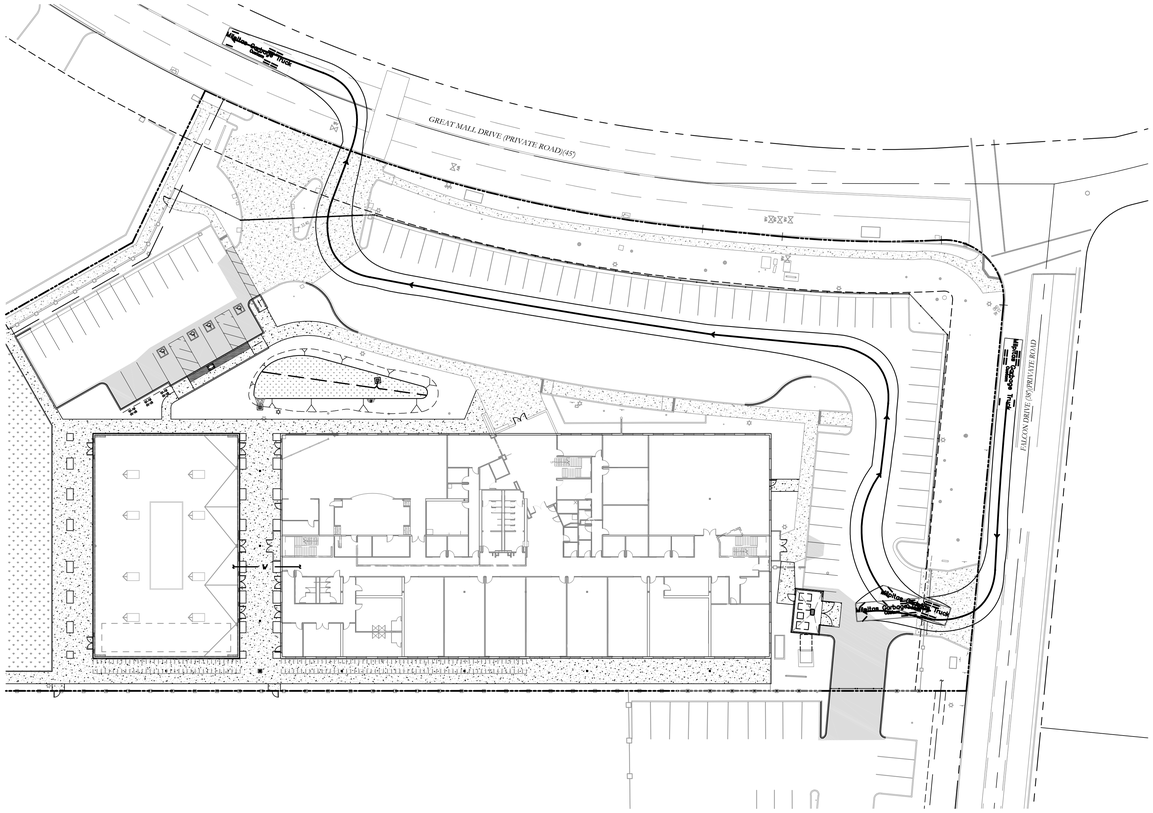
07/11/2023

1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER:

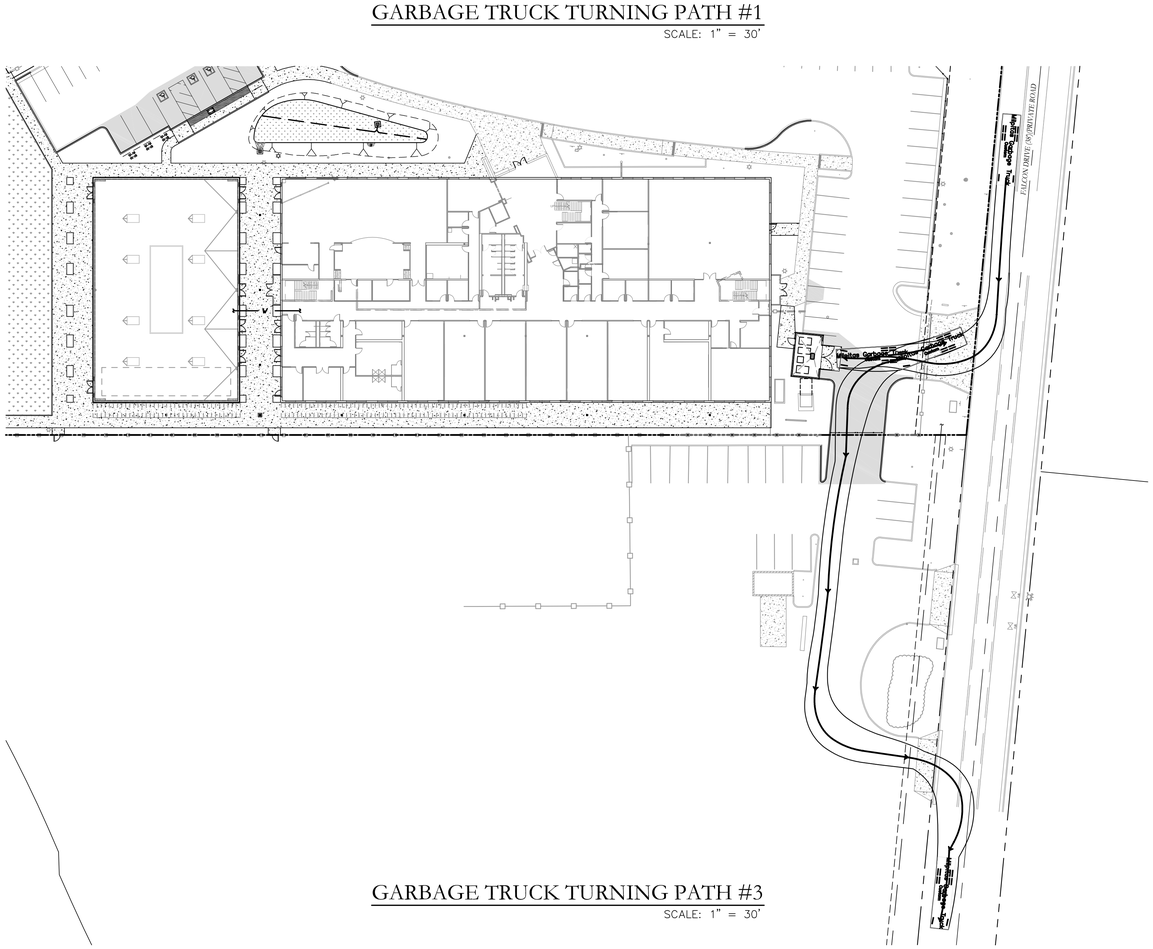
PRELIMINARY HORIZONTAL CONTROL & STRIPING PLAN AND FIRE APPRATUS TURNING PATH

C-5



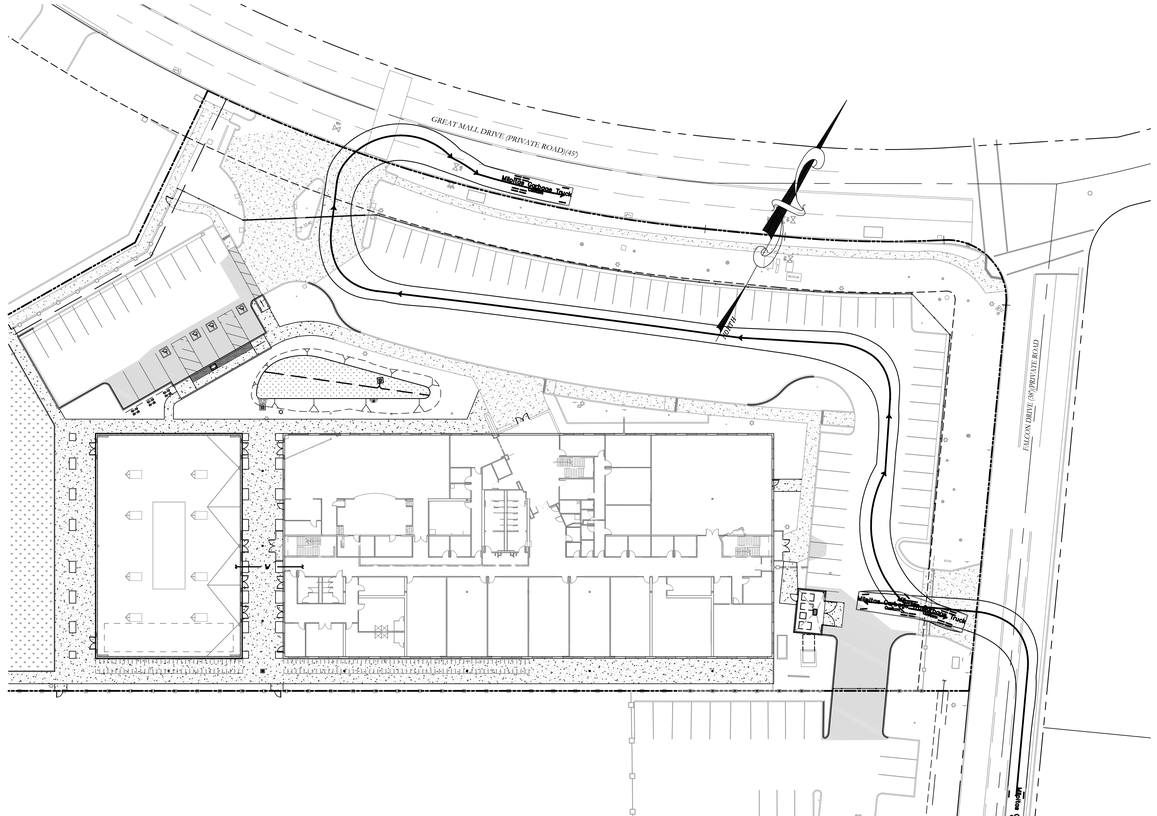
GARBAGE TRUCK TURNING PATH #1

SCALE: 1" = 30'



GARBAGE TRUCK TURNING PATH #3

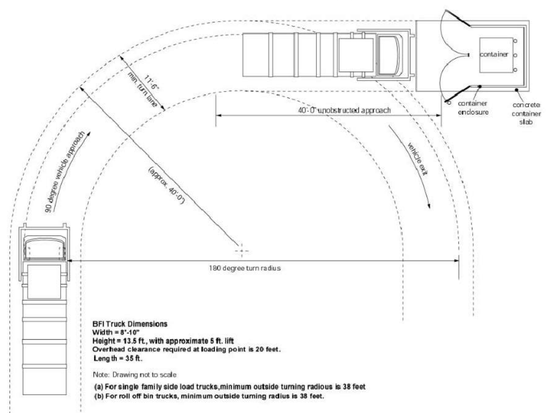
SCALE: 1" = 30'



GARBAGE TRUCK TURNING PATH #2

SCALE: 1" = 30'

Figure 3
Front End Load Collection Truck Access
(see notes (a) and (b) for side load and roll off trucks)



BFI Truck Dimensions
Width = 8'-10"
Height = 13.5 ft., with approximate 5 ft. lift
Overhead clearance required at loading point is 20 feet.
Length = 35 ft.

Note: Drawing not to scale

(a) For single family side load trucks,minimum outside turning radius is 38 feet
(b) For roll off bin trucks, minimum outside turning radius is 38 feet.

GRAPHIC SCALE

30 0 15 30 60 90

(IN FEET)
1 inch = 30 ft.

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CUP SET

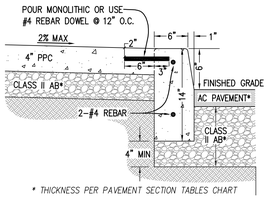
07/11/2023

1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER:

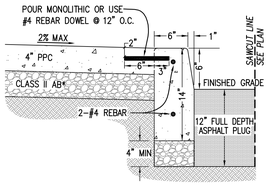
GARBAGE TRUCK TURNING PATHS

C-6



TYPICAL 6" VERTICAL CURB WITH SIDEWALK

NOT TO SCALE



TYPICAL 6" VERTICAL CURB WITH SIDEWALK FOR LESS THAN 4' SAWCUT WIDTH

PAVEMENT SECTIONS TABLES PER SOILS REPORT BY SILICON VALLEY SOIL ENGINEER (NO. SV2595)

TABLE II

PROPOSED ASPHALT PAVEMENT SECTIONS

Location: Proposed Gym
Stratford School
1323 Great Mall Drive
Milpitas, California

	PARKING STALLS			DRIVEWAY		
Design R-Value	6.0			6.0		
Traffic Index	5.0			6.0		
Gravel Equivalent	17.0			21.0		
Recommended Alternate Pavement Sections:	1A	1B	1C	2A	2B	2C
Asphalt Concrete	3.0"	3.5"	4.0"	3.0"	3.5"	4.0"
Class II Baserock (R=78 min.) compacted to at least 95% relative maximum density	10.0"	9.0"	8.0"	12.0"	11.0"	10.0"
Subgrade soil scarified & compacted to at least 90% relative maximum density	12.0"	12.0"	12.0"	12.0"	12.0"	12.0"

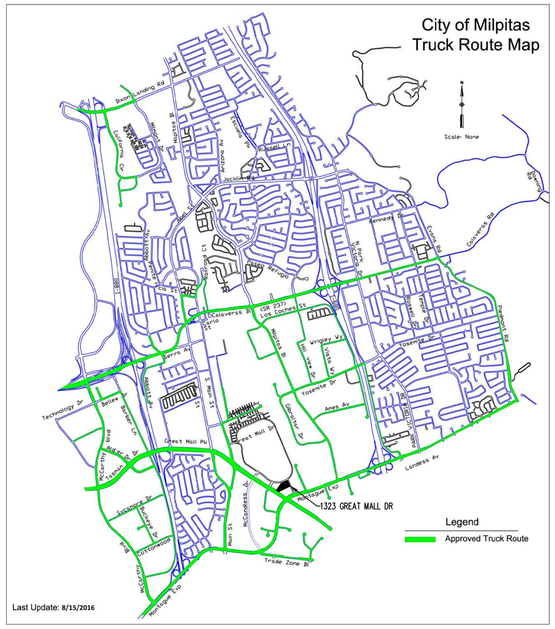
TABLE III

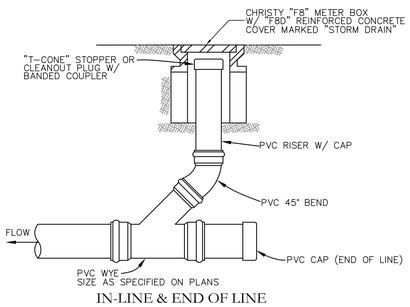
PROPOSED CONCRETE PAVEMENT SECTIONS

Location: Proposed Gym
Stratford School
1323 Great Mall Drive
Milpitas, California

	DRIVEWAY*	CURB & GUTTER	SIDEWALK/PATIO**
Recommended Rigid Pavement Sections:	1	2	3
P.C. Concrete*	6.0"	6.0"	4.0"
Class II Baserock (R=78 min.) compacted to at least 95% relative max. density	12.0"	8.0"	6.0"
Subgrade soil scarified & compacted to at least 90% relative max. density	12.0"	12.0"	12.0"

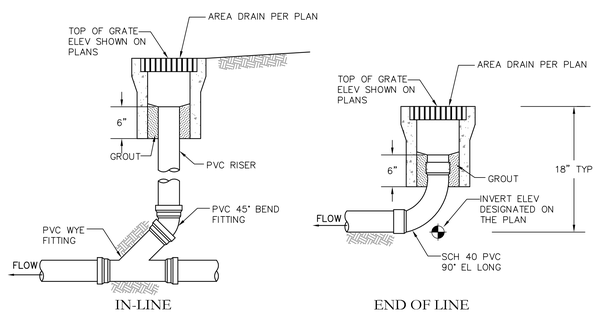
* Including trash enclosures, stress pads, and valley gutters.
* Reinforcement: Rebar No. 4 at 18" on-center, maximum spacing both ways. Control joints maximum spacing at 10' by 10'.
** Reinforcement: Rebar No. 3 at 18" on-center, maximum spacing both ways. Control joints maximum spacing at 5' by 5'.
Vertical curbs should be keyed at least 3 inches into pavement subgrade.





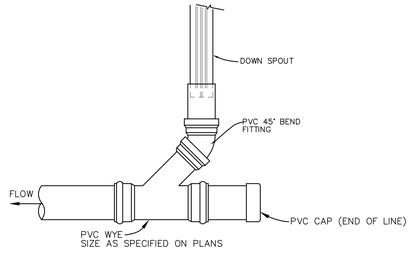
STORM DRAIN CLEANOUT

NOT TO SCALE



AREA DRAIN - DETAIL

NOT TO SCALE



DOWN SPOUT DETAIL

NOT TO SCALE

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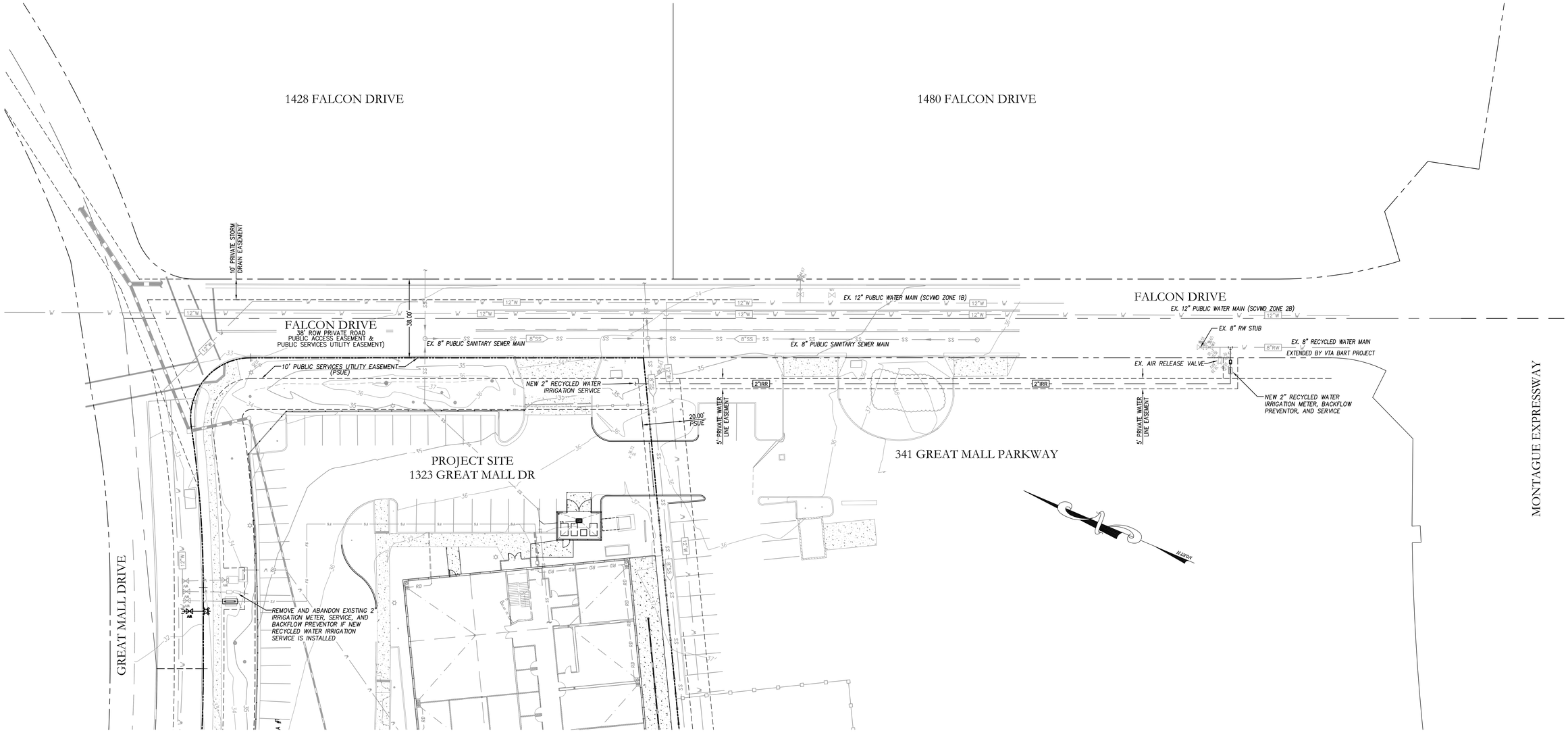
JOB NUMBER:

DETAILS

C-7



PRELIMINARY RECYCLED WATER IRRIGATION SERVICE

SCALE: 1" = 20'

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)

1 inch = 20 ft.

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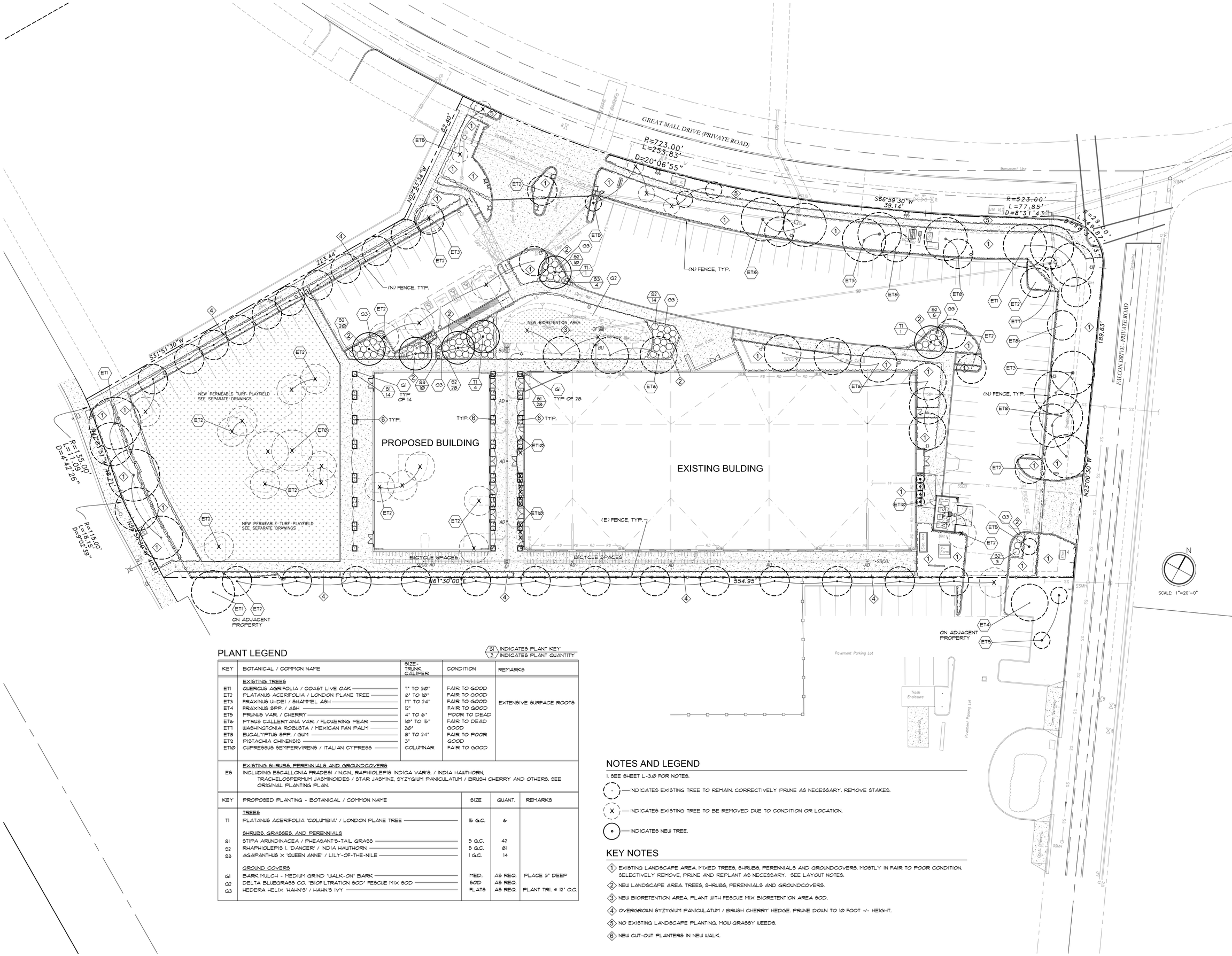
PRELIMINARY RECYCLED WATER IRRIGATION SERVICE

C-8



PLANT LEGEND

S1 / 3 — INDICATES PLANT KEY / INDICATES PLANT QUANTITY

KEY	BOTANICAL / COMMON NAME	SIZE - TRUNK CALIPER	CONDITION	REMARKS
	EXISTING TREES			
ET1	QUERCUS AGRIFOLIA / COAST LIVE OAK	7" TO 30"	FAIR TO GOOD	EXTENSIVE SURFACE ROOTS
ET2	PLATANUS ACERIFOLIA / LONDON PLANE TREE	8" TO 10"	FAIR TO GOOD	
ET3	FRAXINUS UHDEI / SHAMMEL ASH	17" TO 24"	FAIR TO GOOD	
ET4	FRAXINUS SPP. / ASH	12"	FAIR TO GOOD	
ET5	PRUNUS VAR. / CHERRY	4" TO 6"	POOR TO DEAD	
ET6	PYRUS CALLERYANA VAR. / FLOWERING PEAR	10" TO 15"	FAIR TO DEAD	
ET7	WASHINGTONIA ROBUSTA / MEXICAN FAN PALM	20'	GOOD	
ET8	EUCALYPTUS SPP. / GUM	8" TO 24"	FAIR TO POOR	
ET9	PISTACHIA CHINENSIS	3"	GOOD	
ET10	CUPRESSUS SEMPERVIRENS / ITALIAN CYPRESS	COLUMNAR	FAIR TO GOOD	
ES	EXISTING SHRUBS, PERENNIALS AND GROUNDCOVERS INCLUDING ESCALLONIA FRADESI / N.C.N., RAPHIOLEPIS INDICA VAR'S. / INDIA HAWTHORN, TRACHELOSPERMUM JASMINOIDES / STAR JASMINE, SYZYGIUM PANICULATUM / BRUSH CHERRY AND OTHERS. SEE ORIGINAL PLANTING PLAN.			

KEY	PROPOSED PLANTING - BOTANICAL / COMMON NAME	SIZE	QUANT.	REMARKS
	TREES			
T1	PLATANUS ACERIFOLIA 'COLUMBIA' / LONDON PLANE TREE	15 G.C.	6	
	SHRUBS, GRASSES, AND PERENNIALS			
S1	STIPA ARUNDINACEA / PHEASANT'S-TAIL GRASS	5 G.C.	42	
S2	RHAPHIOLEPIS I. 'DANCER' / INDIA HAWTHORN	5 G.C.	81	
S3	AGAPANTHUS X 'QUEEN ANNE' / LILY-OF-THE-NILE	1 G.C.	14	
	GROUND COVERS			
G1	BARK MULCH - MEDIUM GRIND 'WALK-ON' BARK	MED.	AS REQ.	PLACE 3" DEEP
G2	DELTA BLUEGRASS CO. 'BIOFILTRATION SOD' FESCUE MIX SOD	SOD	AS REQ.	
G3	HEDERA HELIX 'HAHN'S' / HAHN'S IVY	FLATS	AS REQ.	PLANT TRI. @ 12" O.C.

NOTES AND LEGEND

1. SEE SHEET L-3.0 FOR NOTES.

- INDICATES EXISTING TREE TO REMAIN. CORRECTIVELY PRUNE AS NECESSARY. REMOVE STAKES.
- X — INDICATES EXISTING TREE TO BE REMOVED DUE TO CONDITION OR LOCATION.
- INDICATES NEW TREE.

KEY NOTES

1. EXISTING LANDSCAPE AREA. MIXED TREES, SHRUBS, PERENNIALS AND GROUNDCOVERS. MOSTLY IN FAIR TO POOR CONDITION. SELECTIVELY REMOVE, PRUNE AND REPLANT AS NECESSARY. SEE LAYOUT NOTES.
2. NEW LANDSCAPE AREA. TREES, SHRUBS, PERENNIALS AND GROUNDCOVERS.
3. NEW BIORETENTION AREA. PLANT WITH FESCUE MIX BIORETENTION AREA SOD.
4. OVERGROWN SYZYGIUM PANICULATUM / BRUSH CHERRY HEDGE. PRUNE DOWN TO 10 FOOT +/- HEIGHT.
5. NO EXISTING LANDSCAPE PLANTING. MOW GRASSY WEEDS.
6. NEW CUT-OUT PLANTERS IN NEW WALK.

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JOB NUMBER:

PLANTING PLAN

L-1.0

EXTERIOR LIGHTING FIXTURE SCHEDULE

TAG	DESCRIPTION	MANUFACTURER	VOLTS	WATTS	MOUNTING	REMARKS
N11	IMPACT LED TRAPEZOID (1) 70 CRI, 4000K, 350mA LIGHTSQUARE AND TYPE II OPTIC DISTRIBUTION,WITH HOUSE SIDE SHIELD	COOPER LIGHTING: IST-SA1-A-740-U-T2-HSS	UNIV. 120-277V	20.1W	SURFACE, WALL	COORDINATE FINISH AND COLOR TEMPERATURE WITH ARCHITECT
N11A	IMPACT ELITE LED TRAPEZOID LUMINAIRE (1) 70 CRI, 4000K, 350mA LIGHTSQUARE WITH 16 LEDS AND TYPE IV WIDE OPTICS WITH HOUSE SIDE SHIELD	COOPER LIGHTING: IST-SA1-A-740-U-T4W-HSS	UNIV. 120-277V	20.1W	SURFACE, WALL	COORDINATE FINISH AND COLOR TEMPERATURE WITH ARCHITECT
N12	WALL LUMINAIRE (2) 70CRI, 4000K, 1200mA LIGHTSQUARES, AUTOMOTIVE FRONTLINE OPTICS WITH HOUSE SIDE SHIELD	COOPER LIGHTING: GWC-AF-02-LED-E1-AFL-7040-HSS	UNIV. 120-277V	129W	SURFACE, WALL	COORDINATE FINISH AND COLOR TEMPERATURE WITH ARCHITECT
N13	48" LINEAR FIXTURE WITH BUILT-IN MOTION SENSOR	LITHONIA LIGHTING: FEM-L48-LPACL-WD-MVOLT-GZ10-35K-80CRI-SB0R10	UNIV. 120-277V	18W	SURFACE, CEILING	COORDINATE FINISH AND COLOR TEMPERATURE WITH ARCHITECT

NOTES:
1. EC TO COORDINATE ALL LIGHT FIXTURE SELECTION AND LAMPS WITH THE OWNER / ARCHITECT PRIOR TO PURCHASE. TOTAL WATTAGE OF LUMINAIRE SHALL NOT EXCEED WATTAGE INDICATED ON THE FIXTURE SCHEDULE.
2. PROVIDE ALL VOLTAGE TRANSFORMERS AND OTHER COMPONENTS REQUIRED TO DELIVER A COMPLETE AND OPERABLE SYSTEM.
3. ALL FINISHES AS PER ARCHITECT. REFER TO ARCHITECTURAL PLANS FOR MOUNTING INFORMATION.
4. ALL EMERGENCY LIGHT ARE TO BE WIRED AHEAD OF LOCAL SWITCH AND LIGHTING CONTROL PANEL TO PROVIDE UNINTERRUPTED POWER.

LIGHTING FIXTURE CATALOG NUMBERS ARE SERIES TYPE ONLY. PROVIDE TRIMS, BALLASTS, MOUNTING EQUIPMENT, FITTINGS AND LAMP AS REQUIRED BY THE SPECIFICATIONS AND PROJECT CONDITIONS FOR A COMPLETE INSTALLATION. THIS IS NOT A STANDALONE SCHEDULE AND FIXTURES MUST INCORPORATE ALL WORK INDICATED OR IMPLIED THROUGHOUT THE DRAWINGS AND SPECIFICATIONS.

SUBSTITUTION DEFINITIONS:

OR EQUAL = EQUAL OR SUPERIOR TO SPECIFIED IN ALL RESPECTS WILL BE ALLOWED. ENGINEERS PRE-BID APPROVAL IS NOT REQUIRED. PROPOSED EQUAL FIXTURES ARE SUBJECT TO REVIEW DURING THE STANDARD SUBMITTAL PROCESS.

NO EQUAL = PROVIDE SPECIFIED FIXTURES. SUBSTITUTIONS ARE NOT ALLOWED.

SUBJECT TO REVIEW = EQUAL OR SUPERIOR TO SPECIFIED IN ALL RESPECTS MAY BE ALLOWED ONLY WITH ENGINEERS APPROVAL. ALL SUBSTITUTIONS MUST BE SUBMITTED AS REQUIRED BY SPECIFICATIONS AND ACCOMPANIED WITH POINT BY POINT LIGHTING CALCULATION. DETERMINATION OF EQUAL IS ENGINEER'S SOLE DISCRETION.

CALCULATED LIGHTING FOOTCANDLE LEVELS ARE BASED ON THE UTILIZATION OF STANDARD REFLECTANCE OF 50-30-20 (CEILING-WALL-FLOOR) PER I.E.S. (ILLUMINATED ENGINEERING SOCIETY). THE ROOM SURFACES ARE USED AS AS INTEGRAL COMPONENTS OF THE LIGHTING SYSTEM. THE REFLECTANCE OF THE SURFACE PAINT COLOR MATERIAL, AND OTHER ROOM SURFACES, DIRECTLY AFFECTS THE DELIVERY OF LIGHT TO THE WORK PLANE. A SIGNIFICANT DROP IN OVERALL LIGHTING LEVELS WILL OCCUR IF REFLECTANCE ARE LOWERED. THE ARCHITECT/OWNER SHALL NOTIFY THE ENGINEER IMMEDIATELY IF FINISHES DO NOT FALL INLINE WITH THE REFLECTANCE MENTIONED ABOVE.

GENERAL NOTES

1. CODE COMPLIANCE IS MANDATORY. NOTHING IN THESE DRAWINGS AND SPECIFICATIONS PERMITS WORK NOT CONFORMING TO THESE CODES. WHERE WORK IS SHOWN TO EXCEED MINIMUM CODE REQUIREMENTS, COMPLY WITH DRAWINGS AND SPECIFICATIONS. ALL WORK AND MATERIALS SHALL COMPLY WITH THE LATEST RULES, CODES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO:
   1.1. 2022 CALIFORNIA BUILDING CODE
   1.2. 2022 CALIFORNIA ELECTRICAL CODE
   1.3. 2022 CALIFORNIA MECHANICAL CODE
   1.4. 2022 CALIFORNIA PLUMBING CODE
   1.5. 2022 CALIFORNIA FIRE CODE
   1.6. 2022 CALIFORNIA ENERGY CODE, PART 6
   1.7. LOCAL UTILITY COMPANIES
   ANY OTHER LOCAL CODES, ORDINANCES AND JURISDICTIONS
2. ALL DEVICES AND EQUIPMENT INSTALLED OUTDOORS OR EXPOSED TO THE WEATHER SHALL BE OF WEATHERPROOF CONSTRUCTION.
3. ALL SINGLE AND GANGED PLATES SHALL BE THERMOPLASTIC AND SHALL MATCH THE DEVICE IN COLOR. COORDINATE DEVICE COLOR WITH THE ARCHITECT PRIOR TO INSTALLATION. GANG DEVICES AT GROUP LOCATIONS UNDER A SINGLE COVER PLATE.
4. THE ELECTRICAL PLANS ARE SCHEMATIC IN NATURE AND ARE NOT INTENDED TO SHOW ALL OF THE ARCHITECTURAL DETAIL OR SPECIFICS OF ELECTRICAL CONSTRUCTION. TAKE ALL DIMENSIONS FROM THE ARCHITECTURAL DRAWINGS. PRIOR TO ROUGH-IN, CONTRACTOR TO REVIEW ALL SUBMITTALS OF EQUIPMENT PROVIDED BY OTHER TRADE AND MAKE NECESSARY ADJUSTMENTS.
5. ALL CONNECTIONS TO MECHANICAL EQUIPMENT SHALL BE MADE WITH A MINIMUM OF 24" OF WEATHERPROOF FLEXIBLE CONDUIT TO PREVENT SOUND AND VIBRATION TRANSMISSION TO THE STRUCTURE.
6. COORDINATE ALL MOTOR OVERLOADS AND/OR FUSES FURNISHED BY THIS CONTRACT WITH THE ACTUAL EQUIPMENT INSTALLED. SIZE OVERLOADS BASED ON MOTOR NAMEPLATE FULL LOAD CURRENT AND SERVICE FACTOR. FUSES FOR MOTOR AND TRANSFORMER CIRCUITS SHALL BE DUAL ELEMENT. FUSES FOR OTHER "NON-INRUSH" LOADS SHALL BE FAST ACTING. ALL FUSES SHALL BE CURRENT LIMITING CLASS RK5 OR CLASS L UNLESS OTHERWISE NOTED.
   FUSES SHALL BE PROVIDED WITH REJECTION TYPE FUSE HOLDERS.
7. GROUNDING CONDUCTORS ARE GENERALLY NOT SHOWN. GROUND AND BOND TOGETHER ALL EQUIPMENT, RACEWAYS, MOTORS, PANELBOARDS AND SWITCHBOARDS, ETC. IN ACCORDANCE WITH CEC ARTICLE 250. BONDING OF ALL INTERIOR METAL PIPING SHALL BE IN ACCORDANCE WITH CEC ARTICLE 250 AS FOLLOWS:
   A. ALL INTERIOR METAL WATER PIPING SHALL BE BONDED TO ONE OR MORE GROUNDING ELECTRODES USED. THE BONDING JUMPER SHALL BE SIZED IN ACCORDANCE WITH CEC ARTICLE 250.
   B. INTERIOR METAL PIPING THAT MAY BECOME ENERGIZED (i.e. GAS PIPING, ETC.), SHALL BE BONDED TO ONE OR MORE GROUNDING ELECTRODES USED. THE BONDING JUMPER SHALL BE SIZED IN ACCORDANCE WITH CEC ARTICLE 250, USING THE RATING OF THE CIRCUIT THAT MAY ENERGIZE THE PIPING SYSTEM.
   C. INTERIOR METAL PIPING SYSTEM SEPARATED BY A PLUMBING EQUIPMENT (I.E. METER, WATER HEATER) SHALL BE PROVIDED WITH A BONDING JUMPER SIZED PER CEC ARTICLE 250. ALL GROUNDING ELECTRODE INSTALLED IN THE BUILDING (SINGLE OR MULTIPLE SERVICES) SHALL BE BONDED TOGETHER TO FORM A SINGLE GROUNDING ELECTRODE SYSTEM
8. INSTALL ALL WALL MOUNTED POWER, TELEPHONE AND DATA OUTLETS AT +15" A.F.F. TO BOTTOM OF THE BOX, UNLESS OTHERWISE NOTED. INSTALL ALL LIGHTING CONTROL SWITCHES, FIRE ALARM PULL STATIONS, AND WALL TELEPHONE JACKS AT +48" A.F.F. TO TOP OF THE BOX, UNLESS OTHERWISE NOTED.
9. CONDUCTOR PENETRATION OF FIRE RATED PORTIONS OF A STRUCTURE SHALL BE EFFECTIVELY SEALED AND SLEEVED WITH STEEL FLEX 3 FEET EACH SIDE OF THE PENETRATION, OR OTHER APPLIED METHODS.
10. FIRE ALARM CABLE SHALL BE INSTALLED IN CONDUIT WHERE REQUIRED BY CODE.
11. RECESSED LIGHT FIXTURES, INSTALLED WHERE THERE ARE INSULATION ARE REQUIRED TO BE I.C. RATED.
12. ALL LIGHT SWITCHES NOT WITHIN SIGHT OF THE LUMINAIRES SHALL BE EQUIPPED WITH A PILOT LIGHT, EVEN IF NOT SHOWN IN THE DRAWINGS.
13. CONTRACTOR TO PROVIDE ALL REQUIRED SEISMIC SUPPORT WIRES FOR THE LIGHTING FIXTURES. PENDANT FIXTURES SHALL BE PROVIDED WITH SEISMIC SUPPORT WIRES SO AS NOT TO HIT ANYTHING ON A 45 DEGREE SWING AND AS REQUIRED BY THE AHJ.
14. ALL EQUIPMENT SHALL BE UL LISTED AND SHALL BE INSTALLED AS PER THEIR LISTINGS. INSTALLATION INSTRUCTION FOR ALL UL LISTED EQUIPMENT SHALL BE MADE AVAILABLE TO THE BUILDING INSPECTOR AT THE TIME OF INSPECTION. ALL DEVICES AND EQUIPMENT INSTALLED OUTDOORS OR EXPOSED TO THE WEATHER SHALL BE OF WEATHERPROOF CONSTRUCTION. ALL RECEPTACLES SHALL COMPLY WITH THE LATEST EDITION OF THE CEC, EVEN IF NOT SPECIFICALLY IDENTIFIED IN THE DRAWINGS (GFCI, AFCI, TAMPER RESISTANT, HOSPITAL GRADE, ETC.)
15. CONTRACTOR TO SUBMIT LOAD SUMMARY (SERVICE CARE SHEET) TO THE ELECTRIC UTILITY COMPANY FOR COORDINATION TO THE EXISTING SERVICE LATERAL/ENTRANCE CONDUCTOR AND ASSOCIATED UTILITY TRANSFORMER.
16. STRUCTURAL STEEL FIREPROOFING THAT WERE DAMAGED DURING CONSTRUCTION SHALL BE PATCHED AND REPAIRED BY THIS CONTRACTOR.
17. CONTRACTOR SHALL VERIFY FIELD CONDITIONS BEFORE SUBMITTING BID.
18. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS, CERTIFICATES, ETC. REQUIRED.
19. WHERE REQUIRED, CONTRACTOR SHALL OBTAIN AND PAY FOR BOTH ROUGH AND FINAL UNDER-WRITERS OR OTHER APPROVED INSPECTION AGENCY CERTIFICATES "ELECTRICAL INSPECTION". THESE CERTIFICATES SHALL BE PRESENTED WITH REQUEST FOR FINAL PAYMENT.
20. IT IS THE INTENT OF THESE PLANS TO PROVIDE A COMPLETE OPERATING ELECTRICAL SYSTEM. THIS CONTRACTOR SHALL FURNISH AND INSTALL ALL WIRING, EQUIPMENT, MATERIAL. ETC. REQUIRED, EXCEPT WHERE SPECIFICALLY NOTED AS BEING FURNISHED BY OTHERS. SHOULD THERE BE ANY QUESTIONS CONCERNING RESPONSIBILITY, THEY SHALL BE ADDRESSED TO ARCHITECT PRIOR TO BID. NO EXTRA CHARGES WILL BE ALLOWED.
21. ELECTRICAL SERVICE SHALL BE COORDINATED WITH THE EXISTING FIELD CONDITIONS.
22. CONSULT WITH CONTRACTORS FURNISHING HVAC EQUIPMENT TO VERIFY LOADS AND SECURE EXACT LOCATIONS (REFER TO HVAC DRAWINGS). WIRE AND CONNECT TO ALL HVAC EQUIPMENT. INCLUDING CONTROLS AND THERMOSTATS.
23. CONTRACTOR SHALL MAKE ALL FINAL CONNECTIONS TO ALL CONTROLS, OWNER-SUPPLIED EQUIPMENT, MECHANICAL AND PLUMBING EQUIPMENT AS REQUIRED.
24. CIRCUIT NUMBER ON THE DRAWINGS ARE FOR IDENTIFICATION ONLY AND DO NOT INDICATE THE POSITION ON THE PANEL BOARD. CONNECT THE CIRCUITS WITH THE LIGHTEST LOADS AND THE RECEPTACLE CIRCUITS NEAR THE TOP OF THE PANEL, AND THE MORE HEAVILY LOADED CIRCUITS NEAR THE BOTTOM. BALANCE ALL CIRCUITS EVENLY BETWEEN PHASE SO THAT FEEDER WIRES CARRY APPROXIMATELY EQUAL CURRENT. ALL PHASES MUST BE BALANCED WITHIN 10% OR LESS. CONTRACTOR SHALL REBALANCE IF NECESSARY.
25. BRANCH CIRCUIT CONDUCTORS SHALL NOT BE LESS THAN NO. 12 AWG. THE INSULATION SHALL BE COLOR CODED. AND SHALL BE 600 VOLT. TYPE THHN/THWN COPPER.
26. CABLES IN HIGH TEMPERATURE AREAS SHALL HAVE INSULATION TYPE SUITABLE FOR THE TEMPERATURE. CABLES USED IN SPACES FOR ENVIRONMENTAL AIR SHALL CONFORM WITH APPLICABLE CEC REQUIREMENTS.
27. ALL WIRING USED IN RETURN OR DISCHARGE AIR PLENUMS SHALL BE PLENUM RATED OR INSTALLED PER METHODS APPROVED BY THE LATEST EDITION OF THE CEC FOR SUCH APPLICATION.
28. BRANCH CIRCUITS FOR POWER AND LIGHTING SHALL NOT BE LESS THAN #12 AWG. OR AS NOTED. WIRES ARE TO BE SIZED FOR THE APPROPRIATE VOLTAGE DROPS.
29. ALL EQUIPMENT AND LIGHT FIXTURES WIRING SHALL NOT BE LESS THAN #12 AWG TYPE SFF-2. AND FLEXIBLE CORDS SHALL NOT BE LESS THAN #12 AWG TYPE S.
30. CONTROL WIRING SHALL NOT BE LESS THAN #14 AWG UNLESS OTHERWISE NOTED.
31. HOMERUNS SHOWN ARE SCHEMATIC. CONTRACTOR MAY ORIGINATE HOMERUNS FROM DIFFERENT LOCATIONS. ALL WIRE INCLUDING HOMERUNS SHALL BE DELINEATED ON AS-BUILT DRAWINGS.
32. ALL CONDUITS PASSING THROUGH PARTITIONS ARE TO BE APPROPRIATELY SLEEVED AND SEALED.
33. ALL SLAB PENETRATIONS SHALL BE INSTALLED AND FIRE RATED PER NATIONAL STATE AND LOCAL CODES.
34. DO NOT MAKE ANY CHANGES OR SUBSTITUTIONS WITHOUT SPECIFIC WRITTEN APPROVAL FROM THE ARCHITECT OR ENGINEER.
35. GUARANTEE ALL WORK, MATERIAL AND EQUIPMENT FOR A PERIOD OF ONE YEAR FROM THE DATE OF APPROVAL AND FINAL ACCEPTANCE.
36. THIS DESIGN IS BASED ON INITIAL DESIGN DATA. GENERAL CONTRACTOR TO SUPPLY AND INSTALL FEEDERS, FUSES AND CIRCUIT BREAKERS TO MATCH THE ACTUAL NAMEPLATE RATING OF ALL EQUIPMENT. THIS SHALL BE INCLUDED IN THE INITIAL BID PROPOSAL AND NO EXTRAS SHALL BE ENTERTAINED.
37. THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT. MATERIALS AND LABOR TO COMPLETE ALL ELECTRICAL WORK IN A NEAT AND WORKMANLIKE MANNER AND IN ACCORDANCE WITH GOOD COMMERCIAL PRACTICE INCLUDING THE INSTALLATION OF ALL THE EQUIPMENT MATERIALS AND SYSTEMS AND THE FINAL CONNECTIONS TO THE OWNER'S EQUIPMENT AND FIXTURES AS REQUIRED BY THE OWNER. THE CONTRACTOR SHALL ALSO FURNISH TEMPORARY WIRING AND LIGHTING T0 PROVIDE A MINIMUM OF 25 FC IN WORK AREAS FOR USE OF ALL THE TRADES DURING CONSTRUCTION AND THE INSTALLATION OF THE OWNERS FIXTURES. THE CONTRACTOR IS RESPONSIBLE TO REMOVE ALL TEMPORARY WIRING UPON COMPLETION OF CONSTRUCTION OF ALL TRADES.
38. CONTRACTOR SHALL LABEL ALL JUNCTION BOX, OUTLETS, LIGHT SWITCH, ETC. WITH CIRCUIT NUMBER ON INTERIOR OF COVER PLATE.
39. CONTRACTOR SHALL PROVIDE SEISMIC RESTRAINTS AND SUPPORTS FOR ALL FLOOR AND CEILING MOUNTED ELECTRICAL EQUIPMENT TO RESIST EARTHQUAKE EFFECTS DETERMINED IN ACCORDANCE WITH THE BUILDING CODE.
40. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE AND INSTALL ALL SUPPLEMENTARY SUPPORT, INCLUDING SUPPORT STEEL AS REQUIRED TO HANG ALL EQUIPMENT AND LIGHTING FROM THE EXISTING STRUCTURE IN ACCORDANCE WITH THE ARCHITECTURAL/STRUCTURAL SUPPORT AND LOADING CRITERIA.
41. IT IS THE RESPONSIBILITY OF THIS CONTRACTOR TO PROVIDE FULLY DIMENSIONED COORDINATION DRAWINGS FOR ALL OF HIS RESPECTIVE WORK. THESE DRAWINGS MUST BE FULLY COORDINATED WITH ALL EXISTING CONDITIONS. ALL HVAC, PLUMBING, FIRE PROTECTION, ELECTRICAL, LIGHTING, STRUCTURAL AND ARCHITECTURAL SYSTEMS PRIOR TO PREPARING COMPOSITE MULTI DISCIPLINE COORDINATION DRAWINGS.
42. ALL DISCONNECTING MEANS AND EQUIPMENT INDICATED ON THE DRAWING SHALL BE IDENTIFIED BY NAMEPLATE IN COMPLIANCE WITH THE CEC 110-22.
43. ALL WIRING FOR THE EMERGENCY LIGHTING AND EMERGENCY SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CEC ARTICLE 700.
44. THE WIRING METHODS AND MATERIALS INDICATED IN THE SPECIFICATIONS AND ON THE DRAWINGS SHALL BE INSTALLED AND CONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CEC ARTICLE 300.
45. THE ELECTRICAL SERVICE AND DISTRIBUTION SYSTEM AS INDICATED ON THE RISER DIAGRAM AND MATERIALS INDICATED IN THE SPECIFICATIONS SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CEC ARTICLE 230.
46. ALL OVER CURRENT PROTECTION SHALL BE IN COMPLIANCE WITH THE CEC SECTION 240.
47. ALL GROUNDING REQUIREMENT S OF THE COMPLETE ELECTRICAL DISTRIBUTION SYSTEM AND AS INDICATED IN THE SPECIFICATIONS SHALL BE IN ACCORDANCE WITH CEC ARTICLE 250.
48. PRIOR TO ANY REQUIRED CUTTING AND PATCHING OF CONCRETE FLOOR AND/OR CUTTING OF ROOF CONTRACTOR SHALL COORDINATE WITH BUILDING ENGINEER. SEAL ALL EXTERIOR AND FIREWALL PENETRATIONS.
49. FOR ALL LIGHTING FIXTURES MOUNTED IN HUNG CEILING THE GENERAL CONTRACTOR SHALL PROVIDE AND INSTALL INDIVIDUAL SUPPORT AT EACH CORNER OF RECESSED LIGHTING TROFFER CONNECTED TO BUILDING STEEL ABOVE ALL CONDUIT AND MC CABLE MOUNTED ABOVE HUNG CEILING SHALL BE INDIVIDUALLY SUPPORTED IN THE SAME FASHION AS PER CEC REQUIREMENTS.
50. NO "DOUBLING UP" ON CIRCUIT BREAKERS OR CONDUCTOR SPLICES WITH IN PANEL BOARDS SHALL BE PERMITTED. THE CONTRACTOR SHALL PROVIDE JUNCTION BOXES ADJACENT TO PANELBOARDS AS REQUIRED TO SPLICE COMMON CIRCUITS CONNECTORS.
51. DO NOT SCALE FROM THESE DRAWINGS.
52. PLANS ARE PREPARED WITH REQUIRED BRANCH CIRCUITS INDICATED BY CIRCUITS NUMBERS. PROVIDE AND INSTALL ALL CONDUITS. CONDUCTORS, BOXES, MISCELLANEOUS FITTINGS, ETC. FOR A COMPLETE AND OPERABLE SYSTEM (HOME RUN SHOWN). BRANCH CIRCUIT INSTALLATION SHALL COMPLY WITH SPECIFICATIONS AND CEC.
53. NATIONALLY RECOGNIZED TESTING LABORATORY SHALL LIST ALL EQUIPMENT IN COMPLIANCE WITH 02 CEC ART. 110.3.
54. ALL CONDUITS SHALL MAINTAIN FIVE (5) FEET CLEARANCE IN FRONT OF HVAC SUPPLY AND RETURN.
55. CONTRACTOR TO PROVIDE CONDUIT EXPANSION COUPLINGS AND BONDING JUMPERS WHERE REQUIRED . REFER TO STRUCTURAL DRAWINGS FOR EXPANSION JOINT LOCATION.
56. PROVIDE IDENTIFIED HANDLE TIES FOR ALL MULTI-WIRE BRANCH CIRCUITS PER CEC 210.4(B).
57. THE WORKING SPACES ABOUT THE ELECTRICAL EQUIPMENT SHALL BE MAINTAINED PER CEC 110.26(A) AND THE UTILITY COMPANY REQUIREMENTS. THE DEDICATED EQUIPMENT SPACE SHALL BE MAINTAINED PER CEC 110.26(E).
58. THE CONTRACTOR FOR THIS WORK IS REQUIRED TO READ THE SPECIFICATIONS AND REVIEW DRAWINGS OF ALL DIVISIONS OF WORK AND IS RESPONSIBLE FOR THE COORDINATION OF THIS WORK AND THE WORK OF ALL SUBCONTRACTORS WITH ALL DIVISIONS OF WORK. IT IS THIS CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL SUBCONTRACTORS WITH A COMPLETE SET OF BID DOCUMENTS.

SHEET INDEX

DWG NO.	DRAWING TITLE
E0.0	ELECTRICAL GENERAL INFORMATION
ES1.0	ELECTRICAL SITE PLAN
EP1.0	ELECTRICAL SITE PHOTOMETRIC PLAN

CAL GREEN BUILDING CODE REQUIREMENTS

BUILDING COMMISSIONING

CONTRACTOR SHALL PROVIDE, AND INCLUDE IN BID:

A. TESTING AND ADJUSTING - TESTING AND ADJUSTING OF SYSTEMS SHALL BE PERFORMED IN ACCORDANCE WITH INDUSTRY BEST PRACTICES AND APPLICABLE STANDARDS OF EACH SYSTEM AS DETERMINED BY THE BUILDING OFFICIAL. PROVIDE A FINAL REPORT OF TESTING SIGNED BY THE INDIVIDUAL RESPONSIBLE FOR PERFORMING THESE SERVICES.

TESTING AND ADJUSMENT PROCEDURE FOR LIGHTING CONTROLS:

WALL AND CEILING MOUNTED OCCUPANCY SENSOR:
TESTER SHALL MANUALLY TURN ON LIGHT FIXTURE VIA THE SWITCH PROVIDED. ONCE LIGHT FIXTURE IS TURNED ON, TESTER SHALL INITIATE TIMER, SET TO MAXIMUM 30 MINUTES, AFTER WHICH THE LIGHT FIXTURES SHALL BE AUTOMATICALLY TURNED OFF EITHER AT THE END OF THE MAXIMUM ALLOWED 30 MINUTES OR EARLIER. IF FIXTURE DO NOT TURN OFF AFTER THE MAXIMUM ALLOWED TIME, TESTER TO OPEN OCCUPANCY SENSOR COVER AND CHECK TIMER SETTING AND ADJUST AUTOMATIC OFF TIMER TO 30 MINUTES OR LESS AND REPEAT PROCEDURE.

TESTER TO FOLLOW MANUFACTURER'S INSTRUCTION ON HOW TO SETUP OCCUPANCY SENSOR TO ENSURE SENSOR IS WORKING AND SETUP PROPERLY.

WALL SWITCH FOR MANUAL ON/OFF AND DIMMING:
TESTER SHALL MANUALLY TURN ON LIGHT FIXTURE VIA THE SWITCH PROVIDED. ONCE LIGHT FIXTURE IS TURNED ON, TESTER SHALL DIM FIXTURE VIA THE DIMMING FUNCTION AND BUTTONS/SLIDER ON THE SWITCH AND OBSERVE FIXTURE TO ENSURE THAT LIGHT FIXTURES LIGHT LEVEL IS REDUCED UNIFORMLY AS THE FIXTURE IS DIMMED DOWN AND RAISED UP.

IF LIGHT FIXTURE IS NOT TURNED ON/OFF OR DIMMED, TESTER TO CHECK CONNECTION BETWEEN SWITCH, POWER PACK AND SENSOR IF APPLICABLE TO ENSURE ALL WIRING IS DONE CORRECTLY PER MANUFACTURER'S INSTALLATION INSTRUCTION AND REPEAT TESTING PROCEDURE.

AUTOMATIC OFF VIA TIMECLOCK AND CONTACTOR:
TESTER SHALL INSPECT TIEMCLOCK TO ENSURE THAT THE AUTOMATIC ON/OFF SCHEDULE IS SET PROPERLY PER TENANT CRITERIA. ONCE SCHEDULING IS SETUP, TESTER CAN ADJUST THE INTERNAL CLOCK OF THE TIMECLOCK TO ADVANCE TO WITHIN 1 MINUTE OF THE AUTOMATIC SHUT OFF TIME AND SEE IF ALL LIGHTS SET TO TURN OFF AUTOMATICALLY BY THE TIMECLOCK IS SHUT OFF AS IT SHOULD BE.

IF LIGHTS DO NOT TURN OFF AT THE SET SCHEDULE, CHECK TO ENSURE THAT TIMECLOCK IS SETUP PROPERLY AND ALL CONTACTOR ARE CONNECTED PROPERLY TO THE TIMECLOCK AND CHECK AGAIN.

TESTING AND ACCEPTANCE PER TITLE-24:
ALL TESTING AND ADJUSTMENT SHALL BE PROVIDED BY A PERSON/COMPANY THAT IS CERTIFIED TO PROVIDE TESTING, ADJUSTING AND PROVIDING ACCEPTANCE FORM NRCA PER TITLE-24 REQUIREMENT. THIS IS REQUIRED FOR ALL LIGHTING CONTROL DEVICES AND SYSTEM.

A FINAL REPORT FOR THE TESTING AND ADJUSTING OF ALL NEW SYSTEMS SHALL BE COMPLETED PRIOR TO FINAL APPROVAL BY THE FIELD INSPECTOR. THIS REPORT SHALL BE SIGNED BY THE INDIVIDUAL RESPONSIBLE FOR PERFORMING THESE SERVICES. (5.410.4.4)

AN OPERATION & SYSTEMS MANUAL SHALL BE PROVIDED TO THE OWNER OR REPRESENTATIVE AND TO THE FIELD INSPECTOR AT THE TIME OF FINAL INSPECTION. (5.410.4.5)

B. OPERATION AND MAINTENANCE (O&M) MANUAL - PROVIDE THE BUILDING OWNER OR REPRESENTATIVE WITH DETAILED OPERATING AND MAINTENANCE INSTRUCTIONS AND COPIES OF GUARANTIES/WARRANTIES FOR EACH SYSTEM. O&M INSTRUCTIONS SHALL BE CONSISTENT WITH OSHA REQUIREMENTS IN CCR, TITLE 8, SECTION 5142, AND OTHER RELATED REGULATIONS.

C. INSPECTIONS AND REPORTS - INCLUDE A COPY OF ALL INSPECTIONS, VERIFICATIONS, AND REPORTS, REQUIRED BY THE ENFORCING AGENCY.

LEGEND / ABBREVIATION

SYMBOL	ABBREVIATION	DESCRIPTION
$\$_a$		20A, 120/277V, SPST SWITCH. LOWER CASE LETTER INDICATES SWITCHLEG CONTROLLED BY SWITCH. PROVIDE ONE PER SWITCHLEG.
$\$_3$		20A, 120/277V, THREE WAY SWITCH.
$\$_P$		20A, 120/277V, SPST SWITCH WITH PILOT LIGHT.
$\$_{BP}$		20A, 120/277V BY-PASS SWITCH, N.O. MOMENTARY SPST SWITCH.
$\$_{TM}$		TIMER SWITCH, DIGITAL, 20A, 120V.
$\$_T$		HP RATED TOGGLE SWITCH WITH THERMAL OVERLOADS, 1 HP, 120V, UON
$\$_{LV}$		LOW-VOLTAGE SWITCH, SEE PLANS FOR SPEC.
		DIMMER SWITCH, SEE PLANS FOR SPEC.
OS		CEILING-MOUNTED OCCUPANCY SENSOR, SEE PLANS FOR SPEC.
OSH		WALL-MOUNTED OCCUPANCY SENSOR, SEE PLANS FOR SPEC.
DS		AUTOMATIC DAYLIGHT SENSOR, SEE PLANS FOR SPEC.
PP		POWER PACK, SEE PLANS FOR SPEC.
		DUPLEX RECEPTACLE | TAMPER-RESISTANT DUPLEX RECEPTACLE 120V, 20A. (WP= WEATHERPROOF, D=DEDICATED)
		DUPLEX RECEPTACLE | TAMPER-RESISTANT DUPLEX RECEPTACLE, 120V, 20A, GFCI.
		QUADPLEX RECEPTACLE | TAMPER-RESISTANT QUADPLEX RECEPTACLE, 120V, 20A. (WP= WEATHERPROOF, D=DEDICATED)
		QUADPLEX RECEPTACLE | TAMPER-RESISTANT QUADPLEX RECEPTACLE, 120V, 20A, GFCI.
		DUPLEX RECEPTACLE | TAMPER-RESISTANT DUPLEX RECEPTACLE, 120V, 20A, ABOVE COUNTER, GFCI.
		FLOOR BOX WITH DUPLEX RECEPTACLE | TAMPER-RESISTANT DUPLEX RECEPTACLE, 120V, 20A - SEE PLANS FOR SPEC.
		FLOOR BOX WITH QUADPLEX RECEPTACLE | TAMPER-RESISTANT QUADPLEX RECEPTACLE, 120V, 20A - SEE PLANS FOR SPEC.
		SINGLE RECEPTACLE. SEE EQUIPMENT SCHEDULE AND NOTES FOR NEMA CONFIG.
		CEILING MOUNTED, POWER CORD DROP RECEPTACLE, 20A, 120V
		SPLIT-WIRED DUPLEX RECEPTACLE OUTLET, 20A, 120V.
		FUSED DISCONNECT SWITCH WITH DUAL ELEMENT FUSES PER EQUIPMENT NAME PLATE RATING.
		FUSED DISCONNECT SWITCH WITH MOTOR STARTER AND DUAL ELEMENT FUSES PER EQUIPMENT NAME PLATE RATING.
		NON-FUSIBLE DISCONNECT SWITCH.
M		MOTOR OUTLET AND FLEX CONNECTION TO MOTOR.
M		METER, METER SOCKET.
		CIRCUIT BREAKER.
		GROUNDING ELECTRODE SYSTEM: UFER, GROUND ROD, U.G. WATER PIPE, STRUCTURAL STEEL.
		PANELBOARD.
J		JUNCTION BOX: WALL MOUNTED, SIZE TO CODE, TAPE AND TAG WIRES.
J		JUNCTION BOX: CEILING MOUNTED, SIZE TO CODE, TAPE AND TAG WIRES.
T		LINE VOLTAGE THERMOSTAT. S.M.D.
		TELEPHONE / DATA / COMBINATION DATA AND TELEPHONE OUTLET.
		WIRELESS ACCESS POINT
		SECURITY CAMERA.
CR		CARD READER
		HVAC SMOKE DUCT DETECTOR, S.M.D.
FSD		FIRE SMOKE DAMPER, SMD
S		SPEAKER
	A	AMPERE
	AIC	AMPERE INTERRUPTING CAPACITY
	AFF	ABOVE FINISHED FLOOR
	AHJ	AUTHORITY HAVING JURISDICTION
	AWG	AMERICAN WIRE GAUGE
	C	CONDUIT
	CU	COPPER
	D	ONE WAY DISTANCE OF FEEDER OR BRANCH CIRCUIT
	(E) / (N) / (RL)	EXISTING / NEW / RELOCATED
	EF	EXHAUST FAN
	EM	EMERGENCY
	GC	GENERAL CONTRACTOR
	GFI	GROUND FAULT INTERRUPTER
	G, GND	GROUND
	HP	HORSEPOWER
	ISC	SHORT CIRCUIT CURRENT
	MCB	MAIN CIRCUIT BREAKER
	MLO	MAIN LUG ONLY
	NEC	NATIONAL ELECTRICAL CODE
	NL	NIGHT LIGHT
	P	POLE
	PH	PHASE
	PROVIDE	FURNISH, INSTALL, CONNECT
	(R) / (RR)	REMOVE / REMOVE AND RELOCATE
	RMC	RIGID METAL CONDUIT
	SAD	SEE ARCHITECTURAL DRAWING
	SMD	SEE MECHANICAL DRAWING
	SPD	SEE PLUMBING DRAWING
	UON	UNLESS OTHERWISE NOTED
	V	VOLT
	VA	VOLT AMPERE
	VD	VOLTAGE DROP
	VFD	VARIABLE FREQUENCY DRIVE
	WP	WEATHERPROOF
	+42	SUBSCRIPT LOCATED NEXT TO THE DEVICE MEANS 42"AFF TO CENTER OF DEVICE

DEMOLITION NOTES

1. WHERE REMOVAL OF AN EXISTING WORK (I.E., OUTLET, CONDUIT, WIRING ETC.) WILL RESULT IN LOSS OF CIRCUIT CONTINUITY, THE REMAINING ISOLATED PORTIONS OF THE CIRCUIT SHALL BE RECONNECTED TO THE NEAREST AVAILABLE AND APPROPRIATE EXISTING OUTLETS.
2. WHERE EXISTING WIRING OR EQUIPMENT IS TO BE ABANDONED, IT SHALL BE REMOVED AND THIS WORK SHALL INCLUDE BUT NOT LIMITED TO THE FOLLOWING:
   A. REMOVE WIRES AND CABLES BACK TO SOURCE
   B. REMOVE AND RELOCATE LIGHTING FIXTURES
   C. REMOVE DEVICES AND EQUIPMENT
   D. REMOVE EXPOSED CONDUITS
   E. CUT OFF & CAP ABANDONED CONDUIT; STUBS SHALL NOT EXTEND ABOVE FLOOR
   F. REMOVE OTHER ITEMS NOT INCLUDED IN ITEMS (A) THRU (D)
3. WHERE EXISTING WIRING, DEVICES AND EQUIPMENT ARE REMOVED, SUCH ITEMS SHALL NOT BE RE-USED UNLESS SPECIFICALLY DIRECTED AND APPROVED BY OWNER.
4. REFER TO DEMOLITION NOTES ON ARCHITECTURAL DRAWINGS, REGARDING EXISTING LIGHT FIXTURES.
5. REROUTE ALL CONDUITS THAT ARE TO REMAIN IN SERVICE AND WHICH CONFLICT WITH EQUIPMENT INSTALLATION.
6. WHEREVER EXISTING ELECTRICAL DEVICES, CONDUITS, CABLES, OR OTHER ITEMS CONFLICT WITH REMODEL WORK, WHETHER SHOWN OR NOT, RELOCATE THESE ITEMS.
7. PATCH AND PAINT TO MATCH EXISTING, IN ALL AREAS AFFECTED BY REMOVAL OF ELECTRICAL EQUIPMENT AND DEVICES.
8. DISCONNECT AND REMOVE ALL EXISTING ELECTRICAL DEVICES IN EXISTING CEILINGS AND WALLS WHICH ARE REQUIRED TO BE DEMOLISHED, WHETHER SHOWN OR NOT. MAINTAIN CIRCUITS TO ALL REMAINING DEVICES.
9. REMOVE ALL EQUIPMENT, DEVICES, WIRING AND EXPOSED CONDUIT NOT BEING USED.
10. VERIFY ALL DEMOLITION WORK REQUIRED BY THE LANDLORD WITH LANDLORD'S REPRESENTATIVE PRIOR TO BID.

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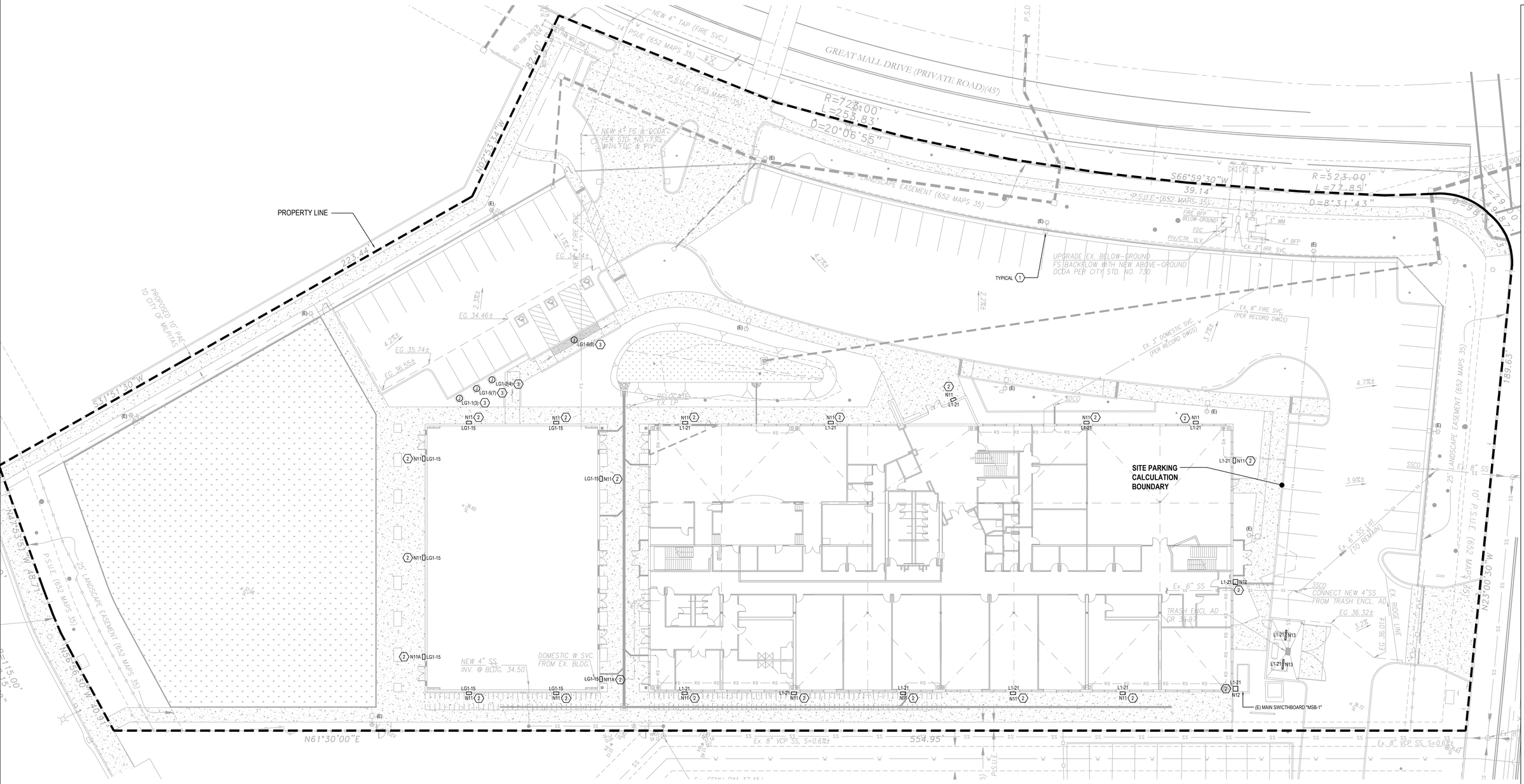
CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 230779

ELECTRICAL GENERAL INFORMATION

E0.0



ELECTRICAL SITE PLAN | SCALE 1/16" = 1'-0" | 1

GENERAL NOTES

A. SEE GENERAL NOTES ON SHEET E0.0 AND E0.1 FOR INFORMATION AND REQUIREMENTS.

B. ALL TRENCHING, CUTTING AND PATCHING OF EXISTING PAVEMENT, CONCRETE SLAB FLOOR, WALL CORE DRILLING AS REQUIRED FOR THE INSTALLATION OF THE ELECTRICAL SYSTEMS SHOWN SHALL BE BY ELECTRICAL CONTRACTOR. PROVIDE PATCHING TO MATCH EXISTING SURFACE OR BETTER CONDITION.

C. THE CONTRACTOR FOR THIS WORK IS REQUIRED TO READ THE SPECIFICATIONS AND REVIEW DRAWINGS OF ALL DIVISIONS OF WORK AND IS RESPONSIBLE FOR THE COORDINATION OF THIS WORK AND THE WORK OF ALL SUBCONTRACTORS WITH ALL DIVISIONS OF WORK. IT IS THIS CONTRACTOR'S RESPONSIBILITY TO PROVIDE ALL SUBCONTRACTORS WITH A COMPLETE SET OF BID DOCUMENTS.

D. ELECTRICAL CONTRACTOR SHALL MAKE ALL FINAL CONNECTIONS AS REQUIRED FOR A FULLY COMPLETE AND OPERABLE SYSTEM.

E. ALL LIGHTING IS NEW UNLESS OTHERWISE NOTED.

F. ALL UNDERGROUND CONDUITS SHALL BE PVC SCHEDULE 40, MINIMUM 3/4"C. RUN CODE SIZE INSULATED EQUIPMENT GROUND CONDUCTOR.

G. ALL ELECTRICAL DEVICES/EQUIPMENT MOUNTED OUTDOOR SHALL BE WEATHERPROOF (NEMA 3R)

H. ALL FUTURE AND SPARE CONDUITS SHALL BE PROVIDED WITH A NYLON PULL STRING.

I. ELECTRICAL CONTRACTOR TO FIELD VERIFY (E) CONDITION PRIOR TO BID. VERIFY (E) UNDERGROUND UTILITIES PRIOR TO EXCAVATION. REPAIR PAVEMENT TO MATCH EXISTING.

J. COORDINATE PHASING OF WORK WITH CIVIL / OWNER PRIOR TO START OR WORK.

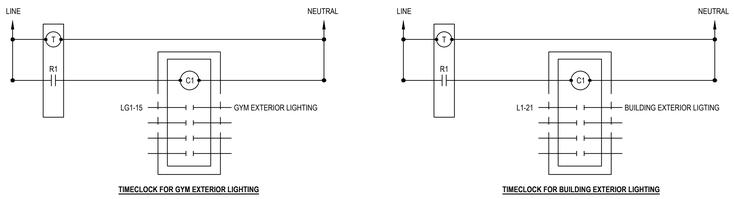
K. REFER TO SHEET E5.0 FOR VOLTAGE DROP REQUIREMENTS AND PROVIDE UPSIZED CONDUCTORS AS REQUIRED.

L. INSTALLATION SHALL BE CONCEALED BEHIND WALLS AND ABOVE THE CEILING. WHERE NOT POSSIBLE, CONTRACTOR SHALL OBTAIN APPROVAL FOR EXPOSED LOCATION PRIOR TO ROUGH IN. USE WIREMOLD OR RIGID CONDUIT (PAINTED TO MATCH WALL FINISH) IN EXPOSED AREAS WITH PRIOR APPROVAL FROM ARCHITECT.

NOTES | SCALE NTS | 2

CODED NOTES: (X)

1. EXISTING POLE MOUNTED LIGHT FIXTURE TO REMAIN AND RE-USE. ELECTRICAL CONTRACTOR TO FIELD VERIFY AND KEEP THE EXISTING LIGHTING CONTROL SYSTEM AND ALL ASSOCIATED POWER CONNECTION OF EXISTING POLE MOUNTED LIGHT FIXTURE.
2. INSTALL LIGHTING FIXTURES AT HEIGHT INDICATED BELOW. HEIGHT IS FOR REFERENCE ONLY. COORDINATE FINAL LOCATION AND MOUNTING WITH ARCHITECT PRIOR TO ROUGH-IN.
   LIGHT FIXTURE TYPE "N11" : 9'-0" ABOVE FINISHED FLOOR
   LIGHT FIXTURE TYPE "N12" : 25'-0" ABOVE FINISHED FLOOR
3. PROVIDE 1" RACEWAY CONDUIT FROM EV SPACE TO DEDICATED PANEL "EV" LOCATED AT GYM. ELECTRICAL CONTRACTOR TO FIELD VERIFY UNDERGROUND ROUTING OF RACEWAY WITH ARCHITECT/CIVIL CONSULTANT PRIOR TO START OF WORK.



TIMECLOCK FOR GYM EXTERIOR LIGHTING

TIMECLOCK FOR BUILDING EXTERIOR LIGHTING

EXTERIOR LIGHTING CONTROL DETAIL | SCALE NTS | 3

DETAIL NOTES:

1. E.C. TO PROVIDE LIGHTING CONTACTORS IN N-1 ENCLOSURE.
2. E.C. TO PROVIDE SEPARATE 2-CHANNEL, ASTRONOMICAL 7-DAY, 24-HOUR TIMECLOCK, TORK #DGLC200A-NC OR EQUAL FOR CONTROL OF LIGHTING CONTACTORS.
3. RELAY SHALL CONTROL ALL WALL MOUNTED EXTERIOR LIGHTS - DUSK TO DAWN OPERATION.
4. CONFIRM WITH CLIENT ON-SITE PM PRIOR TO PROGRAMMING.

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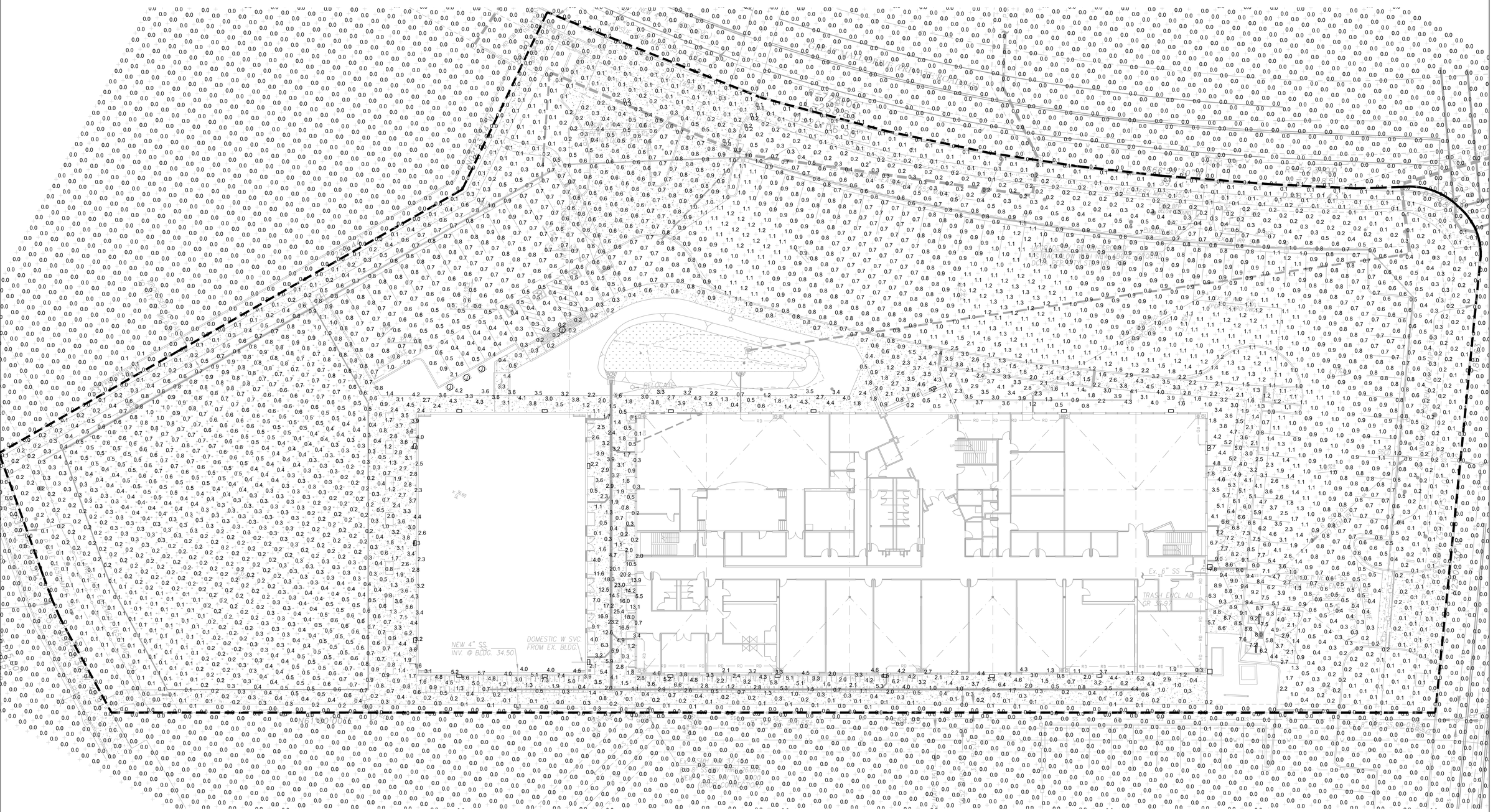
JOB NUMBER: 230779

ELECTRICAL SITE PLAN

ES1.0



Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
SITE PARKING	+	1.0 fc	9.4 fc	0.2fc	47.0:1	5.0:1
WALKWAY	+	2.5 fc	9.4 fc	0.2fc	47.0:1	13.0:1

ELECTRICAL SITE PHOTOMETRIC PLAN

SCALE 1/16" = 1'-0"

1

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WILSON LEE
No.E015418
Exp. 06/30/25
ELECTRICAL
STATE OF CALIFORNIA

Stratford School - Milpitas

Stratford Preparatory School

1323 Great Mall Drive, Milpitas, CA 95035

CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 230779

ELECTRICAL SITE PHOTOMETRIC PLAN

EP1.0

Applicable Codes

Municipal	2023 Milpitas Municipal Code
Administrative	2022 California Administrative Code - Title 24 - Part 1
Building	2022 California Building Code - Title 24 - Part 2
Electrical	2022 California Electrical Code - Title 24 - Part 3
Mechanical	2022 California Mechanical Codes - Title 24 - Part 4
Plumbing	2022 California Plumbing Code - Title 24 - Part 5
Energy	2022 California Energy Code - Title 24 - Part 6
	2022 California Building Energy Efficiency Standards - Title 24
Fire	2022 California Fire Code - Title 24 - Part 9
Existing Building	2022 California Existing Building Code - Title 24 - Part 10
Green Building	2022 California Green Building Standards Code - Title 24 - Part 11
Reference Standards	2022 California Referenced Standards Code
Accessibility	2009 ICC ANSI A117.1
Fire Alarm	National Fire Alarm Code (NFPA 72)
Fire Sprinklers	Standard for the Installation of Sprinkler Systems (NFPA 13)
Health	California Health and Safety Code
Structural	Building Code Requirements for Structural Concrete of California
Local	Milpitas Amendments to All Codes Listed Above

Deferred Submittals

Prefabricated Roof Trusses

Gym Equipment Hanging from Roof Trusses

Project Description

The project scope includes the alteration of an existing 51,740 sf Group B office building for use as a Group E middle school / high school for 500 students with mixed occupancy group B administrative spaces, the construction of a new 7,883 sf Group E gym, a 600 sf canopy, and a 291 sf trash enclosure on the site, as well as associated site work to support the school including an artificial turf play area and minor parking, drop-off / pick-up, and site circulation modifications.

The existing building will require a seismic upgrade due to the change in primary occupancy from B to E with an occupant load greater than 250, and the corresponding change in the Risk Category from II to III.

Land Use Data

BASIC INFO	
Project Address	1323 Great Mall Drive, Milpitas, CA 95035
Parcel Number (APN)	8624046
Parcel Type	Commercial
Lot Size	3.00 acres / 130,680 sf
Easements	None
Zoning District	C2 - General Commercial
Overlay District (CR)	TOD - Transit Oriented District
General Plan	MMSP - Milpitas Metro Specific Plan *Note: The MMSP is an update to and renaming of the previously adopted Transit Area Specific Plan (TASP). It is not reflected in the MMC language yet but its informal form is available online, which this analysis has used for compliance verification.*
Development Agreement	The project is applying for a Development Agreement

Milpitas Municipal Code

XI-1 STREETS & SIDEWALKS

Frontage & ROW Upgrade Requirements	Milpitas building permits, use permits and SDR and CUP permits subject to the planning commission may require projects to upgrade street frontages to current code requirements - Existing street frontages are compliant. (ok)

XI-2 TREE MAINTENANCE & PRESERVATION

Tree Preservation & Replacement Requirements	The removal of any tree must be done under a specific tree removal permit, and trees must be replaced at a rate of 2 new trees per 1 removed tree, at commensurate size. Street trees are also protected and their removal must be approved by the Public Works Director, and the city will be compensated to replace them. Trees of 37" diameter at 4-1/2' above grade and specific heritage trees are further protected and their removal would only be by permit and approval of the Public Works Director and Planning Director - We do not anticipate the project removing any trees of 37" diameter, heritage trees, or street trees. All tree removals will be permitted and replacement trees will be provided. (ok)

XI-10 ZONING

XI-10-3.03 Zoning Map	The site is zoned C2-General Commerical with a TOD-Transit Oriented District zoning overlay or 'Combining Regulation' per the zoning map. It also falls within the MMSP-Milpitas Metro Specific Plan area. - The project will meet the requirements for the C2 zone, the TOD combining regulation, and the Milpitas Metro Specific Plan, except where modified by the Proposed Development Agreement. (ok)	
XI-10-5.02 Permitted Uses	High school uses and all K-12 education uses are a Conditional Use in a C2 zone, and require a Conditional Use Permit process for approval - The project is applying for a Conditional Use Permit. (ok)	
XI-10-5.03 Development Standards (C2)	Minimum Lot Area:	Required: 10,000 sf Provided: 130,680 sf existing (ok)
	Minimum Lot Width:	Required: 100' Provided: 615'(E-W), 238'(N-S)(ok)
	Minimum Setback	
	-Front	Required: 0' Provided: 96' (N) existing (ok)
	-Side, Interior	Required: 0' Provided: 72' (W) provided (ok)
	-Side, Street	Required: 0' Provided: 96' (E) existing (ok) 120' (SW) provided (ok)
	-Rear	Required: 0' Provided: 16' (S) existing (ok)
	Note: There are existing setbacks labelled on the previous site plan - a 50' building setback parallel the 2 diagonal SW property lines and the E and N property lines, and a 10' building setback parallel the two diagonal NW property lines and the S property line. These are presumed to have been required by the previous land use permit process. The existing and proposed construction are compliant with these setbacks.	
	Max Building Height:	
	-Primary Building	Required: 35' and 3 stories max (stairwell parapets, and mechanical screens may extend higher per XI-55.02) [1] [2] Provided @ Structure 1: 35' & 2 stories existing (39' stairwell parapet & 42' mechanical screen existing as well) (ok)
	-Accessory Building	Required: There are no published height requirements for accessory buildings in C2 zones Provided @ Structure 2: 35' & 1 story proposed (42' mechanical screen proposed as well). (ok)
	[1] Also refer to XI-10-5.04(D) and XI-57.04(C)(1) - these allow CUP process decision makers to allow additional height according to certain criteria that is not necessary for this project's existing and proposed structures. [2] A 25' and 2.5 story maximum height is required at properties that are within 500' of an R1 or R2 zone, which is not applicable to this site.	
	Parking	See Section 53 - The proposed design is compliant with parking requirements, see the Section 53 analysis below for details. (ok)
	Max Lot Coverage:	None - The proposal meets the lot coverage requirement as there is none (ok)
	Max FAR:	Required: 0.50 Provided: (51,740 sf + 7,883 sf + 600 sf + 291 sf) / 130,680 sf = 0.46 < 0.50 (ok) The proposed FAR is compliant with this section, but note the TOD overlay increases the allowable FAR to 1.00 and takes precedence.
	Landscaping:	None - The proposed project obviously complies with this section's landscape requirements as there are none. (ok)
XI-10-5.04 Commercial Zone Special Development Standards	Recyclables:	Areas for collecting recyclables must be provided, fully enclosed or screened, and outside building front and side yard setbacks - The relocated trash enclosure location is fully enclosed, outside all setbacks, and meets all criteria (ok)
XI-10-5.05 Conformance with Specific Plans	Properties located within Specific Plans shall meet their criteria according to XI-10-11.06 - See discussion of the site's Milpitas Metro Specific Plan (MMSP) and Development Agreement requirements in the XI-10-11.06 section below (ok)	

XI-10-11.05 Adopted Specific Plans	As of this narrative date, the MMC lists a Midtown Specific Plan (MTSP), a Transit Area Specific Plan (TASP), and a Milpitas Commercial Specific Plan (MCSP). The site is designated in the Milpitas Metro Specific Plan (MMSP) which will replace the Transit Area Specific Plan (TASP) when it is fully defined and adopted. - The analysis below deals with information publicly available for the MMSP for compliance verification. (ok) This section also clarifies that Specific Plans take precedence over other Zoning Ordinance Requirements, but Zoning Ordinance requirement categories not found in the Specific Plan are supplementary and still apply. - All zoning ordinance criteria and known MMSP criteria are met except where modified by the proposed Development Agreement as described in this overall code analysis. (ok)
XI-10-11.06 Conformance With Specific Plans	See all analysis sections on this drawing A-002 for information about compliance with the MMSP and the proposed Development Agreement.
XI-10-12.06 Transit Oriented	Development Overlay District
Precedence	When there is a conflict between any TOD and other Zoning Ordinance requirements, TOD requirements take precedence. - The proposed project meets all TOD requirements. (ok)
Permitted Uses	Uses permitted, conditional uses permitted, and accessory uses permitted in the TOD Overlay District are the same as those of the underlying district (C2), with a few exceptions that do not modify the proposed school and gym's conditional use compliance. - The proposed project is allowed as a conditional use. (ok)
Development Standards	TOD development standards are the same as those of the underlying district (C2), except the maximum FAR in a C2-TOD district is 1.00. - Proposed FAR = (51,740 sf + 7,883 sf + 600 sf + 291 sf) / 130,680 sf = 0.46 < 1.00 (ok)
Car Parking - 20% TOD Reduction	The parking requirements of XI-10-53.23 for the underlying district (C2) may be reduced by 20% in the TOD - This reduction is applied and parking provided is compliant with the total requirements of XI-10-53.23, see calculations in that section below for details. (ok)
Carpool Parking - 1% of Parking Provided for MMSP Sites:	For sites that are both in the MMSP and the TOD, 1% of the required parking must be designated as carpool parking with signage. - The proposed project will provide 1% of the required parking as designated and signed carpool parking, see the calculations in section XI-10-53.23 for details. (ok)
Additional Requirements (Alternative Transportation)	TOD sites are required to incorporate measures to encourage transit, biking, and foot traffic, including but not limited to on site retail/cafe/etc services, transit pass programs, and bike and shower facilities for 'new' projects over 50,000 sf. - The new square footage proposed is significantly less than 50,000 sf and this section does not apply. However the school will provide dining space, exercise space, significant bike parking, and showers. The school will also provide a transit pass program for staff and families. (ok)
Conformance with Specific Plans (MMSP)	This section reiterates verbatim the criteria in section XI-10-11.06, projects in both TOD and MMSP districts shall comply with MMSP requirements when they meet the same threshold criteria, and MMSP requirements take precedence over the requirements of other Specific Plans when there is conflict. - The project does trigger the threshold criteria and is consistent with MMSP and proposed Development Agreement critieria. (ok)
XI-10-14.03 Public Art Requirements for Private Development -Nonresidential Building Development Requirements	All private nonresidential development of more than 2,000sf of new building square footage is required to devote 0.5% of the Building Development Cost to develop and install Publicly Accessible Art on the site. The owner may also provide a Public Art Program fee-in-lieu of an actual art installation. The city may grant exemptions when an owner can demonstrate this cost will make the project infeasible. - The project is providing Publicly Accessible Art panels on the west face of the new gym at a cost of 0.5% of the Building Development Cost. If the City deems the location of these panels insufficient for the public art requirement, the client will pay the fee to meet the requirement. (ok)
XI-10-15 Special Events	Temporary organized special events of certain sizes and types require a permit and certain other requirements. - The school (or any site owner) can apply for temporary permits for any of code restricted special events if and when they are necessary, but this section does not apply to this general Conditional Use Permit proposal for a Grade 6-12 school. (ok)
XI-10-24 Signs	
Administration	This section takes precedence over Specific Plan requirements when there is conflict. - All signs will comply with requirements. (ok)
Maximum Sign Area in Nonresidential Signs	The total area of all site signs is 2 square feet per each 1 linear foot of building perimeter or 1 lineal foot of site frontage, at the applicant's discretion. - There are 1,063 lineal feet of existing site frontage and 1,092 lineal feet of existing and proposed building perimeters, and thus a maximum of 2,184 sf of signage is allowed by the code. As shown on the project exterior elevations, 1,250 sf of signage is proposed and this is compliant. (ok)
Appearance	All signs must be architecturally compatible with the buildings on site, use reasonable lighting, and generally attractive according to criteria in this section. - All proposed signs are architecturally compatible with the buildings on site, use reasonable or no lighting, and are attractive per code criteria and compliant. (ok)
SDR Permits	Some signs are subject to their own SDR review, including all freestanding signs more than 6' tall. - No freestanding signs taller than 6' are proposed, nor are signs with other criteria that require SDR review. (ok)
XI-10-54.08 Accessory Buildings and Structures	When located in a rear yard, accessory buildings and structures are limited to 30% of the area required of the rear yard setback and must be 3' or more from the rear property line. When 'attached' the code suggests an accessory structure needs to meet the requirements for the main building. Any 'detached' acccessory building shall not be located within three (3) feet of any rear lot line or side line of the rear half of an adjacent lot or within seven (7) feet of the side line of the front half (1/2) of an adjacent lot; and, in the case of a corner lot, shall not project beyond the front line required or existing on the adjacent lot. There are other exceptions and requirements for other specific accessory structure types and arrangements that do not appear applicable.- The city is considering the gym an accessory structure, but it is not located in a rear yard or any setback area and meets all requirements of this code section. (ok)
XI-10-54.10 Fences & Walls - Height	Fences are limited to 6' in height at rear & side yards and 4' at front yards. --Fences at athletic fields may be 12' high if the top 6' is of openwork. --Fences in the front yard and within 25' of a street corner must be open work. --Fences for trash enclosures and mechanical equipment must meet XI-10-54.16 in lieu of this section. - All proposed elements comply with these requirements. (ok)
XI-10-54.12 Areas for Collecting and Loading Recyclable Materials	New commercial, institutional, industrial, and residential developments that require a building permit, existing alterations that modify an existing recycling area or add 30% or more to the building square footage (cumulatively over 12 months) are required to build a compliant recycling and loading area. - The project is building new commercial / institutional square footage and is moving the trash and recycling enclosure, and the new enclosure will comply with this requirement. (ok)
XI-10-54.16 Trash Enclosures, Equipment, and their Screening	
Trash Enclosures	Trash enclosures (including recycling areas) must be sufficiently sized. When located on the street side of corner lots they should be set back at least as much as the main building. They should be built to city standards and finished attractively, and landscape buffered on the rear and sides. - The proposed trash enclosure meets all requirements, except its setback less than the main building will be approved by CUP exception per XI-10-57.04. (ok)
Ground Mounted Equipment	Ground mounted equipment must be located out of the front setback and fully screened with landscaping and/or walls and less than the height of the building in commercial districts. - No new ground mounted equipment is proposed and all existing equipment complies.(ok)
Roof Mounted Equipment	Rooftop equipment should be screened by attractive materials of building complementary colors, at a height that screens the equipment from view from on site parking, adjacent streets, and adjacent residentially zoned properties. Exceptions to the zoning limits for mechanical screens can be made by the code officials with sight line studies. - All rooftop equipment are screened to meet height and appearance requirements. (ok)
XI-10-54.17 Lighting	Fixtures shall prevent light spill to adjacent properties and the public way and should be of a height, style, color, and light level appropriate to the site and use. - Existing and proposed site lighting will meet appearance, intensity, and containment requirements.(ok)
XI-10-55 Exceptions - Height, Setbacks, Lot Area & Projections	There are some exceptions allowed in certain instances for building height, site setbacks, lot area, and building projections in this section including allowances for higher stairwell parapets and mechanical screens - The site lot area and existing and proposed building setbacks and heights meet baseline code requirements, while the existing stairwell parapet and existing and proposed mechanical screen heights are allowed by this section. (ok)
XI-10-56 Nonconforming Buildings & Uses	
Repair, Maintenance, and Aesthetic Improvements	This section states that noncofnorming buildings and structures may remain and be repaired or altered as long as no structural modifications are made except where required by law or ordinance. - This section is not applicable as the existing structure in not nonconforming, and all proposed modifications are compliant. (ok)
Restoration of Damaged Buildings	Nonconforming structures damaged up to 75% of their value may be restored and remain in their nonconforming state. - This section is not applicable as the existing structure is not nonconforming nor damaged. (ok)
Additions, Enlargements, & Moving of Nonconforming Structures	This section would allow nonconforming buildings and structures to remain and receive additions and enlargements or be moved in certain instances. - This section is not applicable as the existing structure is not nonconforming and not being enlarged or moved. The new gym is a separate structure by the municipal code definition of separate structures. (ok)
XI-10-57 Applications	
Site Development Permits	The Site Development Permit process is required in S Overlay districts and for a number of project types including all new main building.- It appears the project will be subject to the SDR process including a Public Meeting, review by the Zoning Administrator, and approval by the Planning Commission. Any appeals would be decided by the City Council (XI-64). (ok)
Conditional Use Permits	A Conditional Use Permit is required for a school in a C2 district. - This project will be subject to the CUP process including a Public Meeting, review by the Zoning Administrator, and approval by the Planning Commission. Any appeals would be decided by the City Council (XI-64). (ok)
XI-10-53 Off-Street Parking Regulations	
Compact Spaces	In C2 zones, up to 40% of the parking may be compact parking, interspersed in the lot. - Per the calculations below compact spaces currently account for 26.4%. (ok)
Bicycle & Motorcycle Parking	Bicycle and motorcycle parking are not required but can replace up to 5% of the car parking spaces required. -- Bicycle spaces must be 2'x7' and replace car spaces at an 8:1 ratio. -- Motorcycle spaces must be 4'x8' and replace car spaces at a 2:1 ratio. - Per the calculations below, the design replaces 5% of the car parking spaces with bicycle parking spaces. (ok)
Rounding	Required parking calculations should be rounded up or down as mathematically applicable, not rounded up by rule. - The calculations below assume rounding up and down as applicable. (ok)
Required Number of Spaces	Secondary Schools (Gr9-12): 1 / classroom, plus 1 / 5 students, plus 1 / 240 sf of office space. - The calculations below use these factors. (ok) Primary Schools (K-8): 1 / classroom, plus 1 / 240 sf of office space *Note: The school is intended to open as a Gr6-12 school and transition to a Gr9-12 school, and therefore the more conservative Secondary Schools (Gr9-12) criteria are used in all parking calculations.*
Shared Parking	Shared parking for certain land uses would allow reductions, but this is not traditionally applicable to the school use. - Shared parking is not assumed in the calculations below. (ok)
Screening & Landscaping	Screening and landscaping 10' wide is required for parking lots on public streets. - The existing site design at streets is not being altered except where it is reduced slightly at the field, and it meets or exceeds the 10' landscape buffer requirement in all cases. (ok)

PARKING SUMMARY

UPPER SCHOOL SITE (PROJECT SITE)

CAR PARKING (XI-10-53, XI-10-12.06)	
REQUIRED @ OFFICE AREAS:	3,207 / 240 = 14
REQUIRED @ CLASSROOMS:	27 / 1 = 27
REQUIRED @ HIGH SCHOOLSTUDENTS:	500 / 5 = 100
GROSS TOTAL REQUIRED:	14 + 27 + 100 = 141
20% TOD REDUCTION (XI-10.12.06.F):	-20% X 141 = -28
5% BICYCLE REDUCTION (XI-10.53.13.B.4):	-5% X 141 = -7
SHARED PARKING SURPLUS @ LOWER SCHOOL SITE USED BY UPPER SCHOOL:	-32
NET TOTAL REQUIRED @ UPPER SCHOOL SITE:	141 - 28 - 7 - 32 = 74
PROVIDED @ UPPER SCHOOL SITE:	74 CAR SPACES (OK)
-- COMPACT SPACES (C) - 40% MAX:	40% X 74 = 30 MAX, 13 PROVIDED (OK)
-- CARPOOL SPACES (CP) - 1% MIN:	1% X 74 = 1 MIN, 1 PROVIDED (OK)
-- ADA SPACES - 3 MIN FOR 51-75 SPACES:	3 MIN, 3 PROVIDED (OK)
-- ADA VAN SPACES - 1 MIN PER 6 ADA SPACES:	1 MIN, 1 PROVIDED (OK)

BIKE PARKING (XI-10.53.13.B.4)	
8 BIKE SPACES (2'X7') REQ'D PER REPLACED CAR SPACE:	7 X 8 = 56
BIKE SPACE SURPLUS @ UPPER SCHOOL SITE USED BY LOWER SCHOOL:	40
NET TOTAL REQUIRED @ UPPER SCHOOL SITE:	56 + 40 = 96
PROVIDED @ UPPER SCHOOL SITE:	96 BIKE SPACES (OK)

CAR LOADING	
CAR LOADING SPACES PROVIDED (9'x18'):	192'-6", 8 SPACES
CAR QUEUEING LENGTH ON SITE (SINGLE STACKED):	521'-8"

LOWER SCHOOL SITE (ADJACENT SITE TO SOUTH)

CAR PARKING	
GROSS TOTAL REQUIRED (SEE CUP RES. #16-002)	103
20% TOD REDUCTION (XI-10.53.13.B.4):	-20% X 103 = -20
5% BIKE REDUCTION (XI-10.53.13.B.4):	-5% X 103 = -5
SHARED PARKING SURPLUS @ LOWER SCHOOL SITE USED BY UPPER SCHOOL:	32
NET TOTAL REQUIRED @ LOWER SCHOOL SITE	103 - 20 - 5 + 32 = 110
TOTAL PROVIDED @ LOWER SCHOOL SITE:	110 CAR SPACES (EXISTING) (OK)
-- COMPACT SPACES (C) - 40% MAX:	40% X 110 = 44 MAX, 29 PROVIDED (OK)
-- CARPOOL SPACES (CP) - 1% MIN:	1% X 110 = 2 MIN, 2 PROVIDED (OK)
-- ADA SPACES - 5 MIN FOR 101-150 SPACES:	5 MIN, 5 PROVIDED (OK)
-- ADA VAN SPACES - 1 MIN PER 6 ADA SPACES:	1 MIN, 1 PROVIDED (OK)

BIKE PARKING (XI-10.53.13.B.4)	
8 BIKE SPACES (2'X7') REQ'D PER REPLACED CAR SPACE:	5 X 8 = 40
BIKE SPACE SURPLUS @ UPPER SCHOOL SITE USED BY LOWER SCHOOL:	-40
NET TOTAL REQUIRED @ LOWER SCHOOL SITE:	40 - 40 = 0
PROVIDED @ LOWER SCHOOL SITE:	0 BIKE SPACES (OK)

CAR LOADING	
CAR LOADING SPACES PROVIDED (9'x18'):	170'-4", 7 SPACES
CAR QUEUEING LENGTH ON SITE (DOUBLE STACKED):	1493'-10"

ELECTRIC VEHICLES PARKING (UPPER & LOWER SCHOOL SITES COMBINED REQUIREMENTS)

**CALCULATION OF PARKING SPACES ATTRIBUTED TO NEW GYM:*
7,883 sf Gym / (51,740 sf Upper School + 7,883 sf Gym + 600 sf Canopy + 291 sf Trash Enclosure + 64,980 sf Lower School Off Site) = 6.3%
6.3% x (141+103) Combined Site Spaces = 16 NEW GYM PARKING SPACES

EV CAPABLE, LEVEL 2 (EVC)	15% MIN X 16 GYM PARKING SAPCES = 3 REQUIRED 3 PROVIDED (OK)
EVCS, LEVEL 2:	5% MIN X 16 GYM PARKING SAPCES = 1 REQUIRED 1 PROVIDED (OK)
ACCESSIBLE EVCS (AEVCS):	1 EVCS = 1 VAN ACCESSIBLE EVCS REQUIRED, 1 PROV'D (OK)

ELECTRIC VEHICLES PARKING (PROJECT SITE REQUIREMENTS)

**CALCULATION OF PARKING SPACES ATTRIBUTED TO NEW GYM:*
7,883 sf Gym / (51,740 sf Upper School + 7,883 sf Gym + 600 sf Canopy + 291 sf Trash Enclosure) = 13.0%
13.0% x 141 Site Spaces = 19 NEW GYM PARKING SPACES

EV CAPABLE (EVC):	15% MIN X 19 GYM PARKING SAPCES = 3 REQUIRED 3 PROVIDED (OK)
EVCS:	5% MIN X 19 GYM PARKING SAPCES = 1 REQUIRED 1 PROVIDED (OK)
ACCESSIBLE EVCS (AEVCS):	1 EVCS = 1 VAN ACCESSIBLE EVCS REQUIRED, 1 PROV'D (OK)

CEBC Analysis

CHAPTER 1 - SCOPE & ADMINISTRATION

Scope (1.1.3)	The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures throughout the State of California.
Order of Precedence and Use (1.1.7)	When the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24 the most restrictive requirements shall prevail.
Office of the State Fire Marshal (1.11)	Applies to institutional, educational or any similar occupancy.

Structure 1 of this project will be primarily governed by the scope of CEBC adopted by the Office of the State Fire Marshal (SFM). Additional code references are provided for reference and convenience in determining compliance. Structure 2 is a new structure and is not governed by the CEBC.

CHAPTER 2 - DEFINITIONS

"Change of Occupancy"	*A change in the use of a building or portion of a building that results in any of the following: 1. A change of occupancy classification 2. A change from one group to another group within an occupancy classification. 3. A change in use within a group for which there is a change in application of the requirements of this code.*

The work will involve a Change of Occupancy from a B occupancy to a primary E occupancy with separated B occupancy areas.

"Primary Function"	*A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center as, well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility area carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.*

All primary function areas are served or will be served by an accessible route and any upgrade provisions where required as discussed further below.

"Repair"	*The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.*

Minor repair work may occur as a part of the project and will meet code provisions for repairs.

"Risk Category"	*A categorization of buildings and other structures for determination of flood, wind, snow, ice and earthquake loads based on the risk associated with unacceptable performance, as provided in Section 1604.5 of the CBC.*

The existing building has a Risk Category of II, based on a primary occupancy of Group B with an occupant load smaller than 5,000. The proposed building will have a Risk Category of III, based on a primary occupancy of Group E with an occupant load greater than 250.

"Seismic Forces"	*The loads, forces and requirements prescribed herein, related to the response of the building to earthquake motions, to be used in the analysis and design of the structure and its components. Seismic forces are considered either full or reduced, as provided in Chapter 3.*

Where a change of occupancy results in a building being assigned to a higher risk category, the building shall satisfy the requirements of Section 1613 of the CBC for the new risk category using full seismic forces. (2022 CEBC 506.5.3) With a new Risk Category of III, the proposed building will meet all requirements for CBC Chapter 16 and Section 1613 requirements for a new building of Risk Category III, using full loads per 2022 CEBC 304.3. (ok)

"Substantial Improvement"	*For the purpose of determining compliance with the flood provisions of this code, any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either of the following: 1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the code official and that is the minimum necessary to ensure safe living conditions. 2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.*

The work is assumed to be a substantial improvement. There is no substantial structural damage to repair, but the alteration cost is assumed to be more than 50% of the market value of the structure.

"Substantial Structural Alteration"	*An alteration in which the gravity load-carrying structural elements altered within a 5-year period support more than 30 percent of the total floor and roof area of the building or structure. The areas to be counted toward the 30 percent shall include mezzanines, penthouses, and in-filled courts and shafts tributary to the altered structural elements.*

The work is not a substantial structural alteration as less than 30% of the building's gravity load-carrying elements are being structurally altered.

"Technically Infeasible"	*An alteration of a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.*

At this time no areas of technical infeasibility have been identified.

"Work Area"	*That portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code.*

The work area consists of the whole of the existing building (100%).

CHAPTER 3 - PROVISIONS FOR ALL COMPLIANCE METHODS

Applicability (301.1)	The repair, alteration, change of occupancy, addition or relocation of all existing buildings must meet this section - all work will comply (ok)
Repairs (301.2)	Repairs must meet Chapter 4 requirements - all work will comply (ok)
Alterations (301.3)	This project will use the Prescriptive Compliance Method, Ch. 5 - all work will comply (ok)
Additional Codes (302.2)	Other codes apply but CEBC takes precedence - all work will comply (ok)
Existing Materials (302.3)	Existing materials may remain unless determined by the building official to be unsafe - all work will comply (ok)
New & Replacement Materials (302.4)	Replacement materials matching existing are permitted unless unsafe conditions are created- all work will comply (ok)
Occupancy & Use (302.5)	Determined by CBC - see CBC analysis, occupancy is changed from a group B occupancy to a primary Group E occupancy with separated Group B spaces, all work will comply with associated requirements (ok)
Structural - Live Loads (304.1)	Where an addition or alteration does not result in increased design live load, existing gravity load-carrying structural elements shall be permitted to be evaluated and designed for live loads approved prior to the addition or alteration. If the approved live load is less than that required by Section 1607 of the CBC, the area designated for the nonconforming live load shall be posted with placards of approved design indicating the approved live load. Where the addition or alteration results in increased design live load, the live load required by Section 1607 of the CBC shall be used. - all work will comply, the existing design live load for the 2nd floor framing is 100psf and the required new school design live loads do not exceed this amount. As such unaltered structural members will remain unaltered, while structurally altered and new members will meet the current code. (ok)
Structural - Snow Loads on Adjacent Buildings (304.2)	Where an alteration or addition changes the potential snow drift effects on an adjacent building, the code official is authorized to enforce Section 7.12 of ASCE 7 - no changes to potential snow drift effects, not applicable (ok)
Structural - Seismic Evaluation & Design (304.3)	The loads, forces and requirements prescribed herein, related to the response of the building to earthquake motions, to be used in the analysis and design of the structure and its components. Seismic forces are considered either full or reduced, as provided in Chapter 3 - with a new Risk Category of III, the proposed building will meet all requirements for CBC Chapter 16 and Section 1613 requirements for a new building of Risk Category III, using full loads per CEBC 303.3.1.1 (ok)
In Situ Load Tests (305)	Where needed conduct per current CBC 1708 - all work will comply where applicable (ok)

Accessibility for Existing Buildings (306)	
Scope (306.1)	Section applies to alterations - all work will comply (ok)
Maintenance and Repair (306.3)	Altered facility accessibility to be maintained - all work will comply (ok)
Extent of Application (306.4)	Alterations shall not impose accessibility requirements greater than that for new construction, nor reduce accessibility of facility or portion of facility - all work will comply (ok)
Change of Occupancy (306.5)	Change of occupancy requires compliance with 305.6, 305.7, & 305.8 where applicable - all work will comply (ok)
Additions (306.6)	Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 305.7. - not applicable (ok)
Alterations (306.7)	Altered facilities shall meet CBC Chapter 11 for new building, unless technically infeasible. Altered spaces and elements are also not required to be on an accessible route unless containing a primary function per 305.7. Accessible means of egress for new buildings per CBC Chapter 10 is also not required in altered facilities. There are other dwelling unit exceptions in 305.6 that do not apply - all work will comply (ok)
Alterations - Areas of Primary Function (306.7.1)	Where alterations contain an area of primary function, the route to the primary function shall be made accessible and shall include accessible toilets and drinking fountains. However the costs are not required to exceed 20% of the costs of alterations affecting the area of primary function. This provision also does not apply to alterations solely for windows, hardware, operating controls, outlets, signs, mechanical systems, electrical systems, fire protection systems, or the abatement of hazardous materials. The provision also does not apply to alterations undertaken primarily for the purpose of increasing facility accessibility. There are dwelling unit provisions that are not applicable to this project - all work will comply (ok)
Entrances (306.7.5)	Accessible entrances shall be provided, except that when facilities already have an accessible entrance, a new altered accessible entrance is not required. Signs complying with IBC 1112 shall be provided. - all work will comply (ok)
Accessible Route (306.7.6)	Exterior accessible routes, including curb ramps, shall be not less than 36 inches (914 mm) minimum in width.- all work will comply (ok)
Elevators, Lifts & Stairs (306.7.7-9)	Elevators and lifts to comply with ICC A117.1. New escalators and stairways to have accessible routes between levels served - all work will comply (ok)
Determination of Number of Units (306.7.10)	The alteration and addition contain no dwelling units or jury boxes - not applicable (ok)
Toilet Rooms (306.7.11)	Where it is technically infeasible to provide accessible toilet rooms where required, it is acceptable to provide a family or assisted-use toilet facility per IBC 1110.2.1 on the same floor, with signage from the inaccessible toilet to the family or assisted-use toilet - all work will comply (ok)
Dressing, Fitting, & Locker Rooms (306.7.14)	Where it is technically infeasible to provide accessible dressing, fitting, or locker rooms, another accessible room on the same floor level can be provided - accessible locker rooms are being provided in Structure 1 and no additional dressing or fitting rooms are required (ok)
Amusement Rides (306.7.15)	No amusement rides are proposed - not applicable (ok)
Historic Structures (306.7.16)	Building and site are not historic - not applicable (ok)

CHAPTER 4 - REPAIRS

General (401)	Repairs shall meet this section and not make building less compliant - any incidental repair work will comply (ok)
Building Elements & Materials (402)	Replacement in kind is ok except if unsafe, and except glazing at hazardous areas shall meet requirements for safety glazing - all work will comply (ok)
Fire Protection (403)	Repairs shall maintain current protection - any incidental repair work will comply (ok)
Means of Egress (404)	Repairs shall maintain current means & protection - any incidental repair work will comply (ok)
Structural (405)	Repairs shall meet this section & 303 - no repairs needed, compliant (ok)
Electrical (406)	Repairs shall maintain similar material - any incidental repair work will comply (ok)
Mechanical (407)	Repairs shall not make building less compliant - any incidental repair work will comply (ok)
Plumbing (408)	Repairs shall comply with UPC, maximum water consumption flow rates and quantities for all replaced water closets shall be 1.28 gallons (4.8 L) per flushing cycle - any incidental repair work will comply (ok)

CHAPTER 5 - PRESCRIPTIVE COMPLIANCE METHOD

Additions (502)	
General (502.1)	Addition areas shall meet individual code provisions for new buildings without requiring full building upgrades, as long as the existing overall building is no less confirming after completion of the addition than the existing structure was prior to the addition - there are no additions in the scope of work for Structure 1 as there is no extension or increase in floor area, number of stories, or height of the building or structure, this section is not applicable (ok)
Alterations (503)	
General (503.1)	Altered areas and components shall meet individual code provisions for new buildings without requiring full building upgrades, as long as the existing overall building is no less conforming after completion of the alteration that the existing structure was prior to the alteration - all altered work will comply (ok)
Flood Hazard Areas (503.2)	For substantial improvements in flood hazard areas, the alteration and the existing structure shall comply with the flood design requirements for new construction - alteration and addition floor levels are above flood hazard area levels, not applicable (ok)
Existing Structural Elements Carrying Gravity Load (503.3)	Any existing gravity structural members with an increase, due to the alteration, in design dead, live or snow load, including snow drift effects, of more than 5% shall be replaced or altered as needed to carry the gravity loads required by the CBC for new structures - all work will comply, loads will not be increased more than 5% in most areas since the design live load for the 2nd floor framing was 100psf and the required new school design live loads to not exceed this amount. (ok)
503.4 Existing Structural Elements Carrying Lateral Load (503.4)	Where the alteration is structurally independent of the existing structure, existing lateral members can remain unaltered. Otherwise, the existing structure and its addition acting together as a single structure shall meet the requirements of Sections 1609 and 1613 of the CBC using full seismic forces. Any existing lateral member whose demand-capacity ratio does not increase >10% can remain unaltered - the demand-capacity ratio will be increased >10% for some members and the lateral system will be significantly upgraded with a resulting overall system designed for a new building meeting all CBC Chapter 16, Section 1609, and 1613 requirements using full seismic forces. (ok)
Substantial Structural Alteration (503.11)	Where the work area exceeds 50% of the building area and where work involves a substantial structural alteration, the lateral load-resisting system of the altered building shall satisfy the requirements of Sections 1609 and 1613 of the CBC - the work does not involve a substantial structural alteration but the work area is 100% of the building. The lateral system will be significantly upgraged with a system designed for a new building meeting all CBC Chapter 16, Section 1609, and 1613 requirements using full seismic forces. (ok)
Refuge Areas (503.15)	Where alterations affect the configuration of an area utilized as a refuge area, the capacity of the refuge area shall not be reduced below that required in Sections 503.16.1 through 503.16.3. - no refuge areas are required, not applicable (ok)
Fire Escapes (504)	No fire escapes exist or are required - not applicable (ok)
Windows & Emergency Escape (505)	Required @ R occupancies - not applicable (ok)
Change of Occupancy (506)	Change in occupancy requires a building to meet current CBC requirements for that occupancy, and not cause the building to be less compliant that it was prior to the change, except the building need not meet structural requirements of CBC Chapter 16 unless required by CEBC 303.2. The code official may also allow a change of occupancy that meets CEBC requirements for the current occupancy, provided the new occupancy is less hazardous than the existing based on life and fire risk - Structure 1 is changing from B to a primary E occupancy with nonseparated B areas, all work will comply with current CBC Chapter 16 requirements for a new building with exceptions where allowed by CEBC 303.2 (ok)
Historic Buildings (507)	The building and site are not historic - not applicable (ok)

CHAPTERS 6-13

Chapters 6-13 are not adopted by the State of California - not applicable (ok)

CHAPTER 14 - RELOCATED OR MOVED BUILDINGS

No buildings are being moved - not applicable (ok)

CHAPTER 15 - CONSTRUCTION SAFEGUARDS

Construction safeguard requirements will be met - compliant (ok)

CHAPTER 16 - REFERENCED STANDARDS

Requirements in referenced standards will be met - compliant (ok)

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CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

CODE ANALYSIS

A-001

CBC Analysis

CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION

Educational Group E (305.1) - Primary Occupancy	*Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by more than six persons at any one time for educational purposes through the 12th grade*

The existing Structure 1 (E) will primarily consist of classrooms and other school spaces*, as well as non-separated administrative (B) and accessory support (U) spaces. The new gym Structure 2 (E) will consist of school gym spaces* only, but will be considered part of the same building as the existing building for code purposes per 503.1.2.

** Per 303.1.3, a room / space used for assembly purposes that is associated with a Group E occupancy is not considered a separate occupancy.*
** Per 311.1.1, a room / space used for storage purposes that is accessory to another occupancy shall be classified as part of that occupancy.*

CHAPTER 5 - BUILDING HEIGHTS AND AREAS

	Structure 1	Structure 2-Gym
Occupancy Classification	Group E & Group B (non-separated)	Group E & B (non-separated)
Construction Type	IIIB (Sprinklered)	IIIB (Sprinklered)
Allowable Height & Stories	75', 3 stories (w/o area increase) - 35' (tower @ 39', mech screen @ 42'), 2 stories existing (ok)	75', 3 stories (w/o area increase) - 35'-0" (mech screen @ 42'), 1 story proposed (ok)
	Per footnote n, in Group E occupancies, S increases for height and stories cannot be used together with S area increases. Noncombustible towers and mechanical screens can extend an unlimited height above the limit, combustible towers and screens are limited to 20' above the limit. Since 75' is the baseline allowable height, these exceptions are not necessary for these 2 buildings.	
Allowable Building Area	**Non-Separated E&B Occupancy, 2-Story Building (Combined with Structure 2):** Mixed-Occupancy, Multistory Buildings (506.2.2) - Each story of a mixed occupancy building with more than one story above grade plane shall individually comply with the applicable requirements of Section 508.1. Buildings with more than three stories have additional restrictions. Non-Separated Occupancies, Allowable Area (508.3, 508.3.2) - The story, height, and area requirements of the most restrictive occupancy shall apply to each floor and the overall building, and each story shall individually comply with area requirements set by Table 506.2 and 506.2.2.	**Non-Separated E&B Occupancy, 2-Story Building (Combined with Structure 1):** Since it is considered part of the same building as Structure 1 per Section 503.1.2, Structure 2 is included in the calcs for the combined building's 1st floor. If any reason to separate the building is required by the code official, the gym can be calculated individual as a Single Occupancy, One-Story Buildings (506.2.1) - The allowable area of a single-occupancy building with no more than one story above grade plane shall be determined in accordance with Equation 5-1 (where If is determined by Table 506.3): *Aa= At + (NS x If). That calculation is provided below for reference only.*
	W = 30, F/P = 2 sides/4 sides = 50% If = 50% (T506.3) Allowable Area (w/o height increase): At[E]= 43,500 sf; At[B]= 57,000 sf A[E]= [At[E] +(NS x If)] = 43,500 + (14,500 x 50%) = 50,750 sf Proposed Area: L1: 25,870 sf + 7,883 sf **+ 600 sf + 291 sf** = 34,644 sf < 50,750 sf (ok) L2: 25,870 sf < 50,750 sf (ok)	*W=30 F/P = 2 sides/4 sides = 50% If = 50% (T506.3)* *Allowable Area: Aa= At + (NS x If) = 58,000 + (14,500 x 50%) = 65,250 sf* *Proposed Area: 7,883 sf < 65,250 sf (ok)*

Areas By Occupancy & Accessory Occupancies (508.2)

	Structure 1	Structure 2-Gym
Separate Building Totals	51,740 sf School + 600 sf Canopy + 291 sf Trash Enclosure = **52,631 sf**	**7,883 sf**
Group E	45,856 sf = 87.1% (primary)	7,883 sf = 100% (primary)
Group B	3,437 sf = 6.5% (non-separated)	0 sf = 0% (non-separated)
Group U	3,338 sf = 6.3% (accessory)	0 sf = 0% (accessory)
Single Code Building Total	**60,514 sf**	
Group E	53,739 sf = 88.8% (primary)	
Group B	3,437 sf = 5.7% (non-separated)	
Group U	3,338 sf = 5.5% (accessory)	

Occupancy Separation (508.3, 508.4)

		Structure 1	Structure 2-Gym
E-B	(S) 1hr required	Not applicable @ non-separated occupancy (ok)	Not applicable @ non-separated occupancy (ok)

Incidental Uses (509)

		Structure 1	Structure 2-Gym
Furnace rooms w/ equipment over 400,000 Btu/Hr	1hr or Sprinklered	None (ok)	None (ok)
Boiler rooms w/ equipment over 15 psi and 10 hp	1hr or Sprinklered	None (ok)	None (ok)
Refrigerant machinery room	1hr or Sprinklered	None (ok)	None (ok)
Laboratories and vocational shops in E not classified as H	1hr or Sprinklered	Sprinklers provided (ok)	None (ok)
Laundry rooms over 100 sf	1hr or Sprinklered	None (ok)	None (ok)
Waste and linen collection rooms over 100 sf	1hr or Sprinklered	None (ok)	None (ok)
Electrical installations & transformers	3hr or 1hr with sprinklers (See CEC110.26-34 & 450.8-48 for additional requirements)	1hr with sprinklers provided @ applicable elec rooms (ok)	None (ok)
All other Incidental Uses	Varied requirements	None (ok)	None (ok)

CHAPTER 6 - TYPES OF CONSTRUCTION

Note: The existing structure is being reclassified from Type VB to Type IIIB. The components of the original structure's construction have been verified to meet the requirements of Type IIIB per CBC 602.3.
Type IIIB interior construction is allowed to be of any material permitted by the code, and the building's steel and concrete structure and architectural infill elements meet this requirement.
Type IIIB roof construction is allowed to be of any material permitted by the code and the structure's steel and plywood structure, batt insulation, and asphaltic roofing meet this requirement.
Type IIIB exterior wall construction is required to be noncombustible, and the existing structure's exterior walls are 12" and 8" concrete panels with aluminum and glass storefront openings, with metal stud furring, batt insulation, and gypsum board sheathing on their interior sides. CBC 601 requires 2hr minimum fire rated exterior bearing walls and 0hr minimum fire ratings for all other building elements. The exterior 12" and 8" concrete bearing walls meet the 2hr minimum fire rating requirement for exterior walls, and all other building elements meet the 0hr minimum fire rating requirement.

	IIIB (Sprinklered)	Structure 1	Structure 2-Gym
Structural Framing	0hr	0hr existing (ok)	0hr provided (ok)
Bearing Walls, Exterior	2hr	2hr existing (ok)	2hr provided (ok)
Bearing Walls, Interior	0hr	0hr existing (ok)	0hr provided (ok)
Non-bearing Walls, Exterior	See Fire Separation Distance (705.5, T705.5) Analysis Below		
Non-bearing Walls, Interior	0hr	0hr existing (ok)	0hr provided (ok)
Floor Construction	0hr	0hr existing (ok)	0hr provided (ok)
Roof Construction	0hr	0hr existing (ok)	0hr provided (ok)

Fire Separation Distance (705, T705.5)

	IIIB (Sprinklered) Group E, B	Structure 1	Structure 2-Gym
D < 10'	1hr	Not applicable - 2hr provided (ok)	Not applicable - 2hr provided (ok)
10 ≤ D < 30'	1hr, except 0hr where unlimited unprotected openings are allowed @ D≥ 20' (S). Section 705.8 allows that exterior nonbearing walls can be unrated where unlimited unprotected openings are allowed.	1hr required @ any South existing nonbearing exterior walls (16' to property line) - no South nonbearing walls, not applicable (ok)	1hr required @ any South nonbearing exterior walls (16' to property line) - no South nonbearing walls, not applicable (ok)
D ≥ 30'	0hr	0hr required @ North, West, & East existing nonbearing walls (>30') - no North, West, or East non bearing walls, not applicable (ok)	0hr required @ North, West, & East nonbearing walls (>30') - no North, West or East non-bearing walls, not applicable (ok)

CHAPTER 7 - FIRE AND SMOKE PROTECTION

	Structure 1 Type IIIB, Group E,B, Sprinklered	Structure 2-Gym Type IIIB, Group E, Sprinklered
Exterior Walls (705, 716)	2hr @ Bearing Walls By Fire Separation Distance @ Nonbearing Walls	
Where Required	2hr @ Bearing Walls; 1hr Nonbearing Walls 0' < D ≤ 20' (S), 0hr @ Nonbearing Walls D ≥ 20' (S)	
	2hr provided @ bearing exterior bearing walls No nonbearing exterior walls 0'<D<20' @ Struc 1 (ok)	2hr provided @ bearing exterior bearing walls No nonbearing exterior walls 0'<D<20' @ Struc 2 (ok)
Opening Protection	No Limit (UP,S) & No Limit (P) @ Fire Separation Distance ≥ 20' - see below @ E/W/N faces @ Struc 1&2 75% (UP,S) & 75% (P) @ Fire Separation Distance 15 ≤ D < 20' - see below @ S faces @ Struc 1&2 45% (UP, S) & 45% (P) @ Fire Separation Distance 10' ≤ D < 15' - not applicable 25% (UP, S) & 25% (P) @ Fire Separation Distance 5' ≤ D < 10' - not applicable *Note: For the requirements of 602, 705.3, and 705.8, since Structure 1 and Structure 2 are considered one building per Section 503.1.2, there is no separation distance between them, and therefore no limit to the unprotected opening percentage on the Structure 1 east face and Structure 2 west face.*	
	N = 37.9% UP,S (ok) S = 34.8% UP,S (ok) E = 36.7% UP,S (ok) W = 31.6% UP,S (ok)	N = 0.0% UP,S (ok) S = 0.0% UP,S (ok) E = 37.4% UP,S (ok) W = 18.1% UP,S (ok)
Fire Walls (706, T706.4. 716)	3hr	
Where Required	Building Area Separation Walls	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	3hr @ 3hr wall	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Fire Barriers (707, 707.3.10, 716)	See fire-resistance requirement per category	
Where Required	Shafts, Exit Stairs & Passageways, Horizontal Exits, Atriums, Control Area Separations, Occupancy Separations, Fire Area Separations	
	Provided at shafts, all others not applicable @ Struc 1 (ok)	None applicable @ Struc 2 (ok)
Opening Protection	See fire-resistance requirement per category, 156sf/25% wall length max (except no openings other than those required for access are allowed at shafts, exit stairs, & exit passageways)	
	Provided at shafts, all others not applicable @ Struc 1 (ok)	Provided at shafts, all others not applicable @ Struc 2 (ok)
Occupancy Separations (508.4, 707, 716)	(S) 1hr @ E to B	
Where Required	Separated occupancies per 508.4 (not applicable at non-separated occupancies per 508.3)	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	45min @ 1hr	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Fire Areas (707.3.10, 716)	2hr @ E,B	
Where Required	As needed for allowable fire areas	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	1-1/2hr doors, windows NP @ 2hr barrier	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Fire Partitions (708, 716)	1hr	
Where Required	Enclosed elevator lobby; egress balconies; and corridors when required by 1020.1 - 0hr @ Group E (S) per 1020.1	
	0hr corridors provided, all others not applicable @ Struc 1 (ok)	None applicable @ Struc 2 (ok)
Opening Protection	1/3hr doors & 3/4hr windows @ 1hr Corridor Walls	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Smoke Barriers (709, 716)	1hr, resist the passage of smoke	
Where Required	Some incidental use barriers, elevator lobbies, smoke compartments	
	Provided @ applicable incidental use electrical rooms @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	1/3hr doors & 3/4hr windows @ 1hr Smoke Barriers	
	Provided @ applicable incidental use electral rooms @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Smoke Partitions (710, 716)	0hr, resist the passage of smoke	
Where Required	Some incidental uses	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	Smoke & Draft Control	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Horizontal Assemblies (711, 716)	Match separating wall rating requirements	
Where Required	Required separations	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	Match separating wall opening rating requirements	
	Not applicable @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Penetrations & Fire Resistive Joints (714, 715)		
Where Required	Rated assemblies	
	Provided @ Struc 1 (ok)	Provided @ Struc 2 (ok)
Opening Protection	Protection Match assembly ratings	
	Provided @ Struc 1 (ok)	Provided @ Struc 2 (ok)
Shaft Enclosures (712, 713, 716,3006)	1hr @ <4 stories; 2hr @ ≥4 stories 1hr or Sprinklers where applicable at existing elements in existing building per CFC 1103.4.2 and CEBC 503.1	
Where Required	Floor openings > 1 story	
	1hr provided @ existing shafts, 1hr provided at new shafts @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	1.5hr access doors, windows NP @ 2hr enclosure; 1hr access doors, windows NP @ 1hr enclosure	
	1hr provided @ existing & new shafts @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Elevator Hoistways (713.14, 716)	Match Shaft Enclosures requirements	
Where Required	Floor openings > 1 story	
	1hr provided @ existing elevator hoistway (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	1.5hr access doors, windows NP @ 2hr enclosure; 1hr access doors, windows NP @ 1hr enclosure 1hr elevator lobby w/ 1hr doors or 1.5hr self-closing doors @ elevator doors, or hoistway pressurization required @ 1hr corridors - not applicable (ok)	
	1hr provided @ existing elevator hoistway (ok)	Not applicable @ Struc 2 (ok)
Exit Enclosures (1023.1)	1hr @ <4 stories; 2hr @ ≥4 stories, except not applicable @ exit access stairs 1hr or Sprinklers where applicable at existing elements in existing building per CFC 1103.4.2 and CEBC 503.1	
Where Required	Exit enclosures > 1 story	
	Not applicable @ exit access stairs @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	1.5hr doors @ 2hr enclosure, 1hr doors @ 1hr enclosure, windows NP	
	Not applicable @ exit access stairs @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Exit Passageways (1024.1)	Match connected exit enclosure, 1hr min	
Where Required	As needed to access or extend exit enclosure to exterior	
	Not applicable @ exit access stairs @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)
Opening Protection	Match exit enclosure requirements	
	Not applicable @ exit access stairs @ Struc 1 (ok)	Not applicable @ Struc 2 (ok)

CHAPTER 8 - INTERIOR FINISHES

Wall and Ceiling Finishes	Group E, B, Sprinklered	Structure 1	Structure 2-Gym
Vertical & Exit Passageways	Class B	Provided (ok)	Provided (ok)
Exit Access Corridors	Class C	Provided (ok)	Provided (ok)
Rooms & Enclosed Spaces	Class C	Provided (ok)	Provided (ok)
Floor Finishes	Group E, B, Sprinklered	Structure 1	Structure 2-Gym
Vertical & Exit Passageways	Class II or "pill test"	Provided (ok)	Provided (ok)
Exit Access Corridors	Class II or "pill test"	Provided (ok)	Provided (ok)
Rooms & Enclosed Spaces	Class II or "pill test"	Provided (ok)	Provided (ok)

CHAPTER 10 - MEANS OF EGRESS

Exit Access (1003, 1006.2, T1006.2.1, 1017, T1017.2, 1020.4, 1028.1.1.1.4, 1028.5)

	Group E, B, Sprinklered	Structure 1	Structure 2-Gym
Maximum Travel Distance	250' @ E, 300' @ B	Provided (ok)	Provided (ok)
Second Exit Required	Where OL>49	Provided (ok)	Provided (ok)
Common Path of Travel	75' @ E, 100' @ B (OL>49)	Provided (ok)	Provided (ok)
Maximum Dead End Corridor	50'	Provided (ok)	Provided (ok)
Minimum Component Width	0.15" x occ load typ	Provided (ok)	Provided (ok)
Minimum Stair Width	0.20" x occ load typ	Provided (ok)	Provided (ok)
Minimum Corridor Width	36" <50 occ, 44" typ, 72" >100 occ @ E, or greater by occ calc	Provided (ok)	Provided (ok)
Minimum Ceiling Height (Corridor)	7'-6"	Provided (ok)	Provided (ok)
Aisle Width	36" min or .15" x occ load, typ	Provided (ok)	Provided (ok)
Exit Access Stairway (1019.3.1)	Exit access stairways connecting 2 floors, or connecting up to 4 stories where vertical opening is not twice the horizontal opening in sprinklered E buildings with draft curtain and closely spaced sprinklers per NFPA 13, are not required to be enclosed	Three 2-floor unenclosed exit access stairs provided from L2 to L1 (ok)	Not applicable (ok)
Access to the Public Way (1028.5)	Exit discharge shall directly access the public way, or a safe dispersal area of 5sf/person with a safe and unobstructed path of travel from the building, on the same lot not less than 50' from the building requiring egress & permanently maintained as a safe dispersal area	Provided (ok)	Provided (ok)

Exits Required per Floor (1006.3, T1006.3.1)

Occupant load per Story	1 - 501 occ: 2 exits; 501 - 1,000 occ: 3 exits; >1,000 occ: 4 exits *Note: Rooms / spaces required to have only 1 exit that exits directly to exterior may have only 1 exit.*	
	Structure 1	Structure 2-Gym
	L1: 625 occ - 3 exits required - 9 provided on L1 (ok) L2: 562 occ - 3 exits required = 3 access stairs provided on L2 connecting L2 to L1 (ok)	L1: 497 occ - 2 exits required - 5 provided on L1 (ok)

Occupant Load (1004.1, T1004.5)

Occupant loads are calculated with load factors per T1004.5 as listed below:

Classrooms	20 nsf/occ
K12 Labs / Vocational Rooms	50 nsf/occ
Media Commons / Reading Rooms	50 nsf/occ
Locker Rooms	50 gsf/occ
MPR / Dining / Theater	15 nsf/occ
Stage Areas	15 nsf/occ
Gym	15 nsf/occ
Waiting / Lobby	15 nsf/occ
Business Areas	150 gsf/occ
Kitchens	200 nsf/occ
Storage / MEP / IT / Utility Rooms	300 nsf/occ

Accessible Means Of Egress (1009)

		Structure 1	Structure 2-Gym
Number Required (1009.1)	Equal in quantity to the number of exits required from any accessible space	L1: 9 provided (9 accessible egress doors w/ accessible routes to the public way) or safe dispersal area L2: 4 provided (3 egress access stairs) (ok)	L1: 5 provided (5 accessible egress doors w/ accessible routes to the public way) or safe dispersal area (ok)
Continuity & Components (1009.2)	Shall be continuous to the public way and may include compliant elevators and exit stairs	All stairs, doors, and other accessible route components comply (ok)	
Accessible Egress Stairs (1009.3)	48" wide min	Provided (ok)	Not applicable (ok)
Accessible Elevators (1009.2.1, 1009.4)	Required (including standby power) @ floors 4 or more stories stories above or below level of exit discharge per CBC 1009,2.1.	Not applicable (ok)	Not applicable (ok)
Areas of Refuge (1009.3.3, 109.4.3)	Not required @ exit stairs or elevators @ sprinklered buildings	Not applicable (ok)	Not applicable (ok)

Doors (1005, 1010)	Group E, B, Sprinklered	Structure 1	Structure 2-Gym
Minimum Egress Door Width	32" min or 0.15" x occ load	Provided (ok)	Provided (ok)
Maximum Door Leaf	48" min	Provided (ok)	Provided (ok)
Panic Hardware	Required @ Group E >50 occ; Required @ electrical rooms with equipment over 800 amps or 6' wide w/ overcurrent, switching, or control devices	Provided @ Group E spaces >50 occ (ok) Provided @ main electrical room (ok)	Provided @ Group E spaces >50 occ (ok)
Stairways (1011)	Group E, B, Sprinklered	Structure 1	Structure 2-Gym
Minimum Stair Width	36" <50 occ, 44" typ, or 0.2" x occ load	Provided (ok)	Provided (ok)
Minimum Headroom	80"	Provided (ok)	Provided (ok)
Max. Riser Per Flight	12'	Provided (ok)	Provided (ok)
Max. Riser/ Min. Riser	7" / 4"	Provided (ok)	Provided (ok)
Min. Tread	11"	Provided (ok)	Provided (ok)
Min. Landing Width	Width of stairway served	Provided (ok)	Provided (ok)
Min. Landing Depth	Width of stairway served up to 48" max	Provided (ok)	Provided (ok)
Max. Landing Slope	1:48	Provided (ok)	Provided (ok)
Handrail Height At Stairs	34-38"	Provided (ok)	Provided (ok)
Intermediate Handrail	> 60" wide	Provided (ok)	Provided (ok)
Handrail Extensions	12" top, 12" bottom	Provided (ok)	Provided (ok)
Handrail Clearance	1.5"	Provided (ok)	Provided (ok)
Stair Projections	4" max	Provided (ok)	Provided (ok)
Ramps (1012)	Group E, B, Sprinklered	Structure 1	Structure 2
Min. Width	36" <50 occ, 44" typ, 72" ≥100 Group E occ, or 0.15" x occ load	Provided (ok)	Provided (ok)
Min. Headroom	80"	Provided (ok)	Provided (ok)
Min. Landing Width	Width of ramp served	Provided (ok)	Provided (ok)
Min. Landing Depth	60" min or width of stairway served if greater	Provided (ok)	Provided (ok)
Max. Landing Slope	1:48 max	Provided (ok)	Provided (ok)
Max. Rise Each Run	30"	Provided (ok)	Provided (ok)
Max. Ramp Slope	1:12 (greater than 1:20 requires ramp)	Provided (ok)	Provided (ok)
Railings	34-38" high, required @ slope >1:20 & >6"	Provided (ok)	Provided (ok)
Edge Protection	2" required	Provided (ok)	Provided (ok)
Railing Extension	12" both sides	Provided (ok)	Provided (ok)
Guardrails	42" min height	Provided (ok)	Provided (ok)

CHAPTER 16 - STRUCTURAL

		Structure 1	Structure 2-Gym
Risk Category (1604)	Risk Category III @ Group E > 250 occ	Risk Category III	Risk Category III
Load Combinations (1605)	Strength design , see structural (ok)		
Dead Loads (1606)	Strength design , see structural (ok)		
Live Loads (1607)	*Schools*		
Classrooms	40psf uniform / 1000lbs concentrated max required	50psf / 2000lbs min existing / prov'd (ok)	Not applicable (ok)
Media Commons	60psf uniform / 1000lbs concentrated max required	60psf / 2000lbs min existing / prov'd (ok)	Not applicable (ok)
Corridors above 1st Floor	80psf uniform / 1000lbs concentrated max required	80psf / 2000lbs min existing / prov'd (ok)	Not applicable (ok)
Corridors 1st Floor	100psf uniform / 1000lbs concentrated max required	100psf / 2000lbs min existing / prov'd (ok)	Not applicable (ok)
Offices	50psf uniform / 2000lbs concentrated max required	50psf / 2000lbs min existing / prov'd (ok)	Not applicable (ok)
Dining & Exercise Rooms	100psf uniform / 2000lbs concentrated max required	100psf / 2000lbs min existing / prov'd (ok)	Provided (ok)
Roofs	20psf uniform / 300lbs concentrated max required	20psf / 2000lbs min existing / prov'd (ok)	Provided (ok)

CPC Analysis

The total occupant load for calculation of minimum plumbing facilities shall be determined in accordance with the CBC 1004.5 Occupant Load. See the occupant load tables for each structure on sheet A-011 for occupant loads in each space totaled below.

Note that the fixtures required for the gym are provided in the main building, and both are considered one building per 503.3.3.

Daily Use	Occ Count
Group E (all spaces not B or A-3)	864 [E] + 28 [U] = 892 occ (446m, 446f)
Group B (150sf/occ spaces)	28 occ (14m, 14f)
Group A-3 (≤15sf/occ spaces)	764 occ (382m, 382f)

Daily Use			Water Closets			Urinals [a]			Lavatories			Drinking Fountains			Service Sinks	
		Occ	Factor	Req.	Prov.	Factor	Req.	Prov.	Factor	Req.	Prov.	Factor	Req.	Prov.	Req.	Prov.
Group E	M	446	50	9[a]	9	100	5	5[a]	40	12	12	150	5.9[b]	-	1	1
	F	446	30	15	15	-	-	-	40	12	12					
Group B	M	14	[B1m]	1	1	[Ur]	1	1	[B2m]	1	1	150	0.2[b]	-	1	1
	F	14	[B1f]	1	1	-	-	-	[B2f]	1	1					
Group A-3	M	382	[A1m]	3	3	[Ur]	3	3	[A2m]	2	2	[Df]	3	-	1	1
	F	382	[A1f]	8	8	-	-	-	[A2f]	5	5					
Total - M			-	13	13	-	9	9	-	15	15	-	-	-	-	-
Total - F			-	24	25	-	-	-	-	18	18					
Total			-	37	38	-	9	9	-	33	33	-	9.1[b] = 10	10	3	3

[a] For each urinal added in excess of the minimum required, one water closet shall be permitted to be deducted, water closets shall not be reduced to less than two-thirds of the minimum requirement.
[b] For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number.
[Ur] Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600. Over 600, add 1 for each additional 300 males.
[Df] 1: 1-250 2: 251-500 3: 501-750. Over 750, add 1 for each additional 500 persons
GROUP B
[B1m] Male 1: 1-50 2: 51-100 3: 101-200 4: 201-400;
[B1f] Female 1: 1-15 2: 16-30 3: 31-50 4: 51-100 8: 101-200 11: 201-400
[B2m] Male 1: 1-75 2: 76-150 3: 151-200 4: 201-300 5: 301-400;
[B2f] Female 1: 1-50 2: 51-100 3: 101-150 4: 151-200 5:201-300 6: 301-400
GROUP A
[A1m] Male 1: 1-100 2: 101-200 3: 201-400; Over 400, add 1 for each additional 500 males.
[A1f] Female 1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400. Over 400, add 1 for each additional 125 females.
[A2m] Male 1: 1-200 2: 201-400 3: 401-600 4: 601-750. Over 750, add 1 for each additional 250 males.
[A2f] Female 1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750. Over 750, add 1 for each additional 200 females.

CFC Analysis

CHAPTER 4 - EMERGENCY PREPAREDNESS REQUIREMENTS

		Structure 1	Structure 2-Gym
Fire Safety Plans (403.2, 403.4, 403.5, 404.2.2)	Required @ E Required @ B >500 occ or >100 occ above or below exit discharge level, or with ambulatory care facility	Provided @ E, not applicable @ B (ok)	Provided @ E (ok)
Seating Plan (403.2.1)	Not required @ E	Not applicable (ok)	Not applicable (ok)

CHAPTER 5 - FIRE SERVICE FEATURES

		Structure 1	Structure 2-Gym
Access to Building Openings and Roofs (504)	An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided where required by the fire code official	Provided (ok)	Provided (ok)
Premises Identification (505.1)	Required address	Provided (ok)	Provided (ok)
Access Key Boxes (506.1)	Required where requested	Provided (ok)	Provided (ok)
Elevator Key Boxes (506.1.2)	Required @ recall floor or main lobby	Provided (ok)	Not applicable (ok)
Water Supply (507.5.1)	Required private fire hydrants where buildings are >400' from hydrants on fire apparatus access road	All portions of building will be within 400' from a hydrant on fire apparatus access road (ok)	All portions of building will be within 400' from a hydrant on fire apparatus access road (ok)
Fire Command Center (508)	Required @ High-rise	Not applicable (ok)	Not applicable (ok)
Emergency Radio System (510)	Required @ Buildings without adequate & approved radio coverage per IFC 1103.2	Coverage to be tested, system will be provided if required, bid as an Alternate (ok)	Coverage to be tested, system will be provided if required, bid as an Alternate (ok)

CHAPTER 6 - BUILDING SERVICES & SYSTEMS

		Structure 1	Structure 2-Gym
Emergency Operation (604.2)	Phase I emergency recall operation and Phase II emergency in-car operation required @ new elevators; and emergency power for fire fighter operation @ existing elevators with travel distance > 25'	Existing elevator travel distance < 25', not applicable (ok)	Not applicable (ok)
Elevator Standby Power (604.3)	Required @ accessible means of egress elevators per CFC Ch. 12, 11, or 10, & CBC Ch. 10 or 30.	Elevator not required to be part of accessible means of egress @ floors less than 4 stories above or below level of exit discharge per CBC 1009,2.1, not applicable (ok)	Not applicable (ok)
Commercial Kitchen Hoods (607)	Type I hood required @ all commercial cooking with grease laden vapors, Type II hood required @ cooking without grease laden vapors (boiling, steaming, reheating)	No cooking, not applicable (ok)	No cooking, not applicable (ok)

CHAPTER 7 - FIRE AND SMOKE PROTECTION FEATURES

CFC Ch. 7 deals with existing buildings (Structure 1) only. New building (Structure 2) is required to meet CBC Ch. 7, see previous analysis.

		Structure 1	Structure 2-Gym
Opening Protectives	Required to be maintained	Provided (ok)	Not applicable (ok)
Floor Opening Protectives	Required to be maintained	Provided (ok)	Not applicable (ok)

CHAPTER 8 - INTERIOR FINISH, DECORATIVE MATERIALS, & FURNISHINGS

See the CBC Interior Finishes code review section for identical CFC interior finishes review.

CHAPTER 9 - FIRE PROTECTION SYSTEMS

		Structure 1	Structure 2-Gym
Sprinklers (903)	Group E: Required @ fire areas > 50 occ Group B: Not required	Provided @ E (ok) Not applicable @ B (ok)	Provided @ E (ok)
Standpipes (905)	Required @ >3 stories; or highest floor level >30' above ground; or lowest floor level >30' below ground; buildings 2 or more stories below the level of fire department access; stages >1000 sf	Not applicable (ok)	Not applicable (ok)
Fire Extinguishers (906)	Group B: Class A, 75' travel, 11,250 sf/extinguisher, 1500sf/A Cooking: Class K, 30' travel, 11,250 sf/extinguisher, 1,500 sf/A Group E: Required rating of 2-A:20-B:C @ classrooms w/in 30' of commercial cooking equipment, in areas w/ combustible liquids, or in special-hazard areas	Class A provided @ Group B, E areas, Class K not applicable, no cooking areas, (ok)	Class A provided @ Group E (ok)
Fire Alarm And Detectors in New Buildings (907)	Group E: Required manual alarm @ E>50 occ Group B: Required @ >500 occ or >100 occ above or below exit discharge level, or with ambulatory care facility	Manual alarm system required at Group E (S), provided; not applicable @ B (ok)	Manual alarm system required at Group E (S), provided (ok)
Smoke Detectors (907)	Required at locations per NFPA 72 @ E, B	Provided (ok)	Provided (ok)
Emergency Alarm Systems (908)	Required @ H occupancies	Not applicable (ok)	Not applicable (ok)
Smoke Control (909)	Required at Atriums	Not applicable (ok)	Not applicable (ok)
Smoke & Heat Removal (910)	Required at Stages > 1500 sf	Not applicable (ok)	Not applicable (ok)
Fire Dept. Connections (912)	Required in visible & approved location	Provided (ok)	Provided (ok)
Carbon Monoxide Detection (915)	Required @ Group E classrooms with openings to fuel-burning appliance or fireplace	Not applicable (ok)	Not applicable (ok)

CHAPTER 10 - MEANS OF EGRESS

See the CBC Means of Egress code review section for identical CFC means of egress review.

CHAPTER 11 - CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Applicable Sections for E,B occupancies: 1103.1, 1103.2, 1103.3, 1103.4.2, 1103.4.3, 1103.4.5, 1103.4.6, 1103.4.7, 1103.4.8, 1103.4.10, 1103.5.4, 1103.6.1, 1103.6.2, 1103.7.1 (E only), 1104

Fire Safety Requirements (1103)		Structure 1	Structure 2-Gym
Emergency Radio System (1103.2)	Required @ Buildings without adequate & approved radio coverage	Coverage to be tested, system will be provided if required, bid as an Alternate (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Elevator Emergency Operation (1103.3)	Required @ existing elevators w/ travel distance >25 ft, except where no floors 55' above or 25' below fire dept access and sprinklered	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Vertical Opening Protection (1103.4.2, 1103.4.3)	Required @ 3 - 5 stories: 1hr or Sprinklers Required @ >5 stories: 1hr & smoke rated	Sprinklers provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Escalator Protection (1103.4.5, 1103.4.6, 1103.4.7)	Required @ B	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Floor Opening Protection (1103.4.8)	Required @ Exit access stairways and ramps >2 stories	No exit access stairways or ramps >2 stories, not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Flue-Fed Incinerators (1103.4.10)	Required 1hr	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Sprinklers (1103.5.4)	Required where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Standpipes (1103.6.1, 1103.6.2)	Required @ >1 story with floors >50' above FD access, or at Helistops and Heliports >30' above FD access	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Fire Alarm (1103.7.1)	Required (manual & voice/alarm) @ E>50 occupants Not required @ B	Provided @ E (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Means of Egress (1104)		Structure 1	Structure 2-Gym
Exit Sign Illumination	Required 5fc min internal or external illumination	Provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Illumination Emergency Power	Required @ Group B>2 stories, or >100 occ above or below exit discharge level, or >1000 occ total Required @ Group E @ interior exit access, exit stairways/ramp, corridors, windowless area with student occ, shops, labs	Provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Guards	Required @ 30'' above floor/grade: 42" high min except 30" high min @ existing guards for open side of exit access stairways & ramps	42" high min provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Doors	Required clearances - height of 80" clear min and width of 28" clear min Requirements for revolving doors - not located within 10' of stairway (provide side-hinged swinging door within 10')	80" high and 28" width min clearance provided @ doors (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Existing Stairway	Permitted to remain with risers 8-1/4" max and treads 9" min Permitted to remain @ egress ramp 30" wide min (or 0.2" x occupant load min) with 1:10 max slope or other ramp with 1:8 max slope	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Maximum Dead End Corridors	(S): 50' @ E,B	Provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Maximum Common Path of Travel	(S): 75' @ E, 100' @ B	Provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Maximum Travel Distance	(S): 250' @ E, 300' @ B	Provided (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis
Stairway Identification Signs	Required @ stairway connecting >3 stories	Not applicable (ok)	Not applicable @ new building, see CFC Ch. 4-10 analysis

CEC Analysis

ENVELOPE SUMMARY

The existing building renovation (Structure 1) leaves most envelope components in their existing state with minor exceptions. The new building addition (Structure 2) will use use all new envelope components. New components of the existing building and new building envelope components will adopt the prescriptive compliance approach (Sections 110.6 - 110.7 and 140.2 - 140.8).
The project is located in California Climate Zone 12 per zipcode 95035.

PRESCRIPTIVE ENVELOPE CRITERIA

Building Component	Requirement	Where new / altered @ Struc 1 & 2, achieve by:
Roofs		
Metal building	U-0.041 max	U-0.041 (ok)
Wood-framed & other	U-0.034 max	U-0.034 (ok)
Low-sloped roofing product	0.63 aged solar reflectance; 0.75 thermal reflectance	0.63 aged solar reflectance; 0.75 thermal reflectance (ok)
Steep-sloped roofing product	0.25 aged solar reflectance; 0.80 thermal reflectance	0.25 aged solar reflectance; 0.80 thermal reflectance (ok)
Walls		
Metal building	U-0.61 max	U-0.61 (ok)
Metal framed	U-0.55 max	U-0.55 (ok)
Mass light	U-0.170 max	U-0.170 (ok)
Mass heavy	U-0.253 max	U-0.253 (ok)
Wood framed & other	U-0.059 max	U-0.048 (ok)
Floors / Soffits		
Raised mass	U-0.092 max	U-0.31 (ok)
Other	U-0.071 max	U-0.31 (ok)
Exterior Doors		
Nonswinging door	U-1.45 max	U-0.31 (ok)
Swinging door	U-0.70 max	U-0.37 (ok)
Fenestrations		
Skylight	SSR% 5% max	0% @ Struc 1; 2.4% @ Struc 2 (ok)
-Glass, Curb Mounted	U-0.58 max, SHGC 0.25 max, VT 0.49 min	U-0.58, SHGC 0.25, VT 0.49 (ok)
-Plastic, Curb Mounted	U-0.88 max, VT 0.64 min	U-0.88, VT 0.64 (ok)
Vertical	WWR% 40%	35.7% @ Struc 1; 16.8% @ Struc 2 (ok)
-Fixed window	U-0.34 max, SHGC 0.22 max, VT 0.42 min	U-0.34, SHGC 0.22, VT 0.42 (ok)
-Curtainwall / storefront	U-0.41 max, SHGC 0.26 max, VT 0.46 min	U-0.41, SHGC 0.26, VT 0.46 (ok)
-Operable window	U-0.46 max, SHGC 0.22 max, VT 0.32 min	U-0.46, SHGC 0.22, VT 0.32 (ok)
- Glazed door	U-0.45 max, SHGC 0.23 max, VT 0.17 min	U-0.45, SHGC 0.23, VT 0.17 (ok)

INFILTRATION

Building Component	Requirement	Where new / altered @ Struc 1 & 2, achieve by:
Air Barrier	No requirement	Liquid applied air barrier & sealed joints, 0.004 cfm/sf @ 75 Pa
Joints, Penetrations	Sealants, Gaskets, Weatherstripping	Compliant sealants, gaskets, & weatherstripping (ok)
Windows, Skylights, Doors	.30 cfm/sf @ 75Pa	Compliant aluminum window systems (ok)
Curtainwall, Storefront	.30 cfm/sf @ 75Pa	Compliant aluminum window systems (ok)
Glazed Entrance Double Doors	1.00 cfm/sf @ 75Pa	Compliant aluminum entrance door systems (ok)
Entrance Vestibules	No requirement	Not provided (ok)

MECHANICAL AND ELECTRICAL DESIGN

All new mechanical and electrical components in the existing building renovation and new building will meet requirements CEC requirements for new construction. See the MEP documents for more information.

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LICENSED ARCHITECT
JEREMY THEODORE
C-39996
02 - 28 - 2024
RENEWAL DATE
STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
1323 Great Mall Drive, Milpitas, CA 95035

CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

CODE ANALYSIS

A-002

PROJECT INFORMATION:

PROJECT NAME:	STRATFORD PREPARATORY SCHOOL - MILPITAS
PROJECT LOCATION:	1323 GREAT MALL DRIVE, MILPITAS, CA 95035
PARCEL NUMBER:	8624046
ZONING DISTRICT:	C2 - GENERAL COMMERCIAL
OVERLAY DISTRICT:	TOD - TRANSIT ORIENTED DISTRICT
GENERAL PLAN:	MMSP - MILPITAS METRO SPECFIC PLAN
DEVELOPMENT AGREEMENT:	THE PROJECT IS APPLYING FOR A DEVELOPMENT AGREEMENT

PROJECT DESCRIPTION:
THE PROJECT SCOPE INCLUDES THE ALTERATION OF AN EXISTING 51,740 SF GROUP B OFFICE BUILDING FOR USE AS A GROUP E MIDDLE SCHOOL / HIGH SCHOOL FOR 500 STUDENTS WITH MIXED OCCUPANCY GROUP B ADMINISTRATIVE SPACES, THE CONSTRUCTION OF A NEW 7,883 SF GROUP E GYM, A 600 SF CANOPY, AND A 291 SF TRASH ENCLOSURE ON THE SITE, AS WELL AS ASSOCIATED SITE WORK TO SUPPORT THE SCHOOL INCLUDING AN ARTIFICIAL TURF PLAY AREA AND MINOR PARKING, DROP-OFF / PICK-UP, AND SITE CIRCULATION MODIFICATIONS.

THE EXISTING BUILDING WILL REQUIRE A SEISMIC UPGRADE DUE TO THE CHANGE IN PRIMARY OCCUPANCY FROM B TO E WITH AN OCCUPANT LOAD GREATER THAN 250, AND THE CORRESPONDING CHANGE IN THE RISK CATEGORY FROM II TO III.

BUILDING ANALYSIS:

LOT SIZE:	130,680 SF	
	MAIN BUILDING (EXISTING)	GYM BUILDING (NEW)
L1 FLOOR AREA:	25,870 SF 600 SF (CANOPY) 291 SF (TRASH ENCLOSURE)	7,883 SF
L2 FLOOR AREA:	25,870 SF	-
TOTAL BLDG. FLOOR AREA :	52,631 SF	7,883 SF
SINGLE BUILDING CODE TOTAL PER 503.1.1	60,514SF	
BUILDING HEIGHT:	35' (39' STAIRWELL PARAPET & 42' MECH. SCREEN EXSITING)	35' (42' MECH. SCREEN PROPOSED)
NUMBER OF STORIES:	2	1
OCCUPANCY GROUPS:	GROUP E NON-SEPERATED GROUP B ACCESSORY GROUP U	GROUP E - -
REQUIRED SEPERATION BETWEEN OCCUPANCY GROUPS (PER 508.4):	NONE	
TYPE OF CONSTRUCTION:	III-B	
FIRE PROTECTION SYSTEM:	FULLY SPRINKERED PER NFPA 13	
FIRE ALARM SYSTEM:	YES	
SPRINKLER SYSTEM:	YES	

SETBACKS	REQUIRED	PROPOSED
FRONT (N):	0' MIN. / NO MAX.	96' (ok)
SIDE, INTERIOR (W):	0' MIN. / NO MAX.	72' (ok)
SIDE, STREET (SW):	0' MIN. / NO MAX.	120' (ok)
SIDE, STREET (E):	0' MIN. / NO MAX.	96' (ok)
REAR (S):	0' MIN. / NO MAX.	16' (ok)

Note: There are existing minimum setbacks labelled on the properties site plan -a 50' building setback parallel the 2 diagonal SW property lines and the E and N property lines, and a 10' building setback parallel the two diagonal NW property lines and the S property line. These are presumed to have been required by the previous land use permit process. The existing and proposed construction are complaint with these setbacks.

PROGRAM SUMMARY:

HIGH SCHOOL STUDENT COUNT: 500 TOTAL @ 18.52 PER 27 CLASSROOMS

CLASSROOM COUNT: 27 CLASSROOMS
16 GENERAL CLASSROOMS
11 SPECIALTY CLASSROOMS
(4 BIOCHEM, 2 PHYSICS, 2 ART, 1 GRAPHIC ART, 1 MUSIC, 1 COMPUTER SCIENCE)

DAILY SCHOOL SCHEDULE:

7:00-7:30 AM STAFF ARRIVALS
7:30-8:00 AM STUDENT ARRIVALS

3:30-4:00 PM STUDENT DEPARTURES
4:00-4:30PM STAFF DEPARTURES
4:30-6:00 PM EXTRA-CURRICULAR DEPARTURES

DROP-OFF / PICK-UP LEGEND:

STAFF · WALKIE TALKIE · SECURITY
QUEUEING CIRCULATION · DROP-OFF CIRCULATION
CAR DROP-OFF / PICK-UP SPACE

DROP-OFF / PICK-UP NOTES:

1. PARENTS SHALL NOT IMPEDE THE MOVEMENT OF VEHICULAR TRAFFIC IN THE AREA AND LEGALLY PARK IN ASSIGNED PARKING SPACES DURING PICK-UP/DROP-OFF TIMES.
2. PARKING LOT AREAS SHALL HAVE POSTINGS WITH APPROPRIATE SIGNS PER 22658(A) CVC TO ASSIST IN REMOVAL OF VEHICLES AT THE PROPERTY OWNERS/EMPLOYER'S REQUEST.
3. "NO TRESPASSING/LOITERING" SIGNAGE SHALL BE POSTED AT THE ENTRANCES OF PARKING LOTS PLACED IN CONSPICUOUS AREAS. SIGNS SHALL BE AT LEAST 2'X1' IN OVERALL SIZE, WITH WHITE BACKGROUND AND BLACK 2" HIGH LETTERS.
4. THE PARKING AREA SHALL ALLOW CIRCULATION FOR POLICE PATROLS (VEHICLES, FOOT, AND BICYCLES), AND TO PREVENT AND REDUCE THE LIKELIHOOD OF CRIMINAL ACTIVITY OCCURRING IN THE AREA.

SECURITY NOTES:

1. A HIGH-DEFINITION SECURITY CAMERA SYSTEM SHALL BE REQUIRED FOR THE FACILITY WITH COVERAGE AT ALL ACCESS POINTS INTO THE BUSINESS. ADDITIONALLY, THE SECURITY CAMERA SYSTEM SHALL COVER THE PARKING LOT AREA TO HAVE THE CLARITY NECESSARY TO IDENTIFY AN INDIVIDUAL, VEHICLE, ETC., AND HAVE A FIELD OF VIEW TO MAXIMIZE THE COVERAGE AREA. SECURITY CAMERAS SHALL ALSO COVER ANY ENCLOSED PLAYGROUND AREA.
2. THE SECURITY CAMERA SYSTEM SHALL BE RECORDED, AND THE RECORDING SHALL BE MAINTAINED FOR A MINIMUM OF THIRTY (30) DAYS AND BE MADE AVAILABLE TO THE POLICE DEPARTMENT UPON REQUEST. A COPY SHALL BE MADE AVAILABLE TO THE POLICE DEPARTMENT UPON REQUEST TO ASSIST IN INVESTIGATIONS. IT IS RECOMMENDED THAT THE OFFICE STAFF AND SECURITY BE PROPERLY TRAINED ON HOW TO USE THE SECURITY SURVEILLANCE CAMERA SYSTEM SO THAT FOOTAGE CAN BE REVIEWED AND COLLECTED IN A TIMELY FASHION BY THE POLICE DEPARTMENT IF NEEDED.
3. DOOR CHIME/ALERT SYSTEMS SHALL BE INSTALLED ON EXTERIOR DOORS IN ORDER TO NOTIFY EMPLOYEES OF PERSONS ENTERING AND EXITING THE FACILITY.
4. CURRENT PHOTOGRAPHS OF ALL CHILDREN ENROLLED AND A LIST OF PARENT CONTACT (ADDRESS, PHONE NUMBERS, ETC.) AT STRATFORD SCHOOL SHALL BE MAINTAINED. THE SCHOOL STAFF SHALL PROVIDE THE POLICE DEPARTMENT WITH PHOTOGRAPHS AND CONTACT LISTS WHEN REQUESTED FOR SPECIFIC LAW ENFORCEMENT PURPOSES, SUCH AS BUT NOT LIMITED TO MISSING PERSON INVESTIGATIONS AND CUSTODIAL ABDUCTION CASES.
5. BUSINESS OWNERS SHALL ENSURE ADEQUATE STAFFING FOR PROPER SUPERVISION (STUDENT-TO- TEACHER RATIO).
6. FENCING FOR RECREATION AREAS ON THE PERIMETER OF SCHOOL GROUNDS MUST CONSIDER SIMILAR SECURITY ISSUES AS PERIMETER FENCING, SUCH AS DETERRING INTRUDERS AND ENABLING NATURAL SURVEILLANCE BY SCHOOL STAFF AND LAW ENFORCEMENT.
7. FENCING SHALL BE MADE OF MATERIALS THAT ARE NOT EASY TO VANDALIZE, CUT, OR CLIMB.

GENERAL NOTES:

1. SEE A-001, A-002 & A-011 FOR ADDITIONAL CODE ANALYSIS, CALCUALTIONS, LIFE SAFETY LEGENDS, GENERAL NOTES, AND OTHER INFORMATION.
2. CARBON MONOXIDE DETECTION SYSTEM TO BE PROVIDED IN BIO/CHEM LABS WITH NATURAL GAS BURNING PER CFC 915.
3. STANDPIPES NOT REQUIRED FOR THIS BUILDING PER REQUIREMENTS OF CFC 905.

SITE LEGEND:

	1-HOUR FIRE BARRIER ASSEMBLY WITH 45-MIN RATED OPENINGS*
	2-HOUR FIRE BARRIER ASSEMBLY WITH 90-MIN RATED OPENINGS*
	3-HOUR FIRE BARRIER ASSEMBLY WITH 90-MIN RATED OPENINGS*
	CENTER LINES
	PROPERTY LINES
	LOT LINES
	FENCES
W	WATER LINE
SS	SANITARY SEWER LINE
SD	STORM DRAIN LINE
G	GAS LINE
P	UNDERGROUND POWER LINE
COM	UNDERGROUND COMMUNICATION LINE
OHD	OVERHEAD UTILITY LINE
	EGRESS PATH TO PUBLIC WAY
	ACCESSIBLE ACCESS PATH
	ACCESSIBLE PARKING
	FIRE HYDRANT
	UTILITY POLE
	STREETLIGHT

*OPENINGS NOT REQUIRED TO BE RATED WHERE ALLOWED PER CBC 705.8

PARKING SUMMARY:

UPPER SCHOOL SITE (PROJECT SITE)

CAR PARKING (XI-10-53, XI-10-12.06)

REQUIRED @ OFFICE AREAS:	3,207 / 240 = 14
REQUIRED @ CLASSROOMS:	27 / 1 = 27
REQUIRED @ HIGH SCHOOL STUDENTS:	500 / 5 = 100
GROSS TOTAL REQUIRED:	14 + 27 + 100 = 141
20% TOD REDUCTION (XI-10.12.06.F):	*-20% X 141 = -28*
5% BICYCLE REDUCTION (XI-10.53.13.B.4):	*-5% X 141 = -7*
SHARED PARKING SURPLUS @ LOWER SCHOOL SITE USED BY UPPER SCHOOL:	-32
NET TOTAL REQUIRED @ UPPER SCHOOL SITE:	141 - 28 - 7 - 32 = 74
PROVIDED @ UPPER SCHOOL SITE:	**74 CAR SPACES (OK)**
-- COMPACT SPACES (C) - 40% MAX:	40% X 74 = 30 MAX, 13 PROVIDED (OK)
-- CARPOOL SPACES (CP) - 1% MIN:	1% X 74 = 1 MIN, 1 PROVIDED (OK)
-- ADA SPACES - 3 MIN FOR 51-75 SPACES:	3 MIN, 3 PROVIDED (OK)
-- ADA VAN SPACES - 1 MIN PER 6 ADA SPACES:	1 MIN, 1 PROVIDED (OK)

BIKE PARKING (XI-10.53.13.B.4)

8 BIKE SPACES (2'X7') REQ'D PER REPLACED CAR SPACE:	7 X 8 = 56
BIKE SPACE SURPLUS @ UPPER SCHOOL SITE USED BY LOWER SCHOOL):	*40*
NET TOTAL REQUIRED @ UPPER SCHOOL SITE:	56 + 40 = 96
PROVIDED @ UPPER SCHOOL SITE:	**96 BIKE SPACES (OK)**

CAR LOADING

CAR LOADING SPACES PROVIDED (9'X18'):	192'-6", 8 SPACES
CAR QUEUEING LENGTH ON SITE (SINGLE STACKED):	521'-8"

LOWER SCHOOL SITE (ADJACENT SITE TO SOUTH)

CAR PARKING

GROSS TOTAL REQUIRED (SEE CUP RES. #16-002)	103
20% TOD REDUCTION (XI-10.53.13.B.4):	*-20% X 103 = -20*
5% BIKE REDUCTION (XI-10.53.13.B.4):	*-5% X 103 = -5*
SHARED PARKING SURPLUS @ LOWER SCHOOL SITE USED BY UPPER SCHOOL:	*32*
NET TOTAL REQUIRED @ LOWER SCHOOL SITE	103 - 20 - 5 + 32 = 110
TOTAL PROVIDED @ LOWER SCHOOL SITE:	**110 CAR SPACES (EXISTING) (OK)**
-- COMPACT SPACES (C) - 40% MAX:	40% X 110 = 44 MAX, 29 PROVIDED (OK)
-- CARPOOL SPACES (CP) - 1% MIN:	1% X 110 = 2 MIN, 2 PROVIDED (OK)
-- ADA SPACES - 5 MIN FOR 101-150 SPACES:	5 MIN, 5 PROVIDED (OK)
-- ADA VAN SPACES - 1 MIN PER 6 ADA SPACES:	1 MIN, 1 PROVIDED (OK)

BIKE PARKING (XI-10.53.13.B.4)

8 BIKE SPACES (2'X7') REQ'D PER REPLACED CAR SPACE:	5 X 8 = 40
BIKE SPACE SURPLUS @ UPPER SCHOOL SITE USED BY LOWER SCHOOL:	*-40*
NET TOTAL REQUIRED @ LOWER SCHOOL SITE:	40 - 40 = 0
PROVIDED @ LOWER SCHOOL SITE:	**0 BIKE SPACES (OK)**

CAR LOADING

CAR LOADING SPACES PROVIDED (9'x18'):	170'-4", 7 SPACES
CAR QUEUEING LENGTH ON SITE (DOUBLE STACKED):	1493'-10"

ELECTRIC VEHICLES PARKING (UPPER & LOWER SCHOOL COMBINED REQUIREMENTS)
**CALCULATION OF PARKING SPACES ATTRIBUTED TO NEW GYM:*
7,883 sf Gym / (51,740 sf Upper School + 7,883 sf Gym + 600 sf Canopy + 291 sf Trash Enclosure + 64,980 sf Lower School Off Site) = 6.3%
6.3% x (141+103) Combined Site Spaces = 16 NEW GYM PARKING SPACES

EV CAPABLE, LEVEL 2 (EVC):	15% MIN X 16 GYM PARKING SAPCES = 3 REQUIRED 3 PROVIDED (OK)
EVCS, LEVEL 2:	5% MIN X 16 GYM PARKING SAPCES = 1 REQUIRED 1 PROVIDED (OK)
ACCESSIBLE EVCS: (AEVCS)	1 EVCS = 1 VAN ACCESSIBLE EVCS REQUIRED, 1 PROV'D (OK)

ELECTRIC VEHICLES PARKING (PROJECT SITE REQUIREMENTS)
**CALCULATION OF PARKING SPACES ATTRIBUTED TO NEW GYM:*
7,883 sf Gym / (51,740 sf Upper School + 7,883 sf Gym + 600 sf Canopy + 291 sf Trash Enclosure) = 13.0%
13.0% x 141 Site Spaces = 19 NEW GYM PARKING SPACES

EV CAPABLE (EVC):	15% MIN X 19 GYM PARKING SAPCES = 3 REQUIRED 3 PROVIDED (OK)
EVCS:	5% MIN X 19 GYM PARKING SAPCES = 1 REQUIRED 1 PROVIDED (OK)
ACCESSIBLE EVCS: (AEVCS)	1 EVCS = 1 VAN ACCESSIBLE EVCS REQUIRED, 1 PROV'D (OK)

SOLID WASTE AND RECYCLING HANDLING PLAN

SOLID WASTE CALCULATIONS:

(BASED ON GENERATION RATES DETERMINED BY THE CITY OF MILPITAS SOLID WASTE ESTIMATION CALCULATOR)

NO. OF STUDENTS 500
WASTE GENERATION (@ 0.5 LBS/STUDENT/DAY.): 1750 LBS/WEEK

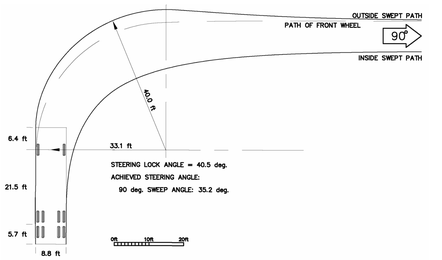
	LBS/WEEK	CY/WEEK	WASTE BINS REQUIRED PER WEEK
SOLID WASTE:	318.50	2.31	(1) 4 CY LANDFILL BIN
RECYCLING:	756.00	2.89	(1) 3 CY RECYCLING BIN
FOOD SCRAPS:	525.00	1.33	(1) 2 CY FOOD SCRAPS BIN
YARD TRIMMINGS:	94.50	0.38	(1) 1CY YARDWASTE BIN
OTHER:	56.00	-	-

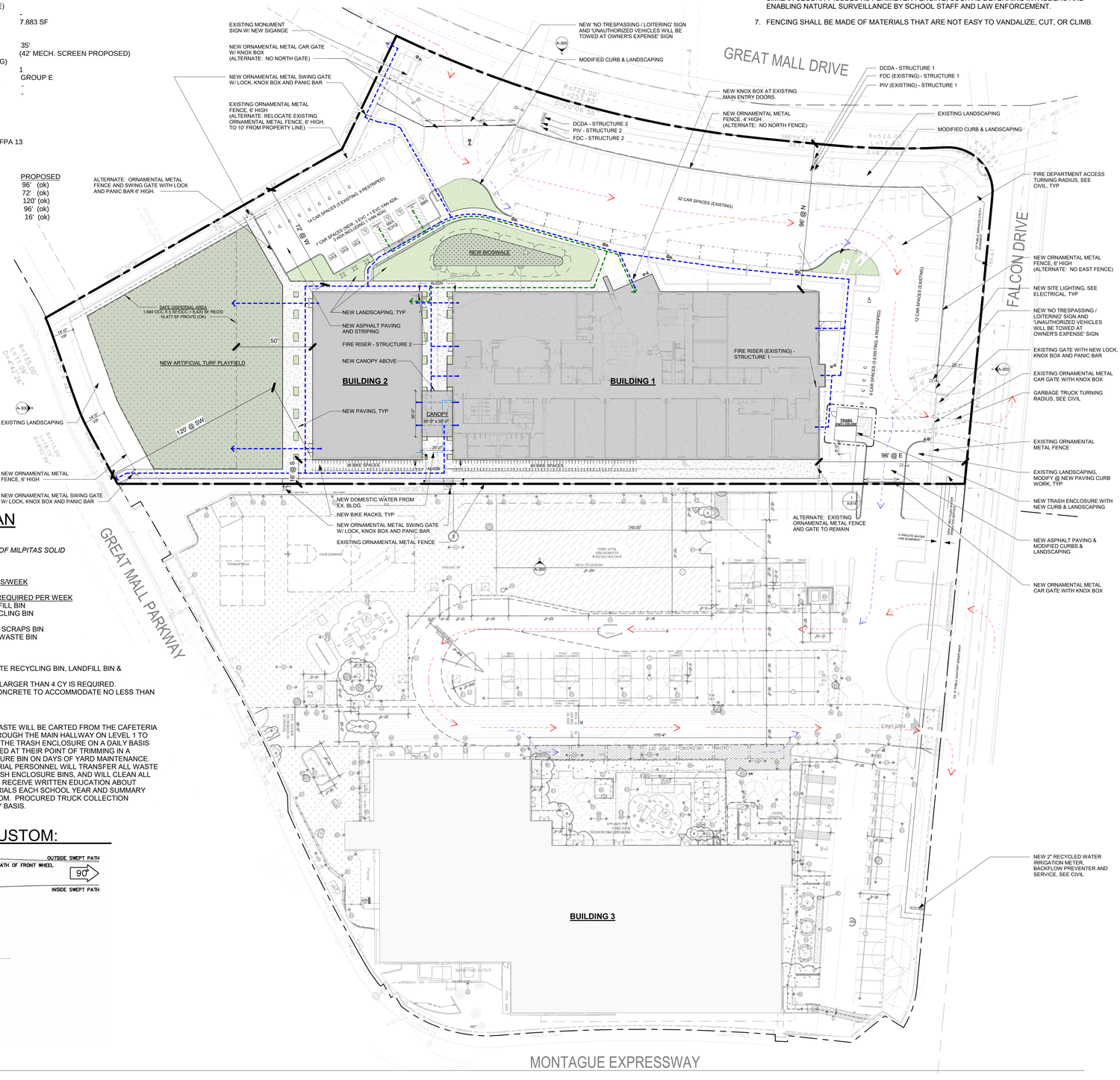
- TRASH ENCLOSURE HAS ENOUGH SIZE TO ACCOMMODATE RECYCLING BIN, LANDFILL BIN & GREENWASTE (ORGANIC WASTE) BIN.
- NO RECYCLING BIN, LANDFILL BIN OR GREENWASTE BIN LARGER THAN 4 CY IS REQUIRED.
- CONCRETE PAD SHALL BE MIN. 6" THICK REINFORCED CONCRETE TO ACCOMMODATE NO LESS THAN 40,000 LBS.

OPERATIONS:

LANDFILL WASTE, RECYCLING WASTE, AND FOOD SCRAP WASTE WILL BE CARTED FROM THE CAFETERIA AND OTHER WASTE AREAS IN SEPARATE CONTAINTERS THROUGH THE MAIN HALLWAY ON LEVEL 1 TO THE EXTERIOR EAST DOORS AND DIRECTLY TO THE BINS IN THE TRASH ENCLOSURE ON A DAILY BASIS AFTER SCHOOL HOURS. YARD TRIMMIGS WILL BE COLLECTED AT THEIR POINT OF TRIMMING IN A SEPARATE CART AND TRANSFERED TO THE TRASH ENCLOSURE BIN ON DAYS OF YARD MAINTENANCE. THERE IS NO CHUTE OR COMPACTOR AND SCHOOL JANITORIAL PERSONNEL WILL TRANSFER ALL WASTE FROM THEIR INTERIOR POINTS OF COLLECTION TO THE TRASH ENCLOSURE BINS, AND WILL CLEAN ALL AREAS OF LITTER AND OVERSPILL DAILY. OCCUPANTS WILL RECEIVE WRITTEN EDUCATION ABOUT RECYCLING & COMPOSTING AND HOW TO SEPARATE MATERIALS EACH SCHOOL YEAR AND SUMMARY INFORMATION WILL BE POSTED IN EACH SCHOOL CLASSROOM. PROCURED TRUCK COLLECTION SERVICES WILL SERVICE EACH BIN ON THE SITE ON WEEKLY BASIS.

MILPITAS TRASH TRUCK CUSTOM:





1 CODE SITE PLAN
1" = 30'-0"

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LICENSED ARCHITECT
STEPHEN M. THEOBOLD
C-39996
02 - 28 - 2024
RENEWAL DATE
STATE OF CALIFORNIA

Stratford Schools

Stratford Preparatory School - Milpitas

1323 Great Mall Drive, Milpitas, CA 95035

CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

CODE ANALYSIS SITE PLAN

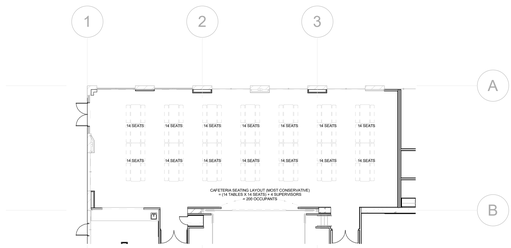
A-010

OCCUPANT LOAD - GYM

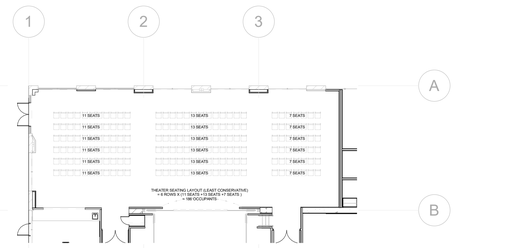
ROOM NAME	AREA (SF)	FACTOR - 1004.1.1 (SF/OCC)	OCC. LOAD
GYM	7,433 ft²	15	496
TOTAL OCC. LOAD	**7,433 ft²**		**496**

EGRESS - EXIT DOORS - GYM

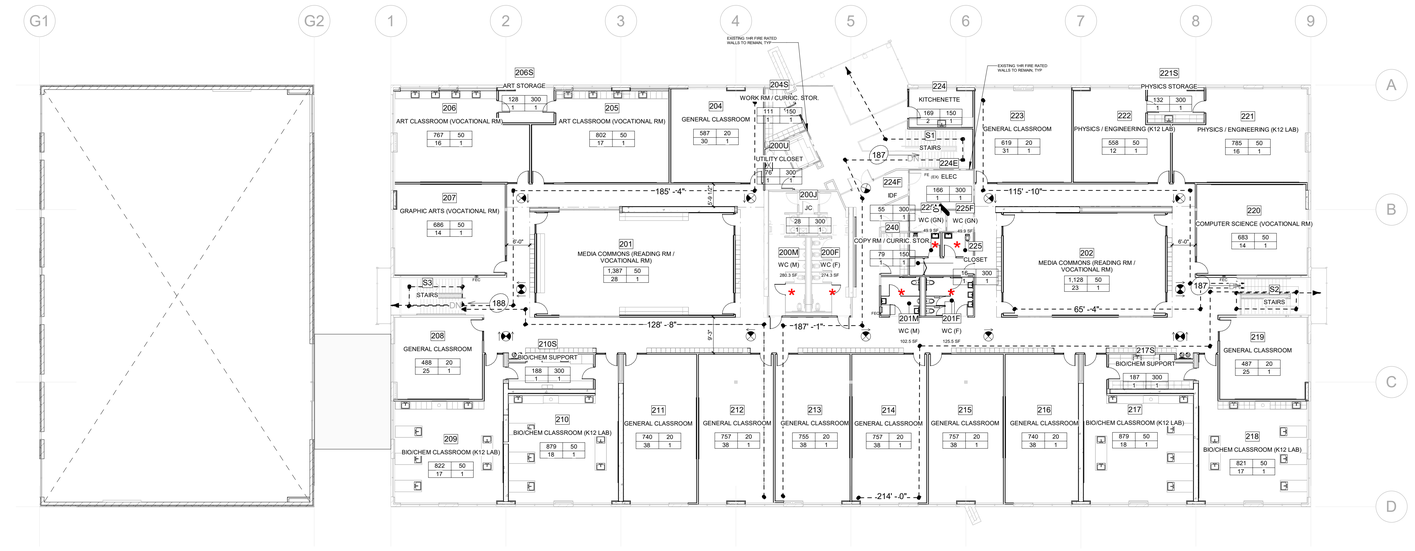
EXIT	EXIT LOAD	FACTOR - 1005.1.1 (IN/OCC)	REQ'D WIDTH - CALC'D (IN)	REQ'D WIDTH - MIN (IN)	PROV'D WIDTH (IN)	EGRESS CAPACITY	NOTES
2-A	99	0.15	19.8	32	68	340	COMPLIANT
2-B	99	0.15	19.8	32	68	340	COMPLIANT
2-C	100	0.15	20.0	32	68	340	COMPLIANT
2-D	99	0.15	19.8	32	68	340	COMPLIANT
2-E	99	0.15	19.8	32	68	340	COMPLIANT
TOTAL	**496**		**99.2**	**160**	**340**	**1700**	



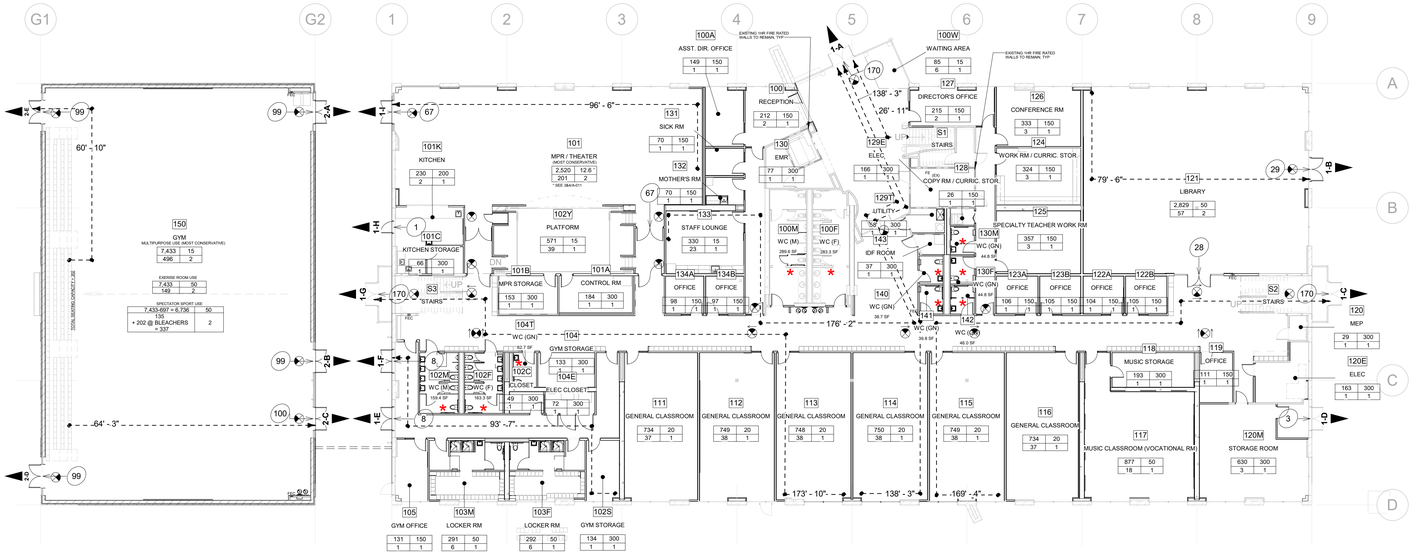
3 SEATING CAPACITY - MPR FUNCTION
1/16" = 1'-0"



4 SEATING CAPACITY - THEATER FUNCTION
1/16" = 1'-0"



2 L2 CODE PLAN
1/16" = 1'-0"



1 L1 CODE PLAN
1/16" = 1'-0"

GENERAL NOTES:

1. CARBON MONOXIDE DETECTION SYSTEM TO BE PROVIDED IN BIO/CHEM LABS WITH NATURAL GAS BURNING PER CFC 915.
2. STANDPIPES NOT REQUIRED FOR THIS BUILDING PER REQUIREMENTS OF CFC 905.

BUILDING CODE LEGEND:

	0-HR SMOKE PARTITION ASSEMBLY WITH 0-HR SMOKE RATED OPENINGS
	1-HOUR FIRE BARRIER ASSEMBLY WITH 45 MINUTE RATED OPENINGS
	2-HOUR FIRE BARRIER ASSEMBLY WITH 90 MINUTE RATED OPENINGS
	3-HOUR FIRE BARRIER ASSEMBLY WITH 90 MINUTE RATED OPENINGS
ROOM NAME (Code Definition) 915 20 46 1	AREA (SF) - OCC. LOAD FACTOR TABLE 1004.1.2; OCCUPANTS - # OF EXITS REQUIRED * (CUMULATIVE EXITS)
#	NUMBER OF OCCUPANTS WITH DIRECTION OF TRAVEL
*	ACCESSORY USE TO PRIMARY ADJACENT ROOM - NO OCCUPANTS
XX'	PATH OF EGRESS TO AN EXIT - [TRAVEL DISTANCE NOTED IN (XX') EQUALS TOTAL DISTANCE FOR ROUTE] - MAXIMUM DISTANCE OF 250' ALLOWED PER TABLE 1017.2
	EXIT SIGN LOCATIONS (ARROWS INDICATE DIRECTIONAL EXIT SIGN)
x	EXIT AND EXIT TYPE AS DESCRIBED BELOW

OCCUPANCY LOAD - MAIN

ROOM NAME	AREA (SF)	FACTOR - 1004.1.1 (SF/OCC)	OCC. LOAD
MPR / THEATER	2,520 ft²	12.6 *See 3.A/A-011	201
PLATFORM	571 ft²	15	39
STAFF LOUNGE	330 ft²	15	23
WAITING AREA	85 ft²	15	6
GENERAL CLASSROOM	4,463 ft²	20	226
LIBRARY	2,829 ft²	50	57
LOCKER RM	582 ft²	50	12
MUSIC CLASSROOM (VOCATIONAL RM)	877 ft²	50	18
ASST. DIR. OFFICE	149 ft²	150	1
CONFERENCE RM	333 ft²	150	3
COPY RM / CURRIC. STOR.	26 ft²	150	1
DIRECTOR'S OFFICE	215 ft²	150	2
GYM OFFICE	131 ft²	150	1
MOTHER'S RM	70 ft²	150	1
OFFICE	727 ft²	150	7
RECEPTION	212 ft²	150	2
SICK RM	70 ft²	150	1
SPECIALTY TEACHER WORK RM	357 ft²	150	3
WORK RM / CURRIC. STOR.	324 ft²	150	3
KITCHEN	230 ft²	200	2
CLOSET	49 ft²	300	1
CONTROL RM	184 ft²	300	1
ELEC	330 ft²	300	2
ELEC CLOSET	72 ft²	300	1
EMR	77 ft²	300	1
GYM STORAGE	267 ft²	300	2
IDF ROOM	37 ft²	300	1
KITCHEN STORAGE	66 ft²	300	1
MEP	29 ft²	300	1
MPR STORAGE	153 ft²	300	1
MUSIC STORAGE	193 ft²	300	1
STORAGE ROOM	630 ft²	300	3
UTILITY	58 ft²	300	1
L1 TOTAL OCC. LOAD	**17,249 ft²**		**626**
GENERAL CLASSROOM	6,688 ft²	20	339
ART CLASSROOM (VOCATIONAL RM)	1,570 ft²	50	33
BIO/CHEM CLASSROOM (K12 LAB)	3,401 ft²	50	70
COMPUTER SCIENCE (VOCATIONAL RM)	683 ft²	50	14
GRAPHIC ARTS (VOCATIONAL RM)	686 ft²	50	14
MEDIA COMMONS (READING RM / VOCATIONAL RM)	2,516 ft²	50	51
PHYSICS / ENGINEERING (K12 LAB)	1,343 ft²	50	28
COPY RM / CURRIC. STOR.	79 ft²	150	1
KITCHENETTE	169 ft²	150	2
WORK RM / CURRIC. STOR.	111 ft²	150	1
ART STORAGE	128 ft²	300	1
BIO/CHEM SUPPORT	375 ft²	300	2
CLOSET	16 ft²	300	1
ELEC	166 ft²	300	1
IDF	55 ft²	300	1
JC	28 ft²	300	1
PHYSICS STORAGE	132 ft²	300	1
UTILITY CLOSET	76 ft²	300	1
L2 TOTAL OCC. LOAD	**18,223 ft²**		**562**
TOTAL BUILDING OCC. LOAD	**35,472 ft²**		**1,188**

EGRESS - EXIT DOORS - MAIN

EXIT	EXIT LOAD	FACTOR - 1005.1.1 (IN/OCC)	REQ'D WIDTH - CALC'D (IN)	REQ'D WIDTH - MIN (IN)	PROV'D WIDTH (IN)	EGRESS CAPACITY	NOTES
1-A	170	0.15	34.0	34	68	340	COMPLIANT
1-B	29	0.15	5.8	32	68	340	COMPLIANT
1-C	170	0.15	34.0	34	68	340	COMPLIANT
1-D	3	0.15	0.6	32	68	340	COMPLIANT
1-E	8	0.15	1.6	32	68	340	COMPLIANT
1-F	8	0.15	1.6	32	68	340	COMPLIANT
1-G	170	0.15	34.0	34	68	340	COMPLIANT
1-H	1	0.15	0.2	32	33	165	COMPLIANT
1-I	67	0.15	13.4	32	68	340	COMPLIANT
TOTAL	**626**		**125.2**	**294**	**577**	**2885**	

EGRESS - EXIT STAIRS

STAIR #	OCC. LOAD	FACTOR - 1005.1.1 (IN/OCC)	REQ'D WIDTH - CALC'D (IN)	REQ'D WIDTH - MIN (IN)	PROV'D WIDTH	EGRESS CAPACITY	NOTES
S1	187	0.2	37.4	44	52	260	COMPLIANT
S2	187	0.2	37.4	44	52	260	COMPLIANT
S3	188	0.2	37.6	44	52	260	COMPLIANT
TOTAL	**562**		**112.4**	**132**	**156**	**780**	

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LICENSED ARCHITECT — BY MY THEODORE — C-39996 — 02 - 28 - 2024 RENEWAL DATE — STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
1323 Great Mall Drive, Milpitas, CA 95035

CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

CODE ANALYSIS FLOOR PLANS

A-011

FLOOR PLAN KEYNOTES:

GYM

G 1. FLOOR OPENING ABOVE, TYP

G 2. SIGNAGE & SCOREBOARD ABOVE, SEE ELECTRICAL TYP

G 3. VOLLEYBALL STANCHION, SEE FLOOR FINISH PLAN FOR DIMENSIONED LOCATION, TYP

G 4. COURT LINES, SEE A-403 FOR DIMENSIONS, TYP

G 5. MOTORIZED VERTICALLY RETRACTING DIVIDING CURTAIN ABOVE, SEE STRUCTURAL FOR SUPPORT ELEMENTS

G 6. MOTORIZED VERTICALLY RETRACTING BASKETBALL HOOPS ABOVE, TYP, SEE ELECTRICAL

G 7. MOTORIZED HORIZONTALLY RETRACTING BLEACHERS, TYP, SEE ELECTRICAL

G 8. WALL PAD, SEE INTERIOR ELEVATIONS FOR DIMENSIONS

1. EXISTING MEP, FIRE ALARM, FIRE PROTECTION, AND LOW VOLTAGE ELEMENTS TO REMAIN.
2. RELOCATE SALVAGED FIRE EXTINGUISHER TO NEW FIRE EXTINGUISHER CABINET.
3. ALIGN NEW WALLS / HALF-WALLS WITH STRUCTURE ABOVE OR ADJACENT POSTS.
4. NEW CASEWORK, SEE INTERIOR ELEVATIONS AND/OR CASEWORK DRAWINGS.
5. NEW STRUCTURAL POST & FOOTING, SEE STRUCTURAL.
6. NEW STRUCTURAL POST ON EXISTING FOOTING, SEE STRUCTURAL.
7. NEW BEAM OR HEADER ABOVE, SEE STRUCTURAL.
8. MODIFIED BEAM OR HEADER ABOVE, SEE STRUCTURAL.
9. CANOPY ABOVE, SEE A-203 FOR ROOF PLAN INFORMATION
10. NEW CMU EXTERIOR WALL INFILL, MATCH EXISTING & SEE STRUCTURAL.
11. NEW 2" OF CEMENTITIOUS FILL AFTER EXTERIOR PAVING IS REMOVED, SEE STRUCTURAL.
12. NEW ELECTRICAL (EAST) AND FIRE ALARM (WEST) PANELS, SEE ELECTRICAL.
13. EXISTING DOOR WITH REVERSED DOOR SWING, SEE DOOR SCHEDULE A-800.
14. RELOCATED ROOF ACCESS HATCH ABOVE, SEE A-203.
15. PATCH AND MATCH ALL EXISTING FLOOR FINISHES.
16. NEW DISPLAY WALL AND/OR TROPHY CASE, SEE INTERIOR ELEVATIONS.
17. FOOD SERVICE EQUIPMENT, SEE FOOD SERVICE DRAWINGS (OFOI).
18. SALVAGED LOCKERS IN RELOCATED POSITION, SEE INTERIOR ELEVATIONS.
19. EXISTING STAIR GAURDRAILS AND HANDRAILS REPLACED WITH NEW.
20. NEW FLOOR BOXES , SEE FLOOR FINISH PLAN A-402.
21. SOFFIT ABOVE, SEE INTERIOR ELEVATION A-508 FOR INFORMATION.
22. PATCH STONE FINISHES TO MATCH EXISTING WHERE EXTERIOR STORAGE WALL IS REMOVED, SEE A-101
23. NEW BUILT-IN ADA LIFT (OFOI).
24. AV CART AND WALL CONTROLS & CONNECTIONS, SEE ELECTRICAL.
    (ALTERNATE: SYSTEM TO COORDINATE WITH EXISTING STRATFORD WIRELESS MICROPHONES)
    (ALTERNATE: SYSTEM TO INCLUDE PLATFORM AUDIO MONITORING & MPR EAST/WEST AUDIO MONITORING)
    (ALTERNATE: PROVIDE CAMERA FOR PERFORMANCE RECORDING AND BROADCASTING)
25. ALTERNATE: PROVIDE TV MONITORS FOR PERFORMANCE VIEWING @ MOTHERS ROOM & OTHER SCHOOL LOCATIONS.
26. EXISTING FROSTED PLASTIC SCREEN PANELS ON WINDOWS TO REMAIN.

FLOOR PLAN NOTES:

1. EXISTING CONDITIONS ARE DEPICTED IN CONTRACT DOCUMENTS ONLY AS DEEMED RELEVANT TO DOCUMENTATION OF WORK. FIELD-VERIFY PRIOR TO BID ALL EXISTING CONDITIONS THAT AFFECT WORK, WHETHER OR NOT SAID EXISTING CONDITIONS ARE DEPICTED IN CONTRACT DOCUMENTS. NOTIFY ARCHITECT PRIOR TO BID OF PERCEIVED, POTENTIAL, AND/OR ACTUAL CONFLICTS BETWEEN EXISTING CONDITIONS AND COMPONENTS OF WORK, WHETHER OR NOT SAID EXISTING CONDITIONS ARE DEPICTED IN CONTRACT DOCUMENTS.
2. REFER TO CIVIL, LANDSCAPE, MEP, FIRE ALARM, FIRE PROTECTION, IT, AV, SECURITY, AND OTHER DISCIPLINE CONTRACT DOCUMENTS FOR FURTHER DOCUMENTATION OF EXISTING CONDITIONS, WHERE APPLICABLE.
3. EXISTING CONDITIONS NOT NOTED FOR DEMOLITION ARE TO REMAIN.
4. CIVIL, LANDSCAPE, MEP, FIRE ALARM, FIRE PROTECTION, IT, AV, SECURITY, AND OTHER DISCIPLINE INFORMATION DEPICTED IN ARCHITECTURAL CONTRACT DOCUMENTS IS DEPICTED ONLY AS DEEMED RELEVANT TO DOCUMENTATION OF ARCHITECTURAL COMPONENTS OF WORK. ANY SUCH INFORMATION IS STRICTLY FOR INFORMATION, DIMENSIONAL LOCATION, AND COORDINATION ONLY. WHERE APPLICABLE, REFER TO EACH DISCIPLINE'S CONTRACT DOCUMENTS FOR ADDITIONAL INFORMATION. NOTIFY ARCHITECT PRIOR TO BID OF SPECIFIC PERCEIVED, POTENTIAL, AND/OR ACTUAL CONFLICTS BETWEEN INTENT OF ARCHITECTURAL CONTRACT DOCUMENTS AND INFORMATION DEPICTED IN OTHER DISCIPLINES' CONTRACT DOCUMENTS.
5. DIMENSIONS SHOWN ARE TO FACE OF FINISH, FACE OF MASONRY, FACE OF CONCRETE, OR CENTERLINE OF COLUMN OR GRID LINE UNLESS NOTED OTHERWISE.
6. DIMENSIONS AT INTERIOR DOOR, SIDELITE, AND OTHER OPENINGS ARE DOOR OR GLASS SIDE FINISHED FACE OF FRAME DIMENSIONS UNLESS OTHERWISE NOTED. SEE OPENING DETAILS FOR MORE INFORMATION.
7. DOORS NOT LOCATED BY PLAN OR DETAIL DIMENSION ARE TO BE CENTERED IN WALLS AS SHOWN OR LOCATED WITH DOOR SIDE FINISHED FACE OF FRAME 4" FROM FACE OF WALL FINISH.
8. USE DIMENSIONS SHOWN; IN NO CASE SHALL WORKING DIMENSIONS BE SCALED FROM DRAWINGS. CROSS CHECK DETAILS AND DIMENSIONS SHOWN ON THE ARCHITECTURAL DRAWINGS WITH RELATED REQUIREMENTS ON THE STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND OTHER DRAWINGS WHERE APPLICABLE. NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
9. CONDITIONS AND DETAILS MARKED "TYPICAL" SHALL APPLY IN ALL CASES UNLESS SPECIFICALLY INDICATED OTHERWISE. TYPICAL DETAILS NOT REFERENCED ON DRAWINGS APPLY UNLESS NOTED OTHERWISE BY SPECIFIC NOTES AND DETAILS. WHERE NO SPECIFIC DETAIL IS SHOWN, THE CONSTRUCTION SHALL BE IDENTICAL OR SIMILAR TO THAT INDICATED FOR THE TYPICAL CONSTRUCTION OF THE PROJECT.
10. WHERE NO SPECIFIC STANDARDS ARE APPLIED TO A MATERIAL OR METHOD OF CONSTRUCTION TO BE USED ON THE WORK, ALL SUCH MATERIAL AND METHODS ARE TO MAINTAIN STANDARDS OF THE INDUSTRY AND, WHERE APPLICABLE, MANUFACTURER'S INSTRUCTIONS.
11. LOADING OF CONSTRUCTION MATERIALS SHALL NOT EXCEED THE BUILDING AREA'S DESIGN LIVE LOAD PER SQUARE FOOT.
12. ESTABLISH AND VERIFY ALL OPENINGS AND INSERTS FOR ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND OTHER DISCIPLINES ELEMENTS WITH APPROPRIATE TRADES, DRAWINGS, AND SUBCONTRACTORS PRIOR TO CONSTRUCTION.
13. PROVIDE ALL NECESSARY ANCHORAGE BLOCKING, BACKING, FRAMING FOR HANDRAILS, DOOR STOPS, CASEWORK, SHELVING, MIRRORS, WALL MOUNTED EQUIPMENT, AND ALL OTHER SPECIALTY, ACCESSORY, AND EQUIPMENT ITEMS AS REQUIRED FOR COMPLETE INSTALLATION.
14. CONFIRM ALL ROUGH OPENING DIMENSIONS FOR DOORS AND WINDOWS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
15. SEE WALL TYPE DETAIL SHEET(S) FOR DEFLECTION HEAD DETAILS, WALL TO STRUCTURE DETAILS, ACOUSTIC WALL DETAILS, FIRE RATED WALL DETAILS, AND OTHER TYPICAL WALL DETAILS.
16. FOR ALL ASSEMBLY AREAS WITH AUDIO AMPLIFICATION SYSTEMS, PROVIDE ASSISTIVE LISTENING SYSTEMS IN ACCORANCE WITH SBC SECTION 1108.2.7. SEE ELECTRICAL DRAWINGS AND SPECIFICATIONS WHERE APPLICABLE.
17. PROVIDE NEW SIGNAGE AT EVERY ROOM, EMERGENCY & SAFETY SIGNAGE AS REQUIRED, AND OTHER SIGNAGE AS NOTED ON THE FINISH AND SIGNAGE PLANS.
18. SEE INTERIOR ELEVATIONS & CASEWORK DETAILS FOR ALL CASEWORK AND MILLWORK.
19. SEE THE DOOR AND FRAME SCHEDULE FOR EXISTING, RELOCATED, AND NEW HARDWARE AND OTHER PROVISIONS AT EXISTING, RELOCATED, AND NEW DOORS.
20. AT ALL INTERIOR FLOOR LOCATIONS OF SAWCUTTING, TRENCHING, & OTHER WORK FOR MEP SERVICES & ALL DISCIPLINES, PATCH ALL ELEMENTS TO MATCH EXISTING INCLUDING CONCRETE AND ALL OTHER FINISHES.
21. AT ALL INTERIOR AND EXTERIOR WALL AND CEILING LOCATIONS OF REMOVAL FOR MEP SERVICES OR THE WORK OF ANY DISCIPLINE, PATCH ALL ELEMENTS TO MATCH EXISTING INCLUDING CONCRETE, CMU, METAL PANEL, GYPSUM BOARD, ACOUSTICAL CEILING TILE, PAINT, AND ALL OTHER MATERIALS AND FINISHES.
22. AT ALL SITE LOCATIONS OF SAWCUTTING, TRENCHING, AND FOR MEP SERVICES OR THE WORK OF ANY DISCIPLINE, PATCH ALL ELEMENTS TO MATCH EXISTING INCLUDING GROUNDCOVER, PLANTING, AND ALL OTHER LANDSCAPE ELEMENTS, AND CONCRETE, ASPHALT,AND ALL OTHER SURFACE FINISHES AND SITE CIVIL ELEMENTS.
23. PROTECT ALL EXISTING CONSTRUCTION SHOWN TO REMAIN FROM DAMAGE DURING CONSTRUCTION.
24. WHERE NEW WORK IS CALLED FOR, SUCH WORK SHALL INCLUDE REMOVAL OF EXISTING FINISHES, SYSTEMS AND RELATED ITEMS REQUIRED TO COMPLETE NEW WORK.
25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND HAVE CONTROL OVER CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES (UNLESS A SEQUENCE IS SPECIFIED BY THE OWNER OR CONTRACT DOCUMENTS), PHASING AND PROCEDURES, AND FOR COORDINATING ALL PORTIONS OF THE WORK.
26. FIRESTOP ALL PENETRATIONS THROUGH RATED WALLS. SEAL ALL PENETRATIONS THROUGH EXTERIOR WALLS WATERTIGHT.
27. PROVIDE MINIMUM RATED 2A: 10B:C PORTABLE FIRE EXTINGUISHERS WITH A MAXIMUM PROTECTION AREA OF 3,000 SF SUCH THAT THEY ARE LOCATED WITHIN A 75- FOOT TRAVEL DISTANCE TO ANY POINT IN THE AREA. AT LEAST ONE EXTINGUISHER SHALL BE PROVIDED FOR EACH TENANT SPACE. SIGNAGE SHALL BE PROVIDED FOR EACH EXTINGUISHER AND SHALL BE ACCEPTABLE TO THE FIRE DEPARTMENT. EXTINGUISHERS SHALL BE MOUNTED SUCH THAT THE TOP OF THE EXTINGUISHER IS NOT HIGHER THAN 48 INCHES ABOVE FLOOR LEVEL.

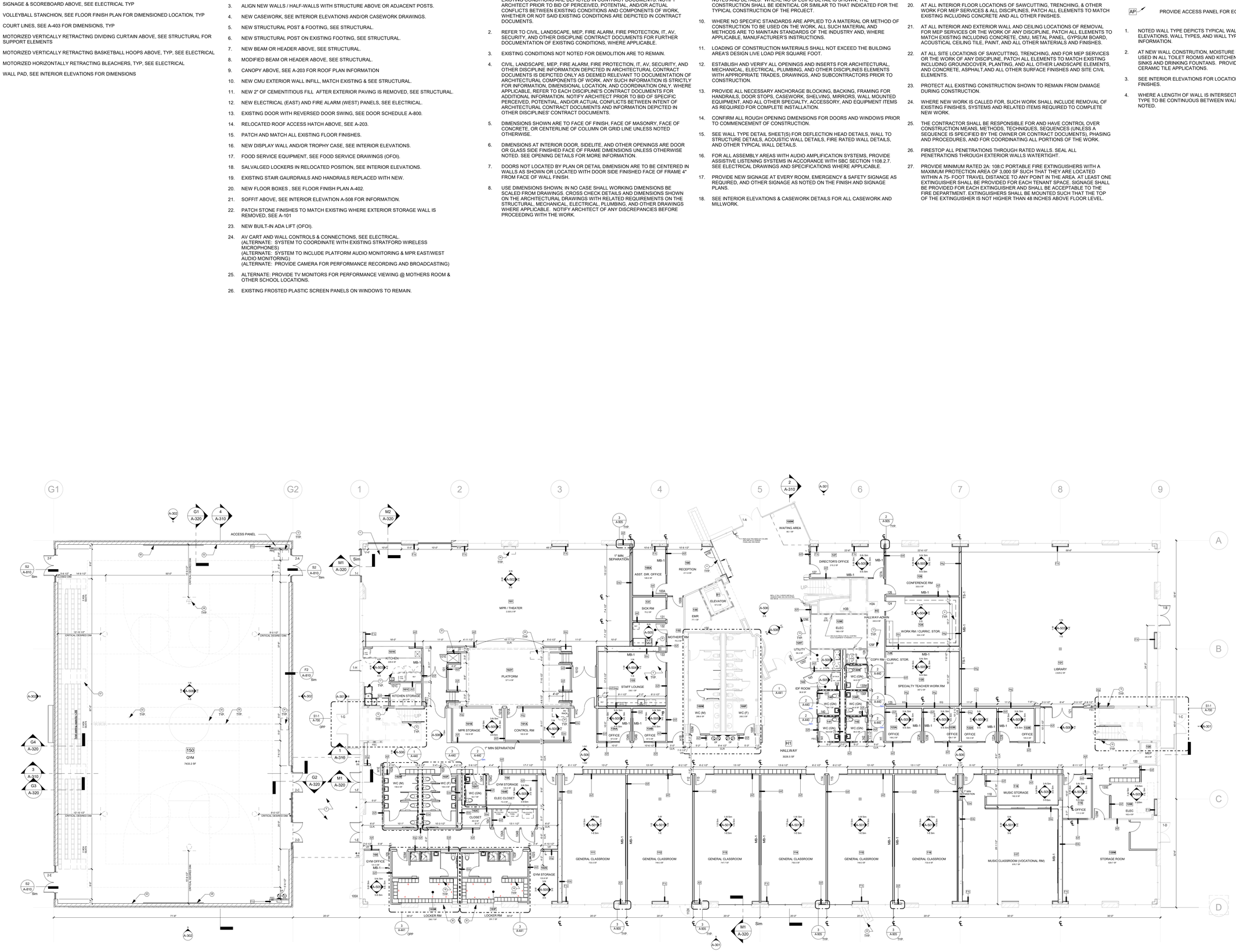
WALL TYPE NOTES:

A1 — WALL CONSTRUCTION TYPE - SEE WALL TYPES

1 HR — FIRE RATED CONSTRUCTION DESIGNATION (IN HOURS)

AP — PROVIDE ACCESS PANEL FOR EQUIPMENT

1. NOTED WALL TYPE DEPICTS TYPICAL WALL CONSTRUCTION. SEE INTERIOR ELEVATIONS, WALL TYPES, AND WALL TYPE DETAILS FOR ADDITIONAL INFORMATION.
2. AT NEW WALL CONSTRUTION, MOISTURE RESISTANT GYPSUM BOARD IS TO BE USED IN ALL TOILET ROOMS AND KITCHEN AREAS, AND ON ALL WALLS WITH SINKS AND DRINKING FOUNTANS. PROVIDE TILE BACKER BOARD BEHIND ALL CERAMIC TILE APPLICATIONS.
3. SEE INTERIOR ELEVATIONS FOR LOCATIONS AND EXTENTS OF APPLIED WALL FINISHES.
4. WHERE A LENGTH OF WALL IS INTERSECTED BY PERPENDICULAR WALLS, WALL TYPE TO BE CONTINUOUS BETWEEN WALL TYPE TAGS UNLESS OTHERWISE NOTED.



1 **L1 FLOOR PLAN**
3/32" = 1'-0"

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LICENSED ARCHITECT — SCOTT MY THEODORE — C-39996 — 02 - 28 - 2024 — RENEWAL DATE — STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
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CUP SET
07/11/2023

REV	DATE	DESCRIPTION
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JOB NUMBER: 23043

1ST FLOOR PLAN

A-201

FLOOR PLAN KEYNOTES:

GYM

G 1. FLOOR OPENING ABOVE, TYP

G 2. SIGNAGE & SCOREBOARD ABOVE, SEE ELECTRICAL TYP

G 3. VOLLEYBALL STANCHION, SEE FLOOR FINISH PLAN FOR DIMENSIONED LOCATION, TYP

G 4. COURT LINES, SEE A-403 FOR DIMENSIONS, TYP

G 5. MOTORIZED VERTICALLY RETRACTING DIVIDING CURTAIN ABOVE, SEE STRUCTURAL FOR SUPPORT ELEMENTS

G 6. MOTORIZED VERTICALLY RETRACTING BASKETBALL HOOPS ABOVE, TYP, SEE ELECTRICAL

G 7. MOTORIZED HORIZONTALLY RETRACTING BLEACHERS, TYP, SEE ELECTRICAL

G 8. WALL PAD, SEE INTERIOR ELEVATIONS FOR DIMENSIONS

1. EXISTING MEP, FIRE ALARM, FIRE PROTECTION, AND LOW VOLTAGE ELEMENTS TO REMAIN.
2. RELOCATE SALVAGED FIRE EXTINGUISHER TO NEW FIRE EXTINGUISHER CABINET.
3. ALIGN NEW WALLS / HALF-WALLS WITH STRUCTURE ABOVE OR ADJACENT POSTS.
4. NEW CASEWORK, SEE INTERIOR ELEVATIONS AND/OR CASEWORK DRAWINGS.
5. NEW STRUCTURAL POST & FOOTING, SEE STRUCTURAL.
6. NEW STRUCTURAL POST ON EXISTING FOOTING, SEE STRUCTURAL.
7. NEW BEAM OR HEADER ABOVE, SEE STRUCTURAL.
8. MODIFIED BEAM OR HEADER ABOVE, SEE STRUCTURAL.
9. CANOPY ABOVE, SEE A-203 FOR ROOF PLAN INFORMATION
10. NEW CMU EXTERIOR WALL INFILL, MATCH EXISTING & SEE STRUCTURAL.
11. NEW 2" OF CEMENTITIOUS FILL AFTER EXTERIOR PAVING IS REMOVED, SEE STRUCTURAL.
12. NEW ELECTRICAL (EAST) AND FIRE ALARM (WEST) PANELS, SEE ELECTRICAL.
13. EXISTING DOOR WITH REVERSED DOOR SWING, SEE DOOR SCHEDULE A-800.
14. RELOCATED ROOF ACCESS HATCH ABOVE, SEE A-203.
15. PATCH AND MATCH ALL EXISTING FLOOR FINISHES.
16. NEW DISPLAY WALL AND/OR TROPHY CASE, SEE INTERIOR ELEVATIONS.
17. FOOD SERVICE EQUIPMENT, SEE FOOD SERVICE DRAWINGS (OFOI).
18. SALVAGED LOCKERS IN RELOCATED POSITION, SEE INTERIOR ELEVATIONS.
19. EXISTING STAIR GAURDRAILS AND HANDRAILS REPLACED WITH NEW.
20. NEW FLOOR BOXES , SEE FLOOR FINISH PLAN A-402.
21. SOFFIT ABOVE, SEE INTERIOR ELEVATION A-508 FOR INFORMATION.
22. PATCH STONE FINISHES TO MATCH EXISTING WHERE EXTERIOR STORAGE WALL IS REMOVED, SEE A-101
23. NEW BUILT-IN ADA LIFT (OFOI).
24. AV CART AND WALL CONTROLS & CONNECTIONS, SEE ELECTRICAL.
    (ALTERNATE: SYSTEM TO COORDINATE WITH EXISTING STRATFORD WIRELESS MICROPHONES)
    (ALTERNATE: SYSTEM TO INCLUDE PLATFORM AUDIO MONITORING & MPR EAST/WEST AUDIO MONITORING)
    (ALTERNATE: PROVIDE CAMERA FOR PERFORMANCE RECORDING AND BROADCASTING)
25. ALTERNATE: PROVIDE TV MONITORS FOR PERFORMANCE VIEWING @ MOTHERS ROOM & OTHER SCHOOL LOCATIONS.
26. EXISTING FROSTED PLASTIC SCREEN PANELS ON WINDOWS TO REMAIN.

FLOOR PLAN NOTES:

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WALL TYPE NOTES:

A1 — WALL CONSTRUCTION TYPE - SEE WALL TYPES

1 HR — FIRE RATED CONSTRUCTION DESIGNATION (IN HOURS)

AP — PROVIDE ACCESS PANEL FOR EQUIPMENT

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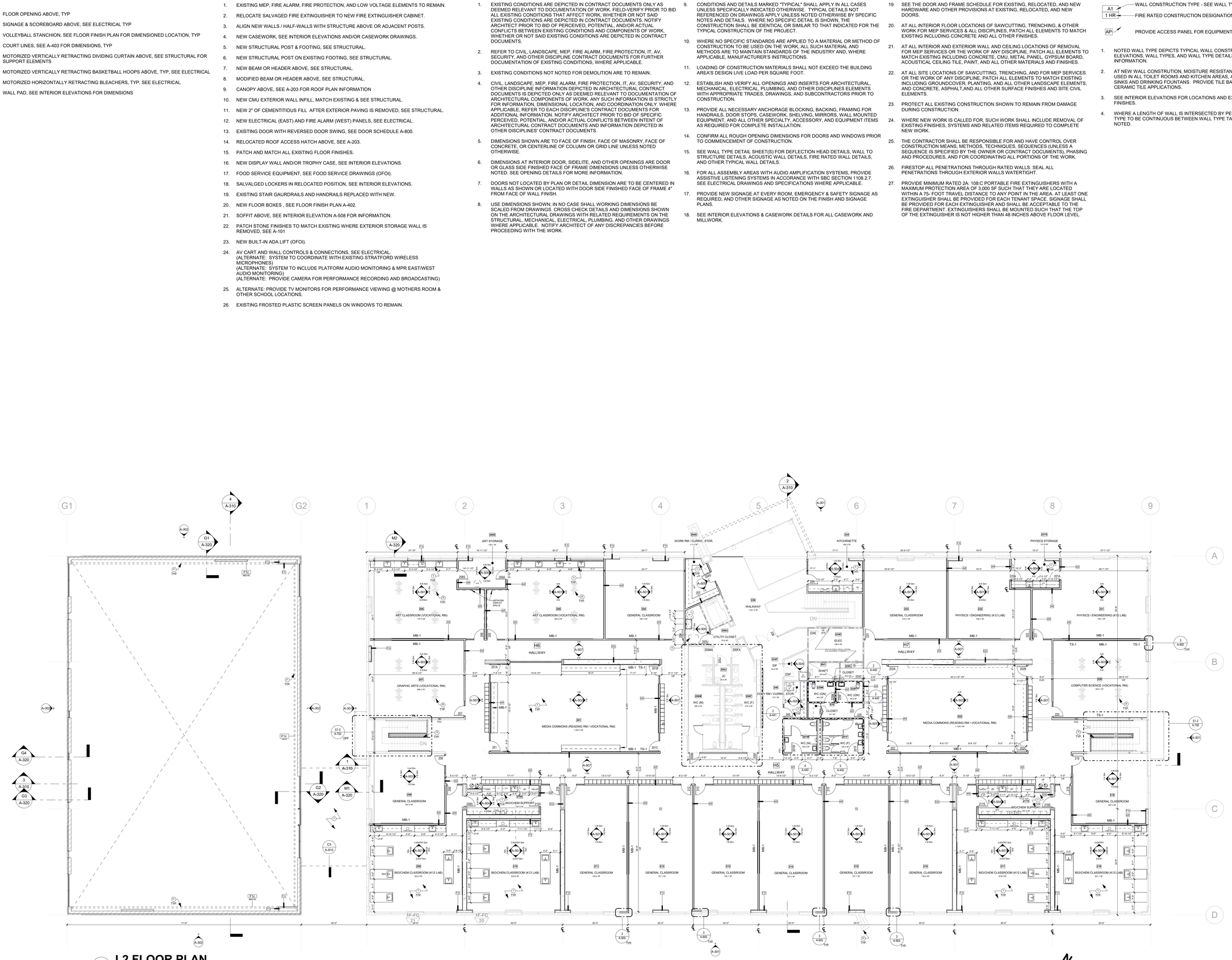
2. AT NEW WALL CONSTRUTION, MOISTURE RESISTANT GYPSUM BOARD IS TO BE USED IN ALL TOILET ROOMS AND KITCHEN AREAS, AND ON ALL WALLS WITH SINKS AND DRINKING FOUNTANS. PROVIDE TILE BACKER BOARD BEHIND ALL CERAMIC TILE APPLICATIONS.
3. SEE INTERIOR ELEVATIONS FOR LOCATIONS AND EXTENTS OF APPLIED WALL FINISHES.
4. WHERE A LENGTH OF WALL IS INTERSECTED BY PERPENDICULAR WALLS, WALL TYPE TO BE CONTINUOUS BETWEEN WALL TYPE TAGS UNLESS OTHERWISE NOTED.



1 L2 FLOOR PLAN
3/32" = 1'-0"

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LICENSED ARCHITECT — STATE OF MY THEODORE — C-39996 — 02 - 28 - 2024 — RENEWAL DATE — STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
1323 Great Mall Drive, Milpitas, CA 95035

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07/11/2023

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JOB NUMBER: 23043

2ND FLOOR PLAN

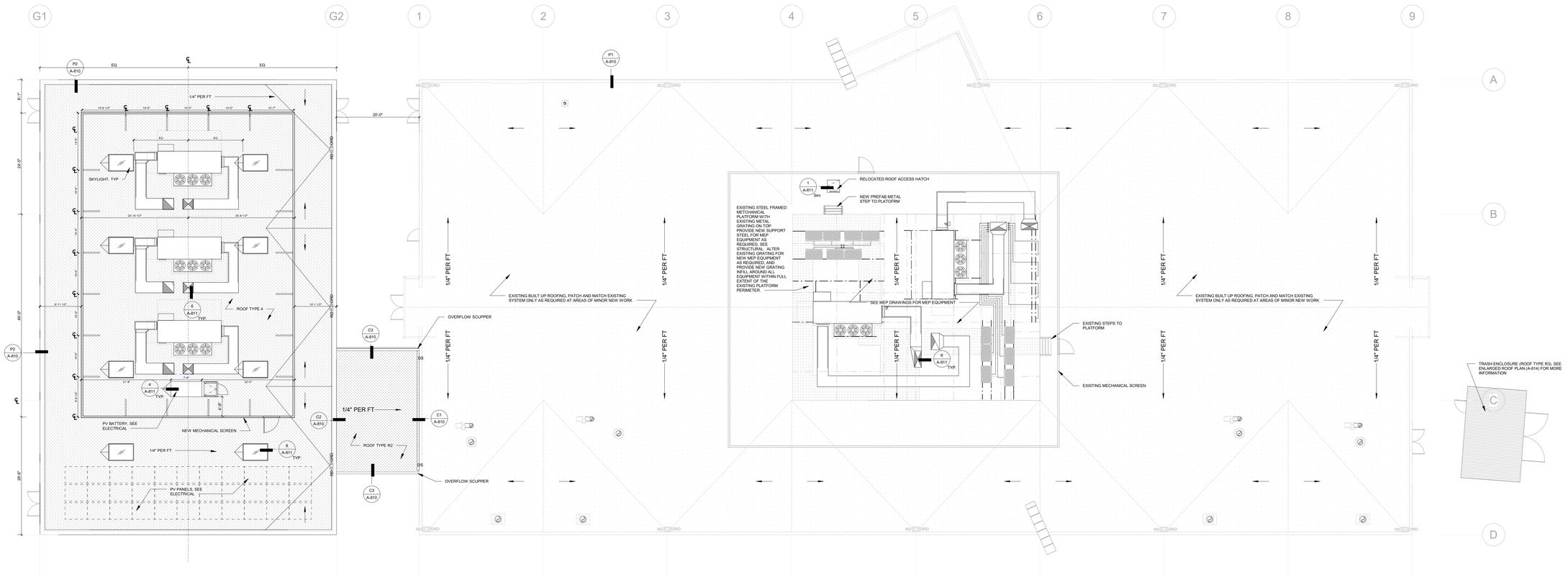
A-202

ROOF LEGEND:

	R1 - 2 PLY MODIFIED BITUMINOUS MEMBRANE ROOFING ON COVER BOARD ON R-30 RIGID INSULATION ON VAPOR BARRIER ON STRUCTURAL DECKING
	R2 - 2 PLY MODIFIED BITUMINOUS MEMBRANE ROOFING ON COVER BOARD
	R3 - STRUCTURAL METAL DECK ROOFING ON STEEL STRUCTURE
	R4 - THERMOPLASTIC POLYOLEFIN ROOFING ON COVER BOARD ON R-30 RIGID INSULATION ON VAPOR BARRIER ON STRUCTURAL DECKING
	GUTTER
DS	DOWNSPOUT
RD ORD	ROOF DRAIN & OVERFLOW DRAIN
FA	FALL ARREST ANCHORS

ROOF PLAN NOTES:

1. NOT ALL ROOF PENETRATIONS ARE NECESSARILY SHOWN. COORDINATE WITH STRUCTURAL, MECHANICAL, ELECRICAL, PLUMING, LOW VOLTAGE, SECURITY, AND OTHER DISCIPLINE DRAWINGS FOR ADDITIONAL ROOF PENETATIONS.
2. LOADING OF CONSTRUCTION MATERIALS SHALL NOT EXCEED THE DESIGN LIVE LOAD PER SQUARE FOOT, SEE STRUCTURAL.
3. LOADING OF CONSTRUCTION MATERIALS SHALL NOT EXCEED THE DESIGN LIVE LOAD PER SQUARE FOOT.
4. SEE BUILDING ELEVATIONS, SECTIONS, AND PLANS FOR ROUTE OF DOWNSPOUTS AND OVERFLOW DRAINS.
5. SEE BUILDING ELEVATIONS FOR PAINTING & ALL OTHER EXTERIOR FINISH WORK.
6. WHERE ROOF INSULATION IS REQUIRED, PROVIDE IN A MIN OF (2) LAYERS. LAYER JOINTS SHALL BE STAGGERED.
7. AT ALL ROOF PENETRATIONS, ROOF SHALL BE FLASHED AND SEALED WATERTIGHT PER DETAILS NOTED.
8. CONTRACTOR TO COORDINATE AND VERIFY CURB AND ROOF PENETRATION LOCATIONS.



1 ROOF PLAN
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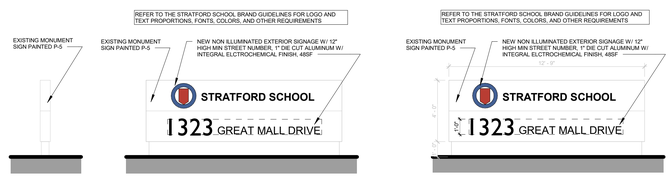
JOB NUMBER: 23043

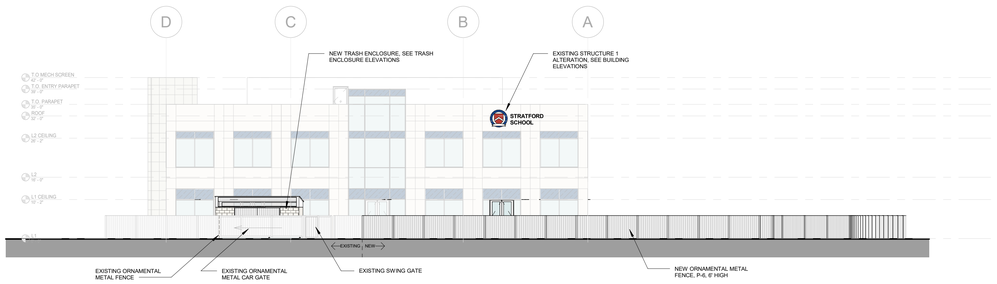
ROOF PLAN

A-203



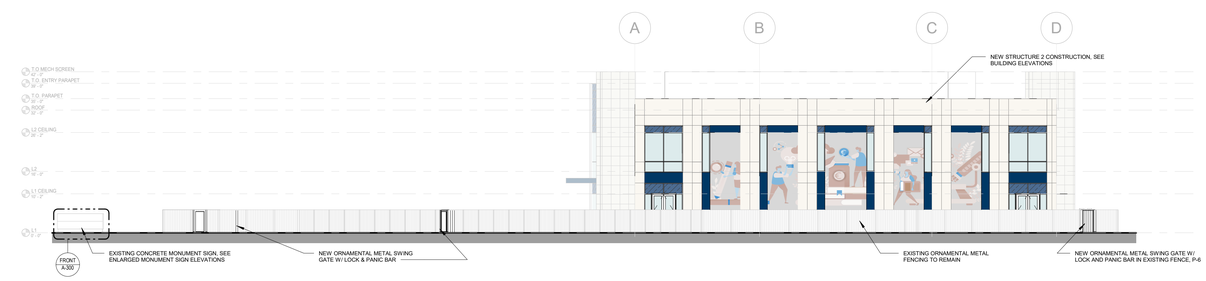
MONUMENT SIGN

1/4" = 1'-0"



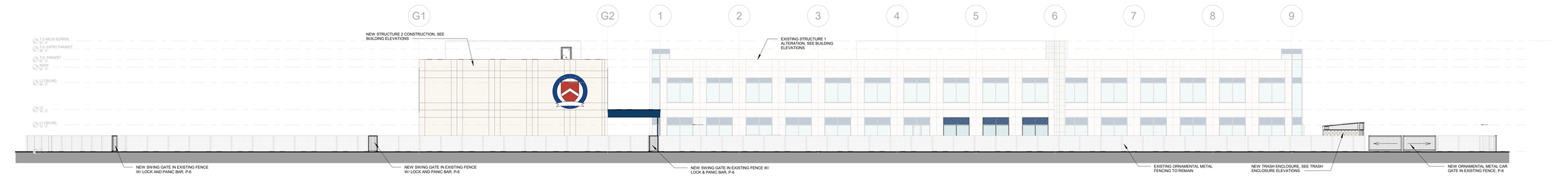
E SITE ELEVATION-E

1/16" = 1'-0"



W SITE ELEVATION-W

1/16" = 1'-0"



S SITE ELEVATION-S

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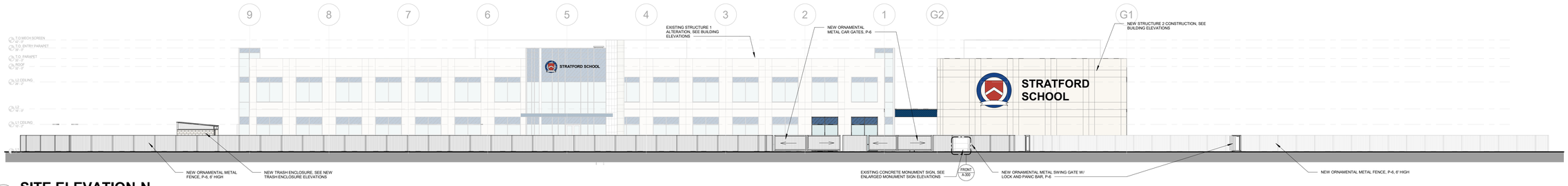


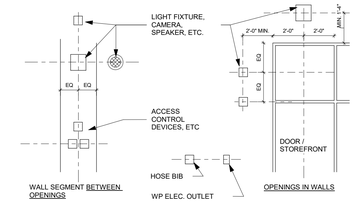
N SITE ELEVATION-N

1/16" = 1'-0"

GENERAL NOTES:

1. PROVIDE NEW DEVICES WHERE SHOWN. ALL FIXTURES AND DEVICES MAY NOT BE SHOWN, COORDINATE WITH MECHANICAL, ELECTRICAL, PLUMBING, FIRE PROTETECTION, FIRE ALARM, IT, AV, SECURITY, AND OTHER DRAWINGS FOR ALL FIXTURES AND DEVICES, WHERE APPLICABLE.
2. PROVIDE NEW ILLUMINATED AND NON-ILLUMINATED SIGNAGE PER SIGN TYPES SHOWN, WHERE APPLICABLE, SEE SIGNAGE DRAWINGS SERIES A9.50 FOR ALL SIGN TYPES, MATERIALS, FINISHES, DIMENSIONS, AND DETAILS.

ALIGNMENT CRITERIA:



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2. WHERE DEVICES, FIXTURES, AND OTHER ELEMENTS IN MEP-FA-FP-IT-AV-SEC OR OTHER DOCUMENTS ARE INDICATED IN THE SAME LOCATIONS, ALIGN THEM VERTICLALLY AS INDICATED.

3. WHERE DEVICES ARE INDICATED ABOVE OR BESIDE A STOREFRONT (WINDOW), LOUVER, OR DOOR, MOUNT THEM CENTERED ON INTERMEDIATE FRAMES (VERTICAL AND HORIZONTAL), OR CENTERED ABOVE THE GLAZING PANEL OR DOOR.

FINISH LEGEND:

MATERIALS & SYSTEMS

CONCRETE
SMOOTH PRECAST CONCRETE PANELS W/ FORMED SCORE LINES - ACI-301, ACI-303.1, ACI-533R, ACI-551.1R, PCI-MNL-122

SMOOTH METAL PANEL
PAC-CLAD - PAC-3000 RS
(PREFINISHED - PVDF - KYNAR 500)

PREFAB HORIZONTAL RIB METAL PANEL MECHANICAL SCREEN
ROOFSCREEN - "7.2 RIB PANEL" ON "SC3 FRAME"
(PREFINISHED - PVDF - KYNAR 5000 - P-5)

PRECISION FACE CMU
AIR VOL BLOCK - PRECISION - COLOR #60B47E - 8X8X16 - RUNNING BOND - ASTM-C-90
(PAINTED, P-5)

ORNAMENTAL METAL FENCING
METAL POSTS, TOP & BOTTOM RAILS, AND INTERMEDIATE VERTICALS, MATCH EXISTING
(PREFENISHED - POLYESTER COAT, P-6)

ALUMINUM STOREFRONT
KAWNEER - 451T, CENTER GLAZED W/ 1" INSULATED GLAZING & FULL LITE DOORS
(PREFINISHED - CLEAR ANODIZED, MATCH EXISTING)

GLAZING TYPES

IT-1 EXTERIOR INSULATED CLEAR TEMPERED SAFETY GLAZING

IT-2 EXTERIOR INSULATED BLUE SPANDREL TEMPERED SAFETY GLAZING

COLORS

P-1
FIELD WHITE = SHERWIN-WILLIAMS - SW 7007 "CEILING BRIGHT WHITE'

P-2
STRATFORD LIGHT GRAY = SHERWIN-WILLIAMS - SW 7071 "GRAY SCREEN"

P-3
STRATFORD BLUE = SHERWIN-WILLIAMS - SW 6811 "HONORABLE BLUE"

P-4
STRATFORD DARK GRAY = SHERWIN-WILLIAMS - SW 7074 "SOFTWARE"

P-5
EXTERIOR OFF-WHITE, MATCHING EXISTING OFF-WHITE @ LOWER SCHOOL

P-6
BLACK = SHERWIN-WILLIAMS - SW 6258 "TRICORN BLACK"

P-7
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P-8
EXTERIOR GRAY, MATCH EXISTING GRAY @ METAL PANEL COLUMN COVERS

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1323 Great Mall Drive, Milpitas, CA 95035

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07/11/2023

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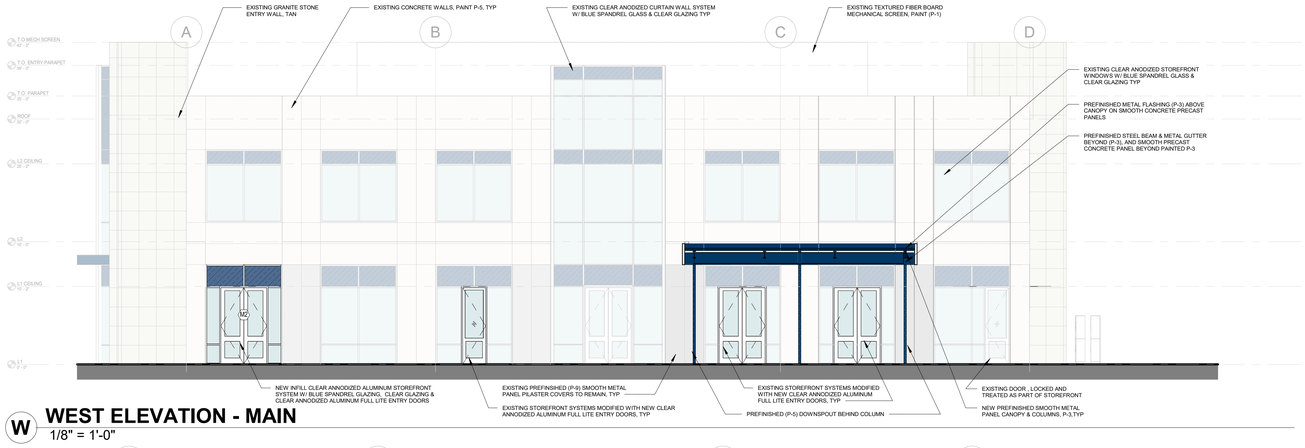
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

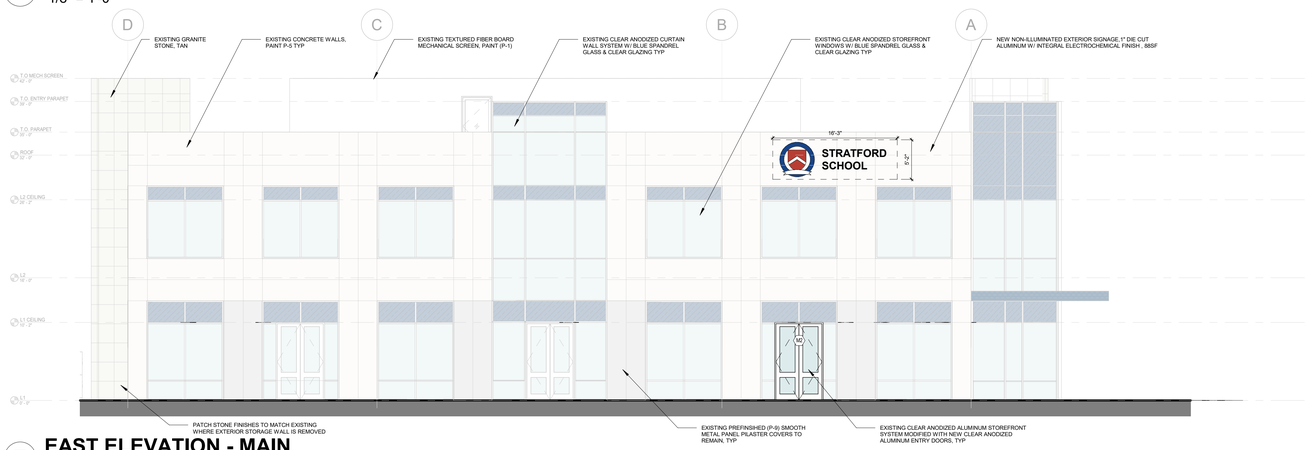
SITE ELEVATIONS

A-300



W WEST ELEVATION - MAIN

1/8" = 1'-0"

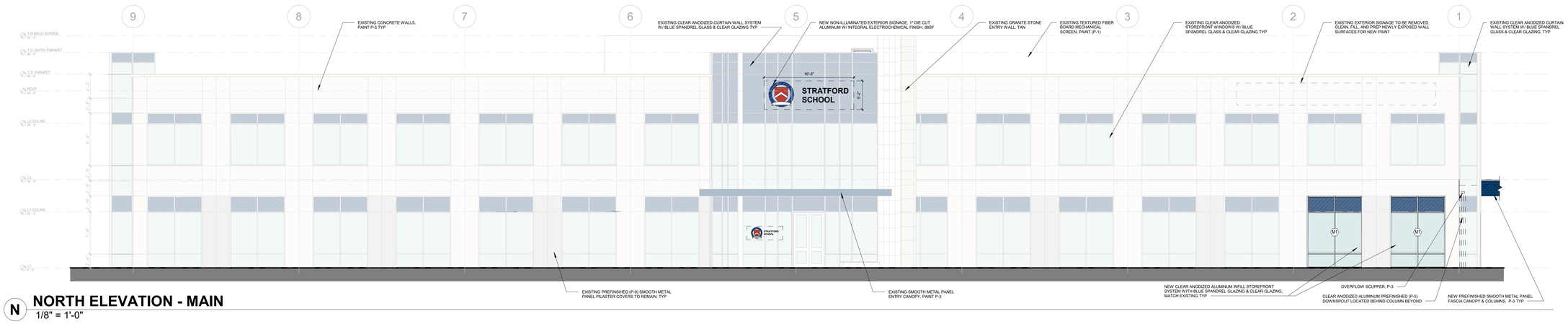


E EAST ELEVATION - MAIN

1/8" = 1'-0"

S SOUTH ELEVATION - MAIN

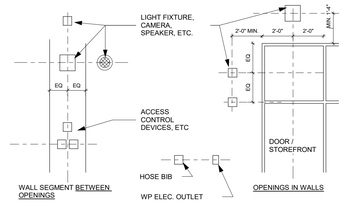
1/8" = 1'-0"



N NORTH ELEVATION - MAIN

1/8" = 1'-0"

ALIGNMENT CRITERIA:



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3. FINISHES, CONTROL JOINTS AND REVEALS SHOWN ON FRONT SIDES OF BUILT-OUT FEATURES SHALL CONTINUE AT RETURNS AND BACK SIDES WHERE OCCUR.

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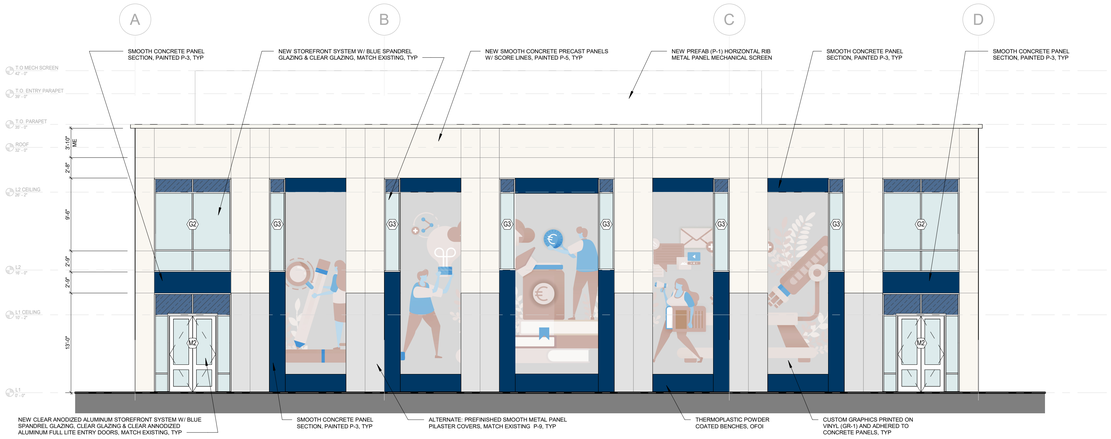
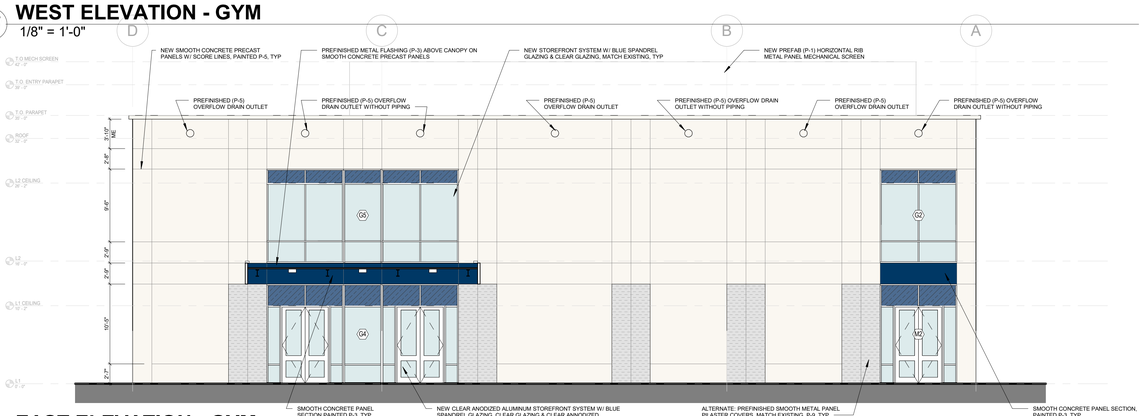
JOB NUMBER: 23043

EXTERIOR ELEVATIONS - MAIN

A-301



W WEST ELEVATION - GYM
1/8" = 1'-0"



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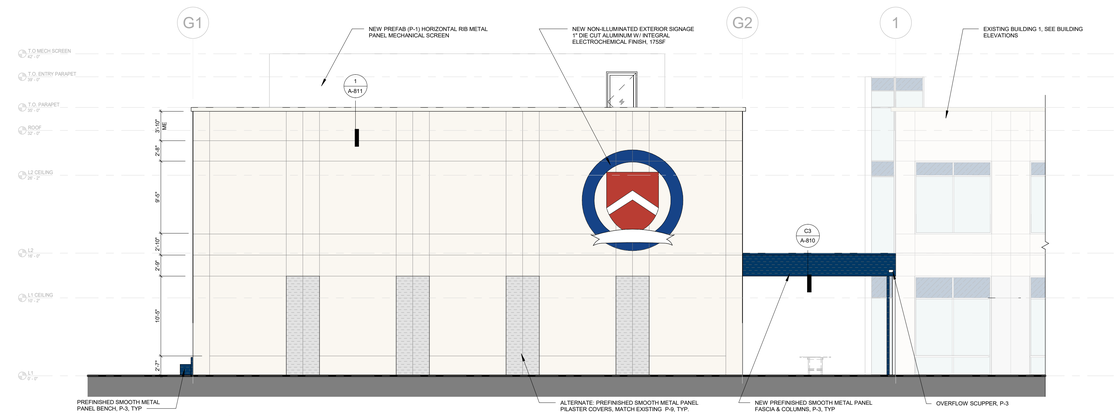

S SOUTH ELEVATION - GYM
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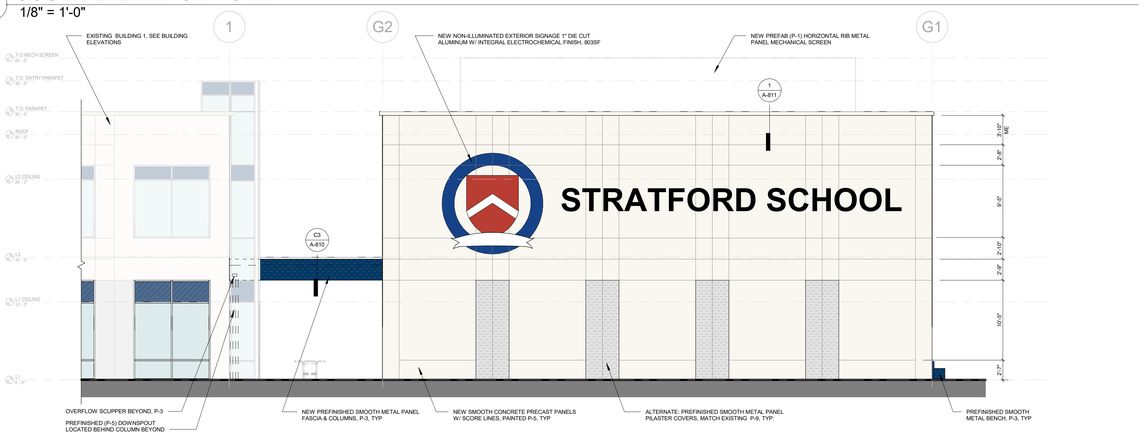

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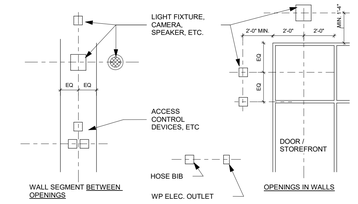

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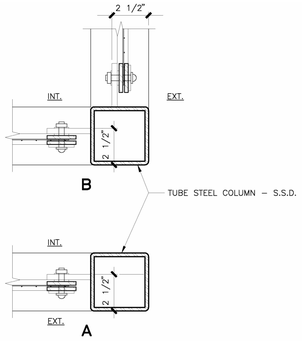
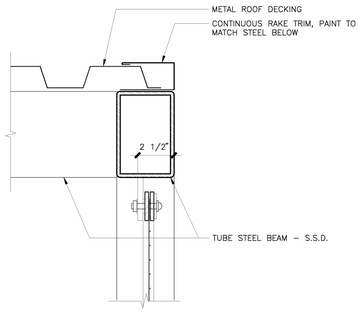
JOB NUMBER: 23043

EXTERIOR ELEVATIONS - GYM

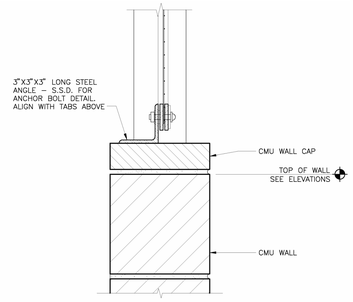
A-302



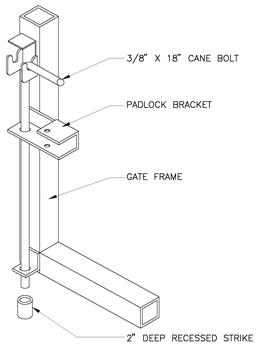
11 WIRE MESH @ COLUMN
3" = 1'-0"



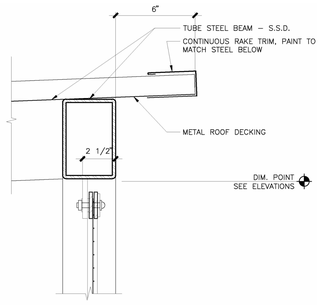
10 OPEN RAKE
3" = 1'-0"



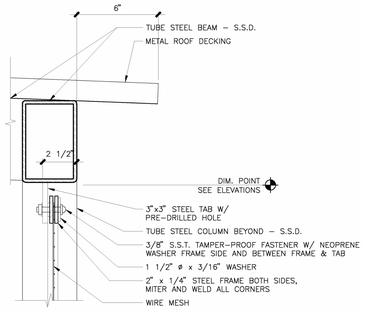
3 WIRE MESH @ WALL CAP
3" = 1'-0"



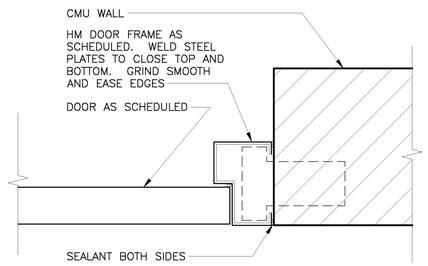
9 CANE BOLT
3" = 1'-0"



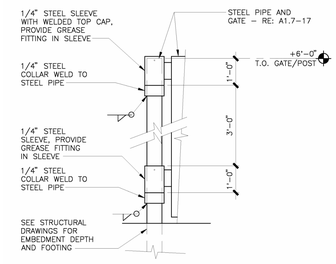
6 HIGH EAVE
3" = 1'-0"



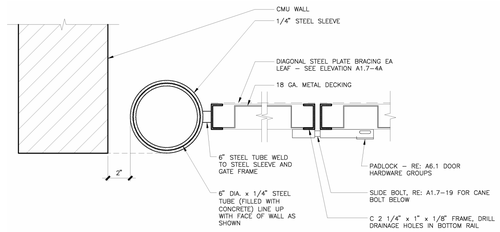
4 EAVE
3" = 1'-0"



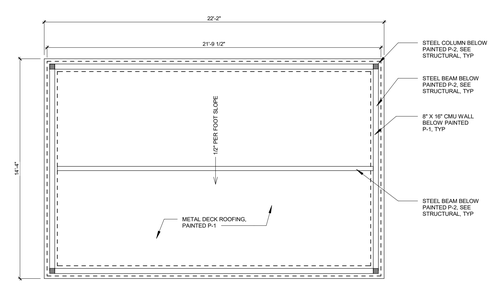
8 GATE/DOOR COLUMN JAMB
3" = 1'-0"



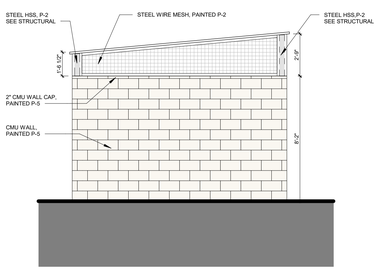
7 GATE POST
3" = 1'-0"



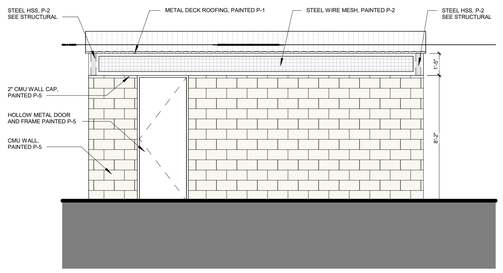
5 GATE JAMB
3" = 1'-0"



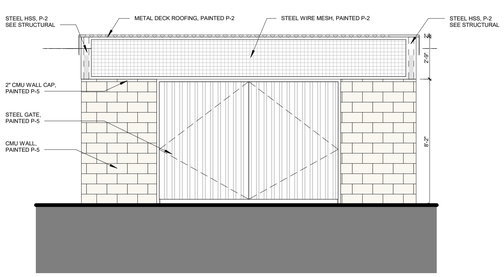
2 TRASH ENCLOSURE ROOF PLAN
1/4" = 1'-0"



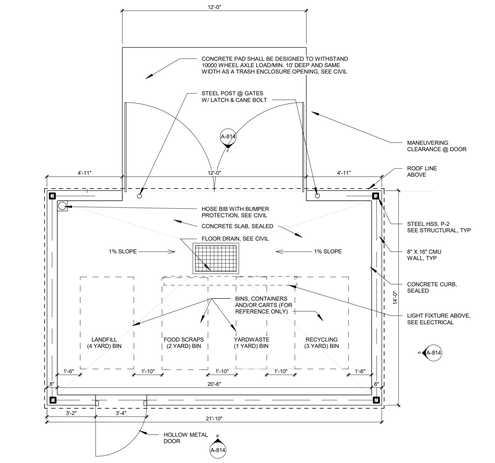
S TRASH ENCLOSURE - SIDES
1/4" = 1'-0"



B TRASH ENCLOSURE - BACK
1/4" = 1'-0"



F TRASH ENCLOSURE - FRONT
1/4" = 1'-0"



1 TRASH ENCLOSURE FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES:

1. SEE THE ARCHITECTURAL WALL SECTIONS FOR ADDITIONAL FLOOR, WALL, AND ROOF INTERFACING INFORMATION.
2. SEE THE ARCHITECTURAL EXTERIOR ELEVATIONS FOR ADDITOINAL ELEVATION INFORMATION.
3. SEE THE ARCHITECTURAL ROOF PLAN FOR ADDITIONAL ROOF INFORMATION.
4. SEE THE ARCHITECTURAL FLOOR PLANS FOR ADDITIONAL FLOOR INFORMATION.

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(PREFINISHED - PVDF - KYNAR 500)

PREFAB HORIZONTAL RIB METAL PANEL MECHANICAL SCREEN
ROOFSCREEN - "7.2 RIB PANEL" ON "SC3 FRAME"
(PREFINISHED - PVDF - KYNAR 5000 - P-5)

PRECISION FACE CMU
AIR VOL BLOCK - PRECISION - COLOR #60B47E - 8X8X16 - RUNNING BOND - ASTM-C-90
(PAINTED, P-5)

ORNAMENTAL METAL FENCING
METAL POSTS, TOP & BOTTOM RAILS, AND INTERMEDIATE VERTICALS, MATCH EXISTING
(PREFENISHED - POLYESTER COAT, P-6)

ALUMINUM STOREFRONT
KAWNEER - 451T, CENTER GLAZED W/ 1" INSULATED GLAZING & FULL LITE DOORS
(PREFINISHED - CLEAR ANODIZED, MATCH EXISTING)

GLAZING TYPES

IT-1 EXTERIOR INSULATED CLEAR TEMPERED SAFETY GLAZING

IT-2 EXTERIOR INSULATED BLUE SPANDREL TEMPERED SAFETY GLAZING

COLORS

P-1
FIELD WHITE = SHERWIN-WILLIAMS - SW 7007 "CEILING BRIGHT WHITE'

P-2
STRATFORD LIGHT GRAY = SHERWIN-WILLIAMS - SW 7071 "GRAY SCREEN"

P-3
STRATFORD BLUE = SHERWIN-WILLIAMS - SW 6811 "HONORABLE BLUE"

P-4
STRATFORD DARK GRAY = SHERWIN-WILLIAMS - SW 7074 "SOFTWARE"

P-5
EXTERIOR OFF-WHITE, MATCHING EXISTING OFF-WHITE @ LOWER SCHOOL

P-6
BLACK = SHERWIN-WILLIAMS - SW 6258 "TRICORN BLACK"

P-7
STRATFORD RED = SHERWIN-WILLIAMS - SW 6608 "RAVE RED"

P-8
EXTERIOR GRAY, MATCH EXISTING GRAY @ METAL PANEL COLUMN COVERS

Inhabit Design
255 S King Street #800, Seattle, WA 98104
+1.206.552.4744 | www.inhabitdsgn.com

LICENSED ARCHITECT
SCOTT MICHAEL JOSEPH
C-39996
02 - 28 - 2024
RENEWAL DATE
STATE OF CALIFORNIA

Stratford Schools
Stratford Preparatory School - Milpitas
1323 Great Mall Drive, Milpitas, CA 95035

CUP SET
07/11/2023

REV	DATE	DESCRIPTION
1	12/05/2023	CUP REVISION 1
2	03/04/2024	CUP REVISION 2
3	04/22/2024	CUP REVISION 3
4	05/17/2024	CUP REVISION 4

JOB NUMBER: 23043

EXTERIOR DETAILS - SITE,TRASH ENCLOSURE

A-814

Avery Stark

From: Planning Department
Sent: Tuesday, May 21, 2024 12:31 PM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

From: Prabhu Kasinathan <[redacted]@gmail.com>
Sent: Tuesday, May 21, 2024 12:00 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

CAUTION: EXTERNAL SENDER
This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious messages to the IT Helpdesk.

Dear Mayor, City Councilmembers and Planning Commissioners,

I am a Milpitas resident, and my child attends a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

My family strongly supports the new Stratford Preparatory 500-student upper school campus in Milpitas. The creation of this small, urban campus for grades 6-12 will allow Stratford to realize its long-term vision of serving local families with a continuous preschool through high school educational curriculum in our city.

Having such a wonderful new private high school in Milpitas will be an incredible opportunity for our families to stay local and continue with Stratford. The new campus will also contribute many positive benefits to the City, including investment in the new Metro Specific Plan Area.

Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Prabhu Kasinathan
Email: [redacted]@gmail.com
Address: [redacted], Milpitas, CA - 95035

Avery Stark

From: Planning Department
Sent: Friday, May 17, 2024 12:31 PM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.ci.milpitas.ca.gov/planningdepartment

Public Counter Hours:
Monday - Thursday from 8 am - 5 pm, closed 12 pm to 1 pm (In-person)
Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: gop's <[redacted]@gmail.com>
Sent: Friday, May 17, 2024 11:12 AM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Saumya Venkatram <[redacted]@gmail.com>; sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,

Gopal B. Iyer
[redacted], [redacted], Milpitas CA 95035
[redacted]@gmail.com

Avery Stark

From: Planning Department
Sent: Friday, May 17, 2024 7:03 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Nina Dai <[redacted]@yahoo.com>
Sent: Thursday, May 16, 2024 11:05 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Nina D. Family
Milpitas residents

Sent from my iPhone

Avery Stark

From: Planning Department
Sent: Thursday, May 16, 2024 7:31 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

From: Karthik (GK) <[redacted]@gmail.com>
Sent: Wednesday, May 15, 2024 9:45 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Karthikeyan Ganapathy
[redacted],
Milpitas, CA 95035
[redacted]@gmail.com

Avery Stark

From: Planning Department
Sent: Wednesday, May 15, 2024 2:47 PM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Hao Shen <[redacted]@gmail.com>
Sent: Wednesday, May 15, 2024 7:02 AM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Dear Mayor, City Councilmembers and Planning Commissioners,

This is Hao Shen. I have lived in Milpitas for more than 10 years. I have two children who both attend a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to high quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Hao
[redacted], Milpitas

Avery Stark

From: Planning Department
Sent: Tuesday, May 14, 2024 7:27 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

---

From: Anish Nayak <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 11:16 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus with all necessary approvals such that this new campus can open in the summer of 2025!

Thanking you,
Sincerely,
Anish Kumar Nayak
([redacted], Milpitas, CA 95035)

Avery Stark

From: Planning Department
Sent: Tuesday, May 14, 2024 7:27 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

From: Raghu K. Raman <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 10:15 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com; swathi R <[redacted]@gmail.com>
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Name: Raghu & Swathi Ramadurai

Milpitas Address: [redacted] Milpitas, CA 95035
Email: [redacted]@gmail.com

Avery Stark

From: Planning Department
Sent: Tuesday, May 14, 2024 7:27 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

---

From: Yue Liu <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 8:48 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,
Yue Liu
[redacted], Milpitas, CA
[redacted]@gmail.com

Avery Stark

From: Planning Department
Sent: Tuesday, May 14, 2024 7:26 AM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

-----Original Message-----
From: abhishek kothari <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 6:22 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,
Abhishek Kothari
[redacted], Milpitas
[redacted]@gmail.com

Hi Holly, KP, and Avery,

I'm going to forward you a string of emails all with the same message sent from different residents.

Thanks,

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.ci.milpitas.ca.gov/planningdepartment

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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Gaurav Khurana <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 6:59 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Dear Mayor, City Councilmembers and Planning Commissioners,

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Sincerely,

Gaurav Khurana

[redacted], Milpitas, CA 95035

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:39 PM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: kiran kumar <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 1:43 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
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Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

CAUTION: EXTERNAL SENDER
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Dear Mayor, City Councilmembers and Planning Commissioners,

I am a Milpitas resident, and my child attends a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

We love the opportunity and options that Milpitas offers when it comes to quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

My family strongly supports the new Stratford Preparatory 500-student upper school campus in Milpitas. The creation of this small, urban campus for grades 6-12 will allow Stratford to realize its long-term vision of serving local families with a continuous preschool through high school educational curriculum in our city.

Having such a wonderful new private high school in Milpitas will be an incredible opportunity for our families to stay local and continue with Stratford. The new campus will also contribute many positive benefits to the City, including investment in the new Metro Specific Plan Area.

Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,
Bondali Kiran Kumar
ph: 408-[redacted]
--

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:39 PM
To: Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Got your most recent email. I will exclude Holly and KP with these other ones.

Thanks!

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.ci.milpitas.ca.gov/planningdepartment

Public Counter Hours:
Monday - Thursday from 8 am - 5 pm, closed 12 pm to 1 pm (In-person)
Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Nishchay Sinha <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 1:37 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,
Nishchay Sinha
[redacted]
Milpitas 95035

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:36 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
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From: Bochao Zhang <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 10:26 AM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,

BOCHAO ZHANG
[redacted], Milpitas, CA95035.

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:35 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Jason Yu <[redacted]@gmail.com>
Sent: Monday, May 13, 2024 8:00 AM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Dear Mayor, City Councilmembers and Planning Commissioners,

I am a Milpitas resident, and my child attends a local Stratford School at the Great Mall compus. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

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Sincerely,

Jason Yu

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:35 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
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From: Vikram Sulakhe <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 9:50 PM
To: Planning Department <PlanningDepartment@milpitas.gov>; Sean@morleybros.com; Anthony Phan <aphan@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; Hon Lien <hlien@milpitas.gov>
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,
Vikram Sulakhe
[redacted], Milpitas. CA- 95035

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:34 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
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From: JING MA <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 9:26 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,

Jing Ma

[redacted]. San Jose 95134

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:33 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
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From: Anshul Bakliwal <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 7:56 PM
To: Planning Department <PlanningDepartment@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; Hon Lien <hlien@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Name: Anshul Bakliwal
Milpitas Address: [redacted]CA, 95035
Email: [redacted]@gmail.com

thanks & regards,
Anshul Bakliwal.

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:33 PM
To: Avery Stark
Subject: FW: Support establishing a new High School campus by Stratford in Milpitas

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
www.ci.milpitas.ca.gov/planningdepartment

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Friday - 8 am – 12pm (In-person), 1pm - 5 pm (Virtual)

From: Leon Liu (chuliu) <[redacted]@cisco.com>
Sent: Sunday, May 12, 2024 7:52 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Support establishing a new High School campus by Stratford in Milpitas

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Dear Officers in Milpitas City Government,

I am writing to express my strong support for the establishment of a high school by Stratford School in our city. As a resident of Milpitas and a parent invested in the education of our youth, I believe that the addition of a high school operated by Stratford would be immensely beneficial to our community.

The presence of a Stratford high school in our city would offer our students access to a rigorous and enriching academic curriculum, complemented by a supportive learning environment that encourages curiosity, critical thinking, and creativity. Furthermore, it would provide families in Milpitas with an additional choice in their pursuit of educational opportunities tailored to the needs of their children.

I am confident that the establishment of a high school by Stratford School would not only enhance the educational landscape of Milpitas but also contribute positively to the overall growth and prosperity of our community. Therefore, I urge you to consider this proposal favorably and extend your support for this initiative.

Thank you for your attention to this matter. I trust that you will carefully weigh the potential benefits of welcoming a Stratford high school to our city, and I look forward to seeing the positive impact it will have on the lives of our students and families.

Sincerely,
Leon Liu
408-[redacted]

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:32 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
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From: pragati kenkare <[redacted]@yahoo.com>
Sent: Sunday, May 12, 2024 7:43 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Dear Mayor, City Councilmembers and Planning Commissioners,

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We love the opportunity and options that Milpitas offers when it comes to quality education. We chose Stratford School because it provides a unique, high-quality private education opportunity for our child. Our family would like to have the ability to continue into middle and high school at a new Stratford Preparatory campus in Milpitas.

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Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Thank you!!
Sincerely,

Pragati Kenkare
[redacted], Milpitas, CA 95035
[redacted]@yahoo.com

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:32 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
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From: Anish Karandikar <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 7:24 PM
To: Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>; Carmen Montano <cmontano@milpitas.gov>
Cc: sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Sincerely,
Anish Karandikar
[redacted]
Milpitas CA 95035
[redacted]@gmail.com

Avery Stark

From: Planning Department
Sent: Monday, May 13, 2024 2:32 PM
To: Holly Pearson
Cc: Kristina Phung; Avery Stark
Subject: FW: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

Hi Holly, KP, and Avery,

I'm going to forward you a string of emails all with the same message sent from different residents.

Thanks,

Jessica Thiragirayuta
Planning Technician
Phone (408) 586-3284 **Fax** (408) 586-3305
Email jthiragirayuta@milpitas.gov
455 E. Calaveras Blvd., Milpitas CA 95035
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From: Gaurav Khurana <[redacted]@gmail.com>
Sent: Sunday, May 12, 2024 6:59 PM
To: Carmen Montano <cmontano@milpitas.gov>; Evelyn Chua <echua@milpitas.gov>; Anthony Phan <aphan@milpitas.gov>; Hon Lien <hlien@milpitas.gov>; Garry Barbadillo <gbarbadillo@milpitas.gov>; City Clerk <cityclerk@milpitas.gov>; Planning Department <PlanningDepartment@milpitas.gov>
Cc: Sean@morleybros.com
Subject: Stratford Preparatory Milpitas Campus, 1323 Great Mall Drive - Zoning Code Update & Conditional Use Permit

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Dear Mayor, City Councilmembers and Planning Commissioners,

I have been a Milpitas resident since 2013, and my child attends a local Stratford School. I am writing to ask you to ensure that the Comprehensive Zoning Ordinance Update supports Stratford's Preparatory campus proposed at 1323 Great Mall Drive and approve the Conditional Use Permit and other applications as soon as possible so the campus can open for the 25/26 school year.

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My family strongly supports the new Stratford Preparatory 500-student upper school campus in Milpitas. The creation of this small, urban campus for grades 6-12 will allow Stratford to realize its long-term vision of serving local families with a continuous preschool through high school educational curriculum in our city.

Having such a wonderful new private high school in Milpitas will be an incredible opportunity for our families to stay local and continue with Stratford. The new campus will also contribute many positive benefits to the City, including investment in the new Metro Specific Plan Area.

Please support Stratford's new campus by providing all necessary approvals as soon as possible so this new campus can open in the summer of 2025!

Sincerely,

Gaurav Khurana
[redacted], Milpitas, CA 95035

CITY OF MILPITAS
Planning Commission

MEETING MINUTES

7:00pm
Wednesday, May 22, 2024
CITY COUNCIL CHAMBERS
455 E CALAVERAS BLVD, MILPITAS, CA
and
via TELECONFERENCE (Zoom Webinar)

CALL TO ORDER

Chair Albana called the meeting to order at 7:01pm.

PLEDGE OF ALLEGIANCE

Commissioner Gupta led the pledge of allegiance.

ROLL CALL

Recording Secretary Avery Stark called the roll.

PRESENT: Chair Albana, Vice Chair Medina-Ashby, Galang, Awasthi, Gupta, Caulkins, and Kong.

ABSENT:

STAFF: Jay Lee, Christopher Creech, Avery Stark, and Elizabeth Medina

CONFLICT OF INTEREST/CAMPAIGN CONTRIBUTION DECLARATION

Assistant City Attorney Christopher Creech asked if any member of the commission had any personal or financial conflict of interest related to any of the items on the agenda, and there were none.

APPROVAL OF THE MEETING AGENDA

By motion, approve the meeting agenda for May 22, 2024.

Motion/Second Galang/Awasthi
Motion carried by a vote of AYES: 7 NOES: 0

APPROVAL OF THE MEETING MINUTES

By motion, approve the meeting minutes for March 27, 2024.

Motion/Second Kong/Medina-Ashby
Motion carried by a vote of AYES: 7 NOES: 0

By motion, approve the meeting minutes for April 24, 2024.

Motion/Second Caulkins/Gupta
Motion carried by a vote of AYES: 5 NOES: 0 ABSTAIN: 2 (Kong/Galang)

ANNOUNCEMENTS

Planning Director Lee shared that on May 30, the City will host an open house forum about HODs (Housing Opportunity Districts), allowing the community to learn more about the project and provide feedback. The regularly scheduled Planning Commission on June 12 will be canceled, and the next meeting will be on June 26.

PUBLIC FORUM

Chair Albana invited members of the public to address the commission and there were none.

PUBLIC HEARING

IX-1 NEW MULTI-FAMILY HOUSING – 1905 TAROB COURT – P-SD23-0011, P-UP23-0007, P-MT23-0001, P-DB23-0002, P-TR23-0015, AND P-EA23-0002: A Site Development Permit, Conditional Use Permit, Vesting Tentative Map, Density Bonus Permit, Tree Removal Permit, and Environmental Assessment to remove and replace 21 ordinance-sized trees and develop a multi-family residential project with 43 townhomes and 13 accessory dwelling units. The residential development will consist of eight multi-family residential buildings up to 39 feet in height (three stories), with 104 vehicle parking spaces and associated site improvements on a 2.3-acre site located in the High-Density Residential Zoning District with a Transit Oriented Development Overlay (R3-TOD) at 1905 Tarob Court. The Project is located within the Milpitas Metro Specific Plan (MMSP) and Former Transit Area Specific Plan (TASP) area and submitted under California Senate Bill 330 (Housing Crisis Act of 2019).

(36:43) Project Planner Michael Fossati and applicant team member, Nick Kosla, addressed commissioners' clarifying questions related to tree removal/replacement, the preservation of the healthy trees being removed, parking, guest/street parking, the offering of both condos and townhomes in the project, ADU attached to townhomes, GeoMax 1 project vs. GeoMax 2 project, ADA accessible designated units, BMR unit allocation/process to purchase, the waiver for street facing, construction material used for affordable vs market-rate units, the typical cost of affordable housing units, construction issues with other Toll Brothers projects in the surrounding area, approvals process of the building department regarding the quality of materials used for projects, number of units, traffic impact the project will have in area, ADU and main property deeded separately, a future ordinance for sales of ADUs, possible additional units, affordable housing allocation by the Housing department.

Chair Albana invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Kong/Medina-Ashby
Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA, and adopt Resolution 23-021, recommending that the City Council approve Site Development Permit No. SD23-0011, Conditional Use Permit No. UP23-0007, Vesting Tentative Map No. MT23-0001, Density Bonus Permit No. DB23-0002, Tree Removal Permit No. TR23-0015, and Environmental Assessment No. EA23-0002, subject to the findings and attached Conditions of Approval.

Motion/Second Gupta/Caulkins
Motion carried by a vote of AYES: 7 NOES: 0

IX-1 GENERAL PLAN AMENDMENT (GP24-0002), ZONING TEXT AMENDMENT and ZONING MAP AMENDMENT ZA24-0002) – Citywide: City-initiated amendments to the General Plan Land Use Element, General Plan Land Use Map, Zoning Ordinance, and Zoning Map to: 1) ensure overall consistency between the Milpitas 2040 General Plan, Milpitas Metro Specific Plan, Zoning

Ordinance, and Zoning Map; 2) create the new Business Park Research and Development Zone and Metro Area Zones; and 3) update the citywide Zoning Map for consistency with the General Plan and Metro Specific Plan.

(1:37:06) Project Planner Holly Pearson and the Lisa Wise Consultant team member, Jennifer Murrillo, addressed commissioners' clarifying questions related to limits related to warehousing/advanced manufacturing/R&D, rational for distinction of types of warehousing, warehouse storage limits, BPRD area retention for revenue generating and future economic development, flexibility for applicants proposing value-adding uses, status of existing uses that are non-conforming, development of hotels, legal non-conforming regulations, possible zoning change for uses that are not permitted in new zoning, concerns of Metro area no minimum parking requirement and limited bus routes/undevelopment micro-transit, new private high school in Metro area project entitlement/public comments, advanced manufacturing warehouse use verification, flexibility of space use in BPRD area (via CUP for larger warehouse >150,000 sf), total acreage of BPRD area in the City and how much of the area is vacant, impact of by right vs. conditional use for warehouse use that exceeds the threshold, and competitive impact of development of BPRD area.

Chair Albana invited members of the public to address the commission and there was one community member:

- Nick Lamson

Motion to close the Public Forum.

Motion/Second Galang/Kong
Motion carried by a vote of AYES: 7 NOES: 0

Recommendation: Staff recommends that the Planning Commission conduct a public hearing and adopt Resolution No. 24-017, recommending that the City Council approve General Plan Amendment GP24-0002 and Zoning Map/Zoning Text Amendment ZA24-0002. **To also include the minor correction made by consultant, Lisa Wise Consulting, of the removal of "small warehose" in the BPRD text regulations.*

Motion/Second Caulkins/Albana
Motion carried by a vote of AYES: 7 NOES: 0

NEW BUSINESS NO ITEMS

ADJOURNMENT Chair Albana adjourned the meeting at 9:46 pm
Motion/Second Kong/Medina-Ashby
Motion carried by a vote of AYES: 7 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina