JOINT MEETING OF THE MILPITAS CITY COUNCIL AND THE MILPITAS HOUSING AUTHORITY

AGENDA

TUESDAY, DECEMBER 7, 2021
CITY COUNCIL CHAMBERS, 2ND FLOOR,
455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:
Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.
You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:
Facebook: https://www.facebook.com/CityofMilpitas/
YouTube: https://www.ci.milpitas.ca.gov/youtube
Web Streaming: https://www.ci.milpitas.ca.gov/webstreaming

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:
https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_YBakGtFcTjW4EBKQ1C-7rg

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the “raise hand” icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the “raise hand” feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call the speakers to begin.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

MILPITAS CITY COUNCIL CODE OF CONDUCT

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

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (6:00 PM)

ADJOURN TO CLOSED SESSION

(a) DISCUSSION WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Employee Organization: LIUNA (Mid-Management/Confidential Unit), IAFF, MPOA, Unrepresented

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

PLEDGE OF ALLEGIANCE

INVOCATION (7:05 PM) - (Mayor Tran)

PRESENTATIONS

- Certificate of Appreciation for Library Advisory and Education Commissioner Elpidio Estioko

PUBLIC FORUM (7:15 PM)
Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)
Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a future agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:30 PM)
Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive the City Council Calendar of Meetings for December 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Recommendation: Receive the City Council Calendar of Meetings for December 2021.

C2. **Approve the City Council Regular Meeting Minutes of November 16, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Approve the City Council Regular Meeting Minutes of November 16, 2021.

C3. **Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)**

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C4. **Approve and Authorize the City Manager to Execute a Funding Agreement with the Valley Transportation Authority for Completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and Approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258 (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to Execute a funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.

C5. **Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street.

C6. **Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.

C7. **Authorize the Surplus Sale of One Ditch Witch FX30 Vacuum Trailer (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)**

Recommendation: Authorize the Purchasing Agent to dispose of one surplus Ditch Witch FX30 Vacuum Trailer by auction.

C8. **Approve and Authorize Closure of City Hall and Selected Operations to the Public During the Holiday Period from Christmas Eve Holiday Through New Year's Day Holiday (Staff Contact: Jeannine Seher, Director of Human Resources, 408-586-3086)**

Recommendation: Approve and authorize the City Manager to enter into side letter agreements for the closure of City Hall and selected operations to the public from the recognized day for the Christmas Eve holiday through New Year's Day holiday.

C9. Adopt a Resolution to amend the City of Milpitas Classification Plan to establish the position of Planning Technician and modify the Salary Schedule Titled "All Job Classifications/Salary Table" to include the salary range for this classification (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Jeannine Seher, Human Resources Director, 408-586-3086)

Recommendation: Adopt a resolution amending the Classification Plan to establish the position of Planning Technician and amend the Salary Schedule titled "All Job Classifications/Salary Table" to include the salary range for this classification.

C10. Waive the Second Reading and Adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to Comply with SB 1383 Requirements (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Recommendation: Waive the second reading and adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements.

C11. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to for Housing Opportunity Zone Consulting Services (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to provide for Housing Opportunity Zone Consulting Services for the not-to-exceed amount of $308,393; and (2) Authorize the City Manager to Execute amendments to the Professional Services Agreement with Raimi+ Associates Inc. for a not-to-exceed amount of $50,000.00 without additional action by the City Council.

C12. Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy and Late Fees and Penalties on April 1, 2022 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy on April 1, 2022.

C13. Accept the City's Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Recommendation: Accept the City's Annual Financial Comprehensive Report (ACFR) and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2021.

C14. Consider Opting into Settlement Agreements with Distributors of Opioids, Amerisource Bergen, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen (owned by Johnson & Johnson) (Staff Contacts: Steven McHarris, City Manager, 408-586-3050 and Christopher J. Diaz, City Attorney, 408-586-3040)

Recommendation: (1) Opt into settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, whereby the County of Santa Clara will receive the City's designated

share of settlement funds and direct the City Manager to execute any documents necessary to implement the action; (2) Opt into settlement agreement with opioid manufacturer, Janssen (owned by Johnson & Johnson), whereby the County of Santa Clara will receive the City's designated share of the settlement funds and direct the City Manager to execute any documents necessary to implement the action.

C15. Approve Four (4) City of Milpitas Commission Work Plans for FY 2021-22 (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Walter C. Rossmann, Deputy City Manager, 408-586-3012)

Recommendation: Approve proposed Fiscal Year 2020-21 Work Plans for: Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Public Safety and Emergency Preparedness Commission; and Science, Technology, and Innovation Commission.

C16. Consider Recommendations from Mayor Tran for Appointments City Commissions (Contact: Mayor Tran, 408- 586-3029)

Recommendation: Receive Mayor Tran's recommendations and approve the appointments to the Planning Commission.

C17. Waive the Second Reading and Adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040)

Recommendation: Waive the second reading and adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code.

C18. Approve the Proposed City Council Procedures and Protocols Handbook (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)

Recommendations: Approve proposed City Council Procedures and Protocols Handbook.

PUBLIC HEARINGS (7:35 PM)

19. Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to Allow Development of a 32-Unit Townhome Condominium Subdivision, Comprised of Two Multi-Family Buildings up to 50 Feet in Height (Three to Four Stories), with Tandem Garages Accessed from a Central Drive Aisle, and Associated Site Improvements on a 1.22-Gross Acre Site Located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) Planning Area (Staff Contact: Ned Thomas, Planning Director, 408-586-3273)

Recommendation: (1) Conduct a public hearing, receive public comment, and move to close the hearing; (2) Consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA; and (3) Adopt a Resolution approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the findings and Conditions of Approval.

LEADERSHIP AND SUPPORT SERVICES (8:00 PM)

20. **Review List of Agenda Item Requests from Individual Councilmembers and Provide Direction to Staff, Through the Prioritization Process, on the Items in Groups 1; and Provide Additional Clarification to Staff, if any, on Group 2 Items (Staff Contacts: Ashwini Kantak, Assistant City Manager, 408-586-3053 Walter C. Rossmann, Deputy City Manager, 408-586-3012)**

Recommendation: (1) Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced; and (2) 2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

COMMUNITY DEVELOPMENT (9:00 PM)

21. **Receive Staff report and Presentation; Provide Direction on the Recommended Approach to the Development and/or Disposition of the Parcels Located at 1432–1488 South Main Street (Sharon Goei, Director of Building Safety and Housing, 408-586-3260)**

Recommendations: Receive staff report and presentation and provide direction on the staff recommendation to proceed with option 1 and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels 2 and 3 at 1452-1488 South Main Street after adoption of the Metro Specific Plan.

ADJOURNMENT (10:30 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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

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

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

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.

November 2021

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January 2022

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Milpitas City Council Calendar

December 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 **2:00 PM**-Santa Clara VTA Monthly Briefing - Northeast Group (CM) **5:30 PM**-Veterans Commission (RT) **7:00 PM**-Community Advisory Commission (EC)	**2** **4:30 PM**-Milpitas Chamber of Commerce Board (EC) **5:30 PM**-Santa Clara VTA Board of Directors (CM)	**3**	**4** ***HOLIDAY MAGIC ON MAIN STREET BEGINS AND ENDS DEC. 19***
5	**6**	**7** **6:00 PM**-Closed Session **7:00 PM**-City Council	**8** **7:00 PM**-Silicon Valley Clean Energy Board of Directors (EC) **7:00 PM**-Planning Commission	**9** **4:00 PM**-Treatment Plant Advisory Committee (CM) **4:00 PM**-Santa Clara VTA Policy Advisory Committee (AP) **5:00 PM-**Homelessness Task Force **7:00 PM**-Youth Advisory Commission (EC) **7:00 PM**-Cities Assoc of SCC (CM)	**10** *****4:30 PM**-City Council Finance Subcommittee (RT/CM)*	**11**
12	**13**	**14** **4:00 PM**- HOPE Task Force **6:00 PM**-Special City Council	**15** **6:00 PM**-Energy and Environmental Sustainability Commission (EC)	**16** **10:00 AM**-VTA CMPP (CM) **11:30 AM**-Special VTA Board of Directors Meeting (CM) **5:30 PM**-Measure F Oversight Committee	**17**	**18**
19	**20** **7:00 PM**-Science, Technology, and Innovation Commission (RT)	**21** ~~**7:00 PM**-Closed Session~~ ~~**7:00 PM**-City Council~~	**22** **5:30 PM**-Cities Assoc. of SCC - Recycling and Waste Reduction Commission (AP)	**23**	**24** **CHRISTMAS EVE (observed) + CHRISTMAS DAY Holidays** **City Hall closed for Holiday**	**25**
26	**27**	**28**	**29**	**30**	**31**	

City Hall and City Facilities Closed (Fire and Police are not affected)

****Finance Subcommittee will meet only as needed***

Updated 12/3/21

REGULAR MEETING MINUTES OF THE MILPITAS CITY COUNCIL

TUESDAY, NOVEMBER 16, 2021
CITY COUNCIL CHAMBERS, 2nd Floor,
455 E. CALAVERAS BLVD., MILPITAS, CA
6:00 PM (CLOSED SESSION)
7:00 PM (PUBLIC BUSINESS)

The City Council of the City of Milpitas convened on the Regular Meeting day of November 16, 2021, in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas, and via teleconference/Zoom webinar.

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

Mayor Tran called the Regular City Council meeting to order at 6:00 PM. Roll Call was taken by City Clerk Wood.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez (virtual), and Phan

ABSENT: None

ADJOURN TO CLOSED SESSION

(a) PUBLIC EMPLOYMENT
Pursuant to California Government Code Section 54957
Position: City Attorney (review of candidates)

CLOSED SESSION ANNOUNCEMENT:

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

City Attorney de los Angeles stated there was no reportable action.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Tran.

INVOCATION

Councilmember Chua introduced Sister Bing Noman of St. John Church of Milpitas.

PRESENTATIONS

There were no presentations.

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

The following spoke under Public Forum:

1. Voltaire Montemayor

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Those in the audience and via Zoom are invited to address City Council on any subject not on tonight's agenda. In-person speakers wishing to address the Council are requested, but not required to complete a Speaker Card and submit it to the Mayor. In-person speakers will then be asked to come up to the podium and state their name for the record. Those interested in speaking via Zoom may do so by following the instructions on page one (1) of the agenda. Comments may be limited to three (3) minutes or less at the Mayor's discretion. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

Mayor Tran congratulated the Milpitas High School Marching Band and Color Guard for placing second at the regional competition.

Vice Mayor Montano attended the Marching Band event at Milpitas High School and requested staff to look into Mural Art on Great Mall Parkway on the light rail pillars.

Councilmember Phan spoke about the third-party food delivery fee cap urgency ordinance that was adopted last year and stated that there are complaints that third-party food delivery services are charging above what the current ordinance allows. He requested the City make the temporary fee caps permanent and add additional provisions for enforcement.

Councilmember Chua announced new library evening hours and spoke about a resident that became the first gold-level donor. She also announced that Silicon Valley Clean Energy made a donation pledge of $5,000 to the City's Holiday Magic event. She also announced that the ADU corner is now live and requested that staff do an ADU tool demo to help encourage ADU construction. She also commented on two courts at Peter Gill Park being used for tennis players and soccer players to practice against the wall and requested staff to look at creating a pilot project to accommodate pickleball and would like a feasibility study with a goal of making these courts multi-purpose.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney de los Angeles asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. City Attorney de los Angeles asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

City Attorney de los Angeles read aloud the City Council Code of Conduct.

APPROVAL OF AGENDA

Motion: to approve the November 16, 2021, Regular Meeting Agenda.

Motion/Second: Mayor Tran / Councilmember Phan

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

CONSENT CALENDAR

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

Vice Mayor Montano stated she would like to pull items C5, C8, and C11 off the Consent Calendar.

Motion: to approve the Consent Calendar removing items C5, C8, and C11.

Motion/Second: Vice Mayor Montano / Mayor Tran

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

C1. Receive City Council Calendars of Meetings for November and December 2021 (Staff Contact: Wendy Wood 408-586-3001)

Received the City Council Calendars of Meetings for November and December 2021.

C2. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Received the list of anticipated agenda items for the next regular City Council meeting.

C3. Approve City Council Special Meeting Minutes of November 1, 2021, and the Regular Meeting Minutes of November 2, 2021 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the City Council Special Meeting Minutes of November 1, 2021, and the Regular Meeting Minutes of November 2, 2021.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Contact: Mayor and City Councilmembers, 408-586-3000)

Review the list of items that have been requested by City Councilmembers including additional attachments with the revised list.

C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Amalfi Apartments and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

This item was pulled off Consent.

C6. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Bridge Point Milpitas LLC for the Bridge Point Project at 205 N. McCarthy Blvd.

C7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Robson Homes, LLC for the Finch Hollow Project at 1005 North Park Victoria.

C8. Approve and Adopt the Proposed City ADA/Section 504 Complaint/Grievance Procedure (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

This item was pulled off Consent.

C9. Authorize the City Manager to Accept the 2021 Bulletproof Vest Partnership Grant and Approve a Related Budget Appropriation in the Amount of $10,239.97 (Staff Contact: John Torrez, Police Captain, 408-586-2408)

Authorized the City Manager to accept the 2021 Bulletproof Vest Partnership Grant in the amount of $10,239.97; and approved a budget appropriation into the Police Department's FY 2021-22 operating budget in the amount of $10,239.97.

C10. Authorize the City Manager to Execute the Grant Agreement With the County Of Santa Clara to Accept the 2020 State Homeland Security Grant Program Award; Approve and Authorize the Sole Source Purchase of Mobile Crash Barriers; and Approve a Budget Appropriation In the Amount of $106,836.95 (Staff Contact: John Torrez, Police Captain, 408-586-2408)

Authorized the City Manager to execute the grant agreement with the County of Santa Clara to accept the 2020 State Homeland Security Grant Program award and approved and authorized the sole source purchase of mobile crash barriers manufactured by Delta Scientific Corporation; and approved a budget appropriation of $106,836.95 into the Police Department's FY 2021-22 operating budget.

C11. Award IFB No. 22-014 to JAM Services and Authorize the City Manager to Purchase Decorative Light Poles and Fixtures for the Not-To-Exceed Amount of $152,085.94 (Staff Contact: Tony Ndah, Public Works Director)

This item was pulled off Consent.

Awarded IFB No. 22-014 to JAM Services and authorized the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of $152,085.94.

C12. Award and Authorize the City Manager to Execute a Five-Year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to Provide Fuel and Diesel Delivery Services (Staff Contact: Tony Ndah, Public Works Director, 408-586-2602)

Awarded IFB No. 22-022 and authorize the City Manager to execute the five-year General Services Agreement with Merrimac Petroleum, Inc. dba Merrimac Energy Group to provide fuel and diesel delivery services.

C13. Review the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Reviewed the FY 2021-22 Quarterly Financial Status Report for the Quarter Ending September 30, 2021.

C14. Approve City Council Meeting Schedule for 2022 (Staff Contact: Wendy Wood, City Clerk, 408-586-3001)

Approved the 2022 Milpitas City Council meeting schedule, with any changes requested at the City Council meeting.

C15. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Staff Contact: Christopher J. Diaz, City Attorney, 408-586-3040)

Moved to reconfirm findings and determinations under Resolution No. 9105 and Assembly Bill 361 for the continuation of virtual meetings.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

16. Introduce Ordinance No. 48.22 Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to Comply with SB 1383 Requirements (Staff Contact: Elaine Marshall, Deputy Public Works Director, 408-586-2603)

Deputy Public Works Director Marshall presented the staff report and proposed a change to the ordinance presented in the agenda packet to amend section V-200-3.22 deleting subsection b and c and re-letter subsection d to letter b, removing language that was carried over from the Cal Recycle model ordinance for optional waivers that were not clearly defined.

Mayor Tran opened the public hearing.

The following spoke during public comment:

1. Voltaire Montemayor

Mayor Tran closed the public hearing.

City Attorney de los Angeles read the title of Ordinance 48.22 “An Ordinance of The City Council of The City of Milpitas Amending Chapter 200 Of Title V of The Milpitas Municipal Code Relating to Solid Waste Management” and stated that it would include an amendment to section 5-200-3.22 to delete subsection b and c and re-letter subsection d to letter b as recommended by staff.

Motion: to waive the reading beyond the title and introduce **Ordinance No. 48.22** amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

LEADERSHIP AND SUPPORT SERVICES

17. Adopt a Resolution for Exception to the 180-Day Wait Period in Accordance with California Government Code Section 7522.56 and 21224 (Staff Contact: Lauren Lai, Finance Director, 408-586-3111)

Finance Director Lai presented the staff report.

The following spoke during public comment:

1. Voltaire Montemayor

Motion: to adopt **Resolution No. 9109** for an exception to the 180-day wait period in accordance with California Government Code Sections 7522.56 and 21224; and approving and authorizing the City Manager to execute, an employment agreement with Jane Corpus.

Motion/Second: Mayor Tran / Councilmember Chua

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

18. Introduce Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code (Staff Contact: Christopher J. Diaz, City Attorney 408-586-3040)

City Attorney de los Angeles presented the staff report.

The following spoke during public comment:

1. Voltaire Montemayor

City Attorney de los Angeles read the title of Ordinance 262.8 "An Ordinance of The City Council of The City of Milpitas Amending Various Provisions of Section 2 (Public Access To Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) Of The Milpitas Municipal Code."

Motion: to waive reading beyond the title; and introduce **Ordinance No. 262.8**, amending various provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administrations) of the Milpitas Municipal Code.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

19. Receive a Report Regarding Publication of Ordinances and Legal Notices in the City and Provide Direction to Staff (Staff Contacts: Christopher Diaz, City Attorney, 408-586-3040 and Wendy Wood, City Clerk, 408-586-3001)

City Attorney de los Angeles and City Clerk Wood presented the staff report.

The following spoke during public comment:

1. Voltaire Montemayor
2. Barbara Jo Navarro

Motion: to continue to publish in the Milpitas Post as a courtesy and post ordinances and notices in three public places in the City in order to meet the legal requirements.

Motion/Second: Councilmember Chua / Vice Mayor Montano

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

20. Review Proposed City Council Procedures and Protocols Handbook, Provide Input, and Direct Staff to Bring Back for Council Consideration (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053 and Christopher Diaz, City Attorney, 408-586-3041)

Assistant City Manager Kantak presented the staff report.

The following spoke during public comment:

1. Voltaire Montemayor

The City Council reviewed the proposed City Council Procedures and Protocols Handbook, asked clarifying questions, and directed staff to bring it back for Council consideration at the next meeting.

ITEMS REMOVED FROM CONSENT

C5. Adopt a Resolution Granting Acceptance of Public Improvements and Approve Reduction of Faithful Performance Bond for Public Improvements for the Amalfi Apartments and Granting Authorization to the City Engineer to Release the Performance Bond after the One-year Warranty Period (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Vice Mayor Montano asked if the Public Art Ordinance was part of this project.

Engineering Director/City Engineer Erickson stated that he would check and follow up.

The following spoke during public comment:

1. Voltaire Montemayor

Motion: to adopt **Resolution No**. **9108** granting acceptance of public improvements for the Amalfi Apartments Project, Public Improvement Plans No. 2-1172 and approved a reduction in the performance bond, subject to a one-year warranty period and reduction of the faithful performance bond to $380,000.00 which shall be in effect for the duration of the warranty period and granting authorization to the City Engineer to release the performance bond after the one-year warranty period, without further City Council action provided all required warranty work is completed to the satisfaction of the City Engineer.

Motion/Second: Vice Mayor Montano / Mayor Tran

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

C8. Approve and Adopt the Proposed City ADA/Section 504 Complaint/Grievance Procedure (Staff Contact: Steve Erickson, Engineering Director/City Engineer, 408-586-3301)

Vice Mayor Montano asked if the City provides education to businesses on ADA rules.

Engineering Director/City Engineer Erickson stated that he would follow up.

Mayor Tran requested that the City provide postcards to businesses to provide ADA information.

The following spoke during public comment:

1. Voltaire Montemayor

Motion: to approve and adopt the proposed City ADA/504 Complaint/Grievance Procedure.

Motion/Second: Mayor Tran / Vice Mayor Montano

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

C11. Award IFB No. 22-014 to JAM Services and Authorize the City Manager to Purchase Decorative Light Poles and Fixtures for the Not-To-Exceed Amount of $152,085.94 (Staff Contact: Tony Ndah, Public Works Director)

Vice Mayor Montano clarified the light pole color.

The following spoke during public comment:

1. Voltaire Montemayor

Motion: to award IFB No. 22-014 to JAM Services and authorize the City Manager to purchase decorative light poles and fixtures for the not-to-exceed amount of $152,085.94.

Motion/Second: Vice Mayor Montano / Mayor Tran

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

ADJOURNMENT

Mayor Tran adjourned the meeting at 9:32 PM.

MILPITAS CITY COUNCIL
AGENDA PREVIEW LIST

December 14, 2021

CLOSED SESSION

INVOCATION (assigned to Mayor Tran)

CLOSED SESSION

INVOCATION (assigned to Mayor Tran)

PRESENTATION
Key to the City: Jaime Garcia

CONSENT CALENDAR

1. Receive City Council calendar for December 2021 and January 2021 (City Clerk)

2. Approve City Council meeting minutes of December 7, 2021 (City Clerk)

3. Receive Preview list of items for January 4, 2022 (City Clerk)

4. Review list of Future Agenda Items Requested by City Councilmembers (Mayor & CC/City Clerk)

5. Approve and Authorize the City Manager to Execute a Funding Agreement with the Santa Clara Valley Transportation Authority (VTA) for the 2016 Measure B Innovative Transit Service Models Program; Approve New Fiscal Year 2021-22 Capital Improvement Program Project No. 3493 Milpitas OnDemand; Approve a Budget Appropriation of $1,355,916 in Measure B Innovative Transit Service Models Program Funding and Developer Contributions into Project No. 3493; and Adopt a Resolution to Approve and Authorize the City Manager to Execute a Subscription and Services Agreement with RideCo in a Not-to-Exceed Amount of $1,355,916 for Consultant Services Related to Milpitas OnDemand and Making Sole Source Findings and Findings that the Procurement is in the Best Interest of the City (Ned Thomas)

6. Adopt a Resolution of the City Council of the City of Milpitas Declaring that a Certain Approximately 1.07-Acre Parcel of City Owned Land “Exempt Surplus Land” Under The Surplus Land Act (Government Code Section 54420 Et Seq.); and Considering the Environmental Impact Report for the Lower Penitencia Creek Improvements Project; Adopting Findings of Fact and Statement of Overriding Considerations in its Limited Role as a Responsible Agency Pursuant to the California Environmental Quality Act and Approving and Authorizing the City Manager to Execute the Right-Of-Way Agreement with the Santa Clara Valley Water District for the Purchase of Easements and City Owned Land for Lower Penitencia Creek Flood Protection Improvements (Steve Erickson)

7. Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Anton Milpitas 730 LLC at 730 E Capitol Avenue. (Erickson)

8. Receive September and October 2021 report for unhoused services (Sharon Goei)

9. Approve Amendment to Cost Share Agreement between the Milpitas Unified School District and the City of Milpitas for the McCandless Park and Mattos Elementary School Joint Use Areas (Renee Lorentzen)

10. Authorize the City Manager to enter into a side letter with Applicable Bargaining Groups Regarding Sick Leave Cash Out and Constructive Receipt (Jeannine Seher)

11. Recommendations from Mayor Tran for Appointments for City Commissions (City Clerk)

12. Motion to Reconfirm Findings and Determinations Under Resolution No. 9105 and Assembly Bill 361 for the Continuation of Virtual Meetings (Chris Diaz)

13. Action on a Resolution Acknowledging Receipt by City Council of a State Mandated Compliance Report on Required Annual Fire Inspection of Certain Occupancies (Albert Zamora)

14. Authorize the City Manager to Execute a Professional Services Agreement with Our City Forest to administer the Lawn Bust Milpitas Pilot Program (Tony Ndah)

15. MSI Contract Amendment (Tony Ndah)

16. Approve and Authorize the City Manager to execute Amendment No. 3 to the Agreement with HdL Software LLC for Business License Tracking Software Services (Daniel Nam)

PUBLIC HEARING

17. Conduct a Public Hearing and consider adopting an Urgency Ordinance of the City Council of the City of Milpitas, amending Sections of Chapter 1 “Subdivisions” and Sections of Chapter 10 “Zoning” of Title XI of the Milpitas Municipal Code relating to urban lot splits and two-unit projects to comply with Government Code Sections 65852.21 and 66411.7 and determining the ordinance to be statutorily exempt from CEQA (Ned Thomas)

18. Adopt a Resolution to Adopt the Parks and Recreation Master Plan Negative Declaration/Initial Study and Adopt the Parks and Recreation Master Plan Update (Steve Ericson and Renee Lorentzen)

COMMUNITY SERVICES

PUBLIC SAFETY

19. Adopt a Resolution for Appointing Jaime Garcia as Interim Assistant Fire Marshal (Albert Zamora)

COMMUNITY DEVELOPMENT

20. American Rescue Plan Act (ARPA) Workforce Development Programming (Alex Andrade)

LEADERSHIP

21. Receive an Update on the American Rescue Plan Act (ARPA) (Ashwini Kantak, Lauren Lai)

REPORTS

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize the City Manager to Execute a Funding Agreement with the Valley Transportation Authority for Completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and Approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	12/7/2021
Staff Contact:	Steve Erickson, Director of Engineering, 408-586-3301 Steve Chan, Transportation & Traffic Engineering Manager, 408-586-3324,
Recommendation:	Approve and authorize the City Manager to Execute a funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation Phases for the Calaveras Boulevard Widening Project, Project No. 4258, and approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.

Background:

The adopted 2022-2026 Capital Improvement Program (CIP) includes Project No. 4258 Calaveras Widening Project (Project) which provides for the design and construction for the replacement of the Calaveras Boulevard bridges located between Milpitas Boulevard and Abel Streets. The replacement bridge structure will accommodate three vehicle travel lanes, 10-foot wide sidewalks, and 6-foot wide bicycle lanes in each direction.

Calaveras Boulevard is a State owned and operated highway (SR 237) that extends east and west through the City of Milpitas and it is a critical transportation artery that serves both residents and businesses by providing freeway access and local street connections. Currently, Calaveras Boulevard is a 6-lane roadway between I-680 and I-880 freeways. It then reduces from 6-lanes to 4-lanes at the bridge structures located between Milpitas Boulevard and Abel Streets creating traffic congestion.

The Santa Clara Valley Transportation Authority (VTA) completed a project study report in 2009 and it was predicted that traffic congestion at the Calaveras Boulevard bridge structures would worsen as growth continued in the region. The widening of Calaveras Boulevard bridge structures to 6-lanes between Milpitas Boulevard and Abel Street was identified as a solution to provide traffic congestion relief on Calaveras Boulevard and surrounding streets. The total estimated cost for this Project in 2009 was estimated at $80 million; however, the VTA has recently provided a new estimated cost of $145 million.

Projects like this on State highways typically take many years to complete and to help accelerate project delivery, the City Council in 2009 adopted the Calaveras Boulevard Widening Traffic Impact Fee that applies to private development projects within the city that generate additional vehicle trips on Calaveras Boulevard. It was anticipated that up to $11 million in traffic impact fees were projected to be collected by 2035, and the balance of Project funding was to be from transportation grants.

The 2016 VTA Measure B 30-year half cent countywide sales tax initiative includes the Calaveras Boulevard Widening Project, and in October 2021, City staff submitted a Measure B funding application to VTA for the 10-year Expenditure Program competitive call-for-projects. The VTA expenditure program scoring committee has recommended $9.6 million in funding for the design phase of the City's Calaveras Boulevard Widening Project Fiscal Year 2024.

Analysis:
In 2021, VTA re-estimated the total cost for the Calaveras Boulevard Widening Project to be $145 million. Currently, the City has not generated enough funding, so the Project will need to be completed in phases. Staff recommends completing the first phases of the Project which are the required Caltrans Project Approval and Environmental Documentation phases. These Project phases will be administered by VTA and they are estimated to cost $5 million. Funding for these initial Project Phases will be from Calaveras Boulevard Traffic Impact Fees the City has collected. The Project design phase could then commence later following completion of the initial phases mentioned above. At the December 2, 2021 VTA Board Meeting, the Board is scheduled to approve $9.6 million in VTA Measure B funding to fund the Project design for Fiscal Year 2024.

Completion of the Caltrans Project Approval, Environmental Documentation, and Design phases would make the Calaveras Boulevard Widening Project a "shovel ready" project that would be more attractive and competitive to receive construction funding from County, State and/or Federal transportation grants.

Staff has negotiated a funding agreement (**Attachment 1**) with VTA to complete both the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project for an amount not to exceed $5,000,000. City funding provided will only be used for the completion of Project tasks, and the VTA will be responsible to administer the completion of these Project phases including obtaining required approvals from Caltrans.

The Calaveras Boulevard Widening Traffic Impact Fees that are collected from new private development projects are accumulated in separate City accounts based upon the location of the project in the City:

1. Transit Area Specific Plan (TASP) Fund – Development impact fee collected from new private development projects within the Transit Specific Plan/Metro Area. The Calaveras Boulevard Widening Project was identified in the TASP Basic Infrastructure Program.

2. Calaveras Boulevard Widening Traffic Impact Fee Fund 315 – Private development project Impact Fee collected from new developments outside of TASP/Metro area.

The City has collected a total of $5.074 million in Impact Fees for the Calaveras Boulevard Widening Project. Staff recommends the City Council approve a Budget Appropriation **(Attachment 2)** of $3.5 million from both the TASP Fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into Phase 7 of the Calaveras Boulevard Widening Project, Project No. 4258 to fund the City-VTA Project funding agreement for the completion of the Caltrans Project Approval, Environmental Documentation project phases.

Policy Alternatives:
Alternative: Do not approve the City-VTA funding agreement for completion of the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project.

Pros: None.

Cons: A denial in the approval of the City-VTA funding agreement would result in the Calaveras Widening Project not advancing to required steps for completion of the Project.

Reason not Recommended: A denial would delay in the completion of a critical transportation infrastructure project to provide traffic congestion relief benefiting Milpitas residents and businesses.

Fiscal Impact:
Calaveras Boulevard Widening Traffic Impact Fees are collected from new private development projects and are accumulated in the Transit Area Specific Plan (TASP) Fund and the Calaveras Boulevard Widening Traff

Impact Fee Fund 315. The City has collected a total of $5.074 million in Impact Fees for the Calaveras Boulevard Widening Project. Funding is available for the proposed City-VTA funding agreement to allow VTA to complete the Caltrans Project Approval and the Environmental Documentation phases for the project which are estimated to cost $5,000,000.

The approval of a Budget Appropriation **(Attachment 2)** of $3.5 million from the TASP Fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into phase 7 of the Calaveras Boulevard Widening, Project No. 4258 is required to fund the City-VTA Project funding agreement.

Available Funding	Balance
Calaveras Boulevard Widening Project, Project No. 4258	$141,000
TASP Fund (Calaveras Boulevard Widening)	$3.5 million
Calaveras Boulevard Widening Traffic Impact Fee Fund 315	$1.433 million
Total Available Funding	**$5.074 million**

California Environmental Quality Act:
As part of the Milpitas and VTA funding agreement, VTA will prepare necessary environmental documentation for the City's Calaveras Boulevard Widening Project, Project No. 4258 in compliance with California Environmental Quality Act.

Recommendation:

1. Approve and authorize the City Manager to execute a Funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project, Project No. 4258.

2. Approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.

Attachments:

1. City-VTA Funding Agreement
2. Budget Change Form

FUNDING AGREEMENT
BETWEEN THE CITY OF MILPITAS AND
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
FOR THE STATE ROUTE 237 – CALAVERAS BOULEVARD WIDENING PROJECT

THIS AGREEMENT ("Agreement") dated _____, 2021, for purposes of reference, is made and entered into by and between the CITY OF MILPITAS, a municipal corporation of the State of California ("CITY"), and SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, a public agency organized as a special district under California law ("VTA"). Hereinafter, CITY and VTA may be individually referred to as "Party" or collectively referred to as "Parties".

I. RECITALS

A. Where WHEREAS, CITY and VTA entered into a cooperative agreement to prepare the Project Study Report ("PSR") for State Route 237/Calaveras Boulevard Widening Project on January 3, 2006; and

B. WHEREAS, the PSR evaluated alternatives to improve traffic operations Calaveras Boulevard in the City of Milpitas, California; and

C. WHEREAS, the PSR for Calaveras Boulevard Widening was completed in September 2009 and approved by the State of California Department of Transportation ("Caltrans") on February 24, 2010; and

D. Whereas, on June 24, 2016, the VTA Board of Directors adopted a resolution to place a ballot measure before the voters of Santa Clara County in November 2016 to authorize a one-half of one percent retail transaction and use tax ("**2016 MEASURE B**") for 30 years for nine transportation-related program categories; and

E. Whereas, on November 8, 2016, the voters of Santa Clara County enacted 2016 MEASURE B for 30 years to pay for the nine transportation-related program categories; and

F. Whereas, on October 5, 2017, the VTA Board of Directors established the 2016 Measure B Program ("PROGRAM") and adopted the 2016 Measure B Program Category Guidelines; and

G. Whereas, the PROGRAM includes a "Highway Interchange" program category (HIGHWAY IC CATEGORY), which includes a list of eligible projects, that funds highway projects throughout the valley; and

H. Whereas, the 2016 Measure B Program Category Guidelines for the HIGHWAY IC CATEGORY requires a minimum 10% non-2016 Measure B contribution for development of PROJECT; and

I. Whereas, CITY and VTA each recognize the need to improve traffic operations, improve local circulation and provide Complete Streets benefits in the City of Milpitas in the County of Santa Clara along Calaveras Boulevard between Abel Street and Milpitas Boulevard by widening the Calaveras Boulevard bridges over North Main Street and the UPRR/BART tracks hereinafter referred to as "PROJECT "; and

J. Whereas, the PROJECT is eligible to receive HIGHWAY IC CATEGORY funds; and

K. Whereas, in June 2009, the Milpitas City Council: (i) established a traffic impact fee for private development for the Calaveras Boulevard Widening project and a Five Million Dollars ($5,000,000) in traffic impact fees was collected by April 2021; and (ii) identified that these funds may be used towards CITY's matching contribution towards the PROJECT; and

L. Whereas, CITY and VTA would like to begin the Project Approval and Environmental document ("PA&ED") phase of the PROJECT; and

M. Whereas, on August 5, 2021, the VTA Board of Directors established the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process and directed staff to develop a ranked priority list of HIGHWAY IC CATEGORY projects; and

N. Whereas, as a result of the August 5, 2021, VTA Board action, allocation of HIGHWAY IC CATEGORY funds for the final design (PS&E), right-of-way (ROW), and/or construction phases of the PROJECT is not guaranteed and is dependent on the results of the selection process; and

O. Whereas, CITY and VTA will coordinate and work on obtaining HIGHWAY IC CATEOGORY funds for the PS&E, ROW, and construction phases of the PROJECT by submitting an application to and complying with the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process as identified; and

P. Whereas, this Agreement is intended to delineate the duties, and funding responsibilities of the Parties for the PROJECT.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

II. AGREEMENT

1. The PROJECT. The Parties agree to construct the PROJECT pursuant to the terms and

conditions set forth herein.

2. **Scope of Work.** The Scope of Work is the PA&ED phase of the PROJECT, which includes but not limited to: (i) obtaining all necessary permits and approvals required from all governmental or regulatory agencies and/ or entities having jurisdiction over the PROJECT; and (ii) those planning and design activities necessary to complete the PA&ED phase.

3. **Cost of PROJECT.** The anticipated total cost of the PROJECT is One Hundred Forty-Three Million Four Hundred Fifty Thousand Dollars ($143,450,000).

4. **CITY'S Financial Contribution**. CITY agrees to contribute to the PROJECT an amount not to exceed Five Million Dollars ($5,000,000) (hereinafter "CITY'S Contribution") towards the development of the PA&ED phase of the PROJECT.

5. **Use of CITY's Contribution.** VTA will use the CITY's Contribution and the interest earned thereon for allowable costs and expenses for the sole purpose of completing the PA&ED phase of PROJECT, as set forth in this Agreement.

   Upon execution of the Agreement, VTA shall invoice CITY for the CITY's Contribution, and, upon receipt, will deposit the CITY's Contribution into an interest-bearing account. CITY shall pay to VTA the CITY's Contribution within thirty (30) calendar days after receipt of invoice.

   Should the PROJECT be awarded HIGHWAY IC CATEGORY funds as a result of the 2016 Measure B Highway Interchange Program Prioritization and Project Selection Process, CITY's Contribution and any interest earned will be considered as part of the required minimum 10% non-2016 Measure B contribution of total PROJECT cost.

   CITY's financial contribution towards design, right-of-way and Construction phases will be subject to future negotiation and mutually agreed upon in a written amendment to this agreement.

6. **City's Role in PROJECT.** During the term of the PROJECT, CITY shall provide CITY staff oversight of, and participation in, the PROJECT, and necessary and appropriate coordination with all departments of the CITY. The CITY is not expected to take on an administrative role or hire consultants for the PROJECT, but may inspect work on the PROJECT as desired. CITY will issue, if required, necessary encroachment permits for the PROJECT at no cost where the work meets the CITY's encroachment permit requirements. After reasonable opportunity to review PROJECT's documents and subject to the CITY's discretion, the CITY shall provide timely reviews, comments, and approvals of PROJECT's documents submitted by VTA to CITY. CITY will attend any Project Development Team meetings. CITY costs incurred to administer and participate in the PROJECT as described in this Agreement will not be allowable costs against CITY's Contribution.

7. **VTA's Role in PROJECT.**

a. Tasks. VTA shall perform and/or be responsible for the following tasks to complete the PROJECT:

i. Serve as project manager for PROJECT;
ii. Coordinate with the State of California and other relevant stakeholders as necessary to allow for review and approval of PROJECT;
iii. Complete Project Approval/Environmental Document (PA/ED) work for PROJECT;
iv. Complete activities necessary for the final design (PS&E) documents for PROJECT, subject to future funding;
v. Complete ROW activities, subject to future funding;
vi. Advertise, award, and administer Construction contract, subject to future funding;
vii. Conduct close-out activities for the PROJECT, subject to future funding.

Costs and expenses to perform these tasks shall be considered allowable costs and expenses pursuant to this Agreement.

b. Consultants. VTA may retain design consultants to perform any of the functions listed in Section II Article 3. VTA's administrative costs to procure and manage consultant agreements as well as the actual costs of such consultants shall be allowable costs pursuant to this Agreement.

c. Project Cost Updates. VTA shall actively monitor actual PROJECT expenditures to ensure that CITY's Contribution is used to pay for allowable PROJECT expenditures.

If an amount exceeding CITY's Contribution is required to complete the PA&ED phase of the PROJECT, VTA shall notify CITY in writing that additional funds are needed pursuant to Section II Article 4. VTA shall not perform any work until an amendment to this Agreement is executed, adding funds to cover the PA&ED phase of the PROJECT completion.

d. Other Project Management Duties VTA shall include CITY staff as an active participant within VTA's project management process, VTA will hold periodic project development team meetings as agreed upon by the PROJECT team to assess the progress of PROJECT and address PROJECT issues as they arise.

8. Compliance with Governmental Requirements. VTA shall comply with all laws and regulations pertaining to the PROJECT.

Compliance with 2016 Measure B requirements. In anticipation of future 2016 Measure B funds, VTA and CITY will comply with all 2016 Measure B requirements as identified in the 2016 Measure B Program and Program Guidelines for the HIGHWAY IC CATEGORY.

9. **Term of Agreement.** This Agreement shall become effective upon full execution and shall remain in effect through the earlier of: (i) December 31, 2024, or (ii) completion of the PA&ED phase of the PROJECT. If the PA&ED phase of the PROJECT is delayed beyond December 31, 2024, or cancelled completely, either Party may terminate this Agreement which can be accomplished by either Party giving written notice to the other Party of such termination with a 30 day notice. Any unused funds will be returned to each Party. .This term of this Agreement can be extended by Amendment in accordance with Article 17.

10. **Audit and Record Retention.** CITY may audit the expenses incurred in the performance of this Agreement. VTA shall retain all records related to the PROJECT for three (3) years after the completion of PROJECT. During this period and during the PROJECT, VTA shall make these records available to the City for inspection within a reasonable time, upon City's written request. VTA will repay any portion of the City Contribution used for unallowable expenses as determined by the audit.

11. **Parties' Representatives.** The General Manager of VTA, or the General Manager's designee, is hereby made the representative of VTA for all purposes under this Agreement. The Director of the Public Works for CITY ("Director"), or the Director's designee, is hereby made the representative of CITY for all purposes under this Agreement.

12. **Indemnification.**

    a. Neither VTA nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction associated with the PROJECT. In addition, CITY shall fully indemnify and hold VTA harmless from any liability imposed for injury (as defined by Government Code §810.8) occurring by reason of CITY's negligence, recklessness, or willful misconduct under or in connection with any work, authority or jurisdiction delegated to CITY under this Agreement. This provision will survive the termination or expiration of this Agreement.

    b. Neither CITY nor any officer or employee thereof shall be responsible for any damage or liability occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of any work associated with the PROJECT. In addition, VTA shall fully indemnify and hold CITY harmless from any liability imposed for injury (as defined by Government Code §810.8) occurring by reason of VTA's negligence, recklessness, or willful misconduct in the completion of the work, undertaken by VTA pursuant to this Agreement. This provision will survive the termination or expiration of this Agreement.

13. **No Waiver.** The failure of either Party to insist upon the strict performance of any of the terms of this Agreement shall not be deemed a waiver of any right or remedy that either Party may have and shall not be deemed a waiver of their right to require strict performance of all of the terms thereafter.

14. **Notice.** Any notice required to be given by either Party, or which either Party may wish to give, shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To VTA: Santa Clara Valley Transportation Authority
Chief Engineering and Program Delivery Officer
3331 North First Street, Bldg. A
San Jose, CA 95134-1906

To CITY: City of Milpitas
Steve Erickson, City Engineer/Engineering Director
Department of Public Works
455 E. Calaveras Blvd.
Milpitas, CA 95035
serickson@ci.milpitas.ca.gov

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

15. **Dispute Resolution.** If a question arises regarding interpretation of this Agreement or its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation shall give written notice thereof to the other Party. The Parties shall promptly meet in an effort to resolve the issues raised. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation or arbitration, may be pursued by mutual agreement. It is the intent of the Parties to the extent possible that litigation be avoided as a method of dispute resolution.

16. **Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties pertaining to the subject matter contained therein and supersedes all prior or contemporaneous agreements, representations, and understandings of the Parties relative thereto.

17. **Amendments.** No alteration or variation of the terms of this Agreement will be valid unless made in writing and signed by both of the Parties hereto, and no oral understanding or agreement not incorporated herein will be binding on any of the Parties hereto.

18. **Warranty of Authority to Execute Agreement.** Each Party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a Party to this Agreement.

19. **Severability**. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of

competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions and provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

20. Governing Law. The laws of the State of California will govern this Agreement, as well as any dispute that might arise between VTA and CITY, without regard to conflict of law provisions.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

"CITY" City of Milpitas a municipal corporation	"VTA" Santa Clara Valley Transportation Authority a public agency
Steven McHarris City Manager	Carolyn M. Gonot General Manager/CEO
Date	Date
APPROVED AS TO FORM:	APPROVED AS TO FORM:
Christopher Diaz City Attorney	TBD VTA Counsel

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From*		To*	
	Account	Amount	Account	Amount
Check one: **X Budget Appropriation** **☐ Budget Transfer**	**350-2931** **311-9514258153854** **315-2931** **311-9514258153899**	**$3,500,000** **$3,500,000** **$1,432,991** **$1,432,991**	**350-3939** **311-951425874800** **315-3999** **311-951425874800**	**$3,500,000** **$3,500,000** **$1,432,991** **$1,432,991**

Background:
The adopted 2022-2026 Capital Improvement Program (CIP) includes Project No. 4258 Calaveras Widening Project (Project) which provides for the design and construction for the replacement of the Calaveras Boulevard bridges located between Milpitas Boulevard and Abel Streets. The replacement bridge structure will accommodate three vehicle travel lanes, 10-foot wide sidewalks, and 6-foot wide bicycle lanes in each direction.

Calaveras Boulevard is a State owned and operated highway (SR 237) that extends east and west through the City of Milpitas and it is a critical transportation artery that serves both residents and businesses by providing freeway access and local street connections. Currently, Calaveras Boulevard is a 6-lane roadway between I-680 and I-880 freeways. It then reduces from 6-lanes to 4-lanes at the bridge structures located between Milpitas Boulevard and Abel Streets creating traffic congestion.

The Santa Clara Valley Transportation Authority (VTA) completed a project study report in 2009 and it was predicted that traffic congestion at the Calaveras Boulevard bridge structures would worsen as growth continued in the region. The widening of Calaveras Boulevard bridge structures to 6-lanes between Milpitas Boulevard and Abel Street was identified as a solution to provide traffic congestion relief on Calaveras Boulevard and surrounding streets. The total estimated cost for this Project in 2009 was estimated at $80 million, however the VTA has recently provided a new estimated cost of $145 million.

Projects like this on State highways typically take many years to complete and to help accelerate project delivery, the City Council in 2009 adopted the Calaveras Boulevard Widening Traffic Impact Fee that applies to private development projects within the city that generate additional vehicle trips on Calaveras Boulevard. It was anticipated that up to $11 million in traffic impact fees were projected to be collected by 2035, and the balance of Project funding was to be from transportation grants.

The 2016 VTA Measure B 30-year half cent countywide sales tax initiative includes the Calaveras Boulevard Widening Project, and in October 2021, City staff submitted a Measure B funding application to VTA for the 10-year Expenditure Program competitive call-for-projects. The VTA expenditure program scoring committee has recommended $9.6 million in funding for the design phase of the City's Calaveras Boulevard Widening Project Fiscal Year 2024.

Analysis:
In 2021, VTA re-estimated the total cost for the Calaveras Boulevard Widening Project to be $145 million. Currently, the City has not generated enough funding, so the Project will need to be completed in phases. Staff recommends completing the first phases of the Project which are the required Caltrans Project Approval and Environmental Documentation phases. These Project phases will be administered by VTA

and they are estimated to cost $5 million. Funding for these initial Project Phases will be from Calaveras Boulevard Traffic Impact Fees the City has collected. The Project design phase could then commence later following completion of the initial phases mentioned above. It is anticipated that $9.6 million in VTA Measure B funding would be available in Fiscal Year 2024 to fund the Project design.

Completion of the Caltrans Project Approval, Environmental Documentation, and Design phases would make the Calaveras Boulevard Widening Project a “shovel ready” project that would be more attractive and competitive to receive construction funding from County, State and/or Federal transportation grants.

Staff has negotiated a funding agreement (**Attachment 1**) with VTA to complete both the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project for an amount not to exceed $5,000,000. City funding provided will only be used for the completion of Project tasks, and the VTA will be responsible to administer the completion of these Project phases including obtaining required approvals from Caltrans.

The Calaveras Boulevard Widening Traffic Impact Fees that are collected from new private development projects are accumulated in separate City accounts based upon the location of the project in the City:

1. Transit Area Specific Plan (TASP) Fund – Development impact fee collected from new private development projects within the Transit Specific Plan/Metro Area. The Calaveras Boulevard Widening Project was identified in the TASP Basic Infrastructure Program.

2. Calaveras Boulevard Widening Traffic Impact Fee Fund 315 – Private development project Impact Fee collected from new developments outside of TASP/Metro area.

The City has collected a total of $5.074 million in Impact Fees for the Calaveras Boulevard Widening Project. Staff recommends the City Council approve a Budget Appropriation **(Attachment 2)** of $3.5 million from both the TASP Fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into Phase 7 of the Calaveras Boulevard Widening Project, Project No. 4258 to fund the City-VTA Project funding agreement for the completion of the Caltrans Project Approval, Environmental Documentation project phases.

Policy Alternatives:
Alternative: Do not approve the City-VTA funding agreement for completion of the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project.

Pros: None.

Cons: A denial in the approval of the City-VTA funding agreement would result in the Calaveras Widening Project not advancing to required steps for completion of the Project.

Reason not Recommended: A denial would delay in the completion of a critical transportation infrastructure project to provide traffic congestion relief benefiting Milpitas residents and businesses.

Fiscal Impact:
Calaveras Boulevard Widening Traffic Impact Fees are collected from new private development projects and are accumulated in the Transit Area Specific Plan (TASP) Fund and the Calaveras Boulevard Widening Traffic Impact Fee Fund 315. The City has collected a total of $5.074 million in Impact Fees for the Calaveras Boulevard Widening Project. Funding is available for the proposed City-VTA funding agreement to allow VTA to complete the Caltrans Project Approval and the Environmental Documentation phases for the project which are estimated to cost $5,000,000.

The approval of a Budget Appropriation **(Attachment 2)** of $3.5 million from the TASP Fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into phase 7 of the Calaveras Boulevard Widening, Project No. 4258 is required to fund the City-VTA Project funding agreement.

Available Funding	Balance

Calaveras Boulevard Widening Project, Project No. 4258	$141,000
TASP Fund (Calaveras Boulevard Widening)	$3.5 million
Calaveras Boulevard Widening Traffic Impact Fee Fund 315	$1.433 million
Total Available Funding	**$5.074 million**

California Environmental Quality Act:
As part of the Milpitas and VTA funding agreement, VTA will prepare necessary environmental documentation for the City's Calaveras Boulevard Widening Project, Project No. 4258 in compliance with California Environmental Quality Act.

Recommendation:

1. Approve and authorize the City Manager to execute a Funding Agreement with the Valley Transportation Authority for completion of the Caltrans Project Approval and the Environmental Documentation phases for Calaveras Boulevard Widening Project, Project No. 4258.

2. Approve a Budget Appropriation of $3.5 million from the TASP fund and $1.433 million from the Calaveras Boulevard Widening Traffic Impact Fee Fund 315 into the Calaveras Boulevard Widening Project, Project No. 4258.

Attachments:

1) City-VTA Funding Agreement
2) Budget Change Form

☐ **Check if City Council Approval required.** **Meeting Date**: December 07, 2021

Requested by:	**Department Head:** Steve Erickson	**Date:** December 07, 2021
Reviewed by:	**Finance Director:** Lauren Lai	**Date:** December 07, 2021

Date approved by City Council, if required: **Confirmed by:**

FI/24786/V **LarForm 30-222 (Rev. 1/92)**

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street.**
Category:	Consent Calendar-Community Development
Meeting Date:	12/7/2021
Staff Contact:	Steve Erickson, Engineering Director/City Engineer, 408-586-3301
Recommendation:	Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Milpitas – District 4 Owner, LLC for the District 1 Lot 4 Project at 150 Market Street.

Background:

On March 20, 2012, the City Council approved a Major Tentative Map (MT11-0002), and on November 17, 2015, approved an amendment to Site Development Permit (SD11-0001) and Conditional Use Permit (UP11-0037) to allow the construction of 4 mixed use buildings with 953 residential units and 98,684 square feet of commercial space on 13.33 acres (District 1), and 200 residential condominium units on 9.68 acres (District 2) located at 1315 – 1600 McCandless Drive with ancillary lots for both public and private streets.

The District 1 project is being developed in phases under multiple maps. The current phase of the project, District 1 Lot 4 consists of 213 residential units and 3,480 square feet of commercial space on 2.29 acres of land located at 150 Market Street, and the project will be constructed by Milpitas-District 4 Owner, LLC (Developer).

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

Analysis:

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

The District 1 Lot 4 Project constructed stormwater Bio-treatment devices and the Project developer/owner will be responsible for the perpetual maintenance and operation of the bio-treatment areas specified in Agreement. The project developer/owner has executed the required Agreement which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:
Alternative 1:
Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

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

Reason not recommended: To comply with federal and state law and to allow for the on-going maintenance and City annual inspection of the installed stormwater Bio-treatment devices, staff recommends approval of the Agreement.

Fiscal Impact:
As required by the Stormwater Management Facilities Operation and Maintenance Agreement, the project developer/owner will pay the City for the required annual maintenance and inspection of the installed stormwater Bio-treatment facilities.

California Environmental Quality Act:
The City Council's approval of the agreement was already reviewed under the California Environmental Quality Act (CEQA) at the time the City Council approved the entitlements for the project thru an initial environmental assessment. Staff determined that an Addendum to the Transit Area Specific Plan (SCH# 2006032091) pursuant to Section 15164 of the CEQA Guidelines was the appropriate CEQA document given the changes to the General Plan, Specific Plan and Zoning Code. The Addendum demonstrated that there were no substantial changes in the environment because the project would reduce the overall development intensity. On this basis, the City Council relies on the previous CEQA review conducted in approving this agreement.

Recommendation:
Approve and Authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement with Milpitas – District 4 Owner, LLC for the District 1 Lot4 Project at 150 Market Street.

Attachments:
1. Stormwater Management Facilities Operation and Maintenance Agreement

"EXHIBIT A"
LEGAL DESCRIPTION

All that real property situated in the City of Milpitas, Santa Clara County, State of California, Being “Lot 4” and “Parcel A” of “Tract 10476, Gideon & Elion at The Fields”, filed January 24, 2020 in Book 929 of Maps, at Pages 5-9, Records of Santa Clara County, California.

Containing 3.43 acres, more or less.

END OF DESCRIPTION.

Control No. 2021-_____
Recording Requested by
and when Recorded, return to:

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

Attn: City Clerk

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

Document Transfer Tax is $ 0
( ) Computed on full value of property conveyed
( ) Computed on full value less value of liens and encumbrances remaining
City transfer tax is $ 0
APN: 086-33-115

STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____ 2021 ("Effective Date"), by and between MILPITAS – DISTRICT 4 OWNER, LLC, a Delaware limited liability company, MILPITAS - DISTRICT 2 ASSOCIATES, LLC a Delaware limited liability company. ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

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

A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and

B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property, including the construction of 1 building comprising of up to 213 units with, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 2.29 acre site located at 150 Market Street in Milpitas and more commonly known as District 1 – Building 4, Project No. PJ 1451, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):

1. Resolution No. 8165 approving Site Development Permit No. SD11- 0001,

2. Resolution No. __8165_ approving Major Tentative Map No. MT11-_0002_,

3. Resolution No. __8165_ approving Conditional Use Permit No. UP11-__0037_; and

C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board"; and

D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project on file with the City as **Exhibit B** and fully incorporated herein by reference; and

E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and

F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and

G. **WHEREAS**, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

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

SECTION 1. Responsibility for Operation and Maintenance:

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

SECTION 2: Inspection by Property Owner:

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

SECTION 3. Facility Inspection by the City:

(a) Right of Entry. The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, and local mosquito and vector control agency, and their authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. **The Property Owner shall deposit and maintain a Private Job Account with the City a minimum balance of Four Thousand Dollars ($4,000) for inspection by City Staff pursuant to this Section 3. The deposit of four Thousand Dollars ($4,000.00) shall be made simultaneously with the execution of this Agreement.**

(b) Security. The City may require the Owner, its successors and assigns, from time to time, to post security in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

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

(a) Enforcement Action. If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.

(b) City Maintenance. In the event of Property Owner's failure to operate and maintain BMPs in accordance with the Plan and the City's Ordinance, the City may also, with prior written notice, enter the Property to return the BMPs to good working order; provided however that the Property Owner shall have 30 days after any such notice, or such other time provided by law, to cure the relevant failure and provided further that the Property Owner shall have such additional time after the initial 30 days to complete a cure so long as Property Owner commences the cure within the initial 30 days and diligently prosecutes the cure to completion. Notwithstanding the foregoing, City may in its sole discretion enter the Property to return the BMPs to good working order in an emergency and take any other necessary action to mitigate an emergency without any notice to Property Owner. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this Section 4 takes any action to return the BMPs to good working order, the Property Owner

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

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

SECTION 5: Successors and Assigns:

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

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

SECTION 6. Indemnity:

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to Section 5 of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under Section 4 caused solely and exclusively by the negligence or willful misconduct of the City. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel reasonably acceptable to the City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7. Severability:

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

SECTION 8. Non-Discrimination:

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

SECTION 9. Governing Law:

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

SECTION 10. Recordation:

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

SECTION 11. Books and Records:

A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in any way relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.

B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

SECTION 12. Notices:

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

To CITY:

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

To PROPERTY OWNER:

Attn: Michael Barmettler
Secretary of Managing Member
Milpitas-District 4 Owner, LLC
4901 Birch Street
Newport Beach, CA 92660

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

SECTION 13. Venue:

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

SECTION 14. Interpretation, Prior Agreements:

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

[Signatures on Next Page]

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

PROPERTY OWNER:

Milpitas – District 4 Owner, LLC,
a Delaware limited liability company

By: Milpitas – District 4 Partners, LLC
a Delaware limited liability company
its Sole Member

By: Milpitas – District 2 Associates, LLC
a Delaware limited liability company
its Managing Member

By: Lyon Housing (Milpitas – District 2) LIX, LLC,
a Delaware limited liability company
its Managing Member

By: _____
Name: Michael Barmettler
Title: Secretary of Managing Member

CITY:

CITY OF MILPITAS,
A MUNICIPAL CORPORATION

By: _____
Steven McHarris, City Manager

Approved as to form:

By:_____
Christopher J. Diaz, City Attorney

Approved:

By:_____
Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Recommended for approval:

By:_____
Steve Erickson, PE
Director of Engineering/City Engineer

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 Orange)

On November 5, 2021 before me, Hayley Doehler, Notary Public
(insert name and title of the officer)

personally appeared Michael Barnetter,
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.

HAYLEY DOEHLER
Notary Public - California
Orange County
Commission # 2311489
My Comm. Expires Nov 4, 2023

Signature _____ (Seal)

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

EXHIBIT A

Plat and Description for the Property

EXHIBIT B

Stormwater Management Plan

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize the City Manager to Execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.**
Category:	Consent Calendar-Community Development
Meeting Date:	12/7/2021
Staff Contact:	**Steve Erickson, Engineering Director/City Engineer, 408-586-3301**
Recommendation:	Approve and authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.

Background:
On October 5, 2010, the Property Owner received entitlements from the City allowing the development of the Property, including the construction of two mixed use buildings comprising up to 333 dwelling units and 13,630 square feet of commercial space units with, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 4.34-acre site located at 312 Gates Drive (formerly 1646 Centre Pointe Drive) within the Transit Area Specific Plan area.

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

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

The Centre Pointe Apartments Project constructed stormwater Bio-treatment devices and Project developer/owner will be responsible for the perpetual maintenance and operation of the bio-treatment areas specified in Agreement. The project developer/owner has executed the required Agreement which has been reviewed by the City Attorney as to form and by the City Engineer as to content.

Policy Alternatives:

Alternative 1:
Not approve the Agreement with the City for operation, maintenance and annual inspection of stormwater treatment facilities.

Pros: None

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

Reason not recommended: To comply with federal and state law and to allow for the on-going maintenance and City annual inspection of the installed stormwater Bio-treatment devices, staff recommends approval of the Agreement.

Fiscal Impact:
As required by the Stormwater Management Facilities Operation and Maintenance Agreement, the project developer/owner will pay the City for the required annual maintenance and inspection of the installed stormwater Bio-treatment facilities.

California Environmental Quality Act:
The City Council's approval of the agreement was already reviewed under the California Environmental Quality Act (CEQA) at the time the City Council approved the entitlements for the project thru an initial environmental assessment. The Planning Department conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA) and determined that the project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because of its consistency with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council. On this basis, the City Council relies on the previous CEQA review conducted in approving this agreement.

Recommendation:
Approve and Authorize the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for SHAC Centre Pointe LLC for the Centre Pointe Apartments at 312 Gates Drive.

Attachments:
1. Stormwater Management Facilities Operation and Maintenance Agreement
2. Exhibit A - Legal Description
3. Exhibit B – Centre Pointe-Storm Water Control Plan

Control No. 2021- ____
Recording Requested by
and when Recorded, return to:

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

Attn: City Clerk

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

Document Transfer Tax is $ __0__
( ) Computed on full value of property conveyed
( ) Computed on full value less value of liens and encumbrances remaining
City transfer tax is $ __0__
APN: 086-33-111

STORMWATER MANAGEMENT FACILITIES
OPERATION AND MAINTENANCE AGREEMENT

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____ 2021 ("Effective Date"), by and between SHAC Centre Pointe Apartments LLC ("Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS

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

A. **WHEREAS**, the Property Owner is the owner of real property more particularly depicted and described on the attached as **Exhibit A** ("Property") and fully incorporated herein by reference; and

B. **WHEREAS**, the Property Owner received entitlements from the City allowing the development of the Property, including the construction of two mixed use buildings comprising up to 333 dwelling units and 13,630 square feet of commercial space units with, emergency vehicle access, utilities, and associated offsite and onsite improvements landscaping, irrigation, and stormwater treatment measures on a 4.34 acre site located at 312 Gates (formerly 1646 Centre Pointe Drive) in Milpitas and more commonly known as Centre Pointe, Project No. PJ1133, (the "Project") on the Property; and subject to conditions set forth in the following (collectively "City Approvals"):

1. Resolution No. 8537 approving Site Development Permit No. SD15-0012,

2. Resolution No. 8537 approving Vesting Tentative Map No. MT15-0011,

3. Resolution No. 8537 approving Conditional Use Permit No. UP15-0016, and

C. **WHEREAS**, discharges to the City's municipal separate storm sewer system ("MS4") are regulated under state and federal law pursuant to Waste Discharge Requirements and National Pollutant Discharge Elimination System permit ("MS4 Permit") issued by the Regional Water Quality Control Board, San Francisco Region ("Regional Board").

D. **WHEREAS**, pursuant to the requirements of the MS4 Permit and the City's Stormwater and Urban Runoff Pollution Control Ordinance as codified in Milpitas Municipal Code Chapter 16 ("Ordinance"), the City Approvals require the Property Owner to install, operate and maintain, at no cost or expense to the City, the Permanent Stormwater Pollution Prevention Measures ("BMPs") more particularly described in the City-approved Stormwater Control Operation and Maintenance Plan (sometimes referred to herein as "Plan") for the Project attached hereto as **Exhibit B** and fully incorporated herein by reference; and

E. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan may be subsequently modified from time to time with City's written approval and such changes shall be fully incorporated as part of this Agreement by this reference; and

F. **WHEREAS**, the Stormwater Control Operation and Maintenance Plan includes provisions for the BMP Operation and Maintenance and an annual inspection checklist for the BMPs constructed on the Property, and

G. **WHEREAS**, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Stormwater Control Operation and Maintenance Plan.

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

SECTION 1. Responsibility for Operation and Maintenance:

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

SECTION 2: Inspection by Property Owner:

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

SECTION 3. Facility Inspection by the City:

(a) Right of Entry. The Property Owner, on its behalf and on behalf of its successors and assigns, grants permission to the City, the inspectors of the Regional Board, and local mosquito and vector control agency, and their authorized agents and employees, to enter the Property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the Ordinance, this Agreement, or any other local or state requirements. The City may enter the premises at any reasonable time during normal business hours and upon at least 48 hours prior written notice (except that prior written notice is not required in case of emergency) to inspect the premises related to BMPs and BMP operation and maintenance, to inspect and copy records related to storm water compliance, and to collect samples and take measurements related to BMPs. The Property Owner shall deposit and maintain a Private Job Account with the City a minimum balance of Four Thousand Dollars ($4,000) for inspection by City Staff pursuant to this Section 3. The deposit of Four Thousand Dollars ($4,000.00) shall be made simultaneously with the execution of this Agreement.

(b) Security. The City may require the Owner, its successors and assigns, from time to time, to post security in a form, amount, and for a time period satisfactory to City to guarantee performance of the obligations stated herein. Should the Owner, its successors and assigns, fail to perform the obligations under this Agreement, the City may, in the case of a cash bond, act for the Owner, its successors and assigns, using the proceeds from such cash bond, or in the case of a surety bond, require the surety to perform the obligations of this Agreement.

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

(a) Enforcement Action. If the Property Owner or its successors fail to operate and maintain the BMPs in good working order and in accordance with the approved Plan and the City's Ordinance, the City may, but is not required to, pursue any enforcement action available at law or in equity to cause the completion of all maintenance and may charge the costs of such enforcement action against the Property Owner in any manner authorized by law or in equity.

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

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

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

SECTION 5: Successors and Assigns:

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

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

SECTION 6. Indemnity:

The Property Owner, on Property Owner's behalf and on behalf of all successors in interest pursuant to Section 5 of this Agreement, shall indemnify, release, hold harmless, and defend the City and its authorized agents and employees from and against any and all demands, suits, liabilities, fines, losses, damages, accidents, casualties, occurrences or claims, including reasonable attorneys' fees, against the City which may in anyway arise or relate to the construction, operation, presence, existence or maintenance of the BMPs, or from any personal injury or property damage that may arise or relate from the City entering the property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its sole cost and expense, with counsel approved by City. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7. Severability:

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

SECTION 8. Non-Discrimination:

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

SECTION 9. Governing Law:

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

SECTION 10. Recordation:

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

SECTION 11. Books and Records:

A. The Property Owner shall maintain any and all ledgers, books of account, invoices, vouchers, cancelled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements or in anyway relating to the performance of this Agreement for a minimum period of three (3) years, or for any longer period required by law.

B. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit at no cost to City, at reasonable any time during regular business hours, upon at least 48 hours' prior written request by the City Attorney, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection at City Hall when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at the Property Owner's address indicated for receipt of notices in this Agreement.

SECTION 12. Notices:

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

To CITY:

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

To PROPERTY OWNER:

SHAC Centre Pointe Apartments LLC
Attn: Donovan Cole
777 California Avenue
Palo Alto, CA 94304

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

SECTION 13 . Venue:

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

SECTION 14 . Interpretation, Prior Agreements:

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

[Signatures on Next Page]

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

PROPERTY OWNER:

SHAC Centre Pointe Apartments LLC, a
Delaware limited liability company

By: SHAC Centre Pointe Apartments Venture LLC,
a Delaware limited liability company, its manager

By: SHAC Centre Pointe Apartments Manager LLC,
a Delaware limited liability company, its manager

By: SummerHill Apartment Communities,
a California corporation, its managing member

By: _____
Name: BRADLEY RICHARDSON
Its: SR VP OF DESIGN & CONSTRUCTION

By: _____
Name: Douglas J McDonald
Its: President

CITY:

CITY OF MILPITAS,
A MUNICIPAL CORPORATION

By: _____
Steven McHarris, City Manager

Approved as to form:

By: _____
Christopher J. Diaz, City Attorney

Approved:

By: _____
Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Recommended for approval:

By: _____
Steve Erickson, City Engineer

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 Santa Clara)

On November 10, 2021 before me, Judy Lepulu, Notary Public
(insert name and title of the officer)

personally appeared Bracken Richardson and Douglas McDonald,
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.

JUDY LEPULU
Notary Public – California
Santa Clara County
Commission # 2226830
My Comm. Expires Jan 22, 2022

Signature _____ **(Seal)**

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

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

State of California)
County of _____)

On _____, before me, _____, a Notary Public, personally appeared

_____,

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

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

WITNESS my hand and official seal.

Signature _____

CAPACITY CLAIMED BY SIGNER:

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

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

Signer is representing: _____

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

Title or type of document _____
Number of pages: _____ Date of document: _____
Signer(s) other than named above: _____

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

EXHIBIT A

Plat and Description for the site

EXHIBIT B

Operation and Maintenance Plan

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

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

PARCEL ONE:

LOT 1 OF TRACT 10408, CENTRE POINTE FILED FEBRUARY 27, 2019 IN BOOK 921 OF MAPS AT PAGES 53 THROUGH 55.

PARCEL TWO:

NON-EXCLUSIVE EASEMENT FOR EMERGENCY VEHICLE ACCESS, PRIVATE STORM DRAIN AND PRIVATE SANITARY SEWER, APPURTENANT TO PARCEL ONE ABOVE, AS SET FORTH IN THAT CERTAIN "GRANT OF EASEMENTS AND MAINTENANCE AGREEMENT" RECORDED SEPTEMBER 15, 2017 AS INSTRUMENT NO. 23754097 OF OFFICIAL RECORDS.

APN: 086-33-111

STORMWATER CONTROL PLAN
PHASE 1

Date: December 6, 2016

For

Centre Pointe

Milpitas, California

Prepared For:

SummerHill Apartments Communities

3000 Executive Parkway, Suite 450
San Ramon, CA 94583
Contact: Eric Hansen

Prepared By:

RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS

4690 Chabot Drive, Suite 200
Pleasanton, CA 94588

Signature _____
Contact: Dominic R. Carucci, PE
(925) 227-9100

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Appendix B – Special Project Worksheet
Appendix C – LID Feasibility Narrative Discussion
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Appendix H – Site Plan
Appendix I – Treatment Measure Details
Appendix J – Operations and Maintenance (O&M) Plan

REFERENCES

1. California Stormwater Quality Association, *Stormwater Best Management Practice Handbook: New Development and Redevelopment. January 2003*

2. Engeo, *Geotechnical Exploration-1500 Centre Pointe Drive,* August 16, 2016

3. Natural Resources Conservation Services, *Web Soil Survey 2.0,* http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

4. *Santa Clara Valley Urban Runoff Pollution Prevention Program, C.3 Stormwater Handbook.* June 2016.

I. PROJECT INFORMATION

A. Existing Conditions:

The project site is approximately 4.5 acres and is located on Centre Pointe Drive, Assessor's Parcel Numbers 022-37-011, and 022-37-012. The site is bounded by Great Mall Parkway to the north, Montague Expressway to the east, and Centre Pointe Drive to the west and south. The site is currently developed with six (6) existing commercial buildings and paved parking lots. All buildings and existing paved areas are scheduled to be demolished in phases. There are existing trees of various sizes and species, most of which are scheduled to be removed.

The National Soil Conservation Service (NRCS) has classified the site soils as Urbanland-Hangerone complex with zero to two percent slopes. The Hydrologic Soil Group for this type of soil is documented as Class C and expected to have infiltration rates of less than 0.1 inches per hour. Engeo performed a geotechnical assessment of the site on August 16, 2016. The assessment identified the site to consist of natural soils deposits consisting of very stiff to hard, fat clay soils underneath existing pavement, which extends approximately to 25 feet. Groundwater was encountered at 7-8 feet below ground surface.

B. New Site Description:

The proposed project is the first phase of two and will redevelop 4.5 acres of the existing 9.8 acres parcel. It will consists of a mixed used wrap apartment building with 333 apartment units and approximately 13,000 SF of ground floor retail. The project will consist of the construction of the apartment building and Street A and demolition of 4 of the 6 existing buildings.

C. Stormwater Quality Control Opportunities:

The following is a summary of opportunities for stormwater quality:

- This project provides increased pervious areas after development from existing conditions. Existing paved surfaces will be replaced with landscaped areas and open space areas. This project, therefore, is an immediate asset to the improvements of water quality to the downstream waters.

- No current BMPs are present at the site and existing stormwater treatment for the high impervious areas are not being achieved for the current site. The new project will incorporate LID/BMPs and have an immediate improvement to existing downstream water quality.

- The site incorporates landscape based treatment measures throughout the site for stormwater treatment purposes.

- The project CC&R's will include provisions for private street, parking lot, storm drain maintenance activities, material use/housekeeping practices, and material disposal/recycling. These activities control the movement of pollutants and removal of them from the pavement through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from the project site.

D. Stormwater Quality Control Constraints:

- The soil conditions of the site do not allow for infiltration of surface water. The low permeability and high clay content make it undesirable for creating "wet" conditions near structures. Disposal of storm water runoff to deep infiltration is not feasible on this site due to the low permeability soils. Additionally, high groundwater elevations near the surface, within 7-8-feet in certain areas, have been identified during preliminary geotechnical borings.

E. Hydrograph Modification Management Requirements:

- The existing site has approximately 165,880 square foot of impervious surface and the developed condition has approximately 157,050 square foot of impervious surface, a reduction of 8,830 square foot. According to SCVURPPP Stormwater C.3 Guidebook, a Hydromodification Management Plan is not required because the project doesn't create an increase in impervious surface over pre-project conditions. See Appendix E for existing impervious surface exhibits and Appendix F for proposed impervious surface exhibit.

F. Special Project Eligibility

- This project does qualify as a Special Project since it is located with 1/3 mile of transit hub and has a project density of 74 DU/AC. The total applied credit is 45%. See Appendix B for Special Project Worksheet and Appendix C for the LID feasibility narrative discussion.

G. Stormwater Pollution Prevention Plan (SWPPP)

- The Stormwater Pollution Prevention Plan has been prepared and uploaded to SMARTS The Waste Discharge Identification (WDID)# is X XXXXXXX.

II. STORMWATER TREATMENT EVALUATION

This project will reduce the impervious areas between pre and post development conditions. This has an immediate stormwater quality benefit of mitigating the regional watershed water quality by decreasing the concentration or total load of pollutants from the existing site. Nonetheless, this project is considered a regulated redevelopment project which replaced 10,000 SF or more of impervious surface as defined by the City of Milpitas Municipal Regional Stormwater Permit Order No. R2-2009-0. This project will comply with the City Regional Permit.

A. Site Design Features

The project implements a "start at the source" design with the following site design principles.

- The site maximizes the use of the natural features and topography. The existing terrain is relatively flat and post construction grading conforms to the existing terrain avoiding excessive cuts and fills.

- The site design minimizes the use of roads and majority of the parking is in a 6-story parking garage which is part of the apartment/retail building.

- Private streets and sidewalk widths have been minimized to serve the project, meet the City's guidelines, and reduce impervious areas.

- The site design incorporates landscape areas throughout the site that will be used as landscape and recreational amenities, as well as natural ground landscape areas serving as treatment areas.

B. BMP and LID Applications

Stormwater quality will be accomplished using various Best Management Practices (BMPs), Low Impact Development (LID) applications, and Integrated Management Practices (IMPs). All BMP, LID, and IMP applications shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention (SCVURPP) and to the Maximum Extent Practicable (MEP).

- Stormwater Quality: The project applies BMP and LID goals in the design to the maximum extent practicable per the SCVURPP to capture and treat stormwater runoff from the relatively small and frequent storm events.

- Implemented a "start at the source" site design. The project uses a large series of small areas distributed throughout the project versus traditional large regional detention and treatment facilities.

- Limit impervious surfaces to the MEP by incorporating landscaping features around buildings and parking areas.

- Implement a grading design that will direct runoff from impervious areas to pretreatment areas to reduce pollutants by disconnecting impervious areas before the flows enter the public stormwater conveyance system.

- Capture and treat stormwater runoff from relatively small and frequent storm events where most of the runoff pollutants are generated.

- Applied selective BMP and LID applications to maximize effectiveness in removing pollutants by prioritizing "bioretention" applications with minimum eighteen (18) inches of Bio-Treatment Soil (BSM) mix and a design minimum infiltration rate five (5) inches per hour and fed by gravity.

- Redirect street, building, and all impervious areas runoff to designated bioretention and landscape areas. The runoff will be captured during high storm events and treated/detained for low-flow events. All treatment areas will be gently sloped to provide low velocities. Gentle slopes along with well-planned landscape planting will provide superior opportunities for water contact time with biological treatment measures within the swale.

- The project site and the City of Milpitas in general, have underlying clay soils which do not allow for infiltration. This determination is confirmed by the geotechnical soil boring investigation which results are included in the appendix of this report. Top surface soils offer little to insignificant percolation opportunities. The site, however, will direct all impervious area flows to available open space and landscaped areas to benefit from what percolation is available before the flows enter the designed treatment areas.

- Reduce pollutants by disconnecting 70% of impervious areas before the flows enter the public stormwater conveyance system.

- Protect groundwater quality through implementation of various Integrated Management Practices (IMP) to the maximum extent practicable.

- Reduce contact between runoff water and pollutants through use of Source Control measures (see Section V.)

- Use site landscaping as prime opportunity sites for stormwater treatment and detention.

- Incorporate efficient irrigation methods including use of drought resistant plants.

C. Measures to Limit Directly Connected Impervious Areas

The project disconnects 70% of the site's impervious areas. All impervious areas will either be directly flowing into or will be directed to an above ground LID/BMP treatment measure located throughout the site. The project will use the following ways to achieve stormwater quality. See Section III for a further detailed description of the following LID/BMP applications.

Bioretention Areas – Bioretention Areas will be incorporated into the overall landscape areas. Landscaped paseo areas between buildings offer good water quality opportunities through the use of drainage swales and bioretention areas and convey incorporate stormwater from pavement and roof runoff for 100% of buildings, walkways and pavement. Roof water will be diverted to drainage swales then into bioretention areas through splash block or surface bubblers at specific locations beyond the face of buildings. Through the use of surface grading, low points will be created that will allow surface flow of water through vegetated areas and stormwater will be allowed to travel adequate distances at low velocities with vegetated/biological contact.

Biofiltration will be achieved by introducing specific soil mix in trench sections that will allow for stormwater to "filter" through Bio-Treatment Soil (BSM) mix a designed soil section to allow a water percolation rate not to exceed 5 inches / hour, per Bay Area Stormwater Management Agencies Associations (BASMAA) "Model Bioretention Soil Media Specifications" – Attachment L of the Municipal Regional Permit (MRP). This can also be found in Appendix C of SCVURPPP's C.3 Stormwater Handbook.

Street runoff will be directed to Bioretention areas adjacent to streets and sidewalks. This will be achieved by grading the streets such that the low and frequent storm events will be directed through curb cuts or through curb drains. Overflow inlets located in and adjacent to bioretention areas will capture large storm events and convey runoff into the storm drain system.

III. DESCRIPTION OF TREATMENT AREAS

As shown in the stormwater control plan exhibit above and Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), C.3 Stormwater Handbook, dated June 2016 - Section 6.1 Bioretention Area, the following is a description of the treatment area and methods used. A summary of treatment areas are also shown in the stormwater control plan.

Treatment Area

The project area consists of one apartment building with 333 dwelling units with 13,000 square feet of retail. The impervious areas consist of roofs, paving (streets, driveways) and sidewalk. Total impervious surface for the site is approximately 157,050 square feet (SF). The minimum amount of treatment required per the SCVURPPP C.3 Stormwater Handbook is 6,282 SF but since this project is a "special project" that allows up to a 45% reduction, we will be allocating 4,479 SF for treatment. The treatment areas will all be bio-retention areas. All BMP's will be designed per the SCVURPPP's Stormwater Design Guidelines.

IV. STORMWATER SIZING CALCULATIONS

BMPs shall be sized and utilized to provide water quality benefits, reduce runoff velocity, and increase stormwater travel time.

Table 1 - Stormwater Treatment Summary Calculation

Location	Impervious Area (SF)	BMP Classification	Sizing Criteria	Runoff Coefficient Sizing Method	Sizing Factor*	BMP Size (ft^2)
Paving/Roof/ Sidewalk	157,050	Treatment	Flow	UIA**	0.04	6,282

**Uniform Intensity Approach

a. 0.2 Inches/Hour rainfall intensity on 100% Impervious Area.
b. Soil for Treatment Medium with a 5 inch/hour infiltration rate.
c. A treatment medium of 0.04 sizing factor for bioretention areas.

* Sizing factor of 0.04 noted above is calculated based on the following criteria:

a. Sizing factor = (0.2 in/hr)/(5 in/hr) = 0.04

See Sample Calculation in Appendix

V. SOURCE CONTROL MEASURES

Table 2 below summarized potential pollutant sources and lists respective control measures.

Table 2 – Sources and Source Control BMPs

Potential Sources	BMP Description
Education	Property owner is responsible to provide practical information materials to the employees on general practices that contribute to the protection of storm water quality. Materials shall include: ▪ Chemical use guidelines and restrictions on the property. ▪ The proper handling of material such as fertilizers, pesticides, and cleaning solutions. ▪ The environmental and legal impacts of illegal dumping of harmful substances into storm drains and sewers. ▪ Hazardous waste collection programs. ▪ Proper procedures for spill prevention and clean up. ▪ Proper storage of materials that pose pollution risks to local waters. ▪ Carpooling programs and public transportation alternatives to driving.
Landscape Management	Ongoing management consistent with the CASQA "Stormwater Best Management Practice Handbook: New Development and Redevelopment" BMPs SD-10 & SD-12, including limiting pesticide and fertilizer usage and minimizing irrigation and runoff.
BMP Maintenance	Property owner is responsible for the inspection and maintenance of structural BMPs located on the property consistent with this Stormwater Control Plan and the City of Milpitas "Stormwater Development Standards".
Employee Training	Property owner is responsible for training employees or hiring an outside consultant to properly implement this Stormwater Control Plan.
Drain Inlet Inspection	All inlets shall be marked with "No Dumping Drains to Bay" or similar message. Property owner is responsible for inspection and maintenance of all privately owned drain inlets. All drain inlets will be cleaned prior to the storm season, no later than October 1st each year.
Street Sweeping	Property owner is responsible to sweep private parking spaces and streets as needed during oil or chemical spills.
Vehicle Washing	Vehicle washing will be prohibited on the public streets.
Vehicle Fueling	Vehicle fueling shall be strictly prohibited on-site.
Outdoor Material Storage	Outdoor material storage shall be strictly prohibited on-site.

Table 2 – Sources and Source Control BMPs	
Potential Sources	**BMP Description**
Fire Sprinklers	Sprinkler tests will drain to landscape treatment areas before entering the storm drain system. Sprinkler system shall be designed with a proposed method for discharge of any water.
Outdoor Pesticide Use	Where possible, pest resistant plants will be used. Planting for swales will be selected to be appropriate for the soil and moisture conditions. Landscaping is to be maintained using integrated pest management principles with minimal or no use of pesticides. Tenants will receive pest management information.
Garbage Storage Areas	All dumpsters will be marked with "Do not dump hazardous materials here" or similar. Dumpsters will be covered.
Patios and Walkways	All patio and walkway areas will drain to landscape treatment areas before entering the storm drain system.

VI. PERMITTING AND CODE COMPLIANCE

- There are no known conflicts between the proposed stormwater control plan and the City of Milpitas ordinances or policies.

VII. BMP OPERATION AND MAINTENANCE

A. Means to Finance and Implement BMP Maintenance

Proper maintenance and operation of stormwater management facilities will be the responsibility of the owner for this project. All necessary forms or agreements will be established between the City and developer during the course of final completion of the stormwater control plan.

The applicant will prepare and submit, for the City's review, an acceptable Stormwater Control Operation and Maintenance Plan prior to completion of the construction and will execute a Stormwater Management Facilities Operation and Maintenance Agreement before sale, transfer, or permanent occupancy of the site. The applicant accepts responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

B. Summary of Maintenance Requirements

Bioretention Areas remove pollutants primarily by filtering runoff slowly through an active layer of soil. Routine maintenance is needed to ensure that flow is unobstructed, that erosion is prevented, and that soils are held together by plant roots and are biologically active. Typical routine maintenance consists of the following:

- Inspect inlets for channels, exposure of soils, or other evidence of erosion. Clear any obstructions and remove any accumulation of sediment. Examine rock or other material used as a splash pad and replenish if necessary.

- Inspect outlets for erosion or plugging.

- Inspect side slopes for evidence of instability or erosion and correct as necessary.

- Observe soil in the swale or planter for uniform percolation throughout. If portions of the swale or filter do not drain within 48-hours after the end of a storm, the soil should be tilled and replanted. Remove any debris or accumulation of sediment.

- Confirm that any check dams and flow spreader are in place and level and that channelization within the swale or filter is effectively prevented.

- Examine the vegetation to ensure that it is healthy and dense enough to provide filtering and to protect soils from erosion. Replenish mulch as necessary, remove fallen leaves and debris, prune large shrubs or trees, and mow turf areas. Confirm that irrigation is adequate and not excessive. Replace dead plants and remove invasive vegetation.

- Abate any potential vectors by filling holes in the ground in and around swale and by insuring that there are no areas where water stands longer than 48-hours following a storm. If mosquito larvae are present and persistent, contact the Santa Clara County Vector Control District for information and advice. Mosquito larvicides should be applied only when absolutely necessary and then only by a licensed contractor.

- Maintenance of pump used for water quality flows will be required one (1) time per year at the beginning of the rainy season. Additional maintenance may be required throughout the rainy season if excessive debris is found within the swales, or the swales do not drain completely in 48-hours after a rain event.

- Maintenance of vegetated swales and bioretention areas will be required a minimum of one (1) time per year at the beginning of the rainy season. Additional maintenance may be required throughout the rainy season if excessive debris is

found within the swales, or the swales do not drain completely in 48-hours after a rain event.

- Allow leaf drop to become part of the mulch layer in tree, shrub, and groundcover areas

- Keep lawn mower blades sharp and recycle grass clippings.

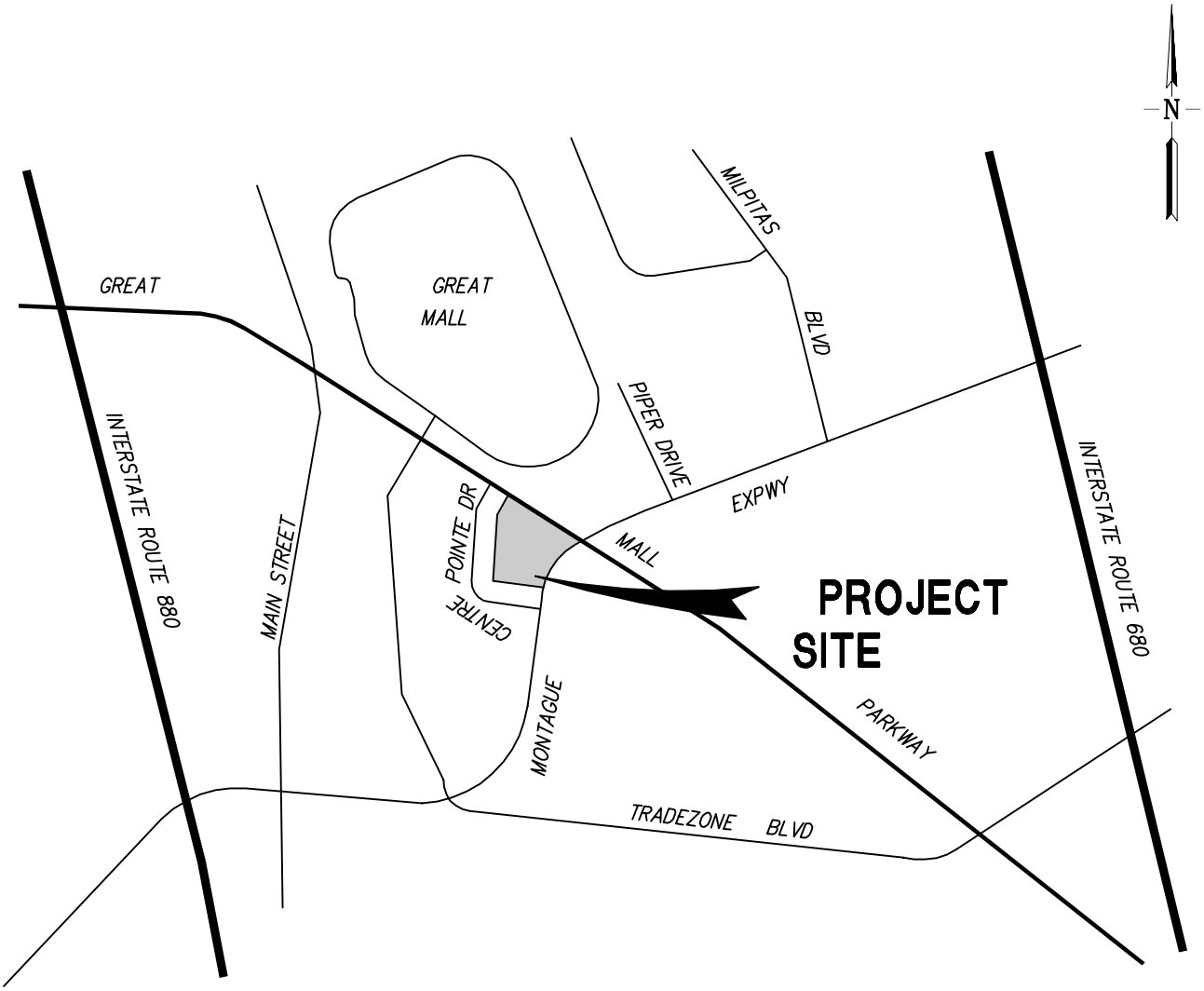
- Collect lawn and garden clippings, pruning waste, and tree trimming. Chip if necessary, and compost or take to the local municipal yard waste recycling/composting facility.

- Sweep paved areas regularly to collect loose particles. Wipe up spills with rags and other absorbent material immediately; do not hose down the area to a storm drain.

IX. Figures

A. Figure 1 – Vicinity Map

Please see the following page for Figure 1 – Vicinity Map.



VICINITY MAP

NOT TO SCALE

FIGURE 1: VICINITY MAP

STORM WATER CONTROL PLAN
CENTRE POINTE
MILPITAS, CALIFORNIA

RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

JOB NO. 141107 SHEET

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APPENDIX A

PROVISION C.3 DATA FORM

City of Milpitas – Stormwater Requirements C.3 Data Form

Santa Clara Valley Urban Run-Off Pollution Prevention Program

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 in Santa Clara County: http://www.scvurppp-w2k.com/c3_handbook_2012.shtml

1. Project Information

Project Name: Centre Pointe **APN #** 086-33-102 & 086-33-103

Project Address: 1646 Centre Pointe, Milpitas, CA

Cross Streets: Montague Expressway & Great Mall Parkway

Applicant/Developer Name: SummerHill Apartment Communities

Project Phase(s): 1 **of** 2 **Engineer:** Ruggeri-Jensen-Azar

Project Type (Check all that apply): ☐ New Development ☒ Redevelopment

☒ Residential ☒ Commercial ☐ Industrial ☒ Mixed Use ☐ Public ☐ Institutional

☐ Restaurant ☒ Uncovered Parking ☐ Retail Gas Outlet ☐ Auto Service (SIC code)_____
(5013-5014, 5541, 7532-7534, 7536-7539)

☐ Other _____

Project Description: To redevelop the subject property into 333 unit apartment communities & 13,000 SF of ground retail space. The project will consist of two 5-story wrap buildings with parking garages

Project Watershed/Receiving Water (creek, river, or bay): Lower Penitencia Creek

2. Project Size

a. Total Site Area: 4.5 acre	b. Total Site Area Disturbed: 4.5 acre (including clearing, grading, or excavating)			
	Existing Area (ft^2)	Proposed Area (ft^2)		Total Post-Project Area (ft^2)
		Replaced	New	
Impervious Area				
Roof	60,480	60,480	56,890	117,370
Parking	97,800	16,340		16,340
Sidewalks and Streets	7,600	7,600	15,740	23,340
c. Total Impervious Area	165,880	84,420	72,630	157,050
d. Total new and replaced impervious area		157,050		
Pervious Area				
Landscaping	28,620	28,620	8,830	37,450
Pervious Paving				
Other (e.g. Green Roof)				
e. Total Pervious Area	28,620	28,620	8,830	37,450
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% = 94.7 %				

3. State Construction General Permit Applicability:

a. Is #2.b. equal to one acre or more?

☒ Yes, applicant must obtain coverage under the State Construction General Permit (i.e., file a Notice of Intent and prepare a Stormwater Pollution Prevention Plan) (see www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml for details).

☐ 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 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. Is #2.f. equal to 50% or more?

☒ Yes, C.3. requirements (site design, source control, as appropriate, and stormwater treatment) apply to entire site.

☐ No, C.3. requirements only apply to impervious area created and/or replaced.

5. Hydromodification Management (HM) Applicability:

a. Does 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-w2k.com/hmp_maps.htm)

☐ Yes, project must implement HM requirements

☐ No, project is exempt from HM requirements

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- ☐ Minimize land disturbed
- ☒ Minimize impervious surfaces
- ☐ Minimum-impact street or parking lot design
- ☒ Cluster structures/ pavement
- ☒ Disconnected downspouts
- ☐ Pervious pavement
- ☐ Green roof
- ☐ Microdetention in landscape
- ☐ Other self-treating area
- ☐ Self-retaining area
- ☐ Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains) [1]
- ☐ 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

- ☐ Alternative building materials
- ☒ Wash area/racks, drain to sanitary sewer[2]
- ☐ Covered dumpster area, drain to sanitary sewer[2]
- ☒ Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain[2]
- ☒ Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- ☒ Outdoor material storage protection
- ☐ Covers, drains for loading docks, maintenance bays, fueling areas
- ☒ Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- ☒ Storm drain labeling
- ☐ Other _____

Treatment Systems

- ☐ None (all impervious surface drains to self-retaining areas)

LID Treatment

- ☐ Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
- ☐ Infiltration basin
- ☐ Infiltration trench
- ☐ Exfiltration trench
- ☐ Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)

Biotreatment [3]

- ☒ Bioretention area
- ☐ Flow-through planter
- ☐ Tree box with bioretention soils
- ☐ Other _____

Other Treatment Methods

- ☐ Proprietary tree box filter[4]
- ☐ Media filter (sand, compost, or proprietary media)[4]
- ☐ Vegetated filter strip[5]
- ☐ Dry detention basin[5]
- ☐ Other _____

Flow Duration Controls for Hydromodification Management (HM)

- ☐ Detention basin
- ☐ Underground tank or vault
- ☐ Bioretention with outlet control
- ☐ Other _____

[1] Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.
[2] Subject to sanitary sewer authority requirements.
[3] Biotreatment measures are allowed only with completed feasibility analysis showing that infiltration and rainwater harvest and use are infeasible.
[4] These treatment measures are only allowed if the project qualifies as a "Special Project".
[5] These treatment measures are only allowed as part of a multi-step treatment process.

7. Treatment System Sizing for Projects with Treatment Requirements

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume:

Treatment System Component	Hydraulic Sizing Criteria Used[3]	Design Flow or Volume (cfs or cu.ft.)
Bioretention Area	2C: Flow-Uniform Intensity Method	4% of Impervious

[3]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 Reviewer: Jonathan Buck

9. Operation & Maintenance Information

A. Property Owner's Name: SummerHill Apartment Communities

B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:

a. Name: Eric Hansen

b. Address: 777 S.California Avenue, Palo Alto, CA 94304

c. Phone/E-mail: 650-842-2284/EHansen@shapartments.com

This section to be completed by City of Milpitas 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):

_____

_____

Reviewed:

Planning Department

Planning Division: _____

Other (Specify): _____

Public Works Department

Land Development: _____

Other (Specify): _____

APPENDIX B

SPECIAL PROJECTS WORKSHEET

Special Projects Worksheet

Complete this worksheet for projects that appear to meet the definition of "Special Project", per Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). The form assists in determining whether a project meets Special Project criteria, and the percentage of low impact development (LID) treatment reduction credit. Special Projects that implement less than 100% LID treatment must provide a narrative discussion of the feasibility or infeasibility of 100% LID treatment.

Project Name: Centre Pointe

Project Address: 1646 Centre Pointe, Milpitas, CA

Applicant/Developer Name: SummerHill Apartment Communities

1. "Special Project" Determination:

Special Project Category "A"

Does the project have ALL of the following characteristics?

- ☐ Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☐ Creates and/or replaces 0.5 acres or less of impervious surface;
- ☐ Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones;
- ☐ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment.

☒ No (continue) ☐ Yes – complete Section 2 of the Special Project Worksheet

Special Project Category "B"

Does the project have ALL of the following characteristics?

- ☐ Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☐ Creates and/or replaces an area of impervious surface that is greater than 0.5 acres, and no more than 2.0 acres;
- ☐ Includes no surface parking, except for incidental parking for emergency access, ADA access, and passenger or freight loading zones;
- ☐ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment;
- ☐ Minimum density of either 50 dwelling units per acre (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

☒ No (continue) ☐ Yes – complete Section 2 of the Special Project Worksheet

Special Project Category "C"

Does the project have ALL of the following characteristics?

- ☒ At least 50% of the project area is within 1/2 mile of an existing or planned transit hub[2] or 100% within a planned Priority Development Area[3];
- ☒ The project is characterized as a non-auto-related use[4]; and
- ☒ Minimum density of either 25 dwelling units per acre (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

☐ No ☒ Yes – complete Section 2 of the Special Project Worksheet

---

[1] And built as part of a municipality's stated objective to preserve/enhance a pedestrian-oriented type of urban design.

[2] "Transit hub" is defined as a rail, light rail, or commuter rail station, ferry terminal, or bus transfer station served by three or more bus routes. (A bus stop with no supporting services does not qualify.)

[3] A "planned Priority Development Area" is an infill development area formally designated by the Association of Bay Area Government's / Metropolitan Transportation Commission's FOCUS regional planning program.

[4] Category C specifically excludes stand-alone surface parking lots; car dealerships; auto and truck rental facilities with onsite surface storage; fast-food restaurants, banks or pharmacies with drive-through lanes; gas stations; car washes; auto repair and service facilities; or other auto-related project unrelated to the concept of transit oriented development.

2. LID Treatment Reduction Credit Calculation:

Category	Impervious Area Created/Replaced (acres)	Site Coverage (%)	Project Density or FAR	Density/Criteria	Allowable Credit (%)	Applied Credit (%)
A			N.A.	N.A.	100%	
B				Res ≥ 50 DU/ac or FAR ≥ 2:1	50%	
				Res ≥ 75 DU/ac or FAR ≥ 3:1	75%	
				Res ≥ 100 DU/ac or FAR ≥ 4:1	100%	
C	3.61 ACRES	80.0%	50% of the project is located within 1/3 mile of transit hub	**Location credit (select one)[5]:**		
				Within ¼ mile of transit hub	50%	
				Within ½ mile of transit hub	25%	25%
				Within a planned PDA	25%	
			74DU/AC	**Density credit (select one):**		
				Res ≥ 30 DU/ac or FAR ≥ 2:1	10%	
				Res ≥ 60 DU/ac or FAR ≥ 4:1	20%	20%
				Res ≥ 100 DU/ac or FAR ≥ 6:1	30%	
				Parking credit (select one):		
				≥ 10% at-grade surface parking[6]	10%	0%
				No surface parking	20%	
				TOTAL TOD CREDIT =		45%

3. Narrative Discussion of the Feasibility/Infeasibility of 100% LID Treatment:

If project will implement less than 100% LID, refer to the Potential Special Projects Reporting Form to prepare a discussion of the feasibility or infeasibility of 100% LID treatment, as required by MRP Provision C.3.e.vi(2).

Special Projects Worksheet Completed by:

Signature

9/30/2016
Date

Domnic R. Carucci
Print or Type Name

[5] To qualify for the location credit, at least 50% of the project's site must be located within the ¼ mile or ½ mile radius of an existing or planned transit hub, as defined on page 1, footnote 2. A planned transit hub is a station on the MTC's Regional Transit Expansion Program list, per MTC's Resolution 3434 (revised April 2006), which is a regional priority funding plan for future transit stations in the San Francisco Bay Area. To qualify for the PDA location credit, 100% of the project site must be located within a PDA, as defined on page 1, footnote 3.
[6] The at-grade surface parking must be treated with LID treatment measures.

APPENDIX C

LID FEASIBILITY NARRATIVE DISCUSSION

Centre Pointe
Narrative Discussion of Low Impact Development Feasibility/Infeasibility

This report provides a narrative discussion of the feasibility or infeasibility of providing 100 percent low impact development (LID) treatment for Centre Pointe, which has been identified as a potential Special Project, based on Special Project criteria provided in Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). This report is prepared in accordance with the requirement in MRP Provision C.3.e.vi.(2), to include in Special Projects reporting a narrative discussion of the feasibility or infeasibility of 100 percent LID treatment onsite or offsite.

1. Feasibility/Infeasibility of Onsite LID Treatment

The project site was reviewed with regard to the feasibility and infeasibility of onsite LID treatment. The results of this review showed that it was infeasible to treat 30% of the C.3.d amount of runoff with LID treatment. The findings of this review are presented below.

a. **On-site Drainage Conditions.**

The proposed Centre Pointe project features a mix used apartment building with a main road (Street A) at the Centre Pointe drive entrance and an EVA road that connects to Montague Expressway. The runoff from both EVA road and street will sheet flow into bioretention area. The building features downspouts that direct the runoff from the roof to the storm drain system that will bubble-up into bioretention areas.

b. **Self-treating and Self-Retaining Areas and LID Treatment Measures.**

Bio-retentions placed around the apartment building will treat the runoff from Street A, EVA road, and the building roof.

c. **Maximizing Flow to LID Features and Facilities**

Street A is crowned and drains to the two stormwater inlets located at the Centre Pointe Drive street entrance. The cul-de-sac at the end of street A drains away from the center and gets captured in the bioretention adjacent to the street. The EVA road is superelevated and drain towards the bioretention directly adjacent to the road and next to the new mix used apartment building. The apartment building features downspouts that capture the roof drainage which is then piped to the bioretentions placed around the building. From the treatment areas, the runoff is routed to the storm drain system on Centre Pointe Drive.

d. **Constraints to Providing On-site LID.**

The drainage management areas that are proposed to drain to bioretention areas include some areas that are not covered by buildings. These areas include portions of Street A and the adjacent walkway. Conditions and technical constraints are present that preclude the use of LID features and facilities, as described below.

i. Impervious paved areas: We cannot treat portions of street A at the western entrance at Centre Pointe Drive because there is not enough room to accommodate bioretentions.

ii. Landscaped areas:

- Inadequate size to accommodate biotreatment facilities that meet sizing requirements for the tributary area. The project site is very dense and therefore, many areas do not have enough room to accommodate bioretentions with the adequate sizes.
- Slopes too steep to terrace; The project site is within a flood hazard area and therefore portions of the site need to be raised 2 feet causing the open space to been slope 2:1 max.

2. Feasibility/Infeasibility of Off-Site LID Treatment. The possibility of providing off-site LID treatment was found to be infeasible for the following reasons.

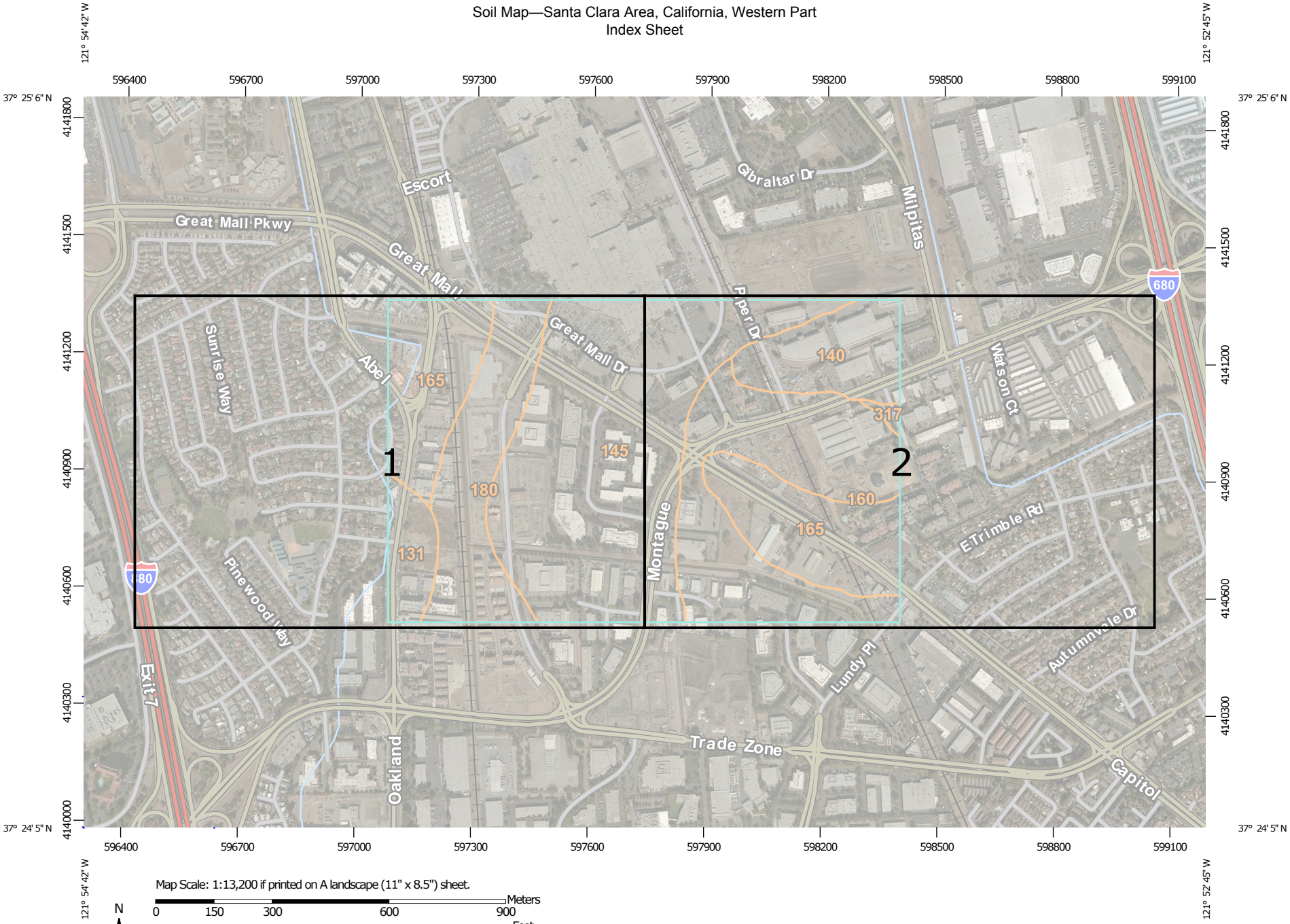
i. The project site is bounded by the city right of way on all sides so treatment off-site cannot be considered.

ii. There are no regional LID stormwater mitigation programs available to the project for in-lieu C.3 compliance.

APPENDIX D

SOIL CLASSIFICATION INFORMATION

Soil Map—Santa Clara Area, California, Western Part
Index Sheet



Map Scale: 1:13,200 if printed on A landscape (11" x 8.5") sheet.

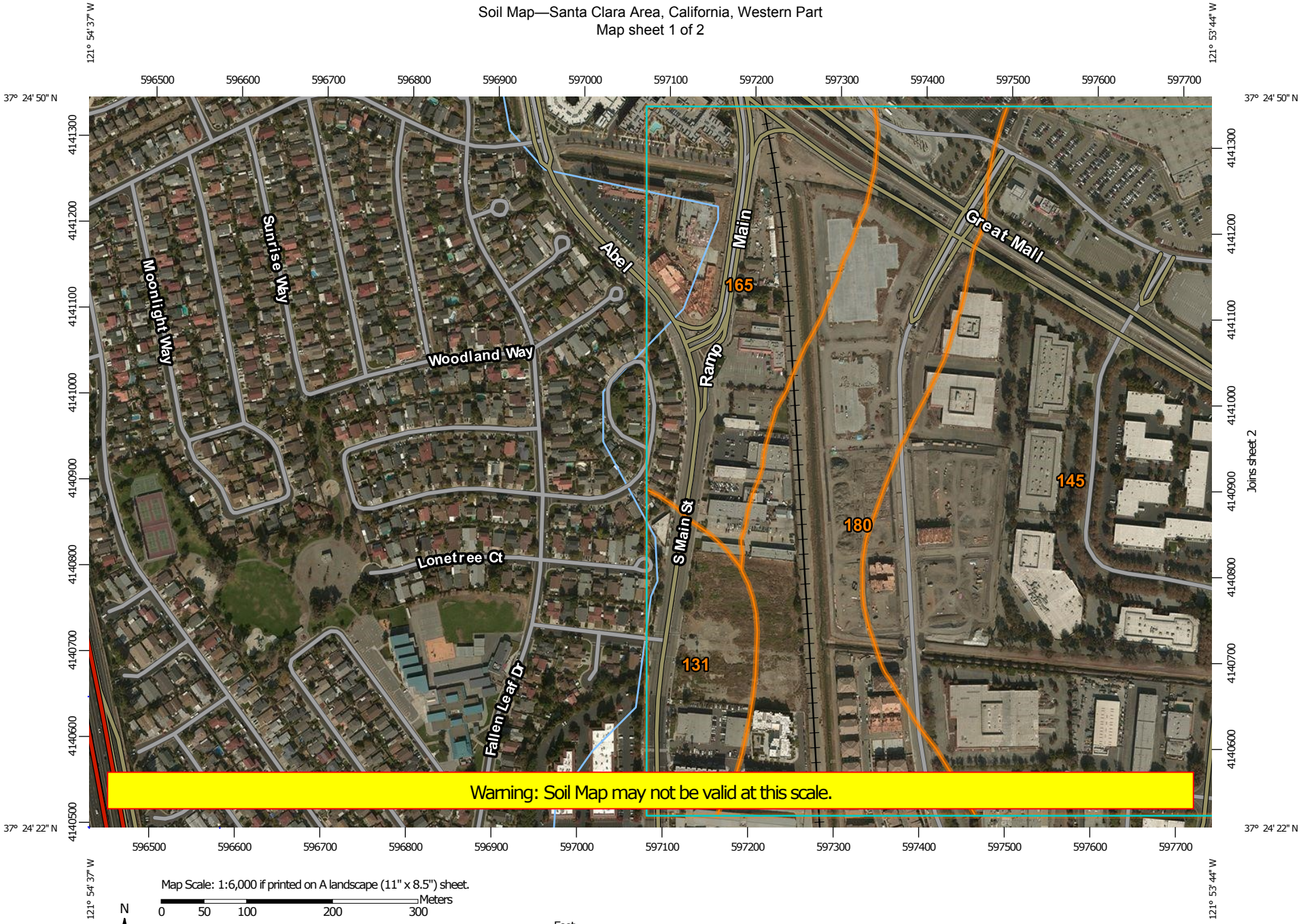
N

Meters: 0 150 300 600 900

Feet: 0 500 1000 2000 3000

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Soil Map—Santa Clara Area, California, Western Part
Map sheet 1 of 2



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N

Meters: 0 50 100 200 300

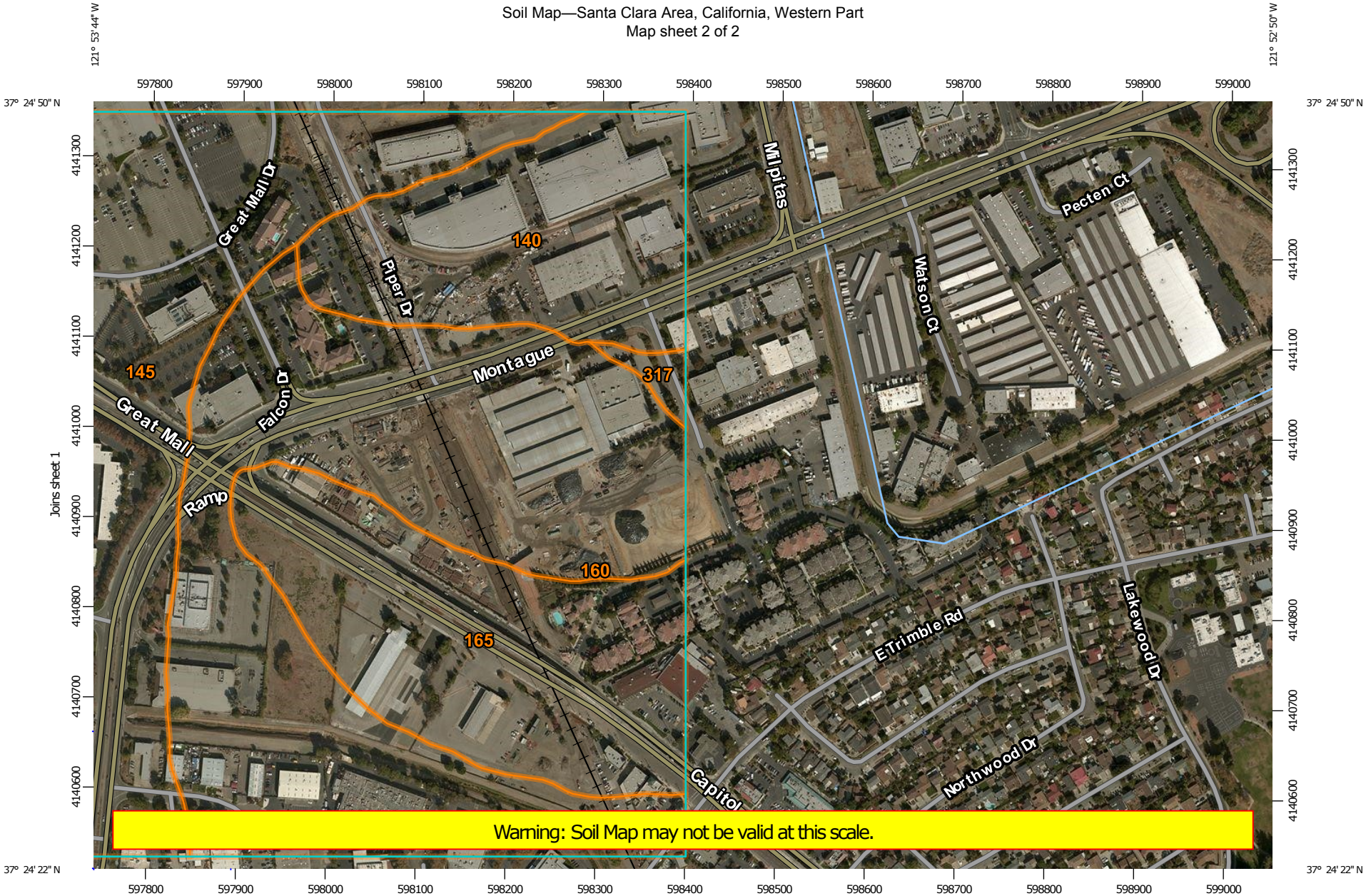
Feet: 0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

1

Map Sheet Location

Soil Map—Santa Clara Area, California, Western Part
Map sheet 2 of 2



Map Scale: 1:6,000 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 50 100 200 300

Feet: 0 250 500 1000 1500

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

2

Map Sheet Location

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

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: http://websoilsurvey.nrcs.usda.gov
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 4, Sep 3, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 7, 2013—Nov 3, 2013

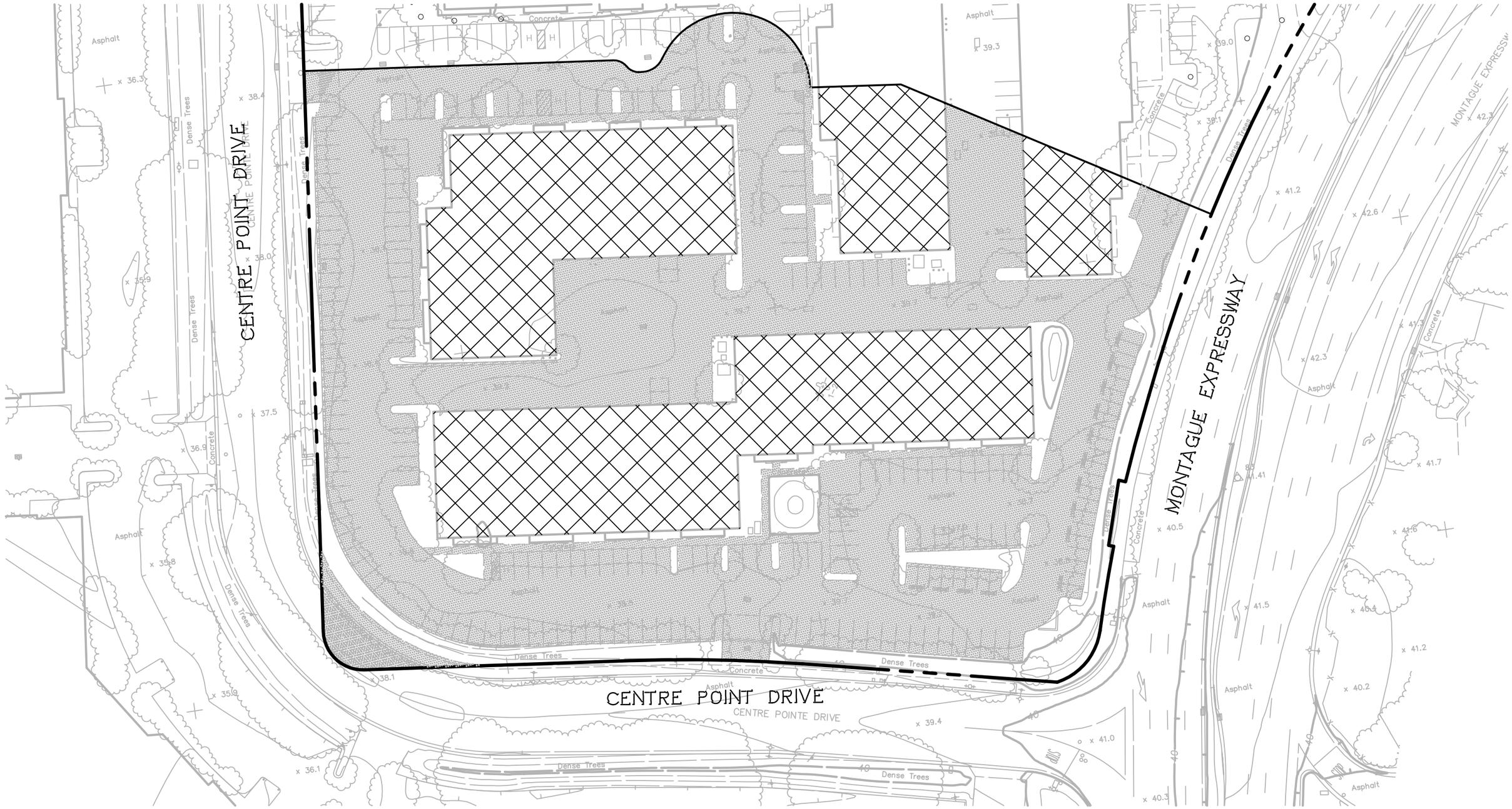
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Santa Clara Area, California, Western Part (CA641)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
131	Urban land-Elpaloalto complex, 0 to 2 percent slopes	9.8	3.6%
140	Urban land-Flaskan complex, 0 to 2 percent slopes	20.5	7.6%
145	Urbanland-Hangerone complex, 0 to 2 percent slopes, drained	99.2	36.8%
160	Urbanland-Clear Lake complex, 0 to 2 percent slopes	54.8	20.3%
165	Urbanland-Campbell complex, 0 to 2 percent slopes, protected	51.1	18.9%
180	Urbanland-Newpark complex, 0 to 2 percent slopes	33.5	12.4%
317	Urbanland-Cropley complex, 0 to 2 percent slopes	1.0	0.4%
Totals for Area of Interest		**269.9**	**100.0%**

APPENDIX E

EXISTING IMPERVIOUS SURFACE PLAN



LEGEND:

IMPERVIOUS SURFACE (ROOFS) (60,480 SQ.FT.)

IMPERVIOUS SURFACE (PARKING, SIDEWALKS, AND STREETS) (105,400 SQ.FT.)

N

0 60 120 180

1 inch = 60 ft.

EXISTING IMPERVIOUS SURFACES EXHIBIT
CENTRE POINTE

CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

FOR: SUMMERHILL HOMES

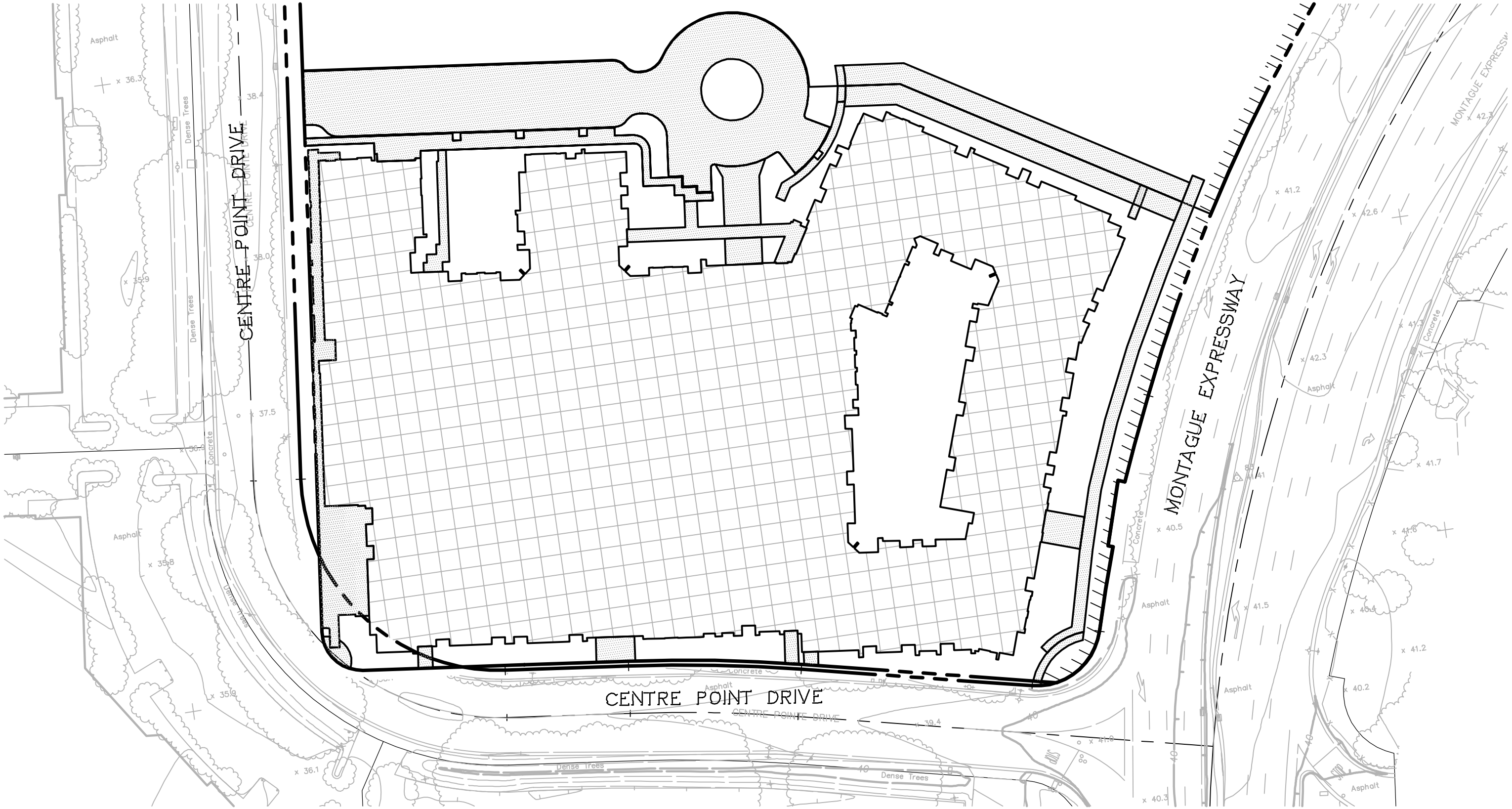
RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SEPTEMBER 27, 2016 JOB NO.: 141107 SHEET: 1

G:\JOB2014\141107\HYDRO\STORMWATER CONTROL PLAN\APPENDIX E - EXISTING IMPERVIOUS SURFACE PLAN\EXISTING IMPERVIOUS SURFACES-PHASE 1 EXHIBIT.DWG 9/28/2016 10:34:12 AM DOMINIC CARUCCI

APPENDIX F

PROPOSED IMPERVIOUS SURFACE PLAN



LEGEND:

IMPERVIOUS SURFACE (ROOFS) (117,370 SQ.FT.)

IMPERVIOUS SURFACE (PARKING, SIDEWALKS, AND STREETS) (39,680 SQ.FT.)

N

0 60 120 180

1 inch = 60 ft.

PROPOSED IMPERVIOUS SURFACES EXHIBIT
CENTRE POINTE

CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA

FOR: SUMMERHILL HOMES

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SEPTEMBER 27, 2016 JOB NO.: 141107 SHEET: 1 OF 1

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APPENDIX G

STORMWATER BMP CALCULATIONS

AREA ID	SURFACE	IMPERVIOUS AREA (SF)	BMP USED	REQUIRED SURFACE AREA (SF)	SURFACE AREA AS PROVIDED (SF)	REDUCTION AREA (SF)
AREA 1	PAV	4405	BIORETENTION	176	0	176
AREA 2	PAV	3350	BIORETENTION	134	143	0
AREA 3	ROOF/PAV	3071	BIORETENTION	123	150	0
AREA 4	ROOF/PAV	6094	BIORETENTION	244	245	0
AREA 5	ROOF/PAV	3771	BIORETENTION	151	151	0
AREA 6	ROOF/PAV	10887	BIORETENTION	435	380	55
AREA 7	ROOF/PAV	3627	BIORETENTION	145	147	0
AREA 8	ROOF/PAV	4787	BIORETENTION	192	197	0
AREA 9	ROOF/PAV	1784	BIORETENTION	71	72	0
AREA 10	ROOF/PAV	1275	BIORETENTION	51	51	0
AREA 11	ROOF/PAV	2298	BIORETENTION	92	92	0
AREA 12	ROOF/PAV	1760	BIORETENTION	70	70	0
AREA 13	ROOF/PAV	6268	BIORETENTION	251	190	61
AREA 14	ROOF/PAV	5000	BIORETENTION	200	203	0
AREA 15	ROOF/PAV	3084	BIORETENTION	124	157	0
AREA 16	ROOF/PAV	12072	BIORETENTION	483	338	145
AREA 17	ROOF/PAV	12871	BIORETENTION	515	522	0
AREA 18	ROOF/PAV	4235	BIORETENTION	169	170	0
AREA 19	PAV	7234	BIORETENTION	290	298	0
AREA 20	PAV	7006	BIORETENTION	280	0	280
AREA 21	ROOF/PAV	8808	BIORETENTION	352	355	0
AREA 22	ROOF/PAV	11774	BIORETENTION	471	306	165
AREA 23	ROOF/PAV	4561	BIORETENTION	182	242	0
AREA 24	ROOF/PAV	27028	BIORETENTION	1081	0	1081
	TOTAL:	**157,050**		**6,282**	**4,479**	**1,963**

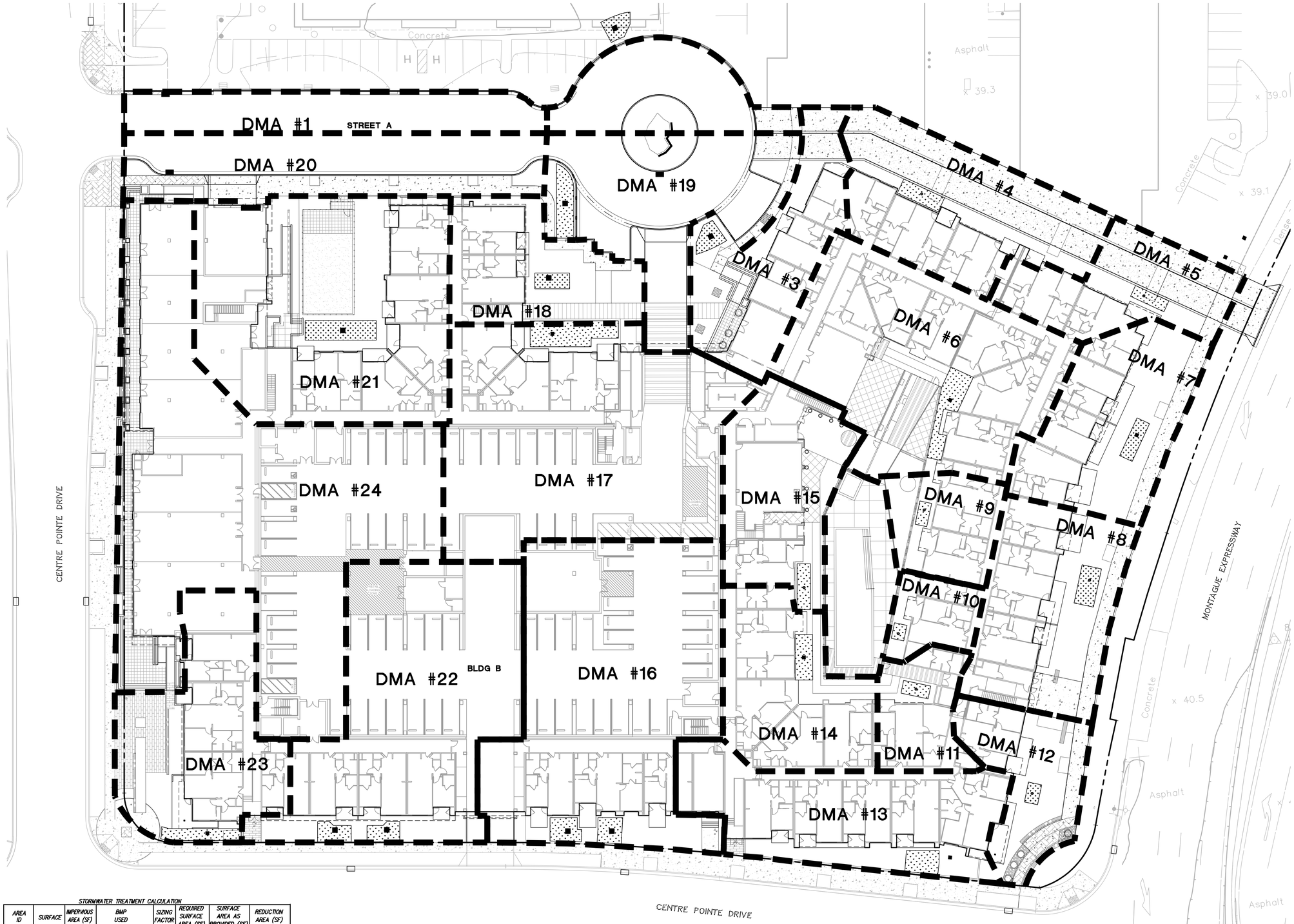
1. Calculation are based off the Santa Clara Valley Urban Runoff Pollution Prevention Program, C.3 Stormwater Handbook, dated June 2016. For the purposes of this Stormwater Control Plan, the Uniform Intensity Approach will be used as follows:
    a. 0.2 inches/hour rainfall intensity on 100% of the impervious surface.
    b. Soil for the treatment medium has a minimum 5 inches/hour infiltration rate.
    c. A Treatment Medium of 0.04 sizing factor will be used for Bioretention Areas.
2. Sizing Factor of 0.04 noted above is calculated based on the following criteria:
    a. Sizing Factor = (0.2 IN/HR)/(5 IN/HR) = 0.04
3. Treatment Area Required = Impervious Surface Area (SF) * Sizing Factor
4. This project is a special project Category C (Transit Oriented Development) and may have up to 45% or 2,700 square feet in stormwater reduction cred based on the following:
    a. 25% reduction since 50% or more of the site location within ½ mile radius of an existing or planned transit hub.
    b. 20% reduction since density is greater than 60 dwelling units/acre

Sample Calculation for "Area 1" shown on the Stormwater Control Plan in Appendix H.

Impervious Area = 4,405 SF
Sizing Factor 0.04
2,374 SF * 0.04 = 176 SF of required treatment area.

APPENDIX H

SITE PLAN



STORMWATER TREATMENT CALCULATION

AREA ID	SURFACE	IMPERVIOUS AREA (SF)	BMP USED	SIZING FACTOR	REQUIRED SURFACE AREA (SF)	SURFACE AREA AS PROVIDED (SF)	REDUCTION AREA (SF)
AREA 1	PAV	4,405	BIO RETENTION	0.04	176	0	176
AREA 2	PAV	3,350	BIO RETENTION	0.04	134	143	0
AREA 3	ROOF/PAV	3,071	BIO RETENTION	0.04	123	150	0
AREA 4	ROOF/PAV	6,094	BIO RETENTION	0.04	244	245	0
AREA 5	ROOF/PAV	3,771	BIO RETENTION	0.04	151	151	0
AREA 6	ROOF/PAV	10,887	BIO RETENTION	0.04	435	380	55
AREA 7	ROOF/PAV	3,627	BIO RETENTION	0.04	145	147	0
AREA 8	ROOF/PAV	4,787	BIO RETENTION	0.04	192	197	0
AREA 9	ROOF/PAV	1,784	BIO RETENTION	0.04	71	72	0
AREA 10	ROOF/PAV	1,275	BIO RETENTION	0.04	51	51	0
AREA 11	ROOF/PAV	2,298	BIO RETENTION	0.04	92	92	0
AREA 12	ROOF/PAV	1,760	BIO RETENTION	0.04	70	70	0
AREA 13	ROOF/PAV	6,268	BIO RETENTION	0.04	251	190	61
AREA 14	ROOF/PAV	5,000	BIO RETENTION	0.04	200	203	0
AREA 15	ROOF/PAV	3,084	BIO RETENTION	0.04	124	157	0
AREA 16	ROOF/PAV	12,072	BIO RETENTION	0.04	483	338	145
AREA 17	ROOF/PAV	12,871	BIO RETENTION	0.04	515	522	0
AREA 18	ROOF/PAV	4,235	BIO RETENTION	0.04	169	170	0
AREA 19	PAV	7,234	BIO RETENTION	0.04	290	298	0
AREA 20	PAV	7,006	BIO RETENTION	0.04	280	0	280
AREA 21	ROOF/PAV	8,808	BIO RETENTION	0.04	352	355	0
AREA 22	ROOF/PAV	11,774	BIO RETENTION	0.04	471	306	165
AREA 23	ROOF/PAV	4,561	BIO RETENTION	0.04	182	242	0
AREA 24	ROOF/PAV	27,028	BIO RETENTION	0.04	1,081	0	1,081

LEGEND

- DRAINAGE MANAGEMENT AREA BOUNDARY
- BIO-RETENTION AREA
- DROP INLET
- STORMWATER INLET

ABBREVIATIONS

DMA — DRAINAGE MANAGEMENT AREA
PAV — PAVING

NOTES:

THE CALCULATIONS ARE BASED ON THE LATEST SCVURPP C.3 STORMWATER HANDBOOK, JUNE 2016.
a. 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% IMPERVIOUS AREA.
b. SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
c. A TREATMENT MEDIUM OF 0.04 SIZING FACTOR FOR BIORETENTION AREAS.

1. SIZING FACTOR OF 0.04 NOTED ABOVE IS CALCULATED BASED ON THE FOLLOWING CRITERIA:
   a. SIZING FACTOR=(0.2 IN/HR)/(5 IN/HR)=0.04
2. THIS PROJECT IS A SPECIAL PROJECT CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) AND MAY HAVE UP TO 45% OR 2,7000 SQFT IN STORMWATER REDUCTION CREDIT BASED ON THE FOLLOW:
   a. 25% REDUCTION SINCE 50% OR MORE OF THE SITE IS LOCATED WITHIN A 1/2 MILE RADIUS OF AN EXISTING OR PLANNED TRANSIT HUB
   b. 20% REDUCTION SINCE DENSITY IS GREATER THAN 60 DWELLING UNITS/ACRE

N

0 20 40 60

1 inch = 20 ft.

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

RJA Project No: 141107A

Project Contact: DOMINIC CARUCCI
Email:DCARUCCI@RJA-GPS.COM

Principal: EDDIE SIEU
Project Designer: DOMINIC CARUCCI

Developer

SUMMERHILL APARTMENT COMMUNITIES
COMMUNITIES OF DISTINCTION
SUMMERHILL APARTMENT COMMUNITIES
300 EXECUTIVE PKWY, SUITE 450
SAN RAMON, CALIFORNIA, 94583
PHONE NO. 925.244.7500
FAX NO. ----

CENTRE POINTE

MILPITAS, CA

No.	Date	Description
	09/01/2016	1ST SUBMITTAL

It is the clients responsibility prior to or during construction to notify the architect in writing of any perceived errors or omissions in the plans and specifications of which a contractor thoroughly knowledgeable with the building codes and methods of construction should reasonably be aware. Written instructions addressing such perceived errors or omissions shall be received from the architect prior to the client or clients subcontractors proceeding with the work. The client will be responsible for any defects in construction if these procedures are not followed.

REGISTERED PROFESSIONAL ENGINEER
EDDIE K. SIEU
No. 44189
CIVIL
STATE OF CALIFORNIA

STORMWATER MANAGEMENT PLAN

C4.1

COPYRIGHT ©

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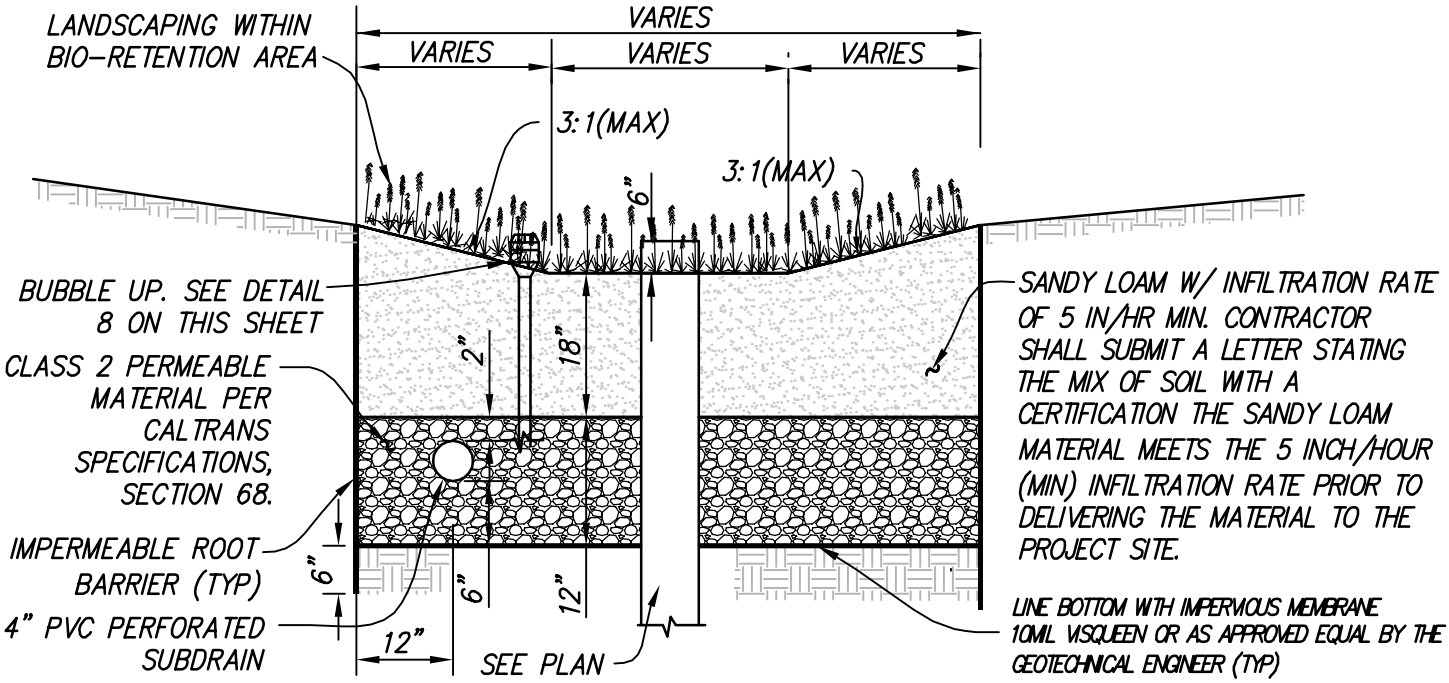
APPENDIX I

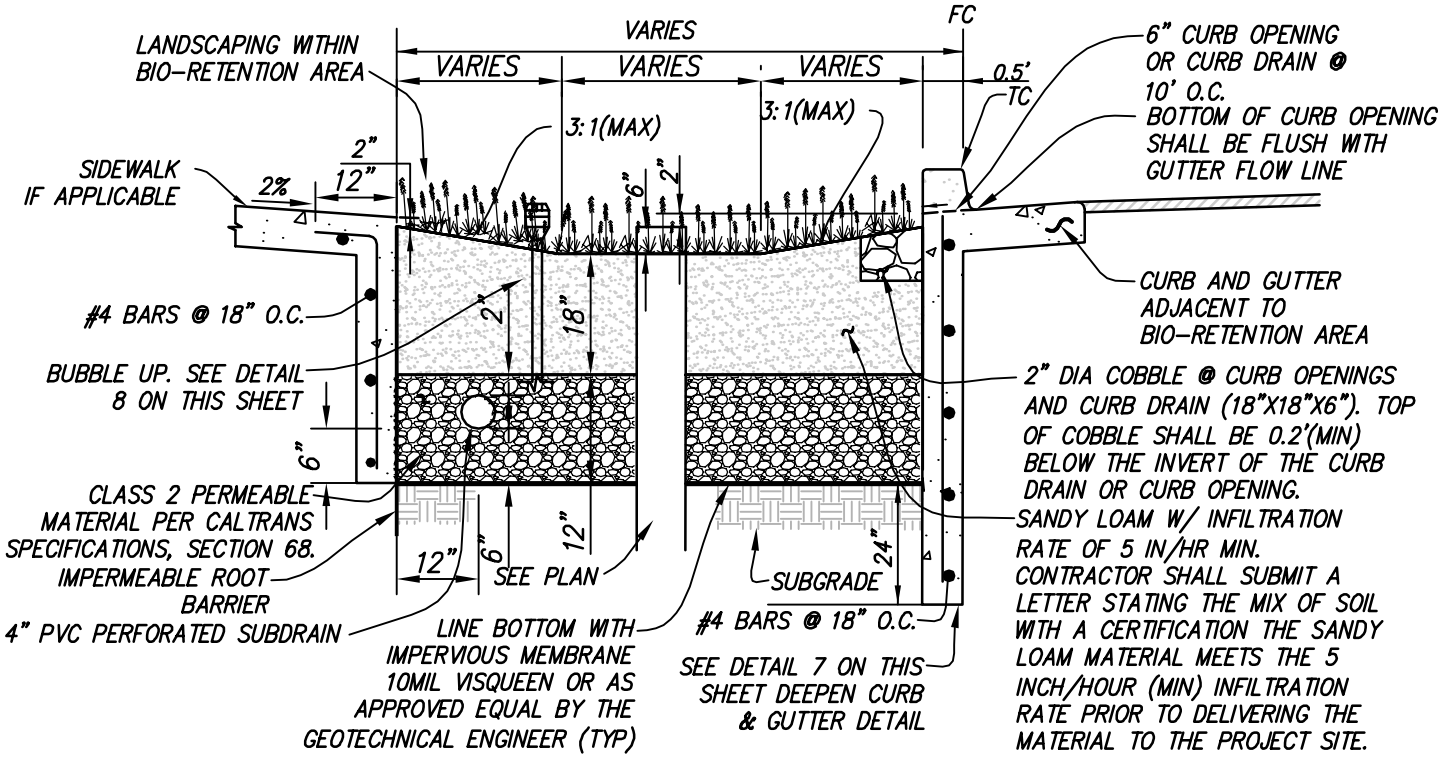
TREATMENT MEASURE DETAILS



NOTE: CLEANOUT SHALL BE INSTALLED AT THE END OF THE 4" PVC PERFORATED SUBDRAIN

BIO-RETENTION AREA AT LANDSCAPE DETAIL

NOT TO SCALE



NOTE: CLEANOUT SHALL BE INSTALLED AT THE END OF THE 4" PVC PERFORATED SUBDRAIN

BIO-RETENTION AREA NEXT TO STREET DETAIL

NOT TO SCALE

RJA
RUGGERI-JENSEN-AZAR
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4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DETAILS.DWG 12/5/2016 10:40:01 AM JESSE MA

APPENDIX J

OPERATIONS AND MAINTENANCE (O&M) PLAN

Control No. XXXX.XXX

Recording requested by:
City of Milpitas
When recorded mail to:
City of Milpitas
City Engineer's Office
455 E. Calaveras Blvd.
Milpitas, Ca 95035

Record without fee under Section 6103-Government Code, State of California

ATTACHMENT 1

STORMWATER MANAGEMENT FACILITIES OPERATION AND MAINTENANCE AGREEMENT

This Stormwater Management Facilities Operation and Maintenance Agreement ("AGREEMENT") is made and entered into this _____ day of _____, 20___, by and between _____ _____, (hereinafter referred to as "Property Owner") and the City of Milpitas, a municipal corporation of the State of California ("City").

RECITALS:

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

WHEREAS, the Permanent Stormwater Pollution Prevention Measures installed (hereinafter referred to as "BMPs" (Best Management Practices)) must be maintained for the development called, _____ _____, located at _____ _____, MILPITAS, Santa Clara County, State of California and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "property"); and,

WHEREAS, the Property Owner is the owner of real property more particularly described on the attached as Exhibit A; and,

WHEREAS, the City's Stormwater and Urban Runoff Pollution Control Ordinance requires proper operation and maintenance of the BMPs constructed on this property; and,

WHEREAS, the development conditions of approval require that BMPs, as shown on the approved Stormwater Control Plan be constructed and properly operated and maintained by the Property Owner; and,

WHEREAS, the City has approved the Stormwater Control Operation and Maintenance Plan prepared by _____ on the day of _____ _____, 20 ___, as this Plan may be subsequently modified from time to time with City's approval; and,

WHEREAS, the Stormwater Control Operation and Maintenance Plan includes an annual inspection checklist for the BMPs constructed on this property, and,

WHEREAS, this Agreement memorializes the Property Owner's maintenance, operations, and inspection obligations under the City's Ordinance and the approved Plans.

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

SECTION 1

Responsibility for Operation and Maintenance: The Property Owner will make available copies of the approved Stormwater Control Plan and approved Stormwater Control Operation and Maintenance Plan (hereinafter the "Plans") at the site with the facility or property manager and must maintain the BMPs in good working condition acceptable to the City for the life of the project, and in compliance with the Ordinance and the approved Plans.

SECTION 2

Inspection by Property Owner: The Property Owner, at its own expense, shall conduct annual inspections during the month of _____ or _____ of each year. The annual inspection report shall include completion of the checklist described in the approved Stormwater Operation and Maintenance Plan. The BMPs must be inspected by a qualified independent inspector who is acceptable to the City. The Property Owner must submit the Inspection Report on these BMPs to the City Engineer within 30 days after each inspection. The Annual Inspection Report submitted shall be accompanied by a nonrefundable processing fee per the City's standard fee schedule.

SECTION 3

Facility Inspection by the City: The Property Owner grants permission to the City, its authorized agents and employees, to enter the property, and to inspect the BMPs whenever the City deems necessary to enforce provisions of the City's Stormwater and Urban Runoff Pollution Control Ordinance. The City may enter the premises at any reasonable time to inspect the premises and BMP operation, to inspect and copy records related to storm water compliance, and to collect samples and take measurements. Whenever possible, the City will provide notice prior to entry.

SECTION 4

Failure to Perform Required Facility Repairs or Maintenance by the Property Owner: If the Property Owner, or its successors fail to maintain the BMPs in good working order and in accordance with the approved Plans and the City's Ordinance, the City, with prior notice, may enter the property to return the BMPs to good working order. The City is under no obligation to maintain or repair the BMPs, and this Agreement may not be construed to impose any such obligation on the City. If the City, under this section takes any action to return the BMPs to good working order, the Property Owner shall reimburse the City for all the costs incurred by the City. The City will provide the Property Owner with an itemized invoice of the City's costs and the Property Owner will have 30 days to pay the invoice. If the Property Owners fails to pay the invoice within 30 days, the City may secure a lien against the real property of the Property Owner in the amount of such costs. This Section 4 does not prohibit the City from pursuing other legal recourse against the Property Owner.

SECTION 5

Successors and Assigns: This Agreement applies to the Property Owner and its successors. This agreement runs with the land and imposes a continuing obligation on anyone who owns the property. Upon transfer of the property, the Property Owner shall provide the new owner with the current Plans.

SECTION 6

Indemnity: The Property Owner indemnifies and holds harmless the City and its authorized agents and employees for any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against the City from the construction, presence, existence or maintenance of the BMPs by the Property Owner, or from any personal injury or property damage that may result from the City entering the property under Section 4. If a claim is asserted against the City, its authorized agents or employees, the City shall promptly notify the Property Owner and the Property Owner shall defend the claim and any resulting litigation at its own expense. If any judgment is entered against the City, or its authorized agents or employees, the Property Owner must pay all costs and expenses to satisfy the judgment.

SECTION 7

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

PROPERTY OWNER'S NAME:

By:_____
print name:
print title:

CITY OF MILPITAS, A MUNICIPAL CORPORATION:

By:
_____City
Engineer as to content

By:
_____
City Attorney as to form

By:
_____
City Manager

ALL PURPOSE ACKNOWLEDGMENT

State of California)
) s.s.
County of _____)

On _____, before me,
_____, personally appeared
_____,
_____ personally known to me;
_____ or 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.

WITNESS my hand and official seal. (SEAL)

_____
Signature of Notary Public

CAPACITY CLAIMED BY SIGNER:

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

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

Signer is representing: _____

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

Title or type of document _____
Number of pages: _____ Date of document: _____
Signer(s) other than named above: _____

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

ATTACHMENT 2
CONTACT INFORMATION FORM

Designation of Individuals Responsible for Stormwater Treatment BMP Operation and Maintenance	
Date Completed	
Facility Name	
Facility Address	
Designated Contact for Operation and Maintenance	
Name:	Title or Position:
Telephone:	Alternate Telephone:
Email:	
Off-Hours or Emergency Contact	
Name:	Title or Position:
Telephone:	Alternate Telephone:
Email:	
Corporate Officer (authorized to execute contracts with the City)	
Name:	Title or Position:
Address:	
Telephone:	Alternate Telephone:
Email:	

ATTACHMENT 3
STORMWATER BMP INSPECTION AND MAINTENANCE LOG

Facility Name	
Address	
Begin Date	End Date

Date	BMP ID#	BMP Description	Inspected by:	Cause for Inspection	Exceptions Noted	Comments and Actions Taken

Instructions: Record all inspections and maintenance for all treatment BMPs on this form. Use additional log sheets and/or attach extended comments or documentation as necessary. Submit a copy of the completed log with the annual independent inspectors' report to the City, and start a new log at that time.

- BMP ID# — Always use ID# from the Operation and Maintenance Manual.
- Inspected by — Note all inspections and maintenance on this form, including the required independent annual inspection.
- Cause for inspection — Note if the inspection is routine, pre-rainy-season, post-storm, annual, or in response to a noted problem or complaint.
- Exceptions noted — Note any condition that requires correction or indicates a need for maintenance.
- Comments and actions taken — Describe any maintenance done and need for follow-up.

Potential Inspection Results with Definitions

ID	Inspection Results	Definitions
I. All BMP Types		
1	No Visible/Apparent Problems	No visible or apparent problems with BMP function. BMP appears to be well-maintained.
2	Significant Engineering/Design Flaws	BMP observed to have significant engineering/design flaws which lessen its effectiveness as a stormwater treatment measure.
3	Unauthorized Modifications	Any modification that lessens the effectiveness of the BMP; any modification not authorized by the City, designated agency or other regulatory agency.
4	BMP Destroyed or Eliminated	BMP destroyed, removed or eliminated from property.
5	Trash/Debris Accumulation or Dumping	Trash & debris accumulates within and/or on BMP; trash & debris interferes with proper BMP function; visual evidence of trash/debris dumping.
6	Evidence of Contamination & Pollution	Evidence or presence of oil, gasoline, contaminants or other pollutants.
7	BMP Access Obstructed	Access to BMP obstructed or limited
8	Obnoxious Odors	Unpleasant odors within/from BMP
9	Fencing- Missing or Broken Bars	Any defect in or damage to the fence or gate that permits easy entry to a facility.
10	BMP Cannot Be Located	BMP cannot be located for the inspection

II. Biofiltration		
A. General		
11	Uneven or Clogged Flow Spreader	Flow spreader uneven or clogged so that flows are not uniformly distributed across the BMP.
12	Leaking or Malfunctioning Irrigation System	Irrigation system leaking or malfunctioning
B. Sediment and Erosion Problems		
13	Sediment Accumulation	Sediment depth exceeds 2 inches on more that 10% of the vegetated treatment area; or sediment interferes with BMP performance.
14	Erosion/Scouring	Eroded or scoured areas due to flow channelization, higher flows, wind or water.
C. Vegetation Maintenance Issues		
15	Poor Vegetation Coverage	Planted vegetation is sparse or bare or eroded patches occur in more than 10% of the BMP. Growth of planted vegetation is poor because sunlight does not reach swale.
16	Invasive/Nuisance Vegetation or Weeds	Planted vegetation is excessively tall; nuisance weeds, invasive or noxious vegetation are overgrown; vegetation reduces free movement of water through BMP.
17	Tree/Brush Growth	Growth does not allow maintenance access or interferes with maintenance activity
D. Drainage Problems		
18	Standing Water/Excessive Ponding/Soggy Soil	Water is observed within the BMP (between storms) and appears not to drain freely or soil is excessively soggy. Excessive ponding of water within vegetated swale or other BMP.
19	Mosquito Habitat	Suitable habitat exists for mosquito production (e.g., standing water for more than 72 hours in areas accessible to mosquitos).
20	Clogged or Obstructed Inlets/Outlets	Inlet/outlet clogged or obstructed with sediment and/or debris.
21	Constant Baseflow/Damage	Small quantities of water flow through the vegetated swale, even when it has been dry for weeks, and an eroded, muddy channel has formed in the swale bottom, constant baseflow from irrigation runoff.

ATTACHMENT 4
ANNUAL INSPECTION REPORT FORMAT

I. General
   A. Date and time of site visit
   B. Reason for inspection (e.g., routine/annual, follow-up, by City request, or response to complaint)
   C. Weather/rainfall
   D. Personnel participating
   E. Ability to obtain access to the site

II. Review of Stormwater Control Operation and Maintenance Plan
   A. Ability to obtain and review on-site copy of plan
   B. Date of last update to plan
   C. Sections out-of-date and updates needed
      1. Contact information for site personnel
      2. Information on BMPs
      3. Records of previous inspections
   D. Review of maintenance logs
      1. Comparison to maintenance schedule. Note exceptions.

III. Results of Site Inspection
   A. Overall condition of site and any exceptional circumstances (e.g., construction in progress, flooding)
   B. For each BMP listed in the Stormwater Control Operation and Maintenance Plan
      1. Items inspected
      2. Exceptions noted
      3. Corrective actions needed
         a. Exceptions not affecting BMP performance (correct and re-inspect in one year)
         b. Exceptions affecting BMP performance (correct and re-inspect immediately)

IV. Compliance Status
   A. In compliance—no corrective actions required, or
   B. In compliance—implement corrective actions and re-inspect in one year, or
   C. Not in compliance—implement corrective actions and re-inspect

V. Summary and Recommendations
   A. Note any required follow-up and schedule re-inspection if necessary

ATTACHMENT 5

LEGAL DESCRIPTION

APPENDIX K

3RD PARTY CERTIFICATION

CERTIFICATION

The selection, sizing, and design of treatment BMPs and other control measures in this plan meet the requirements of Regional Water Quality Control Board Order 01-119, as amended.

Owner/Developer Signature	Date
Owner/Developer Name and Title	Telephone Number
Engineer Signature (3rd Party Reviewer)	Date
Engineer Name and Title (3rd Party Reviewer)	Telephone Number

As-built Certification by Engineer

The Engineer certifies that this Stormwater Management Plan has been built and implemented per the approved Civil Engineer construction plans.

Owner/Developer Signature	Date
Owner/Developer Name and Title	Telephone Number
Engineer Signature	Date
Engineer Name and Title	Telephone Number

APPENDIX K

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Engineer Signature	Date
Engineer Name and Title	Telephone Number

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Authorize the Surplus Sale of One Ditch Witch FX30 Vacuum Trailer**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	12/7/2021
Staff Contact:	**Tony Ndah, Public Works Director, 408-586-2602 and Chris Schroeder, Purchasing Agent, 408-586-3161**
Recommendation:	Authorize the Purchasing Agent to dispose of one surplus Ditch Witch FX30 Vacuum Trailer by auction

Background:
The Public Works Department is responsible for the inspection and cleaning of storm drain inlets within the public right-of-way throughout the City. This aids in the safe passage of runoff to the City's storm sewer system and intercepts debris and pollutants that would otherwise reach our creeks and the bay. Staff clean the storm drain inlets using powerful vacuum systems, which are rented from local vendors, to aid with the removal of debris. All debris removed from storm drain collection system are properly disposed of at regional landfills.

On March 10, 2021, the Purchasing Division released RFP No. 2519: Purchase of New/Used Vacuum Trailer Excavator, seeking proposals from qualified vendors for the purchase of a Ditch Witch FX 30 (or approved equal) model year 2017 or newer. The RFP was publicly noticed in accordance with the City's Municipal Code, advertised on the City's website, emailed to companies registered with the City via ProcureNow.com (the City's eProcurement system). Upon release, 69 firms received the solicitation notifications via ProcureNow.com, the City's eProcurement website, and 14 firms downloaded the RFP documents. The RFP closed on April 1, 2021, and no proposals were received.

As allowed under Section 3 - Procurement Methods and Procedures, item I-2-3.08 - Formal Bid Procedures, item (f) "If no responsive bid is received after soliciting bids under this section, the Purchasing Agent may proceed to purchase the supplies, hire, or have services performed in the open market provided that negotiations are conducted as appropriate as to price, terms and conditions of contract award". Therefore, the City's Purchasing Agent worked with Public Works staff to locate a suitable vacuum trailer on the open market and purchased a vacuum trailer from Enviro Services Rentals, based out of Louisiana, for $43,500.00. Once the vacuum trailer was delivered, staff determined that the Ditch Witch FX30 was too heavy and required a Ford 450 or equivalent pick-up truck for towing the Ditch Witch FX30 for the storm drain inlet cleaning work. Currently, the City's fleet does not include such a heavy duty pick-up truck.

Analysis:
The Ditch Witch FX30 has a gross weight over 10,000/lbs which is over the limit for what the City's fleet is capable of towing. Staff has located a suitable Ditch Witch HX30A out of Newark, California which is under the gross weight of 10,000/lbs limit, making it suitable for towing using the City's existing pick-up trucks. The cost for the Ditch Witch HX30A is $63,000 and this vacuum trailer would be purchased through a cooperative procurement contract.

Staff estimates that the final auction price of the Ditch Witch FX30 vacuum trailer will exceed $5,000.00 and anticipates that the equipment will sell for the purchase price of $43,500, minus $4,350 for auctioneer expenses. Per the Municipal Code, paragraph I-2-7.03 - Disposal of Property with an Estimated Value of More Than Five

Thousand Dollars $5,000, if the estimated value of any single item of property exceeds Five Thousand Dollars ($5,000) in current market value requires approval from the City Council.

Staff proposes to sell the vacuum trailer at auction through the City's existing agreement with GovDeals, the City's surplus goods and equipment vendor. Funds received from the auction of the Ditch Witch FX30 would offset the costs for the purchase of the Ditch Witch HX30A and any additional cost needed to purchase the new vacuum trailer would come from savings in the Public Works department operating budget. As part of the FY 2021-22 Mid-year budget process, staff anticipates bringing forward a budget action to appropriate the proceeds from the sale of the equipment.

Policy Alternatives:
Alternative 1: Purchase a Pickup Truck Capable of Towing the Ditch Witch FX30.

Pros: City would not need to auction the Ditch Witch FX30 and would instead replace an existing pickup with a vehicle capable of towing the Ditch Witch FX30

Cons: The City would have to pay additional funds to purchase a pickup capable of towing the Ditch Witch FX30.

Reason not recommended: The cost to purchase a pickup capable of towing the Ditch Witch FX30 is estimated at $60,000, and on average, the available vehicle replacement funding for each pickup that could be replaced is $20,000; hence, an additional $40,000 would be needed to purchase a new pickup. In addition, towing the Ditch Witch FX30 requires the vehicle operator to have a Class A Commercial Drivers License, which would limit the number of staff in the Department capable of using this equipment.

Not proceeding with the equipment auction would result in the vehicle remaining in reserve status, which does not provide any benefits to the Department. In addition, City would not receive funds from the auction to offset the purchase of a more suitable vacuum trailer.

Fiscal Impact:
Staff anticipates receiving $39,150 from the auction proceeds for the Ditch Witch FX30, which is the full original purchase price of $43,500, minus $4,350 for auctioneer and other expenses related to the sale at auction. Funds received at auction from the sale of the Ditch Witch FX30 would offset the $63,000 purchase cost of the new Ditch Witch HX30A, which would more appropriately suit the department's needs. There's sufficient funds in the Public Works operating budget to cover the additional anticipated cost of $23,850. As part of the FY 2021-22 Mid-year budget process, staff anticipates bringing forward a budget action to appropriate the proceeds from the sale of the equipment.

California Environmental Quality Act:
By the definition provided in the CEQA Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA as this action has no potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Recommendation:
Authorize the Purchasing Agent to dispose of one surplus Ditch Witch FX30 Vacuum Trailer by auction.

Attachments:
None

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve and Authorize Closure of City Hall and Selected Operations to the Public During the Holiday Period from Christmas Eve Holiday Through New Year's Day Holiday**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Jeannine Seher, Director of Human Resources, 408-586-3086**
Recommendation:	Approve and authorize the City Manager to enter into side letter agreements for the closure of City Hall and selected operations to the public from the recognized day for the Christmas Eve holiday through New Year's Day holiday.

Background:
Many employees enjoy taking time off between the Christmas and New Year's holidays. Further, this time period is generally slower for conducting business, making it an ideal time to close. The City has entered into side letter agreements with applicable labor unions to implement the holiday closure in the past. When a holiday falls on a Saturday, the holiday is recognized on the preceding Friday. When a holiday falls on a Monday, the holiday is recognized on the following Monday. When the Christmas holiday falls on Saturday, such as the case for 2021, because employees also receive Christmas Eve as a holiday on the Friday, the Christmas holiday is recognized on Thursday, December 23rd.

Analysis:
If approved, this action authorizes the City Manager to enter into a side letter agreement with applicable employee organizations for City Hall and selected operations to be closed to the public during the period of the Christmas Eve holiday through the New Year's Day holiday. Essential services including, but not limited to Police and Fire, will continue to operate and certain events will be held as scheduled. Department Directors will determine which services and facilities will remain open. However, in recognition that some employees may want to work, and that depending on the needs of the City and the employee's position, some employees may need to work. City employees may participate in the Holiday Break on a voluntary basis. Employees will be permitted to work during this period of time, take vacation, compensatory time off or take leave without pay depending on the business needs of the City. All requests to take time off will need to be approved by the Department Head as they will need to determine the business needs of the City.

Policy Alternative:

Alternative: Keep City Hall and all operations open.

Pros: Staff will be available to conduct business as it has been doing since the return to work in August.

Cons: Keeping City Hall and other operations open, add additional pressures to the holiday, requiring that management maintain sufficient staffing to address City business needs. As such, it is possible that not every employee wanting time would be able to take the time off.

Reason not recommended: Providing the opportunity for staff to take the holiday period off as requested, gives staff a break from work and an opportunity to enjoy their families and friends or attend to personal matters as they choose.

Fiscal Impact:
Closing City Hall and selected operations may have minimal impact in fees being collected; however, the proposal still provides management discretion to ensure appropriate staffing is maintained for business necessity.

California Environmental Quality Act:
Approval of the item is not a Project pursuant to CEQA Guidelines Section 15378(b)(5) as it involves organizational or administrative activities of a local government entity that will not result in direct or indirect physical changes in the environment. Further, it is also exempt under CEQA Guideline 15301 as the operation of an existing facility with no expansion of use.

Recommendation:
Approve and authorize the City Manager to enter into a side letter agreement for the closure of City Hall and selected operations to the public from the Christmas Eve holiday through New Year's Day.

Attachment:
1. MEA Side Letter
2. IAFF Side letter
3. Pro-Tech Side letter
4. Mid-Con Side Letter

City of Milpitas
Side Letter Agreement
Between
Milpitas Employee Association (MEA) and the City of Milpitas
Regarding the Holiday Break between Christmas Eve and New Year's Day

In addition to the recognized holidays, City Hall and selected operation will be closed to the public during the period beginning from the Christmas Eve holiday through the New Year's Day holiday. Essential services including, but not limited to Police and Fire, will continue to operate and certain events will be held as scheduled. Department Directors will determine which services and facilities will remain open. The MOU's provide that when a holiday falls on a Saturday, it is recognized on the preceding Friday, and when a holiday falls on a Sunday it is recognized on a Monday. When the recognized holidays of Christmas Eve and Christmas fall or New Year's Eve and New Year's Day fall on a Friday and Saturday, the holidays shall be recognized on Thursday and Friday of that week. When the recognized holidays of Christmas Eve and Christmas fall or New Year's Eve and New Year's Day fall on the Sunday and Monday, the holidays shall be recognized on the Monday and Tuesday of that week.

As this period of time is generally a slower time for conducting business and many employees enjoy taking this time off, it is an ideal time to close. However, we also understand that there are some employees who will want to work and some employees that will need to work, depending on the needs of the City and the employee's position. For instance, an employee from Finance and HR will be working on at least one of those days, possibly two to work on payroll.

City employees may participate in the Holiday Break on a voluntary basis. If employees prefer to work, they are to notify their supervisor in advance to make arrangements for an assignment. Employees may be assigned to perform work outside of their usual assignment and possibly outside of their department.

Employees will be permitted to work during this period of time, take vacation, compensatory time off or take leave without pay depending on the business needs of the City.

All requests to take time off will need to be approved by the Department Head as they will need to determine the business needs of the City.

The continuation of the holiday closure is subject to the sole discretion of the City Council. As City Council members change, the parties recognize the decision to continue the holiday closure period may also change. The City will give a 14- day notice of any such change.

For the City of Milpitas:

Jeannine M. Seher Human Resources Director	Date
Steven McHarris City Manager	Date

For the Union:

Ryan Heron Ryan Heron, Union Representative, LIUNA	11/4/2021 Date
Robert DeLong Robert DeLong MEA President	11-01-2021 Date

City of Milpitas Side Letter Agreement
Between
International Association of Firefighters (IAFF) and the City of Milpitas
Regarding the Holiday Break between Christmas Eve and New Year's Day

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Employees will be permitted to work during this period of time, take vacation, compensatory time off or take leave without pay depending on the business needs of the City.

Employees who wish to take vacation time and have not completed six months of City service are permitted to take accrued vacation leave during the holiday break as an exception to Section 10.01 of the IAFF MOU.

All requests to take time off will need to be approved by the Department Head as they will need to determine the business needs of the City.

The continuation of the holiday closure is subject to the sole discretion of the City Council. As City Council members change, the parties recognize the decision to continue the holiday closure period may also change. The City will give a 14–day notice of any such change.

For the City of Milpitas:

Jeannine M. Seher Human Resources Director	Date
Steven McHarris City Manager	Date

For the Union:

Jon Powers IAFF President	October 28, 2021 Date

City of Milpitas Side Letter Agreement
Between
Professional and Technical Group (Pro-Tech) and the City of Milpitas
Regarding the Holiday Break between Christmas Eve and New Year's Day

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The continuation of the holiday closure is subject to the sole discretion of the City Council. As City Council members change, the parties recognize the decision to continue the holiday closure period may also change. The City will give a 14-day notice of any such change.

For the City of Milpitas:

Jeannine M. Seher Human Resources Director	Date
Steven McHarris City Manager	Date

For the Union:

Ryan Heron Ryan Heron, Union Representative, LIUNA	11/4/2021 Date
Avery Stark Avery Stark, ProTech President	10/25/2021 Date

City of Milpitas Side Letter Agreement
Between
Mid Management and Confidential Unit and the City of Milpitas
Regarding the Holiday Break between Christmas Eve and New Year's Day

In addition to the recognized holidays, City Hall and selected operation will be closed to the public during the period beginning from the Christmas Eve holiday through the New Year's Day holiday. Essential services including, but not limited to Police and Fire, will continue to operate and certain events will be held as scheduled. Department Directors will determine which services and facilities will remain open. The MOU's provide that when a holiday falls on a Saturday, it is recognized on the preceding Friday, and when a holiday falls on a Sunday it is recognized on a Monday. When the recognized holidays of Christmas Eve and Christmas fall or New Year's Eve and New Year's Day fall on a Friday and Saturday, the holidays shall be recognized on Thursday and Friday of that week. When the recognized holidays of Christmas Eve and Christmas fall or New Year's Eve and New Year's Day fall on the Sunday and Monday, the holidays shall be recognized on the Monday and Tuesday of that week.

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The continuation of the holiday closure is subject to the sole discretion of the City Council. As City Council members change, the parties recognize the decision to continue the holiday closure period may also change. The City will give a 14-day notice of any such change.

For the City of Milpitas:

Jeannine M. Seher Human Resources Director	Date
Steven McHarris City Manager	Date

For the Union:

Ryan Heron Ryan Heron, Union Representative, LIUNA	11/4/2021 Date
Toni-Lynn Charlop, Mid-Con Representative	10/28/21 Date

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution to amend the City of Milpitas Classification Plan to establish the position of Planning Technician and modify the Salary Schedule Titled "All Job Classifications/Salary Table" to include the salary range for this classification.**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Jeannine Seher, Human Resources Director, 408-586-3086**
Recommendation:	Adopt a resolution amending the Classification Plan to establish the position of Planning Technician and amend the Salary Schedule titled "All Job Classifications/Salary Table" to include the salary range for this classification.

Background:
In the 2021-2022 Fiscal Year Budget, the City Council approved the classification of "Junior Planner." In discussions with Planning Director, Ned Thomas, it was determined that the best needs of the Planning Department would be better served by filling the vacancy with a "Planning Technician" rather than the "Junior Planner."

Analysis:
In assessing the needs of the department after the adoption of the 2021-2022 Fiscal Year Budget, Planning Director, Ned Thomas, determined a lower level classification of "Planning Technician" rather than the "Junior Planner" would best meet the needs of the Planning Department. The types of duties that the Planning Technician would perform would be less complex than that of the Junior Planner. As such, the proposed salary of the Planning Technician is reflective of this and lower than that of the Junior Planner. The City proposed a salary that aligns internally with the Building Permit Technician, with a salary of $76,739-$93,280.20.

The City provided the opportunity meet and confer with the Milpitas Professional and Technical Group (LIUNA/UPEC Local 792) and it was agreed upon that the City proceed with the "Planning Technician" classification.

The FY21-22 Adopted Budget and Financial Plan provides authority for the City Manager to amend positions. Specifically, the major changes to the Budget Guidelines include for Council to authorize the City Manager to increase department revenues and appropriations accordingly and execute related agreements as long as no matching funds are required, and/or departments do not require additional funding for ongoing maintenance costs or future replacement costs. However, CalPERS requires that all classifications with their respective salaries be provided on publicly available pay schedules. As such, we are required to amend the salary schedule to add the Planning Technician.

Fiscal Impact:
The maximum cost for the Planning Technician position, including salary and benefits would be approximately $146,000 annually. This projection could be less depending on the candidate selected for the position. This may yield $14,000 in personnel savings for the City as the Junior Planner maximum cost is approximately $160,000.

California Environmental Quality Act:

Approval of the recommendation is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a discussion about establishing a new classification and salary range will not have a significant effect on the environment. Further, the item is not a project pursuant to CEQA Guidelines Section 15378(b)(5) as it involves organizational or administrative activities of a local government entity that will not result in direct or indirect physical changes in the environment.

Recommendation:

Adopt a resolution amending the Classification Plan to establish the position of Planning Technician and amend the Salary Schedule titled "All Job Classifications/Salary Table" to include the salary range for this classification.

Attachments:

1. Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CLASSIFICATION PLAN TO ADD THE CLASSIFICATION OF PLANNING TECHNICIAN AND TO ESTABLISH THE SALARY RANGE

WHEREAS, on December 17, 1968, the City of Milpitas established a Classification Plan adopted as Resolution No. 1626, which has been amended from time to time and which is in accordance with the Personnel Rules and Regulations of the City of Milpitas (Resolution No. 792, as amended); and

WHEREAS, amendments to the Classification Plan are necessary to account for changes within the organization, including transfer of duties, new job responsibilities, and adjustments to salary ranges; and

WHEREAS, on July 7, 1981, the City Council of the City of Milpitas adopted Resolution No. 3558 to authorize compensation and fringe benefits for all exempt employees and City Council; and

WHEREAS, on June 1, 2021, the City Council adopted a Resolution Amending Resolution No. 1626, the Classification Plan to amend the budgeted allocation positions and provided the authority for the City Manager to amend positions as long as it does not require additional funding for ongoing maintenance costs or future replacement costs; and

WHEREAS, the City is required under the Public Employment Retirement Law (PERL), and the California Code of Regulations, Section 570.5 and 571, the City is required publish publicly available pay schedules for purposes of determining the amount of "compensation earnable" pursuant to Government codes Sections 20630, 20636 and 20636.1;

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. Resolution No. 1626, as amended, is further amended to add the position of Planning Technician.
3. Resolution No. 3558 is amended to authorize the compensation of the Planning Technician with a salary of $76,739-$93,280.20

PASSED AND ADOPTED this _____day of _____,2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____

Wendy Wood, City Clerk

APPROVED:

_____

Rich Tran, Mayor

APPROVED AS TO FORM:

_____

Christopher J. Diaz, City Attorney

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Waive the Second Reading and adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements**
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	12/7/2021
Staff Contact:	Elaine Marshall, Deputy Public Works Director, 408-586-2603
Recommendation:	Waive the second reading and adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements

Background:
Ordinance No. 48.22 was introduced at the November 16, 2021 City Council meeting. The City Council voted 4-0 (Councilmember Dominguez was not present) to waive the first reading beyond the title and introduce Ordinance No. 48.22 amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements, with an amendment to Section V-200-3.22 to delete subsections (b) and (c) and reletter subsection (d) to subsection (b). The amendment would delete the option for waste generators to apply for certain waivers from organic waste collection service, including physical space waivers for commercial businesses that do not have adequate space for recycling or organic waste containers, and additional waivers issued by the City. As described during the Council meeting, these waivers are optional per the SB 1383 regulations and not defined by CalRecycle. Removing the waivers reduces potential ambiguity and helps to ensure consistent application.

The Ordinance has been updated and is now ready for its second reading and adoption.

Fiscal Impact
Reading and adopting Ordinance No. 48.22 has no fiscal impact.

Recommendation
Waive the second reading and adopt Ordinance No. 48.22, Amending Chapter 200 (Solid Waste Management) of Title V (Public Health, Safety, and Welfare) of the Milpitas Municipal Code to comply with SB 1383 requirements.

Attachment
Ordinance No. 48.22

REGULAR

NUMBER:

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 200 OF TITLE V OF THE MILPITAS MUNICIPAL CODE RELATING TO SOLID WASTE MANAGEMENT**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of November 16, 2021, upon motion by Councilmember _____, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by Councilmember _____. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____ _____

Wendy Wood, City Clerk Rich Tran, Mayor

APPROVED AS TO FORM:

_____

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, SB 1383 (Chapter 395, Statutes of 2016) directed the California Department of Resources Recycling and Recovery ("CalRecycle") to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, SB 1383 also requires the regulations to recover, for human consumption, at least 20 percent of edible food that is currently thrown away; and

WHEREAS, CalRecycle promulgated regulations as directed in SB 1383 in Chapter 12 (Short-Lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations ("SB 1383 Regulations"); and

WHEREAS, the SB 1383 Regulations take effect January 1, 2022, and requires the City of Milpitas to adopt an ordinance to enforce the SB 1383 Regulations by said date, and;

WHEREAS, the City Council desires to amend its Solid Waste Management Ordinance to comply with the SB 1383 Regulations.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE V, CHAPTER 200

Chapter 200 – SOLID WASTE MANAGEMENT
- Section 1 – General Provisions
- Section 2 – Definitions
- Section 3 – Keeping or Accumulating Waste
- Section 4 – Collection and Disposal
- Section 5 – Authorized Contractors
- Section 6 – Authorized Contractors' Rates, Charges and Fees
- Section 7 – Manner of Collection, Removal and Transportation
- Section 8 – Waste Disposal
- Section 9 – Commercial Edible Food Recovery
- Section 10 – Haulers and Facility Operators
- Section 11 – Self-Hauler Requirements
- Section 12 – Inspections and Investigations
- Section 13 – Enforcement and Penalties
- Section 14 – Disaster Operations
- Section 15 – Interruption of Service by Labor Dispute

Chapter 200 - SOLID WASTE MANAGEMENT

Section 1 - General Provisions

V-200-1.10 Declaration of Policy

It is hereby declared to be in the public interest and in the interest of all the residents of the City of Milpitas that the accumulation, preparation, storage, collection, transportation and disposal or processing of solid waste, recyclable materials, organic materials, and construction and demolition debris in the City of Milpitas be handled in such a manner so as to:

(a) Prohibit the harboring and breeding of rodents and insects;

(b) Reduce pollution of the air caused by burning, fermentation or putrification of such materials;

(c) Prevent the spread of disease;

(d) Reduce the hazards of fire and the prevention of unsightliness resulting in the depreciation of property values and the comfortable enjoyment of life; and

(e) Reduce the amount of waste disposed in landfills.

This Chapter is determined and declared to be a health, sanitary and safety measure necessary for the promotion, protection and preservation of the health, safety and general welfare of the people of the City of Milpitas and to establish an integrated waste management system that will enable the City to meet the mandated goals for reduced disposal tonnage as required by Public Resources Code Sections 42000 et seq., also known as the Integrated Waste Management Act.

V-200-1.20 Declaration of Purpose and Object

The purposes and object of this Chapter are to accomplish the foregoing results, and the provisions thereof shall be liberally construed so as to give full effect to the accomplishment of such purposes and object.

V-200-1.30 Mandatory Service Charge

The charges levied pursuant to this Chapter are for the privilege of having Solid Waste, Recyclable Materials, Organic Materials, and Construction & Demolition Debris collected and are mandatory, unless an exemption is granted pursuant to Section 3 of this Chapter.

V-200-1.40 Waste Service Design Requirements

The design of any new, substantially remodeled or expanded building or other facility shall provide for proper storage or handling which shall accommodate the solid waste, recyclable material, and organic material loading anticipated and which shall allow for efficient and safe waste removal or collection. Solid waste, recyclable material, and organic material collection shall be accommodated on-site. The design shall comply with City requirements.

Section 2 - Definitions

V-200-2.10 Definitions

The definitions contained in this Section shall govern the construction of this Chapter, unless the context otherwise requires.

(a) Administrator. The “Administrator” means the City Manager or his or her designee.

(b) Agent. The word “agent” means a person, designated by the owner, as responsible for procuring and maintaining solid waste, recyclable materials, organic materials, and construction and demolition debris collection services.

(c) Authorized Contractor. The words "authorized contractor" mean any person or persons, or the agents or employees thereof, with whom the city shall have duly contracted as hereinafter provided, or to whom City shall have issued a permit, to collect, remove, transport, recycle, or dispose of any or all solid waste, recyclable materials, organic materials, and construction and demolition debris generated, kept, or accumulated in the City.

(d) Blue Container. The phrase "Blue Container" has the same meaning as in 14 CCR § 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Waste.

(e) Bin. "Bin" means a container with capacity of approximately one to eight cubic yards, with a hinged lid, and with wheels (where appropriate), that is serviced by a front-end loading collection vehicle.

(f) Brown Container. The phrase "Brown Container" refers to the container used solely for the storage and collection of Source Separated Food Waste.

(g) Bulky Item. The phrase "bulky item(s)" means discarded appliances, furniture, tires, carpets, mattresses, and similar large items that require special collection due to their size or nature, but can be collected without the assistance of special loading equipment (such as forklifts or cranes) and without violating vehicle load limits. It does not include abandoned automobiles, large auto parts, or trees.

(h) California Code of Regulation or CCR. The phrase "California Code of Regulations" or "CCR" means the State of California Code of Regulations.

(i) CalRecycle. The word "CalRecycle" means the California Department of Resources Recycling and Recovery.

(j) Cart(s). "Cart(s)" means a plastic container with a hinged lid and wheels that is serviced by an automated or semi-automated collection vehicle. A cart has a capacity of 38, 45, 64, or 96 gallons (or similar volumes). A "split-cart" refers to a cart with vertical dividers designed to provide for separate placement in the cart of two types of materials.

(k) City. The word "City" means the City of Milpitas, California.

(l) Centralized Collection Service. The phrase "centralized collection service" means the level of service provided to a multiple family development that provides a designated collection point for solid waste, recyclable materials, organic materials, and construction and demolition debris in roll-off compactors. It is the responsibility of the property management of the development to provide move-in and semi-annual recycling program information to multi-family residents.

(m) Collect or Collection (or any variation thereof). The words "collect," "collection," or any variation thereof, mean the act of collecting solid waste, recyclable materials, organic materials, C&D, bulky items, and other material at the place of generation in City.

(n) Commercial or Commercial Business. The words "commercial" or "commercial business" means a business, industrial, commercial establishment, or construction site,

and any multiple-family, residential dwelling with five (5) units or more on one (1) account.

(o) Commercial Edible Food Generator. The phrase "Commercial Edible Food Generator" means a "Tier One Commercial Edible Food Generator" or a "Tier Two Commercial Edible Food Generator."

(p) Community Composting. The words "community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR § 17855(a)(4); or, as otherwise defined by 14 CCR § 18982(a)(8).

(q) Compactor. The word "compactor" means a mechanical apparatus that compresses materials together with the container that holds the compressed materials or the container that holds the compressed materials if it is detached from the mechanical compaction apparatus. Compactors include two to eight cubic yard bin compactors serviced by front-end loader collection vehicles and ten to 50 cubic yard drop box compactors serviced by roll-off collection vehicles.

(r) Compliance Review. The phrase "compliance review" means a review of records by the City to determine compliance with this Chapter.

(s) Composting or Compost (or any variation thereof). The words "composting" or "compost" include a controlled biological decomposition of organic materials yielding a safe and nuisance free compost product.

(t) Construction and demolition debris, C&D debris, or C&D. The terms "construction and demolition debris," "C&D debris," or "C&D" include discarded building materials, packaging, debris, and rubble resulting from construction, alteration, remodeling, repair or demolition operations on any pavements, excavation projects, houses, commercial buildings, or other structures, excluding excluded waste. Source separated recyclable C&D is a subset of C&D. Mixed C&D is C&D that is not source separated.

(u) Container(s). The word "container(s)" means bins, carts, compactors, and drop boxes used to temporarily store solid waste, organics or recyclables for collection service.

(v) Container Contamination or Contaminated Container. The words "container contamination" or "contaminated container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR § 18982(a)(55).

(w) Curbside Service. The phrase "curbside service" means individual collection services for solid waste, recyclable materials, organic materials, and C&D as typically provided to single-family homes, duplexes, townhomes and mobile homes. See section V-200-4.20 for specific set-out requirements for customers receiving curbside service.

(x) Department. The word "Department" means the City's Department of Public Works.

(y) Designated Source Separated Organic Waste Facility. The phrase "Designated Source Separated Organic Waste Facility" shall have the same definition as 14 CCR § 18982(14.5).

(z) Designee. The word "Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities as authorized in 14 CCR § 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

(aa) Discarded Materials. The phrase "discarded materials" means solid waste, recyclable materials, organic materials, and C&D placed by a generator in a receptacle and/or at a location for the purposes of collection by an authorized contractor, excluding excluded waste.

(bb) Disposal or Dispose (or any variation thereof). The words "disposal" or "dispose" mean the final disposition of solid waste at a disposal facility.

(cc) Drop Box. The phrase "drop box" means an open-top container with a capacity of ten to 50 cubic yards that is serviced by a roll-off collection vehicle.

(dd) Edible Food. The phrase "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR § 18982(a)(18). "Edible Food" is not Solid Waste if it is recovered and not discarded.

(ee) Enforcement Action. The phrase "Enforcement Action" means an action of the City to address non-compliance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

(ff) Enforcement Officer. The phrase "Enforcement Officer" means the city manager, county administrative official, chief operating officer, executive director, public works director or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing this chapter.

(gg) Excluded Waste. The phrase "excluded waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, biomedical, infectious, biohazardous, and toxic substances or material, waste that the authorized contractor reasonably believes would, as a result of or upon disposal, be a violation of local, state or federal law, regulation or ordinance, including land use restrictions or conditions, waste that cannot be disposed of in Class III landfills, waste that in the authorized contractor's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the authorized contractor or city to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

(hh) Food Distributor. The phrase "Food Distributor" means a company that distributes food to entities, including but not limited to, supermarkets and grocery stores, or as otherwise defined in 14 CCR § 18982(a)(22).

(ii) Food Facility. The phrase "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.

(jj) Food Recovery. The phrase "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR § 18982(a)(24).

(kk) Food Recovery Organization. The phrase "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR § 18982(a)(25), including, but not limited to:

1. A food bank as defined in Section 113783 of the Health and Safety Code;

2. A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

3. A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

(ll) Food Recovery Service. The phrase "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR § 18982(a)(26).

(mm) Food-Soiled Paper. The phrase "food-soiled paper" is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

(nn) Food waste. The phrase "food waste" means food scraps separated from solid waste and offered for collection by the authorized contractor, that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking, or handling of food stuffs; (iii) discarded paper that is contaminated with food scraps; and, (iv) fruit waste, grain waste, dairy waste, meat, and fish waste Food scraps are a subset of organic materials.

(oo) Generator. The word "generator" means any person whose act or process produces solid waste, recyclable materials, organic materials, or C&D as defined in the Public Resources Code, or whose act first causes waste to become subject to regulation.

(pp) Gray Container. The phrase "Gray Container" has the same meaning as in 14 CCR § 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.

(qq) Green Container. The phrase "Green Container" has the same meaning as in 14 CCR § 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

(rr) Green Waste. The phrase "Green Waste" means those discarded materials that will decompose and/or putrefy, including, but not limited to, green trimmings, grass, weeds, leaves, prunings, branches, dead plants, brush, tree trimmings, dead trees, small pieces of unpainted and untreated wood, and other types of organic waste. Green Waste is a subset of organic materials. Green Waste placed for collection may not exceed six inches in diameter and three feet in length and must fit within the authorized contractor-provided container.

(ss) Grocery store. The phrase "grocery store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR § 18982(a)(30).

(tt) Hauler Route. The phrase "Hauler Route" means the designated itinerary or sequence of stops for each segment of the City's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

(uu) Hazardous Waste. The phrase "hazardous waste" means hazardous materials, as defined by Title V, Chapter 3 of the Milpitas Municipal Code, Hazardous Substances, as defined in 42 U.S.C. Section 9601 (14), Designated Wastes, as defined in Title 23, Chapter 15, Section 2522 of the California Code of Regulations, biohazardous and any other wastes which are not nonhazardous solid waste, as defined in Title 23, Chapter 15, Section 2523(a) of the California Code of Regulations. It also means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State in Health and Safety Code § 25110.02, § 25115, and § 25117 or in the future amendments to or recodifications of such statutes or identified and listed as hazardous waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC § 6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder.

(vv) High Diversion Organic Waste Processing Facility. The phrase "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR § 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR § 18815.5(e) for organic waste received from the "Mixed waste organic collection stream" as defined in 14 CCR § 17402(a)(11.5); or, as otherwise defined in 14 CCR § 18982(a)(33).

(ww) Health Officer. The phrase "Health Officer" means the Santa Clara County Health Officer, or his or her designee(s) acting as the Health Officer of the City.

(xx) Inspection. The word "Inspection" means a Department or Designee's onsite review of records, containers, and an entity's collection, handling, recycling, or landfill disposal of organic waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR § 18982(a)(35).

(yy) Large Event. The phrase "Large Event" means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local

agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event.

(zz) Large Venue. The phrase "Large Venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. A venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. A site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

(aaa) Medium and High Density Developments. "Medium and high density developments" are defined in the City's General Plan as follows:

(1) Medium density—"Medium density" housing may include single-family attached and semi-attached houses and duplexes.

(2) High density—"High density" housing may include attached row houses to triplexes and four-plexes, stacked townhomes, and walk-up garden apartments.

(3) Very high density—"Very high density" housing may include row houses to townhouses to lofts and stacked flats with structured parking.

(4) Mixed use—Mixed-use may include commercial offices, retail and services, high-density residential, and public/quasi-public uses. Mixed use buildings can contain a combination of residential and commercial uses.

(bbb) Multi-Family Residential Dwelling or Multi-Family. The phrase "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

(ccc) Non-putrescible Waste. The phrase "non-putrescible waste" means the component of the waste stream, which is not capable of being decomposed by micro-organisms with sufficient rapidity as to cause odors, gases, attraction of vectors or other offensive conditions.

(ddd) Notice of Violation or NOV. The words "Notice of Violation" or "NOV" means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR § 18982(a)(45) or further explained in 14 CCR § 18995.4

(eee) Occupant. The word "occupant" means the person who occupies a premises.

(fff) Organic Materials or Organic Waste. The phrase “organic materials” or “organic waste” means .” means solid wastes containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Waste, Green Waste, non-hazardous wood waste, and unwaxed food-soiled paper.

(ggg) Paper Products. The phrase “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR § 18982(a)(51).

(hhh) Person. The word “person(s)” means any individual, firm, association, organization, partnership, corporation, trust, joint venture, or public entity.

(aa) Premises. The word “premises” means any land or building in the City where solid waste, recyclable materials, organic materials, or C&D are generated or accumulated.

(ab) Print and Writing Papers. The phrase “Printing and Writing Papers” includes, but is not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR § 18982(a)(54

(ac) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable source separated recyclable materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable source separated green waste for the City’s Green Container; (iii) discarded materials placed in the Brown Container that are not identified as acceptable source separated food waste for the City’s Brown Container; (iv) discarded materials placed in the Gray Container that are acceptable source separated recyclable materials, source separated green waste, and/or source separated food waste that should be placed in the City’s Blue Container, Green Container and/or Brown Container; and, (iv) non-Solid Waste items placed in any container.

(ad) Processing. The word “processing” means to prepare, treat, or convert through some special method.

(ae) Putrescible Waste. “Putrescible waste” means the component of the waste stream that is likely to become putrid. It includes but is not limited to wastes that contain organic materials such as food wastes or wastes from animal or vegetable origin.

(af) Recyclables or Recyclable Materials. The phrase “recyclables” or “recyclable materials” means those discarded materials that generators set out in recyclables containers for collection for the purpose of recycling by the authorized contractor and that exclude excluded waste. Recyclable materials unless must be separated from solid waste, organic materials, and C&D. Recyclable materials to be collected from single-family and multi-family premises include, at a minimum, magazines, catalogs, phone books, shredded paper (placed in paper bags for collection), envelopes, junk mail, corrugated cardboard, brown paper grocery bags, mixed or colored paper, paperboard, paper egg cartons, office ledger paper, white plastic grocery bags, glass bottles and jars, food (bimetal) and

aluminum cans, newspaper, and plastic containers #1-7 excluding #6, polystyrene in all forms. Recyclable materials to be collected from commercial generators, include at a minimum, white paper, computer paper, copy paper, fax paper, carbonless forms, envelopes (with or without windows), colored, white, and manila file folders, laser-printed paper, junk mail, newspapers, magazines, phone books, glossy paper, corrugated cardboard, chipboard, shredded paper, bi-metal cans, aluminum, tin, glass bottles and jars, and plastic containers #1-7 excluding polystyrene (#6) in all forms. For residential and commercial customers with cart service, recyclable materials are collected using a split-cart that segregates fibers and containers.

(ag) Recycle or Recycling. The words “recycle” and “recycling” mean the process of sorting, cleansing, treating, and reconstituting at a processing facility waste materials that would otherwise be disposed of at a landfill for the purpose of returning such materials to the economy in the form of raw materials for new, reused, or reconstituted products.

(ah) “Remote Monitoring” means the use of the internet of things and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, Brown Containers, and Gray Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

(ai) Residential. The word "residential” means any residential dwelling or apartment house.

(aj) Reusable Materials. The phrase “reusable materials” means items that are capable of being used again with no or minimal processing.

(ak) Route Review. The phrase “route review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR § 18982(a)(65).

(al) SB 1383. The phrase “SB 1383” means Senate Bill 1383 (Chapter 395, Statutes of 2016).

(am) SB 1383 Regulations. The phrase “SB 1383 Regulations” means the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

(an) Scrap Wood. The phrase “scrap wood” means clean, unvarnished, unpainted, used wood.

(ao) Self-Hauler. The term “Self-Hauler” means a person, who hauls Solid Waste, organic waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR § 18982(a)(66). Back-haul means generating and transporting organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR § 18982(a)(66)(A).

(ap) Single-Family. The term "Single-Family" means of, from, or pertaining to any residential premises with fewer than five (5) units.

(aq) Solid Waste. The phrase "solid waste" means solid waste as defined in California Public Resources Code, Division 30, Part 1, Chapter 2, § 40191 and regulations promulgated hereunder. Excluded from the definition of "solid waste" are excluded waste, C&D, source separated recyclable materials, source separated organic materials, and radioactive waste. Notwithstanding any provision to the contrary, "solid waste" may include de minimis volumes or concentrations of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment, and disposal of household hazardous waste in compliance with Section 41500 and 41802 of the California Public Resources Code as may be amended from time to time. For the purposes of this Chapter, "solid waste" means the portion of the waste stream commonly referred to as "garbage" or "trash" and which is generally disposed of in landfills. When the term "waste" is used in this Chapter, it means all types of waste including solid waste, recyclable materials, organics materials, and/or C&D.

(ar) Source Separated, Source Separating, or Source Separation. The phrase "source separated," "source separating," or "source separation" means the segregation, by the generator, of materials designated for separate collection for some form of recycling, composting, recovery, or reuse and placing them into separate containers that are separately designated for recyclable materials.

(as) Source Separated Recyclable C&D. The phrase "source separated recyclable C&D" means C&D materials which are source separated by the customer or generator and which have a processing residue level of less than ten percent by weight.

(at) Stable Matter. The phrase "stable matter" means and includes all manure and other waste matter normally accumulated in and about a stable or any animal, livestock or poultry enclosure and resulting from the keeping of any animal, poultry or livestock.

(au) Supermarket. The word "supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR § 18982(a)(71).

(av) Tier One Commercial Edible Food Generator. The phrase "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Supermarket.

2. Grocery Store with a total facility size equal to or greater than 10,000 square feet.

3. Food Service Provider.

4. Food Distributor.

5. Wholesale Food Vendor.

(aw) Tier One Commercial Edible Food Generator. The phrase "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

1. Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

2. Hotel with an on-site Food Facility and 200 or more rooms.

3. Health facility with an on-site Food Facility and 100 or more beds.

4. Large Venue.

5. Large Event.

6. A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

7. A Local Education Agency facility with an on-site Food Facility.

(ax) Wholesale Food Vendor. The phrase "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR § 189852(a)(76).

Section 3 - Keeping or Accumulating Waste

V-200-3.10 General Requirement

No person shall keep or accumulate, or permit to be kept or accumulated, within or upon any premises in the City, owned, leased or rented by, or in the possession or under the control of such person, any waste of any kind, except in accordance and compliance with and as authorized by the provisions of this Chapter.

The responsibility for proper keeping, accumulating and delivery of solid waste, recyclable materials, organic materials, and/or C&D to an authorized contractor in accordance and compliance with the provisions of this chapter shall be on the generator thereof and the owner and occupant of the premises within or upon which the same has been generated.

V-200-3.20 Mandatory Solid Waste, Recyclable Materials, Organic Materials, and C&D Collection Service

(a) The owner, agent, and/or occupant of any premises shall subscribe to and pay for solid waste, recyclable materials, and organic materials collection service rendered to such premises by an authorized contractor and shall maintain at a location in accordance with the provisions of this Chapter, containers for solid waste, recyclable materials and/or

organic materials, where applicable, in accordance with the provisions of this Chapter. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and generators shall adjust their service level for its collection services as requested by the City.

(b) City may require either Single-Family Residential customers or Commercial Businesses in subsection (a) to be automatically enrolled in solid waste, recyclable materials, and organic materials collection services.

(c) For Single-Family Residential customers, the generator shall place Green Waste in the Green Container; Source Separated Recyclable Materials in the Blue Container; Solid Waste in the designated side of the split Gray Container; and, Food Waste in the designated side of the appropriate split cart Gray Container as marked by a brown lid. Generator shall not place materials designated for the Green Containers or Blue Containers in the Gray Containers.

(d) For Commercial Businesses, the generator shall place Source Separated Green Container Organic Waste, except Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; Source Separated Food Waste in the Brown Container; and Solid Waste in the Gray Container. Generator shall not place materials designated for the Green Containers, Blue Containers, or Brown Containers in the Gray Containers.

Without limitation to the provisions of Section V-200-9 of this Chapter, the owner, agent and/or occupant of the premises has an obligation to pay for solid waste, recyclable materials, and organic materials collection services.

A residential premises is occupied when a person takes or holds possession of the premises for use as a permanent or temporary dwelling. For the purpose of determining whether a residential premises was occupied during periods when solid waste, recyclable materials, and organic materials collection service was provided to such premises, a residential premises shall be presumed to have been so occupied unless evidence is presented that water utility service was not being provided to such premises during such periods. Such presumption shall be rebutted only by water utility records showing that the premises was then unoccupied.

An industrial or commercial premises is occupied when a building occupancy permit is issued. An agricultural premises is occupied when a person takes or holds possession of the premises for agricultural purposes.

For utility accounts opened on or after June 2, 2006 serving residential premises with single-family curbside services connected to a common water meter installed to provide water to two or more residential units, the owners shall designate an agent who shall be responsible for payment to the City for water and curbside services on behalf of the owners. Nothing in this section is intended to prevent an arrangement, or the continuance of an existing arrangement, under which payments for collection service are made by a tenant or tenants, or any agent, on behalf of the owner. Any such arrangement, however, will not affect the owner's obligation as provided herein.

V-200-3.21 Requirements for Commercial Businesses

(a) Commercial Businesses shall supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with the City's Blue Container, Green Container, Brown Container, and Gray Container collection service, or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section V-200-11.10.

(b) Commercial Businesses, excluding Multi-Family Residential Dwellings, shall:

(1) Provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR § 18984.9(b), the containers provided by the business shall have either:

(aa) A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(ab) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR § 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

(2) To the extent practical through education, training, Inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials in accordance with Section V-200.3.20 or if recycling organics onsite or self-hauling under Section V-200.11.10 per the Commercial Businesses' instructions to support its compliance with its onsite recycling or self-haul program.

(3) Periodically inspect containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR § 18984.9(b)(3).

(c) Commercial Businesses shall:

(1) Annually provide information to employees, contractors, tenants, and customers about organic waste recovery requirements and about proper sorting of source separated organic waste and source separated recyclable materials.

(2) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep source separated organic waste and source separated recyclable materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

(3) Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with Section V-200.12.10 to confirm compliance with the requirements of this Chapter.

(4) Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, to evaluate generator's compliance with Section V-200.3.20. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, Brown Containers and Gray Containers.

(5) If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Sections V-200-3.21 and V-200-11.10.

(6) If they are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section V-200-9.10.

(d) Nothing in this section prohibits a generator from preventing or reducing waste generation, managing organic waste on site, or using a community composting site.

V-200-3.22 Waivers

(a) De Minimis Waivers. The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the organic waste requirements if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section V-200.3.22(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section V-200-3.22(a)(2) below.

(2) Provide documentation that either:

(aa) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and organic waste subject to collection in a Blue Container,

Brown Container, or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or

(ab) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and organic waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

(3) Notify City if circumstances change such that Commercial Business's organic waste exceeds threshold required for waiver, in which case waiver will be rescinded.

(4) Provide written verification of eligibility for de minimis waiver every 5 years, if the City has approved de minimis waiver.

(b) Review and Approval of Waivers by City. Review and approval of waivers will be the responsibility of the Public Works Director or his or her designee.

V-200-3.30 Solid Waste, Recyclable Materials, and Organics Containers

(a) Any and all solid waste, recyclable materials, food scraps, and yard trimmings produced, kept or accumulated within or upon any premises in the City shall be placed without delay in containers and shall be kept and maintained within such containers and upon such premises, until the contents thereof are collected or otherwise handled in accordance with the provisions of this Chapter. Waste cans, plastic or polyethylene disposal bags, or authorized contractor-supplied or approved containers shall be authorized waste containers for use in the City and shall meet the standards for each such container as established in this Section.

(b) Each container shall:

(1) Be constructed of metal, plastic or other substantial materials;

(2) Be of sufficient strength or rigidity to hold without collapsing all waste deposited and kept therein;

(3) Be of sufficient strength and rigidity to prevent it from being broken or crushed under ordinary conditions of use;

(4) Be leak-proof and fly-proof;

(5) Be free of sharp, rough or jagged surfaces or edges likely to cause injury to persons lifting or handling the container;

(6) Have a close-fitting cover.

(7) Be graffiti-free. Containers supplied by the authorized contractor shall be free of graffiti and all graffiti shall be removed promptly.

(8) Be in good condition. Containers supplied by the authorized contractor shall:

(aa) Be maintained by the same at a minimum level of good condition.

(ab) Include identification as the property of the authorized contractor that includes a serial number, instruction for use and telephone number of the authorized contractor.

(c) In addition to the foregoing, carts supplied by the authorized contractor shall be of approximately 96, 64, 45, or 38 gallons in capacity and not weigh more than the weight limit established by the authorized contractor.

(d) Plastic or polyethylene disposal bags with wire or plastic tie closure shall meet the requirements of Section V-200-3.30(b)(1)-(5) above, and the National Sanitation Foundation standards for polyethylene refuse disposal bags as follows:

(1) Dimensions. The bags shall have a minimum circumference of 60 inches and a minimum inner dimension of 37 inches.

(2) Strength. The bags, exclusive of packaging and ties, shall have a minimum weight of 105 pounds per 1,000 bags.

V-200-3.31 Location of Solid Waste, Recyclable Materials and/or Organic Materials Containers

Each and every solid waste, recyclable materials, and organic materials container(s) shall be placed, kept and maintained at all times in a side, or back yard, in an enclosure or elsewhere on the premises so as not to be visible from the street or accessible to animals and may not protrude past the front of any building for multi-unit premises. This requirement does not apply during the 12-hour period before or after a scheduled collection day. To comply with the Americans With Disabilities Act ("ADA"), customers requesting an exception to this provision will be considered on a case by case basis by the City Manager or his or her designee.

Except for those premises receiving service at the single unit curbside service level, containers shall not be placed, kept, maintained or serviced in a public street, sidewalk or public easement of any kind or in the front yard setback without prior written consent of City.

V-200-3.32 Solid Waste, Recyclable Materials, and Organic Materials Containers: Use and Maintenance

Each and every solid waste, recyclable materials, or organic materials container shall be kept tightly sealed so as to prevent the escape or leakage from the container of any solid waste, recyclable materials, or organic materials or of any offensive vapors, gases or odors. No such container shall be so filled as to cause matter to overflow therefrom; and the gross weight of solid waste, recyclable materials or organic materials placed or kept therein, including the weight of the container, shall meet the requirements established by the authorized contractor. Such container shall at all times be kept clean and sanitary, and shall be sprayed and otherwise treated in such manner and to such extent and with such substance as may be necessary to repel and keep away insects and rodents, and render the container odor-proof.

No solid waste, recyclable materials, or organic materials shall be so compacted or otherwise placed or kept or accumulated in any container in a manner which does not allow the contents of the container to fall out, by its own weight, upon the container being lifted and turned upside down. No residential solid waste, recyclable materials, or organic materials containers shall be set out for weekly curbside collection containing dirt, soil, concrete, masonry or asphalt.

After reasonable notice and opportunity to be heard, City may determine that any person occupying, owning, controlling or maintaining any premises within the City has inadequate containers, facilities, or frequency of collection service for solid waste, recyclable materials, or organic materials and may order that additional containers or facilities or increased frequency of collection service be provided by said person.

It shall be unlawful for any person occupying, owning, controlling or maintaining any premises within the City where solid waste, recyclable materials, organic materials, and/or C&D are created, generated, or accumulated, to fail or neglect to procure sufficient number of containers for receiving and holding all solid waste, recyclable materials, organic materials, and C&D which are produced, generated, or accumulated upon such premises or to fail or neglect to deposit solid waste, recyclable materials, organic materials, and C&D in containers or to fail or neglect to use and keep containers in good, usable, and sanitary condition. Provided, certain branches, trimmings, and wood may be securely bundled and set out for collection in accordance with regulations which are approved from time to time by the City.

V-200-3.40 Minimum Allowable Collection Frequencies Disposal

Weekly Collection: No more than one week's accumulation of putrescible solid waste and organic materials shall be kept or be permitted to remain upon any premises in the City. At least once each week all putrescible solid waste and organic materials generated, kept or accumulated within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

No more than one week's accumulation of non-putrescible solid waste and organic materials shall be kept in front-end loader bins. At least once each week all solid waste or organic materials kept or accumulated in front-end loader bins within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

30-Day Collection: No more than 30 days' accumulation of non-putrescible solid waste or organic materials shall be kept or be permitted in compactors and drop boxes. At least once each 30 days all such wastes kept or accumulated in compactors and drop boxes within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

No more than 30 days' accumulation of non-putrescible recyclable materials shall be kept or be permitted in front-end loader bins and drop boxes. At least once each 30 days non-putrescible recyclable materials kept or accumulated in front-end loader bins and drop boxes within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

60-day collection: No more than 60 days' accumulation of non-putrescible recyclable materials shall be kept or be permitted in compactors only. At least once each 60 days non-putrescible recyclable materials kept or accumulated in compactors within any premises in the City shall be disposed of in accordance with the provisions of this Chapter.

V-200-3.50 Hazardous Waste, Biohazardous Waste, Ashes

No hazardous waste, biohazardous waste, hot ashes, hot cinders or burning matter shall be placed or kept in any solid waste, recyclable materials, organic materials, or C&D containers or drop box. No other ashes, cinders or stable matter shall be placed or kept in any solid waste, recyclable materials, organic materials, or C&D container or drop box unless first wrapped in paper or other material.

V-200-3.60 Exemptions: Authorized Contractor

The provisions of this Section relating to the keeping or accumulation of any solid waste or organic materials collected shall apply to an authorized contractor making such collection, provided City may exempt the authorized contractor from the provisions hereof.

Section 4 - - Collection and Disposal

V-200-4.10 In General

No person, other than an authorized contractor shall collect, remove, transport, process or dispose of any solid waste, recyclable materials, organic materials, or C&D of any kind generated, kept or accumulated within or upon any premises within the City except as hereafter provided. No person shall permit the collection, removal, transportation, processing or disposal of any solid waste, recyclable materials, organic materials, or C&D of any kind generated, kept or accumulated within or upon any premises within the City, owned, leased, or rented by or under the control of or in the possession of such person except by an authorized contractor pursuant to the provisions of this Chapter or except as hereinafter provided.

V-200-4.20 Additional Collection Services of Authorized Contractor

Additional Services Allowed for Disabled Customers: The authorized contractor shall provide additional services as necessary to accommodate the needs of disabled residents, as defined in the Americans with Disabilities Act (ADA), at the same level of service provided and rate charged to nondisabled residents, including, but not limited to, collecting solid waste, recyclable materials, and organic materials from containers stored in side or back yards, replacing empty containers in side or back yards, and maintaining a TDD telephone line. The authorized contractor shall not be required to enter upon a private driveway or upon a private yard or enclosure for the purpose of collecting solid waste, recyclable materials, or organic materials, except to accommodate disabled residents as defined by the ADA or unless a customer receives backyard service.

Curbside Service: Solid waste, recyclable materials, and/or organic materials (including food waste and green waste) accumulated in carts at residential premises with curbside services shall be placed for collection in the carts in the street with the wheels against the curb, two feet from parked cars and mail boxes in front of the premises wherein solid waste, recyclable materials, and/or organic materials are generated and accumulated. In the event any generator fails to return containers to their approved locations in a timely manner, generator may be cited.

Single-family curbside service weekly set out of used motor oil and/or used cooking oil shall use only containers approved and provided by the authorized contractor.

Non-Curbside Service: Solid waste, recyclable materials, and/or organic materials shall be set out for collection in a location on private property, consistent with the provisions of Section V-200-3.31 so as not to require the driver of the collection vehicle to dismount from the vehicle in order to service the containers. In the event that the driver is required to dismount due to the location of the container(s),

travel more than 25 feet to the container(s), or because the generator does not want the collection vehicle on the generator's property, the generator shall be liable to the authorized contractor for a backyard service rate for pushing, collecting and returning the container(s). This rate shall also apply if the authorized contractor must use non-standard equipment.

The authorized contractor shall not be liable for any damage to private property in the course of collecting solid waste, recyclable materials, organic materials, or C&D or for delivery, maintenance, or removal of any container or drop box, except for the negligence of the authorized contractor, its agents, servants and employees.

V-200-4.30 Ownership of Solid Waste, Recyclable Materials, Organic Materials, and C&D

It is expressly understood that all solid waste, recyclable materials, organic materials, and C&D collected become the property of the authorized contractor at the time of collection. It is expressly understood that title to all solid waste, recyclable materials, organic materials, and C&D passes to the authorized contractor upon being set out at the usual place of collection.

V-200-4.40 Landfilling of Recyclable Materials and Organic Materials Prohibited

No authorized contractor shall permit the landfilling of recyclable materials and organic materials except where not prohibited by contract.

Section 5 - Authorized Contractors

V-200-5.10 Authority

The City is empowered to enter into a contract(s) with, or authorize staff to issue permits in accordance with an approved permit system to, any person for the right to engage in the business of collecting, removing, transporting, processing or disposing of any or all solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated within the City. The CITY may grant an exclusive contract to any single person to engage in the business of collecting, removing, transporting, processing or disposing of any or all solid waste, recyclable materials, organic materials, and/or C&D if City deems an exclusive contract necessary or convenient for the efficient collection and removal of solid waste, recyclable materials, organic materials, and/or C&D and the preservation and protection of the public health, safety and general welfare.

V-200-5.11 Contract Provisions

Each authorized contractor(s) providing residential and commercial solid waste, recyclable materials, organic materials, and C&D collection services shall comply with all licenses, permits, or written approval requirements of the City. Such written approval shall be contingent upon the authorized contractor's demonstrated capability to comply with these standards and use of equipment in a safe and sanitary manner.

Any contract executed hereunder may provide that the authorized contractor(s) shall have the right to collect and receive the collection charges and fees established therein for the collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D ; provided, however, city may elect to collect and receive said collection charges and fees subject to the contract provisions concerning the remittance thereof to the authorized contractor. Said contract shall also provide for the compensation to be paid to City by the authorized contractor for the granting of the right to engage in said business. Nothing herein contained shall be deemed to limit the

authority of the City to renew or extend a contract upon the expiration of any term thereof. The contract may contain such other terms, covenants and conditions as the City shall deem necessary or convenient for the efficient collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D and the preservation and protection of the public health, safety, peace and welfare.

V-200-5.20 General Compliance

No authorized contractor shall collect, remove, transport, process or dispose of any solid waste, recyclable materials, organic materials, and/or C&D except in full accordance and compliance with the provisions of the contract existing between the authorized contractor and City and the provisions of this Chapter and all rules and regulations issued hereunder. Any license, privilege or authorization granted in any such contract to any person to engage in the business of collecting, removing, transporting, processing or disposing of any solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated in the city shall be conditioned upon the faithful performance by such person or authorized subcontractors, if any, of any and all terms, covenants, conditions and provisions in or of said contract, the provisions of this Chapter, and all rules or regulations issued thereunder.

V-200-5.21 Forfeiture of Contract for Noncompliance

Any violation of this Chapter or any rule or regulation promulgated hereunder shall entitle City to cancel and terminate its contract with or revoke the permit of the authorized contractor and to relet said contract or issue new permits.

V-200-5.30 Statements, Payments, Records

Each and every authorized contractor shall maintain all records and submit to City all reports, statements, and payments in full accordance and compliance with the provisions of the contract existing between the authorized contractor and City. Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall submit monthly and quarterly reports within 30 calendar days after the end of the calendar month or quarter, as applicable, and the authorized contractor shall submit annual reports no later than 45 calendar days after the end of each calendar year. Monthly, quarterly, and annual reports shall, at a minimum, include all data and information as described in the contract between the authorized contractor and City. For each calendar month during which the authorized contractor engages in such business and for each calendar month during which the authorized contractor or authorized subcontractor(s) collect any receipts, revenues or compensation for the collection, transportation, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D generated, kept or accumulated in the city, the authorized contractor shall submit to City a written statement of the total gross receipts collected or received by the authorized contractor and any authorized subcontractor(s) during the calendar month for which such statement is rendered and filed. Each such statement shall also separately state the total gross receipts collected or received by the authorized contractor and those received by each of any authorized subcontractors during said calendar month. Such statement shall be certified as true and correct by such authorized contractor and by each of any authorized subcontractors.

No statement filed hereunder shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude City from collecting by appropriate action such sum as is actually due and payable hereunder. The statement and each of the several items therein contained shall be subject to audit and verification by the City, and City may examine, audit and inspect such books and records of any person who engages in the business of collecting, transporting, processing and/or disposing of any solid

waste, recyclable materials, organic materials, or C&D generated, kept or accumulated in the city, and of any authorized subcontractors, as may be necessary to ascertain the correct amount of the sums due City . Authorized contractors and any authorized subcontractors are hereby required to permit an examination of such books and records for the purposes aforesaid.

Unless otherwise provided in the contract between the authorized contractor and City, the above-mentioned sums due City shall be due and payable, for each calendar month for which a written statement is required, within 60 days from and after each such calendar month; and said sum for each of said calendar months shall be overdue on the sixty-first day after each such calendar month. If the sixtieth day following the end of the month falls on a weekend or a City-recognized holiday, said payment shall be due on the next regular business day.

Unless otherwise provided in the contract between the authorized contractor and City, each authorized contractor shall keep and maintain full and complete books of account and other records showing all business transacted in the City by such person, and by each and every authorized subcontractor(s), if any, including, but not by way of limitation, records of all monthly collections and receipts, expenses, profits, supporting statements and vouchers, balance sheets and profit and loss statements and other documents accurately reflecting all such business. All such books and records shall be subject to audit and inspection at any and all times by City and its authorized officers, agents and employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request of the City.

Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall file, for each year during which the authorized contractor engages in such business, an annual report with the City showing, at a minimum:

(a) The total gross receipts actually collected or received by the authorized contractor and any authorized subcontractor(s) during said year, which shall be examined by the authorized contractor's independent certified public accountants, and shall include the opinion of such accountants as to whether such statement is a fair representation of the data included therein; and(b)A breakdown of such total gross receipts by programs and service level types showing the amounts received or collected by the authorized contractor and by each of any authorized subcontractor(s).

V-200-5.31 Interest

Delinquent sums due to City by an authorized contractor(s) shall be subject to a delinquency penalty of two percent, which attaches on the first day of delinquency. The delinquency penalty shall be increased an additional two percent for each additional month the payment remains delinquent.

V-200-5.40 Place and Manner of Disposal

No authorized contractor shall dispose of any solid waste, recyclable materials, organic materials, or C&D anywhere in the City unless and until the manner and place of disposal within the City has been authorized or approved by the City Council (either by contract, resolution or ordinance). Except as otherwise provided in an exclusive contract between an authorized contractor and City or in an exclusive disposal agreement between City and the owners of the disposal facility, the fees for disposal at the disposal facility shall be charged directly to the authorized contractors at the same rate charged to the general public at that disposal facility.

V-200-5.50 Performance Bond

When the City authorizes or designates a person or firm to provide solid waste, recyclable materials, organic materials, and C&D collection services for its jurisdiction through contract, franchise, permit, or license such person or firm shall submit proof of adequate financial resources and experience to properly conduct the operation authorized.

Each and every authorized contractor shall, within seven calendar days of the city's notification to the authorized contractor that the City has executed the contract or issued the permit authorizing the authorized contractor to engage in business, furnish to City and file with the City Clerk a corporate surety bond, payable to the City , in a penal sum required by the City (and approved as to form by the city attorney), executed by the authorized contractor as principal and by a corporate surety as surety, securing the faithful performance by the authorized contractor and any authorized subcontractor(s) of its obligations under said contract and of all provisions of this Chapter. Such bond shall be renewed annually if necessary so that the performance bond is maintained at all times during the term of said contract. The bond shall be executed as surety by a corporation authorized to issue surety bonds in the State of California that has a rating of A or better in the most recent edition of Best's Key Rating Guide, and that has a record of service and financial condition satisfactory to the City.

As an alternative to the performance bond required above, at City's option, the authorized contractor may deposit with City a fully prepaid irrevocable letter of credit for at least the duration of the contract year for which the letter of credit is deposited. The amount, form, and issuer of such letter of credit shall be subject to the approval of City's Risk Manager and the City Attorney.

City shall have the right to draw against the faithful performance bond or the letter of credit in the event of a breach or default of the authorized contractor or the failure of the authorized contractor to perform fully any obligation under the contract or permit the authorizing authorized contractor to engage in business. Within five calendar days of receipt of notice from City, the authorized contractor shall renew or replace such sums of money as needed to bring the faithful performance bond or letter of credit current.

V-200-5.60 Interference with Authorized Contractors.

No person shall interfere with or obstruct the authorized activities of an authorized contractor in the collection, transportation, removal, processing and/or disposal of solid waste, recyclable materials, organic materials, and/or C&D.

V-200-5.70 Identification and lettering of vehicles and containers

The authorized contractor shall letter each vehicle used in collection activities to include a vehicle identification number, the name of the authorized contractor, and the local business telephone number of the authorized contractor. The lettering size shall be not less than four inches high. Any authorized contractor-supplied solid waste, recyclable materials, organic materials, and/or C&D container shall be lettered with the authorized contractor's name and local business telephone number in a form approved by City.

Section 6 - Authorized Contractors' Rates, Charges and Fees

V-200-6.10 Fees and Charges in General

All charges for the collection and removal of solid waste, recyclable materials, organic materials, and/or C&D shall be due and payable in accordance with the payment terms set by the authorized contractor and approved by City.

The authorized contractor shall not demand any fees from the generators of solid waste, recyclable materials, organic materials, and/or C&D except as provided in the contract between the authorized contractor and City.

Disputes over charges made or as to the character of the services performed shall be decided by the City Manager or his or her designee.

V-200-6.11 Senior Citizen Rate

Rates for residential premises with curbside collection for persons 62 years or older and who are responsible for paying the water bill of the dwelling, upon application, shall be reduced upon such terms and conditions as are agreed to between City and the authorized contractor. The authorized contractor shall verify eligibility for the senior rate using driver's license or birth certificate and proof of residency.

Section 7 - Manner of Collection, Removal and Transportation

V-200-7.10 Sorting Waste on Streets

No person shall sort, separate, or segregate any solid waste, recyclable materials, organic materials, or C&D of any kind within or upon any public street or place except as expressly authorized by CITY.

V-200-7.20 Collection and Transportation

No person shall collect, transport or receive any solid waste, recyclable materials, organic materials, or C&D within or upon any public streets in the City, or anywhere in the City, except in leak-proof vehicles so constructed that no solid waste, recyclable materials, organic materials, or C&D can leak or sift through or fall out, or be blown from, such vehicle. Vehicles used to collect or transport solid waste, recyclable materials, or organic materials shall be completely covered, and shall be kept covered at all times except when solid waste, recyclable materials, organic materials, or C&D is/are being actually loaded or unloaded, and except when said vehicles are moving along a collection route in the course of collection. Collection and transportation of any and all solid waste, recyclable materials, organic materials, or C&D shall be so conducted that no solid waste, recyclable materials, or organic materials will fall, drain or spill out of the collecting or transporting vehicle. Any person collecting or transporting any solid waste, recyclable materials, organic materials, or C&D shall immediately pick up all solid waste, recyclable materials, organic materials, or C&D which drop, spill, leak or are blown from the collecting or transporting vehicle, and shall otherwise clean the place onto which any such solid waste, recyclable materials, organic materials, or C&D was/were so dropped, spilled, blown or leaked. The authorized contractor shall limit its contents to 20,000 pounds per axle. The authorized contractor shall provide personnel and equipment necessary to provide push and return service in confined areas or other locations that have collection and transport vehicle access limitations.

The authorized contractor shall replace lids or covers on containers if appropriate, immediately after emptying the same and shall repair or replace at its expense any container(s) damaged as a result of its handling thereof, normal wear and tear excepted.

The authorized contractor may refuse service and collection if any container fails to meet the requirements of Section V-200-3.30 of this Chapter provided the authorized contractor shall give written notice (by leaving a copy thereof attached to said container) of its reasons for refusing service and collection.

V-200-7.30 Waste from Outside City

No person other than City shall transport or permit to be transported into the City any waste of any kind generated, kept or accumulated outside the City, for the purpose of keeping, accumulating, or disposing of it in the City unless authorized by City and no person other than City shall keep, accumulate or dispose of in the City any waste transported or brought into the City from outside the City unless authorized by City .

V-200-7.40 Missed Collections

Unless otherwise provided in the contract between the authorized contractor and City, the authorized contractor shall collect and remove from any and all premises, by the end of the business day following the demand, notice or request, any and all solid waste, recyclable materials, and/or organic materials which the authorized contractor shall have failed to collect a properly placed container as required at the regular scheduled time. The authorized contractor shall not refuse collection service because of a violation of the rules unless the authorized contractor has, in a reasonable manner, notified the customer in question of the rule.

V-200-7.50 Areawide Cleanup Service

Where provided by contract, the authorized contractor shall provide such labor, supervision and equipment at its cost; and at times and dates agreed upon between the parties, sufficient to conduct an areawide cleanup collection of accumulated seasonal and extraordinary solid waste, recyclable materials, and/or organic materials. The authorized contractor shall cooperate in any and every way with City to effectively provide such cleanup services, including accepting wastes collected by City personnel and permitting City personnel to inspect cleanup operations.

V-200-7.60 Unauthorized Collection Prohibited

During the 24-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection of solid waste, recyclable materials, organic materials, and/or C&D, no person, other than an authorized contractor, shall remove solid waste, recyclable materials, organic materials, and/or C&D which have been placed at a designated collection location. Any and each such collection in violation hereof from one or more designated collection locations during said 24-hour period shall constitute a separate and distinct offense punishable as provided in this Code.

V-200-7.61 Right of Individual to Dispose of Recyclable Materials and/or Organic Materials

Nothing in this Chapter shall limit the right of a person to donate, sell or otherwise dispose of recyclable materials and/or organic materials, provided that any such disposal is in accordance with the provisions of this Chapter.

V-200-7.62 Civil Action by Authorized Contractor

Nothing in this Chapter shall be deemed to limit the right of an authorized contractor to bring a civil action against any person who violates Section V-200-7.60 of this Chapter, nor shall a conviction for such violation exempt any person from a civil action brought by an authorized contractor.

Section 8 - - Waste Disposal

V-200-8.10 Public Property

No person shall throw, drop, leave, dump, place, keep, accumulate or otherwise dispose of any waste upon any street, way, sidewalk, gutter, stream, or creek or the banks thereof, or any public place or public property, or sweep, gather or take any waste from any such place or property or portion thereof or throw, place, deposit, dump, drop, leave, keep or accumulate it in any other such place or property or portion thereof, either with or without intent to later remove the same, except with the written prior permission of the Health Officer. The burden of proving such consent shall be on the person doing any such thing.

V-200-8.20 No Waste on Premises, Except that Generated Thereon

Except as otherwise expressly authorized by the provisions of this Chapter, no person other than City shall place, keep, accumulate or dispose of any waste of any kind in or upon any premises, land or place in the City other than the premises wherein such waste is generated unless so authorized by resolution or ordinance of the City; and no person other than City shall establish, maintain or operate any dump or disposal grounds in the City for the keeping, accumulation or disposal of any waste of any kind unless so authorized by permit of the City; and no person shall permit any premises, land or place in the City owned, leased, rented or in the possession or under the control of such person to be used for the keeping, accumulation or disposal of any waste of any kind other than waste generated thereon, unless so authorized by permit of the City.

V-200-8.21 Burying Waste

Except as otherwise expressly authorized by the provisions of this Chapter, no solid waste, recyclable materials, or organic materials shall be buried anywhere in the City.

V-200-8.22 Burning Waste

Burning of solid waste, recyclable materials, or organic materials is prohibited.

V-200-8.23 Fertilization of Land

Stable matter and processed organic materials or compost may be used to fertilize lands subject to such regulations as the Health Officer may impose to protect the public health and safety.

Section 9 - Commercial Edible Food Recovery

V-200-9.10 Commercial Edible Food Generators

(a) Tier One Commercial Edible Food Generators must comply with the requirements of this section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024.

(b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this section, commencing January 1, 2024.

(c) Commercial Edible Food Generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

(2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(4) Allow the Department or Designee to access the premises, conduct Inspections, and review electronic and hard copy records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(aa) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR § 18991.3(b).

(ab) A copy of all contracts or written agreements established under 14 CCR § 18991.3(b).

(ac) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

a. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

b. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

c. The established frequency that food will be collected or self-hauled.

d. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(d) Tier One Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:

(1) On or before August 1, 2022, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022.

(2) On or before May 1, 2023, and on or before May 1st each year thereafter, Tier One Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.

(e) Tier Two Commercial Edible Food Generators shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:

(1) On or before May 1, 2025, and on or before May 1st each year thereafter, Tier Two Commercial Edible Food Generators shall submit a Food Recovery Report for the period covering the entire previous calendar year.

(f) Food Recovery Reports submitted by Tier One and Tier Two Commercial Edible Food Generators shall include the following information:

(1) The name and address of the Commercial Edible Food Generator;

(2) The name of the person responsible for the Commercial Edible Food Generator's edible food recovery program;

(3) A list of all contracted Food Recovery Services or Food Recovery Organizations that collect Edible Food from the Commercial Edible Food Generator;

(4) The total number of pounds of Edible Food, per year, donated through a contracted Food Recovery Organization or Food Recovery Service.

(g) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557, Chapter 557, Statutes of 2017.

V-200-9.11 Food Recovery Organizations and Services

(a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR § 18991.5(a)(1):

(1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

(2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

(3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

(4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food for Food Recovery.

(b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR § 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR §18991.5(a)(2):

(1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

(2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

(3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

(c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR § 18991.3(b) shall submit Food Recovery Reports, as defined below, to the Department or Designee according to the following schedule:

(1) On or before August 1, 2022, Food Recovery Organizations and Food Recovery Services shall submit a Food Recovery Report for the period of January 1, 2022 through June 30, 2022.

(2) On or before May 1, 2023, and on or before May 1st each year thereafter, Food Recovery Or-ganizations and Food Recovery Services shall submit a Food Recovery Report for the period covering the entire previous calendar year.

(d) Food Recovery reports submitted by Food Recovery Services or Organizations shall include the following information:

(1) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators with whom the reporting entity has a contract or written agree-ment pursuant to 14 CCR Section 18991.3(b).

(2) Total pounds of Edible Food recovered in the previous calendar year from Tier One and Tier Two Edible Food Generators within Santa Clara County with whom the reporting entity has a contract or written agreement pursuant to 14 CCR Section 18991.3(b).

(e) In order to support Edible Food Recovery capacity planning assessments or other studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

Section 10 - Haulers and Facility Operators

V-200-10.10 Requirements for Haulers

(a) Haulers shall meet the following requirements and standards as a condition of approval of a permit or other authorization with the City to collect Organic Waste:

(1) Through written notice to the City annually on or before June 1, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Waste, and Source Separated Food Waste.

(2) Transport Source Separated Recyclable Materials, Source Separated Green Waste, and Food Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(3) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting construction and demolition debris.

(b) Haulers authorized to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its permit or other agreement entered into with the City.

V-200-10.11 Requirements for Facility Operators and Community Composting Operations

(a) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

(b) Community Composting operators, upon the City's request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

Section 11 - Self-Hauler Requirements

V-200-11.10 Self-Haulers.

(a) Self-Haulers shall source separate all recyclable materials and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR §§ 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers

Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

(c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

(1) Delivery receipts and weight tickets from the entity accepting the waste.

(2) The amount of material in cubic yards or tons transported by the generator to each entity.

(3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

(d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section V-200-11.10(c) to the City if requested.

(e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record information in Section V-200-11.10(c) or report information in Section V-200-11.10(d).

Section 12 - Inspections and Investigations

V-200-12.10 Inspections and Investigations by Department or Designee

(a) The Department and/or Designee are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators to confirm compliance with this Chapter by Organic Waste Generators, Commercial Businesses, property owners, Haulers and Self-Haulers, Tier One and Tier Two Commercial Edible Food Generators, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the Department or Designee to enter the interior of a private residential property for Inspection.

(b) Regulated entities shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the Department's or Designee's employees during such Inspections and investigations. Such Inspections and investigations may include in-person or electronic review of Edible Food Recovery activities, records, or any other requirement of this Chapter described herein. Failure to provide or arrange for access to an entity's premises or access to records for any Inspection or investigation is a violation of this Chapter and may result in penalties described.

(c) Any records obtained by the Department or Designee during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

(d) Representatives of the Department and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this Chapter, subject to applicable laws.

(e) Department and/or Designee shall receive written complaints, including anonymous complaints, regarding entities that may be in violation of this Chapter. Complaints shall include the name and contact information of the complainant, if the complainant is not anonymous; the identity of the alleged violator, if known; a description of the alleged violation including location(s) and all other relevant facts known to the complainant; any relevant photographic or documentary evidence to support the allegations in the complaint; and the identity of any witnesses, if known.

Section 13 - Enforcement and Penalties

V-200-13.10 Remedies Not Exclusive

This Section provides for issuance of a notice and/or an administrative hearing process which is in addition to any and all legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Chapter.

V-200-13.20 Enforcement Process

(a) Declaration of Public Nuisance: Any private property, or use of private and/or public property found to be maintained in violation of the foregoing sections is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law including, but not limited to. Civil Code Section 3480. Any other City ordinance that provides that a violation of the ordinance may be declared a nuisance or a public nuisance may be abated pursuant to the procedures set forth herein, and be subject to those provisions allowing for cost recovery, at the discretion of the City Manager or his or her designee.

(b) Notice of Abatement: Any violation of this Chapter may be abated through the abatement process identified in Section V-500-3.01.

(c) Administrative Fine: Violation of any provision of this Chapter shall constitute grounds for issuance of a Notice of Violation and assessment of an administrative fine by the Department or its Designee. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Department or its Designee shall commence an action to impose penalties, via an administrative citation and fine under Chapter 21 of Title I.

(d) Violation of any provision of this chapter that is a violation of the SB 1383 Regulations shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by

a Enforcement Officer. Enforcement Actions under this chapter are issuance of an administrative citation and assessment of a fine. The procedures in Chapter 21 of Title I shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this Chapter, except as otherwise indicated in this Chapter.

(e) Notice of Violation. Before assessing an administrative fine, the Department and/or Designee shall issue a Notice of Violation requiring compliance within sixty days of issuance of the Notice. The Notice shall include: (1) the name(s) of each person or entity to whom it is directed, (2) a factual description of the violations, including the regulatory section(s) being violated, (3) a compliance date by which the respondent is to take specified action(s), and (4) the penalty for not complying before the specified deadline. For repeat and/or willful violations, the Department or its Designee may require compliance within fewer than sixty days or may immediately issue an administrative citation and fine

(f) Extensions to Compliance Deadlines. The Department or its Designee may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

(1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(2) Delays in obtaining discretionary permits or other government agency approvals;

(3) Deficiencies in Edible Food Recovery capacity and the existence of a corrective action plan imposed by CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies; or,

(4) Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines

Any other circumstance in which the Department Director, in their sole discretion, finds good cause to extend the compliance deadlines.

(g) Administrative Citations. If the respondent fails to correct the violation by the compliance date or as otherwise provided in subsection (b), the Department or its Designee shall issue an administrative citation and fine.

V-200-13.21 Penalty Amounts

The penalty levels for violations of Section V-200-14.20(d) are those set forth in Section I-21-1.04.

V-200-13.22 Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation pursuant to Section V-200-13.20(d) may request a hearing to appeal the citation pursuant to Chapter 21 of Title I.

If the administrative citation is relating to edible food recovery, the Department or its Designee will designate a hearing officer who shall conduct the hearing and issue a final written order. The hearing officer may be a County official or another public agency. The hearing officer shall be identified in the administrative citation.

V-200-13.23 Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance with the SB 1383 Regulations, and if the City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this chapter and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

V-200-13.60 Violation an Infraction

It shall be unlawful to violate any provision of this Chapter. Violation thereof shall constitute an infraction pursuant to the provisions of Section Title I, Chapter 1 of the Milpitas Municipal Code and shall be punishable as therein provided.

V-200-13.70 Nuisance Summary Abatement

Any nuisance maintained in violation of the provisions of this Chapter may be summarily abated by City. The expense of such abatement may be made a special assessment lien against the land upon which said nuisance is committed or maintained in accordance with the provisions of the Milpitas Municipal Code or applicable abatement procedures established by the laws of the State of California, and shall also constitute a personal obligation of the persons causing the nuisance or allowing the same to exist.

For the purposes hereof, the City Manager is hereby designated as the public officer to perform the duties of Superintendent imposed by Title 4, Division 3, Part 2, Chapter 13, Article 3 of the Government Code of the State of California.

Section 14 - Disaster Operations

V-200-14.10 Company Availability of Personnel and Equipment

In event of wartime, natural, physical or other disaster in or proximate to the City limits resulting in the declaration of a state of emergency by the City Manager or City Council, the authorized contractor shall make available to the City, at no additional cost to the City, all trucks, equipment and personnel normally performing services under the contract with City, for emergency operations conducted or directed by City emergency organization.

V-200-14.11 Temporary Possession and Employment

City shall have the right to take possession of all such equipment provided by the authorized contractor, and to temporarily employ all authorized contractor personnel so provided as emergency operations forces of CITY, under the direction and control of City's Director of Emergency Services.

V-200-14.12 Use of Additional Equipment

In addition to the equipment and personnel above, the authorized contractor shall make available such equipment and personnel as is reasonably practicable from those authorized contractor operations and resources not serving City; to the extent necessary to conduct effective solid waste, recyclable materials, organic materials, and C&D removal during any declared state of emergency to the specifications of the City's Director of Emergency Services.

Section 15 - Interruption of Service by Labor Dispute

V-200-15.10 Temporary Possession by City

In the event the solid waste, recyclable materials, organic materials, and/or C&D collection or disposal services of an authorized contractor are interrupted by a labor dispute and scheduled collection or disposal services are discontinued for more than 72 hours, City shall have the right to forthwith take temporary possession of all facilities and equipment of the authorized contractor for the purpose of continuing the service which the authorized contractor has agreed to provide to preserve and protect the public health and safety. City shall have the right to retain possession of said facilities and equipment and to render the required service until the authorized contractor can demonstrate to the satisfaction of the City that required services can be resumed by the authorized contractor; provided, however, that such temporary assumption of the authorized contractor's obligations under the contract with City shall not be continued by City for more than 120 days from the date such operations were undertaken. Should the authorized contractor fail to demonstrate to the satisfaction of the City that required services can be resumed by the authorized contractor prior to the expiration of the aforementioned 120 days, and unless otherwise provided in the contract, the contract may be terminated at the option of City and the rights and privileges granted in such contract canceled.

V-200-15.11 Revenue to City

During any period in which City has temporarily assumed the obligations of an authorized contractor under a franchise agreement, City shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses applicable or allocable to said period. The excess, if any, of revenue over applicable or allocable costs and expenses during such period shall be deposited in the treasury of City to the credit of the General Fund. The loss, if any, during such period shall be borne by City. Final adjustment and allocation of gross revenue, costs and expenses to the period during which City temporarily assumed the obligations of an authorized contractor shall be determined by an audit by a certified public accountant and prepared in report form with his or her opinion annexed thereto. The cost of the audit shall be paid by the authorized contractor.

V-200-15.12 Temporary Employment by City

Employees of an authorized contractor may be employed by City during any period in which CITY temporarily assumes the obligations of the authorized contractor under the contract. Provided, however, that the rate of compensation to be paid such employees, or any other employees, shall be the rate or rates in effect at the time the authorized contractor's service was interrupted by the labor dispute.

SECTION 2. 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 3. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect on January 1, 2022. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with 36933 of the Government Code of the State of California.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to for Housing Opportunity Zone Consulting Services.
Category:	Consent Calendar-Community Development
Meeting Date:	12/7/2021
Staff Contact:	**Ned Thomas, Planning Director, 408-586-3273** **Jay Lee, Principal Planner, 408-586-3077**
Recommendation:	1. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to provide for Housing Opportunity Zone Consulting Services for the not-to-exceed amount of $308,393; and 2. Authorize the City Manager to Execute amendments to the Professional Services Agreement with Raimi+ Associates Inc. for a not-to-exceed amount of $50,000.00 without additional action by the City Council.

Background:

Since 1969, California law has required all cities and counties to plan to meet housing goals for residents at all income levels. Every eight years, the California Department of Housing and Community Development (HCD) and the Association of Bay Area Governments (ABAG) allocate the Regional Housing Needs Allocation (RHNA) to each City and County in the Bay Area. The City is then required to perform a comprehensive update to the Housing Element which is a chapter in the General Plan. The Housing Element must commit the City to implement specific programs and policies that help realize the City's RHNA goals and respond to related needs.

In the 2019-20 Budget Act, Governor Newsom signed into law a $250 million allocation for California regional and local jurisdictions to prioritize planning activities to accelerate state-wide housing production as part of a broader mandate to address the State's affordable housing shortage and to end homelessness. This allocation includes $119 million for the Local Early Action Planning Grant (LEAP) for cities and counties. LEAP provides one-time grant funding for cities and counties to update planning documents and implement process and policy improvements to accelerate housing production. LEAP is a non-competitive grant program and a State strategy to help local governments meet their legal obligation to plan for housing for all residents, including low-income residents, as per the City's RHNA obligations.

A wide range of activities are eligible for LEAP funding that include, but are not limited to:

- Updates to general plans, community plans, and specific plans related to the implementation of sustainable communities' strategies, or local coastal plans;
- Updates to zoning ordinances;
- Environmental analyses that eliminate the need for project-specific review;
- Zoning incentives for by-right supportive housing and for housing those with special needs; and
- Establishment of "prohousing" policies that encourage construction of housing such as reducing parking requirements for sites zoned for residential development.

On June 29, 2020, the City applied to HCD for grant funding through the LEAP Program to create Housing Opportunity Zones in areas of the City prioritized for housing by the City's General Plan. The Housing Opportunity Zones will establish various incentives through an overlay zoning district to facilitate and streamline affordable housing production in the City's two Specific Plan areas, four Neighborhood Commercial

Mixed Use (NCMU) areas, and Town Center. Incentives include a supplemental density bonus beyond the State Density Bonus, relaxed development standards, streamlined by-right permitting and environmental review, and financial incentives. On September 2, HCD informed staff that the City of Milpitas has been awarded $300,000 in grant funds through the LEAP Program to establish Housing Opportunity Zones.

This contract will pay for a planning consultant to prepare the City's Housing Opportunity Zone in close coordination with related efforts underway including the Metro and Gateway Specific Plans, the Housing Element Update, and a separate Assessment of Fair Housing. Per the grant agreement, the Housing Opportunity Zone must be completed by June 30, 2024.

Analysis:

On January 7, 2021 the Association of Bay Area Governments (ABAG) in association with the Metropolitan Transportation Authority (MTA) released Request for Qualifications (RFQu) for Regional Planning Bench – Cycle 1 seeking interested firms to submit their qualifications to be considered for a planning bench to be made available to all Bay Area agencies. The RFQu sought firms representing eleven service categories seeking a wide range of housing and transportation planning expertise and capacity. The planning activities for which consultants were selected aimed to help forward the goals of state and federally funded regional programs. The eleven service categories were:

1. Comprehensive Planning
2. Engagement and Outreach
3. Housing Policy and Planning
4. Process Improvements
5. Transportation Policy and Implementation
6. Transportation Program Development and Administration
7. Economic & Real Estate Analysis
8. Environment and Resilience
9. Legal Counsel
10. Temporary Staffing for Local Governments
11. Grant Writing

Upon release, 6,440 individuals, firms, and academic institutions were notified. A pre-proposal Zoom call was held on January 14, 2021 which was attended by 125 individuals.

ABAG/MTC reported that 264 individuals or firms downloaded the RFQu and related documents. On February 4, 2021, ABAG/MTC received 94 Statements of Qualifications (SOQs) in response to the RFQu, many of which applied to more than one service category, as shown in the table below:

Service Category	No. of Applicants
1. Comprehensive Planning	39
2. Engagement & Outreach	47
3. Housing Policy & Planning	37
4. Process Improvements	19
5. Transportation Policy & Implementation	33
6. Transportation Program Development & Administration	23
7. Economic & Real Estate Analysis	29
8. Environment & Resilience	32
9. Legal Counsel	2
10. Temporary Staffing for Local Governments	10
11. Grant Writing	21
TOTAL	**94**

Separate evaluation panels comprised of MTC staff from multiple sections reviewed applicants for each of the eleven service categories based upon the following evaluation criteria:

Evaluation Criteria	Weighted %
Proposers total number of years of experience (2 minimum) in Service Category	20%
Proposers total number of projects (2 minimum) in ServiceCategory	20%
Hourly rates	10%
Bay Area experience in Service Category	10%
Quality and relevance of all projects listed in ServiceCategory	40%
Possible Total	**100%**

The RFqu response from Raimi and Associates was reviewed by three MTA evaluators, scoring an 89.33 out of 100 possible points. As a result, Raimi and Associates Inc. were one of the firms accepted to the Consulting Bench for Service Group 3: Housing Policy and Planning. It is for these services the City is seeking the award of a professional services agreement for Housing Opportunity Zone services.

The RFQu also contained a Cooperative Use Clause that allows all 109 Bay Area jurisdictions to directly contract consultants from this bench if their local procurement rules allow. City of Milpitas was one such jurisdiction as section I-2-3.05 - Public Agency Purchases of the Milpitas Municipal Codes allows for this under subsection (d):

> (d) The Purchasing Agent may purchase supplies and services without complying with the quotation or bidding requirements of this Chapter, if such purchases are based on an agreement or entered into by any public agency or cooperative purchasing program utilizing public agency procurements as the basis for contracts offered, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that:
>
> i. The underlying purchase was made using competitive negotiation or procurement procedures, and may include a nationally bid cooperative contract; and
>
> ii. The public agency is a "public agency" as defined in Government Code section 6500.

The RFQu released by ABAG/MTC fulfilled both requirements of this section of the code.

Policy Alternatives:
Alternative 1: Do Not approve the Professional services agreement with Raimi and Associates Inc.

Pros: None.

Cons: City staff would have to spend more time and resources procuring another consultant since the City does not possess the expertise or resources to complete the work without the help of a consultant. The funding is noncompetitive and must be expended by June 30, 2024, so the City risks forgoing $300,000 in grant funds. Furthermore, the City would continue to struggle to meet its RHNA obligation for affordable housing without incentives for developers to construct more affordable housing units.

Reason not recommended: Raimi and Associates is a highly qualified planning, urban design and research firm currently working on three other housing-related projects on behalf of the City. In addition to a RFQu vetting process at least as stringent as the City's own procurement procedures, a number of natural synergies will also be realized by entering into an agreement with Raimi and Associates.

Fiscal Impact:
The cost to provide consulting services for the Housing Opportunity Zones will be covered by a combination of $300,000 in grant funds received from HCD through the LEAP Program and $8,393 from the Contractual Services budget in the FY2021-22 Planning Department Operating Budget. On June 16, 2020, the City Cou

approved a budget amendment to appropriate the grant amount of $300,000 to the FY2020-21 Planning Department Operating Budget, with the total unexpended appropriation carried forward into the FY2021-22 Budget.

California Environmental Quality Act:
Approval and authorization to execute a Professional Services Agreement is not a project under the California Environmental Quality Act (CEQA). The additional development allowed through the Housing Opportunity Zones will be consistent with the Housing Element sites inventory. Therefore, the required environmental review for the Housing Opportunity Zones will be completed as part of the environmental review for the Housing Element Update.

Recommendation:
1. Approve and Authorize the City Manager to Execute the Professional Services Agreement with Raimi+ Associates Inc. to Consultant Services for 2023-2031 Housing Element Update for the not-to-exceed amount of $308,393; and
2. Authorize the City Manager to Execute amendments to the Professional Services Agreement with Raimi+ Associates Inc. for a not-to-exceed amount of $50,000.00 without additional action by the City Council.

Attachments:
1. Professional Services Agreement with Raimi + Associates Inc.
2. LEAP Program Grant Application
3. LEAP Program Grant Award Letter

CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into as of _____("Effective Date") by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 ("City"), and **RAIMI & ASSOCIATES**, a corporation, with its principal place of business at **1900 Addison Street, Suite 200, Berkeley, CA 94704** (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

HOUSING OPPORTUNITY ZONE CONSULTING SERVICES
(hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit A.

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit B.

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Three Hundred Eight Thousand Three Hundred Ninety-Three Dollars and Zero Cents $(308,393.00)**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within thirty (30) days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by

both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement term and for four (4) years from the date of final payment under the Agreement for inspection by City.

5. Term.

The term of this Agreement shall be from **DATE FIRST WRITTEN ABOVE** to **DECEMBER 31, 2023**, unless earlier terminated as provided herein. The City reserves the right to review the Consultant's performance at the end of each year and cancel all or part of the Agreement.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any negligent acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers. Notwithstanding anything to the contrary, the Consultant shall not be obligated to indemnify the City for City's sole negligence or willful misconduct.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined

by the Prevailing Wage Laws, and if the total compensation is One Thousand Dollars and Zero Cents ($1,000.00) or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. City Material Requirements.

[RESERVED]

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

c. The Consultant understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas City Council. The Agreement may terminate without penalty, liability or expense of any kind to the City at the end of Agreement term. The City has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Consultant's assumption of risk of possible non-appropriation is a part of the consideration for the Agreement. This section controls against any and all other provisions of the Agreement.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign **Chris Sensenig** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:	CONSULTANT:
City of Milpitas	Raimi & Associates
455 E. Calaveras Boulevard	1900 Addison Street, Suite 200

Milpitas, California 95035
Attn: Planning Director

Berkeley, CA 94704
Attn: Chris Sensenig, Project Manager

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

31. Wage Theft Prevention

a. Consultant, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Consultant or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

f. Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND RAIMI & ASSOCIATES

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS
Approved By:

_____
Steven G. McHarris, City Manager

_____
Date

Approved As To Form:

_____
Christopher J. Diaz, City Attorney

Approved:

_____
Lauren Lai, CPA, MPA
Finance Director/Risk Manager

Approved As To Content:

_____
Ned Thomas, Planning Director

RAIMI & ASSOCIATES

_____
Signature

_____
Name

_____
Title

_____
Date

_____
DIR Registration Number (If Applicable)

EXHIBIT A

Scope of Services

The following scope of work will provide effective project management and timely preparation of the 'Housing Opportunity Zone' (HOZ) Overlay District for seven development Opportunity Areas. The scope will provide objective standards and incentives to support development of by-right, affordable, and supportive housing projects. The scope also includes the preparation of project-level CEQA documents to facilitate by-right housing production in these areas. The scope of work will be accomplished with a team approach led by the Principal Planner that includes the Principal Environmental Planner for preparation of CEQA documents.

[Consultant's Scope of Services Begins on Following Page]

September 30, 2021

City of Milpitas Housing Opportunity Zone Scope of Services

The following is the scope of services for the Raimi + Associates (R+A) team for the City of Milpitas Housing Opportunity Zone (HOZ). The consultant team includes the following firms in addition to R+A: Rincon Consultants, Inc. (Rincon). The scope of services defines the specific tasks and roles and responsibilities of each firm relative to the overall project. The budget for the scope of work is included in Exhibit B and draft schedule is included in Exhibit C. The level of effort for each task and by each consultant team member is included in the budget. Environmental Analysis is not included in the scope of work. Should the rezoning require environmental analysis above that which is included in the Housing Element scope of work it will be in addition to this contract. R+A assumes economic analysis will be done by the City's economic consultant outside of the scope and budget of this project.

Task 1. Project Management and Coordination

Task 1.1: Project Kick-Off Meeting

The R+A team will hold a half-day kick-off meeting to initiate a joint Housing Element and Housing Overlay Zone process.

Task 1.2: Project Meetings and Coordination

The R+A team will hold regular phone calls to coordinate with the City about the project. This task also covers "informal" communication via email and phone up to the maximum budget. This will include monthly status reports on the project.

Task 1.3: Project Workplan

R+A will develop a project work plan broken out by major scope task that specifies lead and supporting team members, key work elements, major deliverables, due dates, required City actions, and task status. The Work Plan will be a living document, updated quarterly throughout the Housing Element and Housing Overlay Zone process.

Task 1 Deliverables:

- Agendas and meeting notes for kick-off and regular project management meetings
- Project workplan

Task 2: Background Research and Analysis

Task 2.1: Housing Opportunity Zone Best Practice

R+A will review best practices for a residential overlay district to promote housing development, including affordable housing units and housing for special needs populations. Research will include, but not be limited to consideration of incentives such as: streamlined permitting processes; increased density bonuses; increased

height limits; setback reductions; reduced parking requirements; allowances for clustering development on one portion of contiguous parcels; open space reductions; and fee waivers. The analysis will also include best practices in project eligibility requirements, including, but not limited to: affordability levels of onsite units; affordable housing mix; onsite amenities such as childcare; provision of supportive housing; and adherence to objective design standards.

Task 2.2: Planning Documents and Process Assessment

R+A will prepare an assessment of the policy landscape, development standards, and development review process in Milpitas related to overlay zone best practices. This assessment will include the following:

- Review existing planning documents, including the General Plan, existing Specific Plans, Inclusionary Ordinance, State Density Bonus Ordinance, and/or relevant policy documents.
- Analyze development standards and requirements for the parcels located within the seven HOZ areas.
- Study the existing development review process, including summarizing impact fees and/or other potential constraints to housing.

From this analysis, an initial set of recommendations will be developed.

Task 2.3: HOZ Existing Conditions Analysis

R+A will prepare an HOZ analysis to better understand the current conditions in each area and then estimate a realistic development capacity based on the existing planning framework. Based on direction from City staff, R+A will prepare an initial HOZ map. Within each HOZ area, R+A will prepare a land use and urban design assessment, including existing land use pattern, parcel size, pipeline projects, edge conditions, adjacency to multimodal mobility options, site constraints, and opportunity sites. Based on the opportunities and constraints analysis, R+A will conduct a realistic capacity study in the HOZ areas using prototypical development types based on the existing General Plan / Zoning types. The capacity study will include 3D massing models and statistics.

R+A will consult with Staff on identifying (2) prototypical sites in both the NCMU and TC zones (California Circle, Park Victoria, and two in TC). R+A will conduct a capacity study and analysis on the (4) sites selected using the existing zoning/general plan designations. R+A will work with the City's Economic Consultant to provide a high-level economic feasibility analysis of the capacity study. The capacity study will include 3D massing model, statistics, and urban design analysis. One round of revisions based on feedback from Staff is included.

Deliverables:

- Admin and Final Housing Opportunity Zone Best Practice Memo in Word and PDF formats
- Assessment of Planning Documents and Process Memo in PPT
- HOZ Existing Conditions Analysis in PPT, with policy and development standard recommendations
- (4) Prototypical Site Capacity Studies

Task 3: NCMU and TC Design Studies

Based on the Background Research and Analysis, R+A will prepare a series of design studies / alternatives for the Neighborhood Commercial Mixed Use (NCMU) and Town Center (TC) zones to encourage housing production,

while balancing other community goals. Along with the background research, the design studies will be used to develop a preferred direction for each area during a series of community and decision-maker meetings.

If desired, R+A will work with City staff and the City's economic consultant to analyze the economic feasibility of the existing General Plan / Zoning types and design studies based on a prototypical site.

Task 3.1: Neighborhood Commercial Mixed Use (NCMU) Design Studies

The NCMU Design Study will evaluate up to five (5) study areas (e.g., California Circle, Dixon Road, Park Victoria, and Landess Avenue) to test the impact of different development standards on housing production and urban design. Defined with City staff, the study alternatives will evaluate up to two (2) zoning options for land use mix, density/height, and other standards. Each study will include massing, transitions, and overall build-out capacity. The study will include a 3D model of each study area to create diagrams, renderings, sections, and other graphics to visualize the three alternatives. R+A will make up to one (1) revision to the 3D model based on feedback from staff.

R+A will conduct a capacity study for two prototypical sites identified in Task 2. R+A will work with the City's Economic Consultant to provide a high-level economic feasibility analysis of the capacity study. The capacity study will include 3D massing model, statistics, and urban design analysis. One round of revisions based on feedback from Staff is included.

Following feedback from the community, City staff, Planning Commission, and City Council on the design studies, a preferred alternative will be selected / developed to inform development of the HOZ and Development Standards.

Task 3.2: Town Center (TC) Design Studies

The TC Design Study will evaluate all properties in the Town Center area to test the impact of different development standards on housing production and urban design. Defined with City staff, the study alternatives will evaluate up to two (2) zoning options for land use mix, density/height, and other standards. Each study will include massing, transitions, and overall build-out capacity. The study will include a 3D model of each study area to create diagrams, renderings, sections, and other graphics to visualize the three alternatives. R+A will make up to one (1) round of revisions to the 3D model based on feedback from staff.

R+A will conduct a capacity study for two prototypical sites identified in Task 2. R+A will work with the City's Economic Consultant to provide a high-level economic feasibility analysis of the capacity study. The capacity study will include 3D massing model, statistics, and urban design analysis. R+A will make up to (1) revision of the analysis based on feedback from Staff.

The TC Design Study will be summarized in a presentation format. Up to two (2) artistic renderings are included.

Following feedback from the community, City staff, Planning Commission, and City Council on the design studies, a preferred alternative will be selected / developed to inform development of the HOZ and Development Standards.

Deliverables:

- Neighborhood Commercial Mixed Use Design Study in PPT format
- Town Center Design Study in PPT format
- (2) Alternative Capacity Studies on (4) Prototypical Sites

Task 4: Housing Opportunity Zone and Development Standards

Task 4.1: Administrative Draft HOZ

Following feedback from the community, City staff, Planning Commission, and City Council on the design studies, R+A will draft zoning and design standards for each zone based on the preferred direction. Design standards may be specific to place for topics, including density, height, bulk/massing, transitions standards, required ground floor commercial uses, or other location specific standards. City staff will review the Admin Draft HOZ and provide a single set of comments.

Task 4.2: Public Draft HOZ

Based on feedback from City staff on the Administrative Draft, the R+A team will prepare a Public Review Draft for public review and comment at public community meetings.

Task 4.3: Final Draft HOZ

R+A will refine the Public Draft based on feedback from the community, Planning Commission, City Council Housing Subcommittee and/or City Council for public hearings by the Planning Commission (for recommendation) and Council (for adoption). The scope assumes only minor, editorial changes will be needed to finalize the document. Our team will prepare and transfer all relevant materials to the City.

Deliverables:

- Admin Draft, Public Draft, and Final Draft HOZ and development standards in Word and PDF formats

Task 5: Community Engagement

R+A will work with City Staff to perform three avenues of public outreach efforts including separate engagement strategies for the NCMU, TC, and Specific Plan Areas. R+A proposed focusing on local outreach efforts around each of the NCMU and TC planning areas to receive specific feedback from the immediate community in addition to city wide outreach efforts.

5.1 Community Engagement Plan + Engagement Support

The R+A team will co-design an outreach strategy with the City to meaningfully engage a diverse and broad range of stakeholders. The Community Engagement Strategy will clearly identify the range of outreach tools and

platforms and the timing and responsibilities related to each. City staff will identify a stakeholder list for each area including the Specific Plan areas.

As part of this task, R+A will work with City staff to share regular updates via text or email with stakeholders involved in the process.

Task 5.2: Stakeholder Meetings

The R+A team will conduct up to ten (10) one-hour stakeholder meetings or interviews. R+A will prepare a brief memorandum summarizing the results of the stakeholder interviews. Below is an initial list of stakeholder meetings and their potential timeframe. Property owner meetings will be broken down into the following small group meetings: 1-California Circle; 2-Other NCMU; 3-TC, 4-Specific Plans. Neighborhood group meetings will be per plan areas in the NCMU and TC zones.

NCMU + TC Plan Areas

- Property Owner Meetings (3 meetings during Task 2; 3 meetings during Task 3)
- Community Development Roundtable (1 meeting during Task 3)

Specific Plan Areas

- Property Owner Meetings (2 meetings during Task 2)
- Main Street/Gateway Specific Plan Team (1 meeting during Task 2)

Task 5.3: Community Meetings

At key points during the process, the R+A team will organize up to three (3) community meetings (virtual or in person). These are expected to be evening or weekend meetings that last approximately two hours. Each meeting will include an opening presentation followed by interactive exercises.

- Design Study Meetings for NCMU and TC areas (2)
- Draft HOZ and Development Standards (1)

Our team will develop the workshop format, prepare the agenda, prepare relevant materials, facilitate the workshop (lead facilitator and 1-2 assistants), and provide summary notes documenting input and identifying common discussion themes. Our team will provide an outreach flyer for each meeting that can be distributed via email and through existing City channels.

Task 5.4: Online Surveys

R+A will prepare up to three (3) online surveys using SurveyMonkey or other online survey platform to obtain feedback on the HOZ. The surveys will be available through a link on the Housing Element project website. R+A will provide a technical memo with the topline survey results; a detailed survey report is not included.

Task 5.5: Planning Commission and City Council Study Sessions

R+A will prepare for and attend up to four (4) study sessions for the Planning Commission, City Council Housing Subcommittee, and/or City Council. Study Sessions will be held during Task 3 to receive feedback on the design

studies and provide direction for the preparation of the HOZ and development standards and select a preferred alternative. The R+A team will prepare a brief PowerPoint presentation. Staff will prepare the staff report, which will be reviewed by the R+A team. (2 CC, 1 PC, 1 Subcommittee)

Task 5.6: Planning Commission and City Council Hearings

The R+A team will attend up to two (2) total hearings with the Planning Commission and City Council to recommend adopting the HOZ and development standards. The R+A team will prepare a brief PowerPoint presentation. Staff will prepare the staff report, which will be reviewed by the R+A team.

Deliverables:

- Draft and Final Community Engagement Strategy
- Coordination with the City's project manager and Public Information Officer for the creation of collateral and social media posts.
- Stakeholder interview summary
- Workshop meeting materials and summary
- Brief presentation materials for study sessions and public hearings

Scope of Work Assumptions

The following is a list of assumptions for the Housing Overlay Zone.

- The level of effort for each task is limited to the general number of hours for each task listed in the budget spreadsheet. R+A team members may reallocate hours between tasks if individual tasks are completed in less time than anticipated.
- All data and information provided by the City will be assumed to be correct and up to date. The consultant team is not responsible for out-of-date or inaccurate information.
- All studies that the team will prepare are identified in the scope of work. Any studies, tasks, deliverables or reports not specifically identified are assumed to be not included.
- City review time for workshop materials and meeting materials will be approximately one week. City review of major products will be between two and four weeks, depending on the product and other responsible of City staff.
- All comments on major project deliverables will be provided as a single set of non-conflicting and actionable comments.
- City staff will serve as partners to the consultant team in the update process and will be responsible for, at minimum, the following activities:
    - Writing staff reports
    - Logistics of all meetings
    - Costs of meeting facilities and supplemental costs of meetings and workshops, including but not limited to, food, childcare, and high-cost supplies
    - Printing copies of documents (the team will provide electronic versions and City staff will be responsible for printing)

- Assisting with outreach to inform the community about HOZ events. This includes public notices, notices in newspapers, distributing meeting notices in public buildings, mailings, etc.
- Other tasks as identified during the process.

EXHIBIT B

Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials Agreement.

[Continued on Following Page]

Exhibit B - Schedule of Charges/Payments

HOZ BUDGET

Hours per Task	Raimi + Associates					Labor Cost Per Task
	Principal (Malhotra)	Senior Associate (Sensenig)	Senior Planner (Tandon/ Williams)	Intermediate Planner (Pi, Hernandez)	Graphics (Ledezma)	
Task 1. Project Management and Coordination						
1.1 Project Kick-Off Meeting	2	8	8	8		$4,560
1.2 Project Management	8	60	40			$20,220
1.3 Project Workplan	4	8	8			$3,840
Subtotal Task 1	14	76	56	8	-	$28,620
Task 2. Research and Analysis						
2.1 Housing Opportunity Zone Best Practice	4	4	16	24		$7,980
2.2 Planning Documents and Process Assessment	6	14	24	40		$14,130
2.3 HOZ Existing Conditions Analysis	4	24	80	30		$23,340
Subtotal Task 2	14	42	120	94	-	$45,450
Task 3: NCMU and TC Design Studies						
3.1 Neighborhood Commercial Mixed Use (NCMU) Design Studies	8	50	140	60		$43,770
3.2 Town Center (TC) Design Studies	8	50	140	60		$43,770
Subtotal Task 3	16	100	280	120	-	$87,540
Task 4: Housing Opportunity Zone and Development Standards						
4.1 Administrative Draft HOZ	8	24	40	80	40	$28,800
4.2 Public Draft HOZ	8	16	16	40	20	$15,480
4.3 Final Draft HOZ	2	8	8	20	10	$7,260
Subtotal Task 4	18	48	64	140	70	$51,540
Task 5: Community Engagement						
5.1 Community Engagement Plan + Engagement Support	4	12	16		10	$6,840
5.2 Stakeholder Meetings (10)	2	16	26			$7,890
5.3 Community Meetings (3)	8	40	60	40	30	$28,320
5.4 Online Surveys	4	18	62		12	$15,780
5.5 Planning Commission and City Council Study Sessions (4)	8	30	30			$12,720
5.6 Planning Commission and City Council Hearings (2)	8	18	18			$8,400
Subtotal Task 5	34	134	212	40	52	$79,950
CEQA PART OF HOUSING ELEMENT SCOPE						
						$0
						$0
						$0
						$0
Subtotal Task 6	-	-	-	-	-	$0
Total Hours	96	400	732	402	122	
Billing Rate	$240	$195	$165	$150	$90	
Labor Cost	$23,040	$78,000	$120,780	$60,300	$10,980	
Total Firm Labor Cost					***$293,100***	
EXPENSES						
Mileage and Travel Expenses, Website, Workshop					1,500	
Project/Sub Management (7%)					$ -	
Translation and Intrepretation						
Artistic Renderings (2)					$ 5,000	
Document Printing					$ -	
Community-Based Organization Stipends						
Specific Expenses					$ -	
Office Expenses (Phone, Fax, Copies, etc.)					$ 8,793	
Total Expenses					***$ 15,293***	
GRAND TOTAL					***$308,393***	

EXHIBIT C

Activity Schedule

Project shall proceed on the attached project workflow. Dates and events may be adjusted upon mutual agreement between City and Consultant as necessary for the performance of services.

[Continued on Following Page]

Exhibit C: Project Schedule

EXHIBIT "D"

INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor's or Consultant's insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

___ Coverage at least as broad as Insurance Services Office ("ISO") Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

_X_ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

___ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than $5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

_X_ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than $1,000,000.00 combined single limit for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than $5,000,000.00 combined single liit for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

_X_ Insurance appropriates to the Contractor or Consultant's profession, with limit no less than $1,000,000.00 per occurrence or claim, $2,000,000.00 aggregate.

___ (If Design/Build), with limits no less than $1,000,000.00 per occurrence or claim, and $2,000,000.00 policy aggregate.

___ Insurance appropriates to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

_X_ Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

___ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

___ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than $1,000,000.00 per occurrence or claim and $2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

___ Cyber Liability Insurance with limits not less than $1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

____ Bid Bond
____ Performance Bond
____ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

_X_ Additional Insured Status and Primary/Non-Contributory Language:

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its officers, officials, employees, and agents as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

___ Loss Payee Status – Builder's Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder's Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

_X_ Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice by certified mail, return receipt requested to the City.

_X_ Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers' Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

___ Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.

3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

4. A copy of the claims reporting requirements must be submitted to the City for review.

5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Local Early Action Planning Grant Application

State of California
Governor Gavin Newsom

Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency

Doug McCauley, Acting Director
Department of Housing and Community Development

Zachary Olmsted, Deputy Director
Department of Housing and Community Development
Housing Policy Development

2020 West El Camino, Suite 500
Sacramento, CA 95833

Website: https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml
Email: EarlyActionPlanning@hcd.ca.gov

January 27, 2020

LEAP Application Packaging Instructions

The applicant is applying to the Department of Housing and Community Development (Department) for a grant authorized underneath the Local Early Action Planning Grants (LEAP) provisions pursuant to Health and Safety Code Sections 50515 through 50515.05. LEAP provides funding to jurisdictions for the preparation and adoption of planning documents, process improvements that accelerate housing production and facilitate compliance in implementing the sixth cycle of the regional housing need assessment. If you have questions regarding this application or LEAP, email earlyactionplanning@hcd.ca.gov.

If approved for funding, the LEAP application is incorporated as part of your Standard Agreement with the Department. In order to be considered for funding, all sections of this application, including attachments and exhibits if required, must be complete and accurate.

All applicants must submit a complete, signed, original application package and digital copy on CD or USB flash drive to the Department and postmarked by the specified due date in the NOFA. Applicants will demonstrate consistency with LEAP requirements by utilizing the following forms and manner prescribed in this application.

- Pages 3 through 14 constitute the full application (save paper, print only what is needed)
- Attachment 1: Project Timeline and Budget: Including high-level tasks, sub-tasks, begin and end dates, budgeted amounts, deliverables, and adoption and implementation dates.
- Attachment 2: Nexus to Accelerating Housing Production
- Attachment 3: State and Other Planning Priorities
- Attachment 4: Required Resolution Template
- Government Agency Taxpayer ID Form (available as a download from the LEAP webpage located at https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml
- If the applicant is partnering with another local government or other entity, include a copy of the legally binding agreement; and
- Supporting documentation (e.g., letters of support, scope of work, project timelines, etc.)

Pursuant to Section XII of the LEAP 2020 Notice of Funding Availability (NOFA), the application package must be postmarked on or before July 1, 2020, and received by the Department at the following address:

Department of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave, Suite 500
Sacramento, CA 95833

A. Applicant Information and Certification

Applicant (Jurisdiction)		City of Milpitas	
Applicant's Agency Type		Local Government	
Applicant's Mailing Address		455 East Calaveras Blvd	
City		Milpitas	
State	California	Zip Code	95035
County		Santa Clara	
Website		http://www.ci.milpitas.ca.gov/	
Authorized Representative Name		Steven G. McHarris	
Authorized Representative Title		City Manager	
Phone	408-586-3059	Fax	
Email	smcharris@ci.milpitas.ca.gov		
Contact Person Name		Avery Stark	
Contact Person Title		Assistant Planner	
Phone	408-586-3288	Fax	
Email	astark@ci.milpitas.ca.gov		
Proposed Grant Amount	$	300,000.00	

Pursuant to Health and Safety Code Section 50515.03 through (d) of the Guidelines, all applicants must meet the following two requirements to be eligible for an award:

1. Does the application demonstrate a nexus to accelerating housing production as shown in Attachment 2?	Yes	■	No	☐
2. Does the application demonstrate that the applicant is consistent with State Planning or Other Priorities shown in Attachment 3?	Yes	■	No	☐
Is a fully executed resolution included with the application package?	Yes	■	No	☐
Does the address on the Government Agency Taxpayer ID Form exactly match the address listed above?	Yes	■	No	☐
Is the applicant partnering with another eligible local government entity? *If Yes, provide a fully executed copy of the legally binding agreement.*	Yes	☐	No	■

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the Local Early Action Planning Program (LEAP), the CITY MANAGER assumes the responsibilities specified in the Notice of Funding Availability and certifies that the information, statements and other contents contained in this application are true and correct.

Signature: Steven McHarris Name: Steven G. McHarris

Date: 06/29/2020 Title: City Manager

B. Proposed Activities Checklist

Check all activities the locality is undertaking. Activities must match the project description.		
1	■	Rezoning and encouraging development by updating planning documents and zoning ordinances, such as general plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs
2	■	Completing environmental clearance to eliminate the need for project-specific review
3	■	Establishing housing incentive zones or other area based housing incentives beyond State Density Bonus Law such as a workforce housing opportunity zone pursuant to Article 10.10 (commencing with Section 65620) of Chapter 3 of Division 1 of Title 7 of the Government Code or a housing sustainability district pursuant to Chapter 11 (commencing with Section 66200) of Division 1 of Title 7 of the Government Code
4	■	Performing infrastructure planning, including for sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents
5	■	Planning documents to promote development of publicly owned land such as partnering with other local entities to identify and prepare excess or surplus property for residential development
6	☐	Revamping local planning processes to speed up housing production
7	☐	Developing or improving an accessory dwelling unit ordinance in compliance with Section 65852.2 of the Government Code
8	■	Planning documents for a smaller geography (less than jurisdiction-wide) with a significant impact on housing production including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas
9	■	Rezoning to meet requirements pursuant to Government Code Section 65583(c)(1) and other rezoning efforts to comply with housing element requirements, including Government Code Section 65583.2(c) (AB 1397, Statutes of 2018)
10	■	Upzoning or other implementation measures to intensify land use patterns in strategic locations such as close proximity to transit, jobs or other amenities
11	■	Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps); Establishing Pre-approved architectural and site plans
12	☐	Preparing and adopting housing elements of the general plan that include an implementation component to facilitate compliance with the sixth cycle RHNA
13	☐	Adopting planning documents to coordinate with suballocations under Regional Early Action Planning Grants (REAP) that accommodate the development of housing and infrastructure and accelerate housing production in a way that aligns with state planning priorities, housing, transportation equity and climate goals, including hazard mitigation or climate adaptation
14	■	Zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018)
15	■	Zoning incentives for housing for persons with special needs, including persons with developmental disabilities
16	☐	Planning documents related to carrying out a local or regional housing trust fund
17	☐	Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary (e.g., less than 15% of the total grant amount) and part of a proposed activity with a nexus to accelerating housing production
18	☐	Other planning documents or process improvements that demonstrate an increase in housing related planning activities and facilitate accelerating housing production
19	☐	Establishing Prohousing Policies

C. Project Description:

The project will establish a new Housing Opportunity Zone (HOZ), 'Overlay District' within the Zoning Ordinance and will be applicable to seven development Opportunity Areas identified as part of the General Plan Update currently in process. The project will also include required project-level environmental analysis under the California Environmental Quality Act (CEQA) to accelerate housing production in those Opportunity Areas of the City. The Housing Opportunity Zone (HOZ) will provide objective standards and incentives to developers to encourage and support the onsite development of by-right, affordable, supportive housing and mixed-income projects, including housing for special-needs residents.

The City of Milpitas does not currently have an 'Overlay District' that allows by-right housing. Major tasks to create the overlay district include community engagement, research and analysis of existing conditions, development of the planning framework, preparation of the Ordinance and Specific Plan updates, completion of the required CEQA analysis, and public hearings before decision-makers. The proposed project would analyze best practices and develop an Overlay District for residential and mixed-use zones in strategic locations and facilitate compliance with the sixth cycle Regional Housing Needs Allocation (RHNA). The anticipated focus of the HOZ implementation will be in the Calaveras Gateway/Main Street Specific Plan area, the Milpitas Metro/TASP Specific Plan area, areas identified in the Preferred Land Use Map of the General Plan Update, Opportunity Areas as defined by the California Tax Credit Allocation Committee (TCAC) and the California Department of Housing and Community Development (HCD), and potential affordable housing sites that will be identified in the City's next Housing Element update in 2022.

The project would streamline housing approvals and accelerate affordable housing production by providing clarity and certainty to developers to stimulate development in priority areas. Incentives to developers may include, but are not limited to project-level CEQA clearance, reduced parking requirements, additional density bonuses beyond the State Density Bonus, increased allowable heights, streamlined and prescribed permitting processes, and fee waivers.

The Housing Opportunity Zone (HOZ) 'Overlay District' will specifically apply to parcels identified by the City as feasible and desirable for affordable and/or supportive housing. The City will then perform project-level environmental review on those parcels for a typical project within a certain range of density and design. The HOZ will also apply to other projects that meet the requirements of the HOZ, which will be analyzed at a programmatic level in the CEQA document to streamline required environmental analysis when future projects are proposed.

HOZ options may include onsite daycare, public open space, and/or units with long-term affordability at extremely low-income or very low-income levels The Milpitas Planning Commission will first review and approve the Overlay District with a recommendation to the City Council for final adoption of the required zoning text amendments to reflect the changes to the Zoning Ordinance and Zoning Map. It is anticipated that the implementation of the Housing Opportunity Zone 'overlay district' will lead to an increase of onsite affordable housing units by 50% as a result of streamlined permitting processes and the creation of valuable incentives for developers.

See Appendix A, for a DRAFT Scope of work.

D. Legislative Information

District	#	Legislator Name
Federal Congressional District	17	RO KHANNA-DEM
State Assembly District	25	KANSEN CHU-DEM
State Senate District	10	BOB WIECKOWSKI-DEM

Applicants can find their respective State Senate representatives at https://www.senate.ca.gov/, and their respective State Assembly representatives at https://www.assembly.ca.gov/.

Attachment 1: Project Timeline and Budget:

Project Name	Establish a new 'Housing Opportunity Zone (HOZ)' Overlay District in the Milpitas Zoning Ordinance				
Task	**Est. Cost**	**Begin**	**End**	**Deliverable**	**Notes**
Prepare Scope	**$0**	**1/1/2021**	**1/31/2021**	**Scope Prepared for RFP**	
Issue RFP and secure contract with consultant	**$0**	**2/1/2021**	**3/30/2021**	Signed, fully executed Consultant Contract	
Existing Conditions, zoning code research, and site identification	**$35,000**	**4/1/2021**	**5/31/2021**	Document with existing incentives, identified existing critical priority areas citywide	
Conduct community engagement #1 launch survey and stakeholder interviews	**$12,500**	**5/1/2021**	**6/1/2023**	Workshop, public notice, revised proposal	
Administrative Draft HOZ ordinance and map	**$30,000**	**6/1/2021**	**8/1/2022**	Document with new HOZ identified and possible incentives outlined	
Conduct community engagement #2 Developer and Designer workshop	**$12,500**	**8/1/2021**	**8/15/2021**	Workshop, public notice, revised proposal	
Draft HOZ ordinance and map	**$5,000**	**8/15/2021**	**9/1/2021**	Revise as needed	
Project-Level CEQA analysis	**$200,000**	**9/1/2021**	**9/1/2022**	Tiering off General Plan or Specific Plan EIRs	
Prepare staff report, ordinance, legal noticing for Planning Commission hearing	**$2,000**	**9/30/2022**	**10/31/2022**	Revised proposal, staff report, public noticing and supporting docs	
Final HOZ ordinance and Map	**$1,000**	**11/1/2022**	**1/30/2022**	Revise as needed	
Public hearings and Adoption	**$2,000**	**12/1/2022**	**2/1/2023**	HOZ document with any revisions from Planning Commission hearing and MMC text amendment for new Housing Opportunity Zone (HOZ)	
Housing Element Due to HCD		**1/1/2023**	**1/1/2023**		
	$300,000				

Attachment 2: Application Nexus to Acceleration Housing Production				
OUTCOMES	Baseline	Projected	Difference	Notes
Timing (e.g. reduced number of processing days)	Average total processing time from complete application to disposition:* a. Projects with Exemption - 150 Days b. Projects with Mitigated Negative Declaration - 180 Days c. Projects with Environmental Impact Report - 360 Days			Time will be reduced due to increased certainty of approvals at identified sites, and CEQA clearance
Development Cost (e.g. land, fees, financing, construction costs per unit)				Costs will be reduced due to increased certainty of approvals at identified sites, and CEQA clearance
Approval certainty and reduction in discretionary review (current versus proposed standard and level of discretion)	3-6 months for CEQA, 6-12 months for planning commission review	6 month overall reduction	6 month overall reduction	SB 35 and other ministerially-approved projects have faster timelines
Entitlement Streamlining				Increased certainty of approvals at identified sites, and CEQA clearance, review streamlining may be an incentive established in the code for eligible projects
Feasibility of development				Increased certainty of approvals at identified sites, reduced project costs
Infrastructure Capacity				
Impact on housing supply and affordability	Approximately 595 units/year	Additional 100 units/year	100 units/year	Estimate

Attachment 3: State and Other Planning Priorities Certification (Page 1 of 3)

Applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities by selecting from the list below activities that are proposed as part of this application or were completed within the last five years. Briefly summarize the activity and insert a date of completion.

State Planning Priorities

Date of Completion	Brief Description of the Action Taken
Promote Infill and Equity	
Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.	
Seek or utilize funding or support strategies to facilitate opportunities for infill development.	
	HOZ: Support strategies to facilitate opportunities for infill development (most if not all of the HOZ sites will be infill development)
Other (describe how this meets subarea objective)	
11/1/2016	Measure I (passed Nov. 2016): Established the urban growth boundary, which limits development to the valley floor and base of foothills by prohibiting the City from providing services to new land use developments in the hillside area, for another 20 years (through Dec. 31, 2038)
Promote Resource Protection	
Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.	
11/01/2016	Measure K (passed Nov. 2016): Prevents areas in the City designated as parks and open space from being developed as residential, commercial or industrial unless first approved by a two-thirds vote of residents
Actively seek a variety of funding opportunities to promote resource protection in underserved communities.	
Other (describe how this meets subarea objective)	
Encourage Efficient Development Patterns	
Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:	
(1) Uses land efficiently.	
	HOZ: Focuses on areas planned for growth (TCAC/HCD Opportunity Areas and GPU Opportunity Sites) and served by adequate transportation (sites potentially in the Midtown Specific Plan)

Attachment 3: State and Other Planning Priorities Certification (Page 2 of 3)

(2) Is built adjacent to existing developed areas to the extent consistent with environmental protection.	
(3) Is located in an area appropriately planned for growth.	
(4) Is served by adequate transportation and other essential utilities and services.	
	TASP and Midtown Specific Plan (in progress): The plan areas are identified as PDAs (areas planned for growth) and in close proximity to the Milpitas Transit Center (BART and VTA)
(5) Minimizes ongoing costs to taxpayers.	
Other (describe how this meets subarea objective)	

Other Planning Priorities

Affordability and Housing Choices	
Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.	
07/20/2018	Ordinance 297:Requires any new development of ten or more units shall construct 15 % of the total units as affordable units.
Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.	
Upzoning or other zoning modifications to promote a variety of housing choices and densities.	
Utilizing surplus lands to promote affordable housing choices.	
Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.	
Other (describe how this meets subarea objective)	
10/15/2019	Local rent review (Ord.302) and Urgency Just Cause eviction (Ord. 303) and $100,000 for a Rent Relief Program targeted for low-income families.

Attachment 3: State and Other Planning Priorities Certification (Page 3 of 3)

Conservation of Existing Affordable Housing Stock	
Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.	
	The City continues to implement Mobilehome Rent control and also has a mobilehome park conversion ordinance.
Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.	
10/15/19	The City adopted a Rent Review Ordinance to provide a procedure for Landlords and Tenants to meet to discuss issues related to rent increases.. The City allocated $50,000 to fund nonprofit support with program administration. In addition, tenants who have received a rent increase of more than five percent (5%) in the last 12 months, are entitled to review by the City's Rent Review Board.
Other (describe how this meets subarea objective)	
7/27/2018	The City entered into a contract with the owner of Sunnyhills Apartments and will provide subsidy for five years to preserve the long term affordability of 149 affordable, and 22 market rate apartments.
Climate Adaptation	
Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.	
Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.	
Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).	
Other (describe how this meets subarea objective)	

Certification: I certify under penalty of perjury that all information contained in this LEAP State Planning and Other Planning Priorities certification form (Attachment 2) is true and correct.

Certifying Officials Name: Steven G. McHarris

Certifying Official's Title: City Manager

Certifying Official's Signature: Steve McHarris Date: 06/29/2020

RESOLUTION NO. 8985

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50515 et. seq, the Department of Housing and Community Development ("Department") is authorized to issue a Notice of Funding Availability ("NOFA") as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or "LEAP"); and

WHEREAS, the City Council of the City of Milpitas desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the Department has issued a NOFA and Application on January 27, 2020 in the amount of $119,040,000 for assistance to all California Jurisdictions.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The City Manager is hereby authorized and directed to apply for and submit to the Department the Application package.

3. In connection with the LEAP grant, if the Application is approved by the Department, the City Manager is authorized to enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of up to $300,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto, in a form approved by the City Attorney.

4. The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully-executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

PASSED AND ADOPTED this 16th day of June 2020, by the following vote:

AYES:	(5) Mayor Tran, Vice Mayor Nuñez, Councilmembers Dominguez, Montano, and Phan
NOES:	(0) None
ABSENT:	(0) None
ABSTAIN:	(0) None

ATTEST:

Mary Lavelle, City Clerk

APPROVED:

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

MILPITAS SCOPE OF WORK: HOUSING OPPORTUNITY ZONE

The following scope of work will provide effective project management and timely preparation of the 'Housing Opportunity Zone' (HOZ) Overlay District for seven development Opportunity Areas. The scope will provide objective standards and incentives to support development of by-right, affordable, and supportive housing projects. The scope also includes the preparation of project-level CEQA documents to facilitate by-right housing production in these areas. The scope of work will be accomplished with a team approach led by the Principal Planner that includes the Principal Environmental Planner for preparation of CEQA documents.

Task 1: Project Management
The (Consultant) Project Manager shall proceed with the following tasks:

- Build on ongoing working relationship with City staff and leadership;
- Act as "single point of contact" and coordinate between City staff and technical staff, including environmental planners;
- Manage the project schedule and established timelines;
- Lead public outreach efforts;
- Facilitate and coordinate project meetings; and
- Ensure overall quality of work.

Task 2: Research and Analysis
The Project Manager will review best practices for a residential Overlay District to promote housing development, including affordable housing units and housing for special needs populations. Research would include, but not be limited to consideration of incentives such as: streamlined permitting processes; increased density bonuses; increased height limits; setback reductions; reduced parking requirements; allowances for clustering development on one portion of contiguous parcels; open space reductions; and fee waivers. The analysis will also include best practices in project eligibility requirements, including, but not limited to: affordability levels of onsite units; affordable housing mix; onsite amenities such as childcare; provision of supportive housing; and adherence to objective design standards.

The Project Manager will conduct an analysis of development processes in Milpitas and potential HOZ implementation approaches and locations, though it is assumed that sites may be identified as part of larger planning processes. The Project Manager will review planning documents, including the General Plan, existing Specific Plans and staff direction on emerging policy documents to determine any applicable amendments that may need to be made for the Housing Opportunity Zone. The Project Manager will confirm the development of the planning framework.

Deliverables: Existing Conditions Memo, zoning code research, and site identification

Task 3: Planning Commission Engagement
The Consultant will present the existing conditions analysis and preliminary HOZ direction to the Planning Commission for review and comment. The Planning Commission will also review the draft ordinance and approve the HOZ with a recommendation to City Council for final adoption as described below in Task 7: Public Hearings. The scope assumes that the City will perform all necessary public noticing.

Deliverables: Meeting presentations (both meetings) and draft HOZ text and maps (second meeting)

Task 4: Community Engagement
The Project Manager shall work with City Staff to perform two public outreach efforts. The first effort will be a survey designed to gather input into desired project requirements and incentives. The survey will be publicly available, and the team will put a particular emphasis on engaging decision makers, technical experts such as planning staff, local developers and architects.

Following the production of the public review draft of the proposed zoning ordinance and map amendments, the second engagement effort will be to convene a workshop at which technical experts, market rate and affordable housing developers and designers will discuss and propose additions and modifications to the HOZ prior to its review by the Planning Commission. The Consultant will compose and host the survey and prepare materials and presentations for the workshop. Community meetings may be held virtually or with a virtual component as necessitated by public health needs and staff direction.

The Consultant will work with the City on a strategy to best publicize engagement efforts using City social media outlets, newsletters and direct engagement as appropriate. The Consultant assumes that the City will take the lead on distributing meeting notifications and on meeting logistics. The Consultant will compile public comments received from community engagement meetings for City Staff.

Deliverables: Survey, survey summary, workshop materials, workshop summary

Task 5: Housing Opportunity Zone
The Housing Opportunity Zone will consist of the preparation of Zoning Ordinance text amendments and zoning map updates, as well as an informative handout/PDF for potential developers and content to place on the City website. The Consultant will prepare an administrative draft of zoning text and potential map amendments following research and the initial community outreach meeting.

The Consultant will prepare a public review draft incorporating staff comments. The Consultant will identify edits that may be required in the General Plan or Specific Plans, as needed to establish the Housing Opportunity Zone. Following public review, the consultant will edit the document according to staff direction. Public-facing brochures and documentation will be prepared following public review.

This work may take place in two phases. The Consultant will prepare the draft Zoning Ordinance directly upon initiation of the project contract. If there is uncertainty about the ideal locations to apply the Zoning Ordinance due to an ongoing planning process, such as the Housing Element, the consultant may pause work on identifying final zoning map changes and performing final environmental review until the preferred sites are fully identified, while ensuring that the project is complete within the LEAP Grant Program funding window (December 31, 2023).

Deliverables: Administrative draft HOZ and zoning map update, draft HOZ and zoning map update, public-facing brochure and website text

Task 6: CEQA Documents
The Project Manager shall coordinate with (The Consultants) Environmental Planner to prepare the CEQA documentation appropriate for project-level CEQA clearance to incentive housing development.

Given that the City is currently in the process of preparing an update to the General Plan with an associated EIR and the Milpitas Metro/Transit Area Specific Plan (TASP) Update with a corresponding EIR, all opportunities to tier off of or supplement ongoing environmental analysis will be explored. In order to streamline CEQA review for supportive housing projects a focused EIR may be the appropriate analysis to facilitate by-right housing. The Consultant will conduct an Initial Study to determine the appropriate CEQA track and to identify necessary technical studies to support a defensible CEQA analysis. Prior to taking action to establish the Housing Opportunity Zone overlay district, the City shall make a determination that CEQA lead agency obligations have been fulfilled.

Deliverables: Initial Study, Administrative Draft EIR, Draft EIR, Final EIR

Task 7: Public Hearings
The Project Manager shall attend all City meetings as required and anticipate attending Planning Commission and City Council meetings. The Planning Commission will review draft Ordinances and approve the HOZ and related amendments with a recommendation to City Council for adoption. The Consultant shall be responsible for preparing PowerPoint presentations and draft public hearing materials, including resolutions, for City Staff review and finalization. The scope assumes that the City will perform all necessary public noticing.

Deliverables: Presentation materials, final draft HOZ and zoning map update

Task 8: Final Documentation
The Consultant will prepare and deliver final materials to the City upon the approval of the HOZ and adoption of the CEQA documentation. All materials will be digital.

Deliverables: Final draft HOZ and zoning map

State of California
Financial Information System for California (FI$Cal)

GOVERNMENT AGENCY TAXPAYER ID FORM

2000 Evergreen Street, Suite 215
Sacramento, CA 95815
www.fiscal.ca.gov
1-855-347-2250

The principal purpose of the information provided is to establish the unique identification of the government entity.

Instructions: You may submit one form for the principal government agency and all subsidiaries sharing the same TIN. Subsidiaries with a different TIN must submit a separate form. Fields bordered in red are required. Hover over fields to view help information. Please print the form to sign prior to submittal. You may email the form to: vendors@fiscal.ca.gov, or fax it to (916) 576-5200, or mail it to the address above.

Principal Government Agency Name: CITY OF MILPITAS

Remit-To Address (Street or PO Box): 455 E CALAVERAS BLVD

City: MILPITAS State: CA Zip Code+4: 95035-5411

Government Type:
- [ ] City
- [ ] County
- [ ] Special District
- [ ] Federal
- [ ] Other (Specify)

Federal Employer Identification Number (FEIN): 94601992

List other subsidiary Departments, Divisions or Units under your principal agency's jurisdiction who share the same FEIN and receives payment from the State of California.

Dept/Division/Unit Name	Complete Address

Contact Person: WALTER C. ROSSMANN Title: City Manager

Phone number: 408-586-3111 E-mail address: wrossmann@ci.milpitas.ca.gov

Signature: Date: 06/29/2020

STATE OF CALIFORNIA

AGREEMENT SUMMARY

STD 215 (Rev. 10/2019)

☐ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

AGREEMENT NUMBER	AMENDMENT NUMBER
20-LEAP-15051	

1. CONTRACTOR'S NAME City of Milpitas		2. FEDERAL I.D. NUMBER N/A
3. AGENCY TRANSMITTING AGREEMENT Housing and Community Development	4. DIVISION, BUREAU, OR OTHER UNIT HPD	5. AGENCY BILLING CODE N/A
6a. CONTRACT ANALYST NAME Kelvin Singh	6b. EMAIL Kelvin.Singh@hcd.ca.gov	6c. PHONE NUMBER (916) 263-6446

7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE?

☑ NO ☐ YES (If Yes, enter prior contractor name and agreement number)

PRIOR CONTRACTOR NAME	PRIOR AGREEMENT NUMBER
N/A	N/A

8. BRIEF DESCRIPTION OF SERVICES

Preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance in implementing the sixth cycle of the regional housing needs assessment.

9. AGREEMENT OUTLINE *(Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)*

Pursuant to Chapter 3.1 of the California Health and Safety Code (Ch. 159, Sec. 11, 2019), the State of California Department of Housing and Community Development (the Department or State) has established the Local Early Action Planning Grants Program (LEAP) for Local Governments and Localities. LEAP is hereby established for the purpose of providing regions and jurisdictions with one-time funding, including grants for planning activities to enable jurisdictions to meet the sixth cycle of the regional housing need assessment.

10. PAYMENT TERMS *(More than one may apply)*

☐ Monthly Flat Rate ☐ Quarterly ☐ One-Time Payment ☐ Progress Payment

☐ Itemized Invoice ☐ Withhold 0% ☐ Advanced Payment Not To Exceed

☑ Reimbursement/Revenue $ $ 0.00 or 0%

☐ Other (Explain)

11. PROJECTED EXPENDITURES

FUND TITLE	ITEM	FISCAL YEAR	CHAPTER	STATUTE	PROJECTED EXPENDITURES
General Fund	2240 105 0001 Cat.	2019/2020	23	2019	$ 300,000.00

OBJECT CODE 22403000/34153 = $300,000.00 5432000 - Grants and Subventions - Governmental

AGREEMENT TOTAL $ 300,000.00

OPTIONAL USE

AMOUNT ENCUMBERED BY THIS DOCUMENT $ 300,000.00

I certify upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.

PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT $ 0.00

TOTAL AMOUNT ENCUMBERED TO DATE $ 300,000.00

ACCOUNTING OFFICER'S SIGNATURE	ACCOUNTING OFFICER'S NAME *(Print or Type)*	DATE SIGNED
Mary Huang	Mary Huang	11/09/2020

STATE OF CALIFORNIA

AGREEMENT SUMMARY

STD 215 (Rev. 10/2019)

AGREEMENT NUMBER	AMENDMENT NUMBER
20-LEAP-15051	

12. AGREEMENT

AGREEMENT	TERM FROM	TERM THROUGH	TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
Original	~~Upon HCD Approval~~ 12/4/2020	06/30/2024	$ 300,000.00	Exempt
Amendment No. 1				
Amendment No. 2				
Amendment No. 3				
		TOTAL	$ 300,000.00	

13. BIDDING METHOD USED:

☐ Request for Proposal (RFP) *(Attach justification if secondary method is used)*

☐ Use of Master Service Agreement

☐ Invitation for Bid (IFB)

☑ Exempt from Bidding *(Give authority for exempt status)*

☐ Sole Source Contract *(Attach STD. 821)*

☑ Other *(Explain)* SCM 5.80,B.2.b

Note: Proof of advertisement in the State Contracts Register or an approved form STD.821, Contract Advertising Exemption Request, must be attached.

14. SUMMARY OF BIDS *(List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank.)*

15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, PLEASE EXPLAIN REASON(S). *(If an amendment, sole source, or exempt, leave blank.)*

16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?
N/A

17a. JUSTIFICATION FOR CONTRACTING OUT *(Check one)*

☐ Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified.

☑ Not Applicable (Interagency / Public Works / Other _____)

☐ Contracting out is justified based on Government Code 19130(b). When this box is checked, a completed JUSTIFICATION - CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 54760 must be attached to this document.

17b. EMPLOYEE BARGAINING UNIT NOTIFICATION **N/A**

☐ *By checking this box, I hereby certify compliance with Government Code section 19132(b)(1).*

AUTHORIZED SIGNATURE	SIGNER'S NAME *(Print or Type)*	DATE SIGNED
N/A	**N/A**	**N/A**

18. FOR AGREEMENTS IN EXCESS OF $5,000: Has the letting of the agreement been reported to the Department of Fair Employment and Housing? ☐ No ☐ Yes ☑ N/A

19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10? ☐ No ☐ Yes ☑ N/A

20. FOR CONSULTING AGREEMENTS: Did you review any contractor evaluations on file with the DGS Legal Office? ☐ No ☐ Yes ☑ N/A

21. IS A SIGNED COPY OF THE FOLLOWING FILE AT YOUR AGENCY FOR THIS CONTRACTOR?

A. Contractor Certification Clauses ☐ No ☐ Yes ☑ N/A

B. STD.204 Vendor Data Record ☐ No ☑ Yes ☐ N/A

22. REQUIRED RESOLUTIONS ARE ATTACHED ☐ No ☑ Yes ☐ N/A

23. IS THIS A SMALL BUSINESS AND/OR A DISABLED VETERAN BUSINESS CERTIFIED BY DGS? ☐ No ☐ Yes

SB/DVBE Certification Number: **N/A**

24. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED?
(If an amendment, explain changes, if any)
N/A
☐ No *(Explain Below)* ☐ Yes _____ % of Agreement

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN THREE YEARS? ☐ No ☐ Yes *(If Yes, provide justification below)*
N/A

I certify that all copies of the referenced Agreement will conform to the original Agreement sent to the Department of General Services.

SIGNATURE	NAME/TITLE *(Print or Type)*	DATE SIGNED
Martha Flores	~~Kulvir Singh / Contracts Analyst~~ Martha Flores - HCD Rep II	11/07/2020

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy and Late Fees and Penalties on April 1, 2022**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	Lauren Lai, Finance Director, 408-586-3111
Recommendation:	Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy on April 1, 2022

Background:
On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19. It is the established policy of the State under Water Code section 106.3 that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes. In April 2020, a moratorium on discontinuance of water services was issued. The moratorium will expire on December 31, 2021.

Analysis:
Pursuant to the Governor's moratorium, in March 2020 the Finance Department suspended the "Discontinuance of Residential and Non-Residential Service" provisions in City Municipal code Section VIII-1-6.10. Water utility services were not shutoff due to non-payment, and penalty and late fees were not levied.

As a result of the pandemic, there were Milpitas businesses that experienced substantial reductions in income. Some Milpitas residents experienced substantial losses of income as a result of business closures, the loss of work hours or wages, or layoffs related to COVID-19. Due to this catastrophic event, Milpitas residents and businesses were hindered in their ability to make payments to water utility services.

Paying Off Utility Balances
During the moratorium period, the Finance Department continuously sent regular water utility bills, reminder notices, final notices and made phone calls. Payment plans were also offered by staff. Though these collection processes were pursued, there are some residential customers and businesses who were not able to meet their payment obligations.

The City applied for the "California Water Arrearage Payment Program" ("Program") of the California State Water Board to relieve the community water system residential and commercial customers of the accrued water arrearages (outstanding balances) during the COVID-19 pandemic. Total amount of water arrearages funding requested is $148,013 which includes $28,379 for 13 commercial accounts, $115,323 for 194 residential accounts, and 3% administrative cost of $4,311.

The table below summarizes the utility accounts, total balances, Program application balances and outstanding balances. If the City is awarded the full Program reimbursement, the remaining outstanding balance owed to the City would be $196,623, consisting of $48,924 for commercial accounts and $147,699 for residential accounts.

Particulars	Commercial Accounts	Residential Accounts	Total (All Accounts)	Percentage (%)
TOTAL ACCOUNTS	**2,226**	**14,938**	**17,164**	
Number of Utility Accounts Outstanding (% of Total Accounts)	13 (0.6%)	194 (1.3%)	207 (1.2%)	
Total Amount of Outstanding Balance Due	$ 77,303	$ 263,022	$ 340,325	100%
Amount requested from the Program to be credited to the accounts	$ 28,379	$ 115,323	$ 143,702	42%
Outstanding Balance Due after Credit	$ 48,924	$ 147,699	$ 196,623	58%
Percentage (%) Outstanding Balance after Credit	25%	75%	100%	

If/when the City gets the approval and is funded from the California Water Arrearage Payment Program, the City will follow its guidelines. The City will credit the eligible customer accounts within 60 days after receiving the funds. The City will also notify the customers of the amount credited and offer to enroll customers with remaining debt into a payment plan. Customers will have 30 days to enroll in a payment plan.

Next Steps for Shutting Off Water Utility Services
Some California cities will resume their shut-off policy after the moratorium expires on December 31, 2021 and reinstate their shut-off policy in January 2022.

The City of Milpitas Finance Department recommends extending the suspension of the Discontinuance of Residential and Non-Residential Service policy after the moratorium expires on December 31, 2021 to March 31, 2022. This will allow the City to continue outreach and offer payment plans to the delinquent residential and commercial customers.

If the City Council extends the suspension of the Discontinuance of Residential and Non-Residential Service policy until March 31, 2022, the City would re-instate penalty and late fees charges and tagging and shutting off delinquent customers on April 1, 2022.

Policy Alternative:
Alternative: Implement the City Municipal code Section VIII-1-6.10 "Discontinuance of Residential and Non-Residential Service" and impose late fees and penalties after the moratorium expires on December 31, 2021.

Pros: Collection of fee revenues and implement City municipal code.

Cons: Milpitas residents and small businesses will not have enough time to pay off the outstanding utility bill by January 1, 2022.

Reason not recommended: The City needs to consider quality of life to our residents and businesses; and provide program support and flexibility where possible during this pandemic.

Fiscal Impact:
There may be utility revenue loss due to the extension of the water shut-off moratorium and such amount is difficult to estimate at this time. Staff will continue to seek and apply for various State programs. At the end of FY2022, Staff will evaluate the feasibility of transferring available utility penalty fund balances to the utility enterprise fund to mitigate fiscal impacts of extending this moratorium for the benefit of residents and businesses.

California Environmental Quality Act:
The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3). The action is also exempt under CEQA Guideline 15378(b)(4) as a governmental fiscal activity not involving a commitment to any specific project.

Recommendation:
Receive Utility Outstanding Balance Due Update and Authorize City Staff to Resume Discontinuance of Water Services Policy and Imposition of Late Fees and Penalties on April 1, 2022.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Accept the City's Annual Comprehensive Financial Report and Other Related Annual Audited Reports for the Fiscal Year Ended June 30, 2021**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Lauren Lai, Finance Director, 408-586-3111**
Recommendations:	Accept the City's Annual Financial Comprehensive Report (ACFR) and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2021

Background:
Annually, Maze and Associates, the City's external auditor audits the City's books and staff prepares the Annual Comprehensive Financial Report (ACFR) of the City of Milpitas. In conjunction with the ACFR for the fiscal year ended June 30, 2021, this staff reports presents the Bicycle/Pedestrian Project Financial Statement, Agreed Upon Procedures Report on Compliance with the Appropriations Limit Increment, Required Communications, and the Memorandum on Internal Control (MOIC) to the City Council for review.

Analysis:
The ACFR presents the operations and financial activity of all the City's various funds, including the General Fund. It includes an unqualified ("clean") audit opinion from Maze & Associates which means that the financial statements present fairly the results of operations for the fiscal year ended June 30, 2021, in conformance with Generally Accepted Accounting Principles (GAAP). The completion of ACFR has met the debt reporting obligation requirement. The City also achieved to apply for Government Finance Officer Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award timely before December 31, 2021.

Highlights and items to note from the ACFR for the fiscal year ended June 30, 2021 are detailed below:

The City's revenues in Fiscal Year 2021 continues with a slow local economy growth due to COVID-19 in the South Bay region. The unemployment rate for the San Jose-Sunnyvale-Santa Clara metropolitan area shows a slight improvement in June 2021 when compared to Fiscal Year 2020. The unemployment rate was at 5.2%, a decrease of 2.4% from last year's 7.6%.

While there were increases in Sales and Uses Taxes and property tax revenue in Fiscal year 2021, Hotel/motel taxes, Franchise Fee and investment earnings have shown a decrease in revenue. The main reason was due to closure in businesses result in decreasing of commercial waste caused a decrease in Franchise Fee. Significant reduction of business and leisure travel resulted in reduction of Hotel/motel taxes. A reduction in investment earnings is due to the unrealized losses in investment as of June 30, 2021.

The increase in Property taxes is due to a one- time increase in Excess Educational Revenue Augmentation Fund (ERAF). Increases in Sales and uses taxes in Fiscal Year 2021 were due to newly imposed Measure F ¼ sales tax effective as of April 1, 2021.

Fiscal Year 2020-2021 was a challenging year. The COVID restriction and uncertainty required the use of one-time revenues from various funds and defund of 13.75 full-time equivalent (FTE) to balance the

General Fund budget. The General Fund experienced expenditures savings are primarily due to vacancy savings and CalPERS budgetary savings and non-personnel savings (i.e., supplies and services) due to reduced COVID-19 restrictions upon City operations. Consequently, it is prudent to deem this as one-time expenditure variance that provides additional fund balance resources, instead of on-going reductions of General Fund operating budget.

Analysis of financial highlights for City-wide and Fund Level statement

City-wide:

- The City's total net position was $621.1 million on June 30, 2021. Of this total, $404.8 million were Governmental and $216.3 million were Business-type, a net increase of total $1.4 million from prior year's total of $619.7 million primarily due to a net increase in assets over liabilities. Net asset increases were primarily due to increases in cash and investments and capital assets offset by net liability increases primarily due to increase in pension liabilities.
- City-wide revenues include program revenues of $105.7 million, general revenues and transfers of $82.8 million, totaling $188.5 million, a decrease of $9.2 million from the prior year's total of $198 million primarily due to decrease in capital grants and contributions. The COVD-19 restrictions have caused a slowdown in project activities and less developer fee was being collected.
- Total City-wide expenses were $183.2 million, a decrease of $4.8 million from the prior year's $188 million primarily due to defund in 13.75 vacant positions resulted in decrease in personnel and benefits cost.

Fund Level:

- Governmental Fund balances were $252.8 million, a net decrease of $27.1 million from fiscal 2020 primarily due to transfer out of $33.9 million to create Pension Trust Section 115 in fiscal year 2021 and offset with an increase of $9.8 million in the General Government Capital Project Fund.
- Governmental Fund revenues were $126.8 million in fiscal 2021, down $14.4 million from the prior year's $141.2 million, primarily due to COVID-19 restriction resulted in reduction in Franchise Fee, and Hotel/Motel taxes and investment earnings.
- Governmental Fund expenditures were $146.6 million in fiscal 2021, an increase of $14.7 million from fiscal 2020 level of $131.9 million primarily due to increases in capital outlay in major capital project funds.
- General Fund revenues of $98.1 million represented a decrease of $1.3 million from fiscal 2020 revenues of $99.4 million caused primarily by decrease in hotel/motel taxes, offset with increases in Property Taxes, Sales and Use taxes, Licenses and Fines and Intergovernmental revenue.
- Net other financing uses of the General Fund were ($23) million in fiscal 2021 while fiscal 2020 had a total of other financing uses in ($2.5) million. General Fund balance of $62.7 million at the fiscal 2021 year-end was $32.3 million less than the fund balance at fiscal 2020. The decrease is due to creation of Pension 115 Trust in fiscal year 2021. The monies were transferred to our Trust administrator for the creation of Pension Section 115 Trust.

Bicycle/Pedestrian Project Financial Statement - The Bicycle/Pedestrian Projects Financial Statements includes Projects that were developed using Transportation Development Act (TDA) grant. The auditor issued an unqualified opinion on these statements.

Memorandum on Internal Control (MOIC) - Under generally accepted auditing standards, the City's auditors are encouraged to report certain matters regarding the City's internal control structure. The City's auditors have provided such a report in their Memorandum on Internal Control ("MOIC") for the Year Ended June 30, 2021. There are no items reported as significant deficiencies and material weakness by the auditors regarding the City's internal control structure. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. A material weakness is a deficiency, or a combination of deficiencies, in internal

control such that there is reasonable possibility that a material misstatement of the City's financial statements will not be prevented or detected and correct on a timely basis.

Required Communications Report – Our auditors are required to communicate information related to the audit and financial statements under generally accepted auditing standards and *Government Auditing Standards*. The City's auditors have provided such a report in their Required Communications for the Year Ended June 30, 2021. Please note the following from the Required Communications Report:

1) The City's auditors noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.
2) The City's auditors encountered no significant difficulties in dealing with management in performing and completing their audit.
3) The City's auditors discovered no material misstatements, either individually or in their aggregate, to each opinion unit's financial statements taken as a whole.
4) The City's auditors encountered no disagreements with management during the course of their audit.

Agreed Upon Procedures Report on Compliance with the Appropriations Limit Increment - This report shows that the auditor applied specific procedures to validate the City's Appropriations Limit ("Gann Limit") calculations. The appropriations limitation imposed by Propositions 4 (1979) and later amended by Proposition 111 (1990) creates a restriction on the amount of government revenue which may be appropriated in any fiscal year. The Appropriations Limit is based on actual appropriations during the base year (1986-87 or the first full year of operation), and increases each year using specified growth factors. The Appropriations Limit applies only to those revenues defined as "proceeds of taxes." Certain expenditures of tax proceeds do not count as Appropriations Subject to Limit including those for voter approved debt, qualified capital outlay, and the costs of complying with court orders and federal mandates. Staff prepares an updated Appropriations Limit in May of each year and presents to Council for review and approval during the budget preparation process.

Policy Alternative(s):
Not applicable.

Fiscal Impact:
There is no fiscal impact from this report other than staff time to prepare the report.

California Environmental Quality Act:
The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3).

Recommendations:
Accept the City's Annual Comprehensive Financial Report and other Related Annual Audited Reports for the Fiscal Year ended June 30, 2021.

Attachments:
1. Annual Comprehensive Financial Report for FY 2020-21
2. Bicycle/Pedestrian Project Financial Statement for FY 2020-21
3. Memorandum on Internal Control for FY 2020-21
4. Required Communications for FY 2020-21
5. Agreed Upon Procedures report on Compliance with the Appropriations Limit Increment FY 2020-21

ANNUAL COMPREHENSIVE FINANCIAL REPORT

FOR FISCAL YEAR ENDED JUNE 30, 2021

Milpitas Transit Center and BART Station

City Hall

Community

Future Development: 355 Sango Court (100% Affordable Housing)

City of Milpitas • California

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS, CALIFORNIA

ANNUAL COMPREHENSIVE FINANCIAL REPORT

FOR THE YEAR ENDED JUNE 30, 2021

Prepared by

THE FINANCE DEPARTMENT

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

INTRODUCTORY SECTION

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
Annual Comprehensive Financial Report
For the Year Ended June 30, 2021

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CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
PHONE: 408-586-3000, www.ci.milpitas.ca.gov

November 15, 2021

Honorable Mayor and Members of the City Council:

Submitted herewith is the Annual Comprehensive Financial Report (ACFR) of the City of Milpitas (the City) for the fiscal year ended June 30, 2021 as prepared by the City's Finance Department with support from other City departments. This report is consistent with generally accepted accounting principles. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the City. The data, as presented, is accurate in all material aspects; and is presented in a manner designed to fairly set forth the financial position and results of operations of the City as measured by the financial activity of its various funds. All disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included. The organization of the financial report follows the guidelines set forth by the Government Finance Officers' Association of the United States and Canada.

The Reporting Entity and its Services

This report combines the financial statements of the Milpitas Public Financing Authority (MPFA), Milpitas Housing Authority (Housing Authority), the Milpitas Municipal Financing Authority (MMFA) and the Terrace Gardens Inc. with those of the City to constitute a single reporting entity. The MPFA, Housing Authority, MMFA and Terrace Gardens are separate legal entities from the City and are controlled by the City. The MPFA, Housing Authority and MMFA have the same governing board as the City and the City also has control of the Terrace Gardens' governing board. However, the Terrace Gardens Inc. issues its own component unit financial statements. The purpose and authority of the Milpitas Public Financing Authority (MPFA), Milpitas Housing Authority (Housing Authority), the Milpitas Municipal Financing Authority (MMFA) and the Terrace Gardens Inc. are described in Note 1 of this report.

Milpitas is a general law city of the State of California. The City was incorporated in 1954 and operates under a Council-Manager form of government. The City's political and legislative body is the City Council and is empowered by the general laws of the State of California to formulate citywide policy, including a fiscal program, City services, and appointment of the City Manager and contract City Attorney. There are four City Council members who are elected at-large for staggered four-year terms, and the Mayor is selected every two years in a separate citywide election.

The City provides a full range of municipal services to the community through its departments such as Building Safety and Housing, Planning, Engineering, Fire, Police, Public Works, and Recreation and Community Services. These departments are supported by the internal departments which include the City Manager's Office, City Attorney's office, Finance, Human Resources, and Information Technology.

Community members of the City desiring to assist the City Council in forming government policy may do so by serving on a City commission. The commissions act in an advisory capacity to the City Council. They are: Art Commission; Community Advisory Commission; Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Library and Education Advisory Commission; Parks, Recreation and Cultural Resources Commission; Planning Commission; Public Safety and Emergency Preparedness Commission; Science, Technology, and Innovation Commission; Senior Advisory Commission; Veterans Commission; and Youth Advisory Commission.

Economic Condition, Outlook and Activity

Milpitas is situated within the Silicon Valley region, known throughout the world as the home of high technology, innovation and research. Milpitas is considered the "Crossroads of Silicon Valley," with most of its 13.6 square miles of land situated between two major freeways, I-680 and I-880. Milpitas has experienced tremendous growth since its incorporation in 1954. Over the past 67 years, the population growth has increased from 26,561 in 1970 to nearly 80,273 based on the latest Census data. Milpitas is the 4th fastest-growing city in the nation between 2010 and 2019 and the 2nd fastest-growing city (small city category) according to WalletHub.com's 2020's Fastest-Growing Cities in America. The economy has improved since 2020 such that unemployment rate is slowly approaching pre-pandemic levels. As of September 2021, the City's unemployment rate was 5.3% while the State of California's unemployment rate was 7.5% and the national unemployment rate was 4.8%.

The COVID-19 pandemic continued to impact the City, however, highly effective vaccines were developed and has since favorably altered the pandemic's trajectory. Approximately 85% of eligible residents in Santa Clara County were fully vaccinated, 61% vaccinated statewide. As of June 15, 2021, the Governor lifted the executive orders that put into place the Stay Home Order and Blueprint for a Safer Economy. He also phased out most of the executive actions put in place since March 2020 as part of the pandemic response, leaving a subset of provisions that facilitate the ongoing recovery. The aforementioned developments lessened but did not eliminate the Fiscal Year 2020-21 budget deficit in the General Fund. Consequently, the City has implemented several major budget strategies such as defunding 13.75 FTEs at Mid-Year, establishing a Future Deficit Reserve, advancing repayment of loans to TASP Fund, and one-time transfer in from General Government Capital Project Fund Balance.

The national GDP (Gross Domestic Product) growth increased at an annual rate of 6.7 percent in the second quarter of 2021 from the previous quarter (according to the BEA, or Bureau of Economic Analysis' Advanced estimate). The national GDP decreased 3.5 percent in 2020 from the 2019 at the annual level. The decline in the 2020 annual GDP is attributed to COVID-19, with shelter-in-place orders issued in March 2020 and limited re-openings of businesses and services in May and June. GDP is the value of goods and services less the value of the goods and services used up in production and is the most popular indicator of the nation's overall economic health. As of September 2021, the Federal Reserve Board's advanced projection shows GDP growth to increase to 3.8 percent in 2022 and 2.5 percent in 2023.

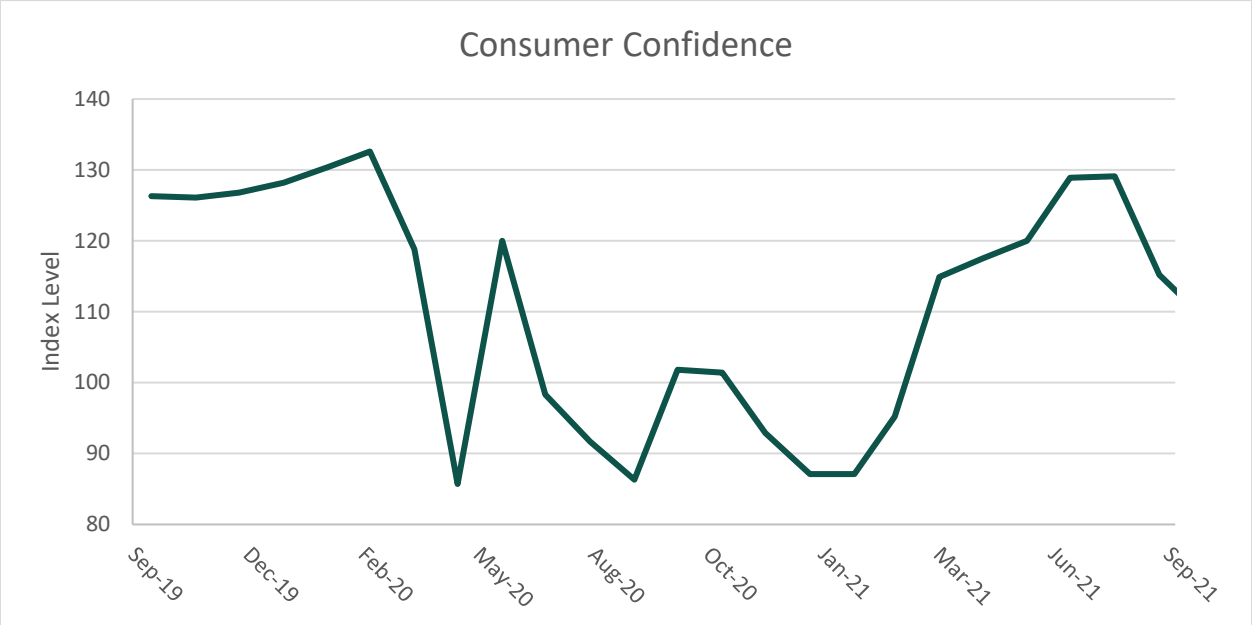
The CPI (Consumer Price Index), is used by the U.S. Bureau of Labor Statistics to measure inflation. The September 2021 CPI-U (Consumer Price index for all Urban Consumers) increased 5.4 percent over the last 12 months. Core CPI (CPI less food and energy) is 4.0 percent compared to 1.7 percent in September 2020. Core CPI represents a more accurate picture of underlying inflation trends since volatile food and energy products are excluded. While the global economic activity remains uncertain and is largely dependent on the course of the pandemic, the U.S. Bureau of Labor Statistics' Employment Projections for 2020-2021 shows a projected growth from 153.5 million to 165.4 million over the 2020-30 decade. Overall inflation for items others than food and energy is running at 4 percent, however, the FOMC (Federal Open Market Committee) chose to maintain the target range for federal funds rate at 0-0.25 percent for now.

The housing market has remained strong in 2021. Single family residential construction starts turned positive at 31 percent above one year prior in the six-month phase ending June 2021, while 26 percent more multi-family construction starts occurred during the same period a year earlier. After over a year of social distancing restrictions and tightened lines of credit, builders are re-starting construction to meet rising demand. The median sale price of a single family residential home in Milpitas was $1.35 million as of September 2021, up approximately 14.4 percent from last year. Year-over-year prices significantly increased throughout Santa Clara County.

Santa Clara County had a 16.2 percent increase in median sale price from September 2020. The California Association of Realtors reported an increase in value of 21.7 percent throughout the Bay Area region. The section below entitled "Major Development Activities in the City" will discuss some of the development activities that are occurring in Milpitas.

Consumer Confidence Level

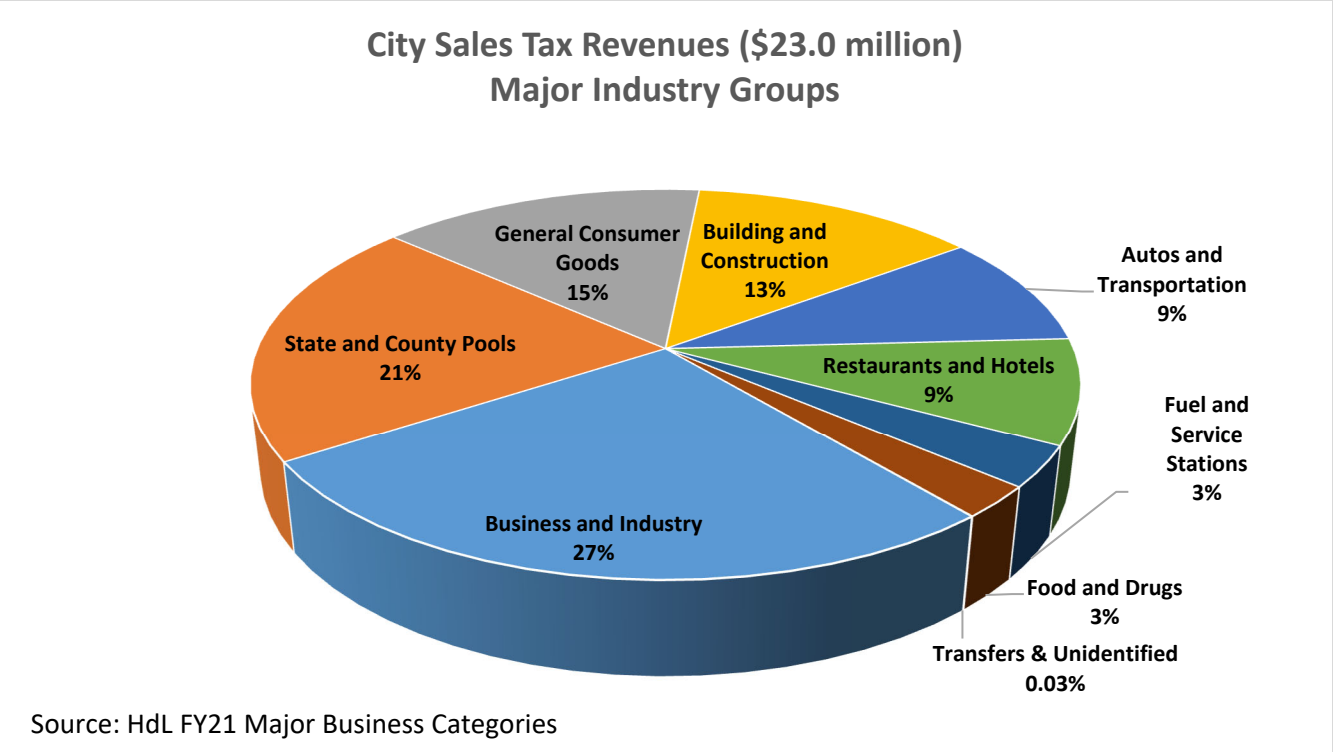
The Conference Board Consumer Confidence Index decreased to 109.3 in September, down from 115.2 in August. Consumer confidence is an indicator designed to measure the degree of optimism that consumers feel about the overall state of the economy and their personal financial situation. Since consumer spending accounts for more than two-thirds of the U.S. Gross Domestic Product, the index is a good indicator that when consumers' confidence is high, consumers would likely make more purchases thus further boosting the economy. Employment drives consumer spending, which in turn impacts the economy greatly. Nonfarm payroll employment increased 194,000 in September 2021, and the unemployment rate declined to 4.6 percent from 4.8 percent in August 2021.



Source: The Conference Board

Top Ten Sales Tax Generators by Economic Segment

The economic impact of the COVID-19 pandemic continues to hinder growth of sales tax revenues nationwide. The nation is slowly recovering, with state sales tax revenues growing by $2.7 billion or 3.2 percent in the first quarter of 2021, according to the Urban's Brookings Tax Policy Center. The chart below provides a snapshot of the City's sales tax revenue by major industry groups. Total amount of sales tax revenue for the major industry groups generate about $23.0 million. Total sales tax receipts decreased by 7.1 percent from 2020. The sales tax revenue generated from major industry groups such as Building and Constructions, Autos and Transportation, and Food and Drugs, increased over a year ago, while all other segments decreased such as Business and Industry, State and County Pools, General Consumer Goods, Restaurants and Hotels, Fuel and Service Stations, and Transfers & Unidentified, which collectively had more than a 9 percent decrease from the prior year.



Major Development Activities in the City

General Plan Update – Considered the blueprint for future development, the General Plan defines a long-term vision for future growth, traffic circulation, economic development, health, housing and resource conservation. The Milpitas 2040 General Plan was unanimously adopted by the City Council on March 9, 2021. The Plan identifies opportunity sites where changes to land use and development patterns may occur over the next 20 years. The Plan also provides a policy framework for targeted housing and economic growth in areas served by high-quality transit while preserving the character of existing neighborhoods and protecting the City's hillsides and other natural resources.

Milpitas Metro Specific Plan – The City adopted a Transit Area Specific Plan (TASP) in June 2008 to encourage medium to high density development surrounding the new Milpitas Transit Center. The Plan was last updated in 2011. The Milpitas Transit Center, which opened to regional bus service in early 2020, includes direct connections to two existing Santa Clara Valley Transportation Authority (VTA) light rail stations and BART service, which opened up mid-June 2020. The City is now engaged in updating the TASP to further enhance existing neighborhoods with new public amenities and to provide additional opportunities for new housing, retail, office, and hotel uses in areas that have yet to realize their full potential. The new Milpitas Metro Plan envisions a network of landscaped open space, parks, and trails that connect housing and jobs to high-quality transit and provide opportunities for active and passive recreation as well as social interaction. The new Plan also envisions development of a new Innovation District near the Milpitas Transit Center to foster economic development and employment opportunities based on access to regional bus, light rail, and BART connections. A draft of the new Milpitas Metro Plan was completed in Fall 2021, and the City anticipates final adoption of the new Plan and the associated Environmental Impact Report in June 2022.

Residential Development – The City continues to leverage public and private resources to support planning and development of new affordable housing. The City created a new "ADU Corner" webpage (www.ci.milpitas.ca.gov/adu/) with information and interactive tools to help residents learn more about Accessory Dwelling Units and find and sketch ADU designs that fit their property and needs. The City also established the popular "ADU Mondays" program to bring staff from various departments together and provide direct assistance to residents who wish to pursue an ADU on their property and need assistance navigating the permitting process. In summer 2020, the Planning Commission approved various permits for a mixed-use development located at 600 Barber Lane with 372 residential units, including 56 units affordable to very-low and low-income families. In late 2020, the City Council approved the addition of 44 residential units with seven units reserved for extremely low-income households within the existing 171-unit Sunnyhills apartment community. Construction activity is underway at Finch Hollow, a 38-unit single-family residential subdivision located at 1004 North Park Victoria. This development includes four below-market-rate units, 10 accessory dwelling units (ADUs) above detached garages, and a small "tot-lot" park. The City received $300,000 in state grant funding to streamline the review process for affordable housing and create new by-right housing regulations. In addition, the City will receive $500,000 from ABAG's Priority Development Area (PDA) grant to help fund the preparation of the Gateway/Main Street Specific Plan and $142,700 from ABAG's Regional Early Action Planning (REAP) grant to help fund the preparation of the 2023-2031 Housing Element.

Non-residential Development – FY 2020-21 was a busy year for commercial development and expansion. The new Legoland Discovery Center opened at the Great Mall in mid-2021, marking the first Discovery Center in California. In fall 2020, Trader Joe's opened a new Milpitas location on the ground-floor of the Turing Building, a mixed-use development project located at the intersection of Great Mall Parkway and McCandless Drive.

Amazon opened two new delivery stations near the McCarthy Ranch area in mid-2020 and fall 2021, and the City also approved development of a new 491,040-square foot tilt-up concrete distribution center at 1000 Gibraltar Drive.

Celia's Event Center opened on Dempsey Road in May 2021, and the H.L. Peninsula Chinese dim sum restaurant is expected to open in the McCarthy Ranch retail area in early 2022.

Construction work is nearly complete on a new 194-room Element Hotel at 521 Alder Drive, and plans have been approved for a 216-room business hotel at 1851 McCarthy Blvd and a 162-room extended stay hotel at 1320 McCandless Drive. Construction work is also underway to convert an existing office building at 25 Corning Avenue into a new Stratford School facility for up to 576 students, kindergarten through 5th Grade. This project includes a seismic upgrade, a 2,383-square foot addition, and other tenant improvement.

Construction is underway on a new Chick-fil-A restaurant, with drive-through service, at 273 West Calaveras Blvd. in the Town Center shopping center. The City has also approved expansion plans for several ethnic grocery stores and other small businesses, including a new automatic carwash, and adult daycare facility, and a veterinary clinic on South Main Street.

Accounting System and Budgetary Control

In developing and evaluating the City's accounting system, consideration is given to the adequacy of internal accounting controls. Internal accounting controls are designed to provide reasonable, but not absolute, assurances regarding: (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. The Finance Department staff remains committed to improving the City's accounting system; to maintain the City's internal accounting controls to adequately safeguard assets; and to provide reasonable assurances of proper recording of financial transactions. Budgetary control is directed by the City Council by resolution when the budget is adopted each year. Expenditures may not legally exceed appropriations at the department level by fund. The City utilizes the encumbrance system as a management control technique to assist in controlling expenditures. The City Manager has limited budget appropriation authority to transfer appropriations among departments and projects within any one fund, provided that the amount of the amended appropriation is $100,000 or less. Quarterly reports of revenue and expense are prepared and distributed to the City Council and City departments to monitor spending in relation to the budget. At fiscal year-end, open encumbrances are reported under the "Assigned" fund balance classification. The City's accounting records are organized and operated on a "fund" basis, which is the basic fiscal and accounting entity in governmental accounting. Each fund is classified by category and fund type:

	Category and Fund Type
Governmental Funds:	General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds
Proprietary Funds:	Enterprise Funds and Internal Service Fund
Fiduciary Funds:	Private-Purpose Trust Fund and Agency Funds

Governmental Funds: The basic financial statements necessary to fairly present the financial position and operating results from major governmental funds are the balance sheet, and the statement of revenues, expenditures and changes in fund balance. These funds are maintained using the modified accrual basis of accounting, which is more thoroughly explained in the Notes to the Financial Statements.

Proprietary Funds: Generally accepted accounting principles applicable to private commercial business are applicable to proprietary funds of a government agency. The basic financial statements required to present the financial position and operating results from major proprietary funds are the statement of net position, statement of revenues, expenses, and changes in fund net position, and the statement of cash flows. The accrual basis of accounting is utilized as explained in the Notes to the Financial Statements.

Fiduciary Funds: Fiduciary funds are used to account for assets held by a government agency acting as a trustee or agent for individuals, assessment districts, organizations, other governmental units or other funds of the same entity. These funds are also identified in this report as a Private-Purpose Trust Fund and Agency Funds. The full accrual basis of accounting is used as explained in the Notes to the Financial Statements. Agency Funds are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations.

Financial Analysis

Generally Accepted Accounting Principles (GAAP) require that management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement the MD&A and should be read in conjunction with it.

Long Term Financial Planning

Each year the City adopts a balanced budget by June 30. The City has fiscal policies that include the use of one-time revenues for one-time expenditures only, including capital outlay and reserves. The City also adopted reserve policies that requires unassigned fund balance which is made up of the Contingency Reserve to be at least 16.67% of the annual operating expenditures and the Budget Stabilization Reserve with a reserve target of 16.67% of the annual operating expenditures in the General Fund. Additional reserves are included in Note 10.

The City developed a five-year Capital Improvement Plan detailing specific budgeted capital projects. Each of the projects is consistent with the budget priorities of the City. The fiscal year 20-21 Adopted Capital Improvement Project (CIP) Budget totaled $39.7 million. The CIP included improvements to the City's infrastructure which includes community improvements, parks, streets, water, sewer and storm drain utilities.

In addition, the City produces an annual ten-year General Fund Forecast. The Forecast allows the City Council and the community to assess the financial sustainability of City services in the long term. The projection also identifies the type of commitments and resource demands in the next ten years as known and points out areas of both opportunity and risk as the City navigates through fiscal cycles. This long-term forecast provides an invaluable planning tool and is an indication of sound fiscal planning and strategy.

Independent Audit

Each year the City requires an independent annual audit of the City's financial records, the results of its operations, and cash flows. This report includes the opinion of the City's independent auditors, Maze & Associates, for the basic financial statements of the City. In addition, the document also contains the auditors' report on Internal Control over Financial Reporting and on compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.

Awards

The Government Finance Officers' Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Annual Comprehensive Financial Report for the fiscal year ended June 30, 2020. The Certificate of Achievement is the highest form of recognition for excellence in state and local government financial reporting. The City has received this award for the last twenty-six years.

Acknowledgments

We extend our appreciation to the entire staff in the Finance Department and other departments who assisted in the process of compiling the information for this report. In addition, we extend a special "thank you" to our external auditors who contributed to make this document possible. Their efforts and continued dedication are greatly appreciated. We sincerely thank the Mayor and members of the City Council for their support, interest, and integrity in directing the financial affairs of the City in a responsible and prudent manner in preparation for the inevitable economic downturn and during this economic crisis.

Respectfully submitted,

Steven G. McHarris
City Manager

Lauren Lai
Director of Finance/Risk Manager

DIRECTORY OF OFFICIALS

June 30, 2021

City Council

Mayor	Rich Tran
Vice-Mayor	Carmen Montano
Councilmember	Karina R. Dominguez
Councilmember	Anthony Phan
Councilmember	Evelyn Chua

City Manager

Steven G. McHarris

Assistant City Manager

Ashwini Kantak

Deputy City Manager

Walter C. Rossmann

Building Safety & Housing Director
Sharon Goei

City Attorney
Christopher Diaz

City Clerk
Wendy Wood

Director of Recreation & Community Services
Renee Lorentzen

Economic Development Director
Alex Andrade

Engineering Director/City Engineering
Steve Erickson

Finance Director
Lauren Lai

Fire Chief
Brian Sherrard

Human Resources Director
Jeannine Seher

Interim Information Technology Director
Daniel Nam

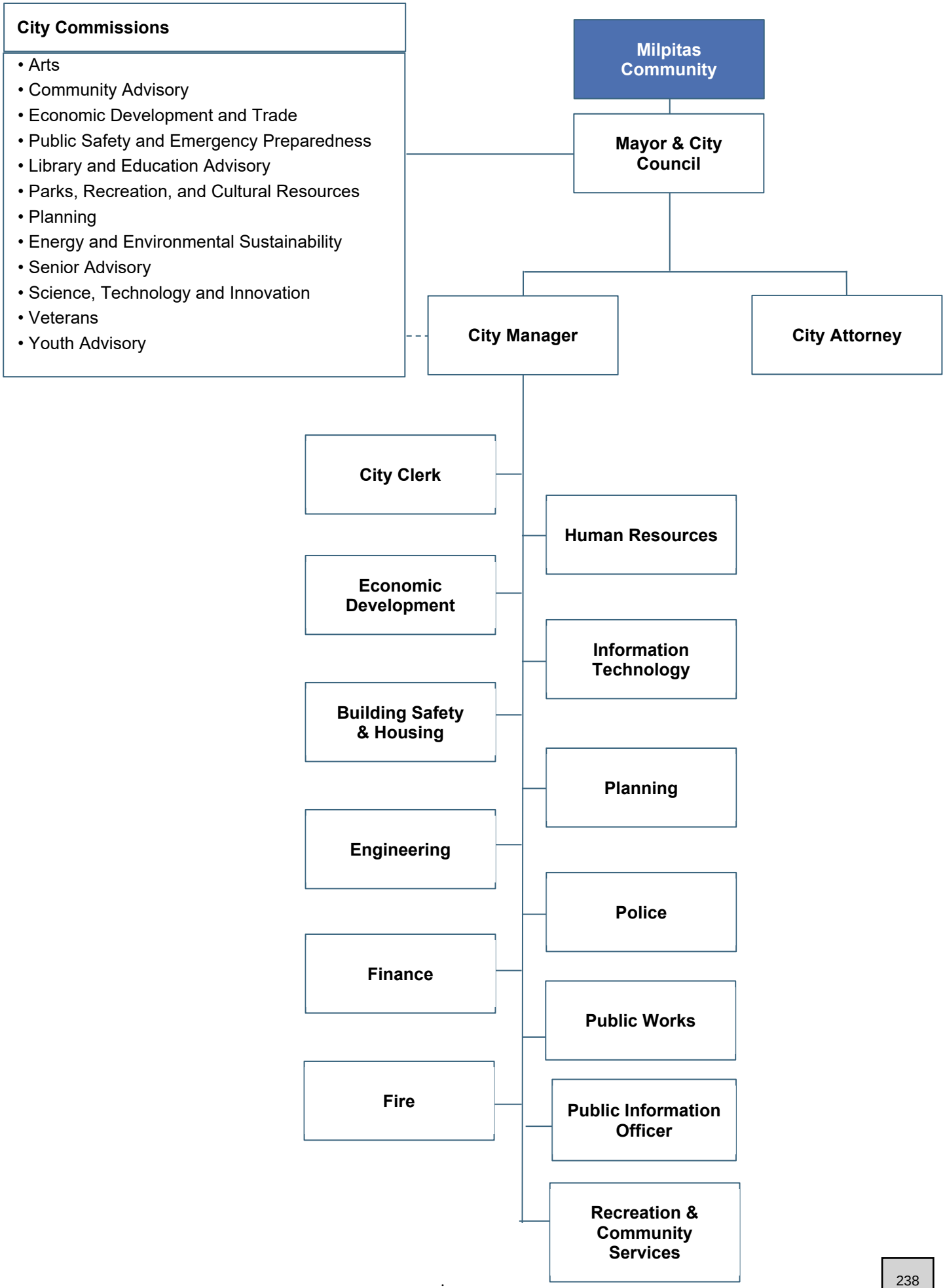
Planning Director
Ned Thomas

Police Chief
Jared Hernandez

Public Information Officer
Charmaine Angelo

Public Works Director
Tony Ndah

The City of Milpitas is located near the southern tip of San Francisco Bay, forty-five miles south of San Francisco. Milpitas is often called the “Crossroads of Silicon Valley” with most of its 13.6 square miles of land situated between two major freeways (I-880 and I-680), State Route 237, and a county expressway. The light rail line opened for service in 2004 and an extension of BART, with a major multi-modal station, is in the planning stages.


City Commissions
• Arts
• Community Advisory
• Economic Development and Trade
• Public Safety and Emergency Preparedness
• Library and Education Advisory
• Parks, Recreation, and Cultural Resources
• Planning
• Energy and Environmental Sustainability
• Senior Advisory
• Science, Technology and Innovation
• Veterans
• Youth Advisory
Milpitas Community
Mayor & City Council
City Manager
City Attorney
City Clerk
Human Resources
Economic Development
Information Technology
Building Safety & Housing
Planning
Engineering
Police
Finance
Public Works
Fire
Public Information Officer
Recreation & Community Services

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Milpitas
California

For its Comprehensive Annual
Financial Report
For the Fiscal Year Ended

June 30, 2020

Christopher P. Morrill

Executive Director/CEO

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

FINANCIAL SECTION

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT

To the Honorable Members of the City Council
City of Milpitas, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Milpitas, California, as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the Table of Contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the discretely presented component unit financial statements of Terrace Gardens, Inc. as of and for the year ended December 31, 2020, which represent 1.05%, 1.62%, and 1.26% of the assets, net position, and revenues, respectively, of the primary government. These component unit financial statements were audited by other auditors, whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for this entity, is based solely on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Accountancy Corporation
3478 Buskirk Avenue, Suite 215
Pleasant Hill, CA 94523

T 925.930.0902
F 925.930.0135
E maze@mazeassociates.com
W **mazeassociates.com**

Opinions

In our opinion, based on our audit and the report of the other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and discretely presented component unit of the City as of June 30, 2021, and the respective changes in the financial position and, where applicable, cash flows thereof and the respective budgetary comparisons listed in the Table of Contents as part of the basic financial statements for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that Management's Discussion and Analysis and other Required Supplementary Information as listed in the Table of Contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements as a whole. The Introductory Section, Supplemental Information, and Statistical Section as listed in the Table of Contents are presented for purposes of additional analysis and are not required parts of the basic financial statements.

The Supplemental Information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Supplemental Information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The Introductory and Statistical Sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 15, 2021, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Maze & Associates

Pleasant Hill, California
November 15, 2021

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

MANAGEMENT'S DISCUSSION AND ANALYSIS

The following discussion provides readers of the City of Milpitas' financial statements a narrative overview and analysis of the financial activities of the City of Milpitas for the fiscal year ended June 30, 2021. Please read this document in conjunction with the accompanying Transmittal Letter and Basic Financial Statements.

FISCAL YEAR 2021 FINANCIAL HIGHLIGHTS

The City's revenues in Fiscal Year 2021 continues with a slow local economy growth due to COVID-19 in the South Bay region. The unemployment rate for the San Jose-Sunnyvale-Santa Clara metropolitan area shows a slight improvement in June 2021 when compared to Fiscal Year 2020. The unemployment rate was at 5.2%, a decrease of 2.4% from last year's 7.6%. While there were increases in Sales and Uses Taxes and property tax revenue in Fiscal year 2021, Hotel/motel taxes, Franchise Fee and investment earnings have shown a decrease in revenue.

The main reason of declining revenue in Hotel/Motel taxes, Franchise Fee and Investment earnings is due to the COVID-19 restrictions. Closure in businesses result in decreasing of commercial waste which has caused a decrease in Franchise Fee. COVID-19 restrictions also reduced business and leisure travel which reduced Hotel/motel taxes. A reduction in investment earnings is due to the unrealized losses in investment as of June 30, 2021.

The increase in Property taxes are due to an one-time increase in Excess Educational Revenue Augmentation Fund (ERAF). Sales and Use taxes also show an increase due to newly imposed Measure F ¼ sales tax effective as of April 1, 2021. Measure F tax will sunset in 8 years and help maintain city's finances and prevent reduction in services such as local 911 fire and emergency responses services, preparing for future public health / natural disaster response, improving work environments for Milpitas firefighters and paramedics, maintaining police response services, assisting local business during pandemic and maintaining youth and senior services.

The COVID restriction and uncertainty required the use of one-time revenues to balance the General Fund budget including the usage of $4.5 million of the Budget Stabilization Reserve, $4 million transfer out from General Government Capital Improvement Program, and $5.4 million Transit Area Impact Fee Capital Project Fund loan repayment to General Fund.

Moreover, the City is required to defund 13.75 full-time equivalent (FTE) positions. The fiscal year 2020-21 expenditures savings are primarily due to vacancy savings and CalPERS budgetary savings and non-personnel savings (i.e., supplies and services) due to reduced COVID-19 restrictions upon City operations. Consequently, it is prudent to deem this as one-time expenditure variance that provides additional fund balance resources, instead of on-going reductions of General Fund operating budget.

Fiscal 2021 financial highlights include the following:

City-wide:

- The City's total net position was $621.1 million at June 30, 2021. Of this total, $404.8 million were Governmental and $216.3 million were Business-type, a net increase of total $1.4 million from prior year's total of $619.7 million primarily due to a net increase in assets over liabilities. Net asset increases were primarily due to increases in cash and investments and capital assets offset by net liability increases primarily due to increases in pension liabilities.
- City-wide revenues include program revenues of $105.7 million, general revenues and transfers of $82.8 million, totaling $188.5 million, a decrease of $9.2 million from the prior year's total of $198 million primarily due to decrease in capital grants and contributions. The COVD-19 restrictions have caused a slowdown in project activities and less developer fee was being collected.

- Total City-wide expenses were $183.2 million, a decrease of $4.8 million from the prior year's $188 million primarily due to defund in 13.75 vacant positions resulted in decrease in personnel and benefits cost.

Fund Level:

- Governmental Fund balances were $252.8 million, a net decrease of $27.1 million from fiscal 2020 primarily due to a transfer out of $33.9 million to create the Pension Section 115 Internal Service Fund in fiscal year 2021 and offset with an increase of $9.8 million in the General Government Capital Project Fund.
- Governmental Fund revenues were $126.8 million in fiscal 2021, down $14.4 million from the prior year's $141.2 million, primarily due to COVID-19 restrictions, which resulted in reductions in Franchise Fees, Hotel/Motel taxes and investment earnings.
- Governmental Fund expenditures were $146.6 million in fiscal 2021, an increase of $14.7 million from fiscal 2020 level of $131.9 million primarily due to increases in capital outlay in major capital project funds.
- General Fund revenues of $98.1 million represented a decrease of $1.3 million from fiscal 2020 revenues of $99.4 million caused primarily by decrease in hotel/motel taxes, offset with increases in Property Taxes, Sales and Use taxes, Licenses and Fines and Intergovernmental revenue.
- Net other financing uses of the General Fund were ($23) million in fiscal 2021 while fiscal 2020 had a total of other financing uses in ($2.5) million. General Fund balance of $62.7 million at the fiscal 2021 was $32.3 million less than the fund balance at fiscal 2020. The decrease is due to creation of Pension Section 115 Internal Service Fund in fiscal year 2021.

OVERVIEW OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT

This Annual Comprehensive Financial Report consists of eight parts:

1) Introductory section, which includes the Transmittal Letter and general information,
2) Management's Discussion and Analysis (this part),
3) The Basic Financial Statements, which include the Government-wide and the Fund financial statements, along with the Notes to these financial statements,
4) Required Supplementary Information,
5) Supplementary Information,
6) Combining statements for Non-major Governmental Funds and Fiduciary Funds,
7) Statistical information,
8) Other report.

The Basic Financial Statements

The Basic Financial Statements comprise the City-wide Financial Statements and the Fund Financial Statements. These two sets of financial statements provide two different views of the City's financial activities and financial position—long-term and short-term.

The City-wide Financial Statements provide a longer-term view of the City's activities as a whole, and comprise the Statement of Net Position and the Statement of Activities. The Statement of Net Position provides information about the financial position of the City as a whole, including all its capital assets and long-term liabilities on the full accrual basis, similar to that used by corporations. The Statement of Activities provides information about all the City's revenues and all its expenses, also on the full accrual basis, with the emphasis on measuring net revenues or expenses of each of the City's programs. The Statement of Activities explains in detail the change in net position for the year.

The Fund Financial Statements report the City's operations in more detail than the City-wide statements and focus primarily on the short-term activities of the City's General Fund and other Major Funds. The Fund Financial Statements measure only current revenues and expenditures, current assets, liabilities, deferred inflows/outflows of resources and fund balances, but exclude capital assets, long-term debt and other long-term amounts.

Major Funds account for the major financial activities of the City and are presented individually, while the activities of Non-major funds are presented in summary, with subordinate schedules presenting the detail for each of these Non-major funds. Major Funds are explained below.

The City is the Successor Agency of the Milpitas Redevelopment Agency. It holds funds to make payments according to the enforceable obligations schedules and eventually dispose of other assets and properties of the former Redevelopment Agency for the benefits of the taxing agencies. The City is also the depository agent for Local Improvement Districts and certain other entities. The fiduciary statements provide information about the cash balances and activities of the Successor Agency, Local Improvement Districts and other entities. These statements are separate from the City's financial statements and their balances are excluded from the City's fund balances.

Together, all these statements are called the Basic Financial Statements.

The City-wide Financial Statements

All of the City's basic services are considered to be governmental activities, including general government, building safety and inspection, public safety, public works maintenance, recreation, public improvements, planning and zoning, and general administration services. These services are supported by general City revenues such as taxes, and by specific program revenues such as fees. The City-wide financial statements can be found in pages 24-26 of this report.

All of the City's business-type activities includes water and sewer which are also reported in the basic financial statements. Unlike governmental services, these activities are supported by charges paid by users based on the amount of their service consumption.

The City's financial statements include the activities of four other separate legal entities, the Milpitas Public Financing Authority (MPFA), the Milpitas Housing Authority (Housing Authority), the Milpitas Municipal Financing Authority (MMFA) and Terrace Gardens, Inc., because the City is either financially accountable for these entities or has control of these entities' governing boards.

Citywide financial statements are prepared on the accrual basis, which means they measure the flow of all economic resources of the City as a whole.

Fund Financial Statements

Governmental Fund financial statements are prepared on the modified accrual basis, which means they measure only current financial resources and uses. Capital assets and other long-lived assets, along with long-term liabilities, are presented only in the citywide financial statements.

Enterprise and internal service fund financial statements are prepared on the full accrual basis and include all these funds' assets and liabilities, both current and long-term.

The Fund financial statements provide detailed information about each of the City's most significant funds, called Major Funds. Each Major Fund is presented individually, with all Non-major Funds summarized and presented only in a single column. Subordinate schedules present the detail of these Non-major funds. Major Funds present the major activities of the City for the year. The General Fund is always a Major Fund, but other funds may change from year to year as a result of changes in the pattern of the City's activities.

The City has four other Major Governmental Funds in fiscal 2021 in addition to the General Fund. These are the Housing Authority Fund, the Street Improvement Fund, the Transit Area Impact Fee Fund, and the General Government Capital Projects Fund, each of which is discussed in detail below.

Both of the City's Enterprise Funds are reported as Major Funds.

Comparisons of Budget and Actual financial information are presented only for the General Fund and other major governmental funds that are Special Revenue Funds. The City has one major Special Revenue Fund, the Housing Authority Fund.

Fiduciary Statements

The City is the Successor Agency of the former Redevelopment Agency and the agent for certain local improvement districts ("Districts"). The City holds property tax revenue distributed from the Redevelopment Property Tax Trust Fund ("RPTTF") to pay outstanding recognized obligations for the Successor Agency. The City also holds amounts collected from property owners which await transfer to the Districts' bond trustees. These activities are excluded from the City's other financial statements because the City cannot use these assets to finance its own operations. The City's fiduciary activities are reported in the separate Statement of Fiduciary Net Position, Statement of Changes in Fiduciary Net Position and the Agency Funds Statement of Changes in Assets and Liabilities.

CITYWIDE FINANCIAL ANALYSIS

This analysis focuses on the net position and changes in net position of the City as a whole. Comparisons of the current year's net position and activities with fiscal 2021 are presented in table form. Any significant changes are analyzed and discussed.

Governmental Activities

Table 1
Governmental Net Position at June 30
(in Millions)

	Governmental Activities	
	2021	2020
Cash and investments	$264.2	$267.0
Restricted cash and investments	16.3	0.0
Other assets	52.0	48.7
Capital assets	364	344.5
Total assets	**$696.5**	**660.2**
Deferred Outflows of Resources –Related to pensions and OPEB	**35**	**35.9**
Net Pension liabilities	209.4	196.2
Net OPEB liability	6.5	12.5
Total OPEB liability	29.7	26.2
Long-term debt outstanding	21.9	0.0
Other liabilities[1]	46.0	37.1
Total liabilities	**313.5**	**272.2**
Deferred Inflows of Resources –Related to pensions and OPEB[2]	**13.2**	**14.6**
Net position:		
Net investment in capital assets	358.4	344.5
Restricted	189	158.7
Unrestricted	(142.7)	(93.9)
Total net position	**$404.7**	**$409.3**

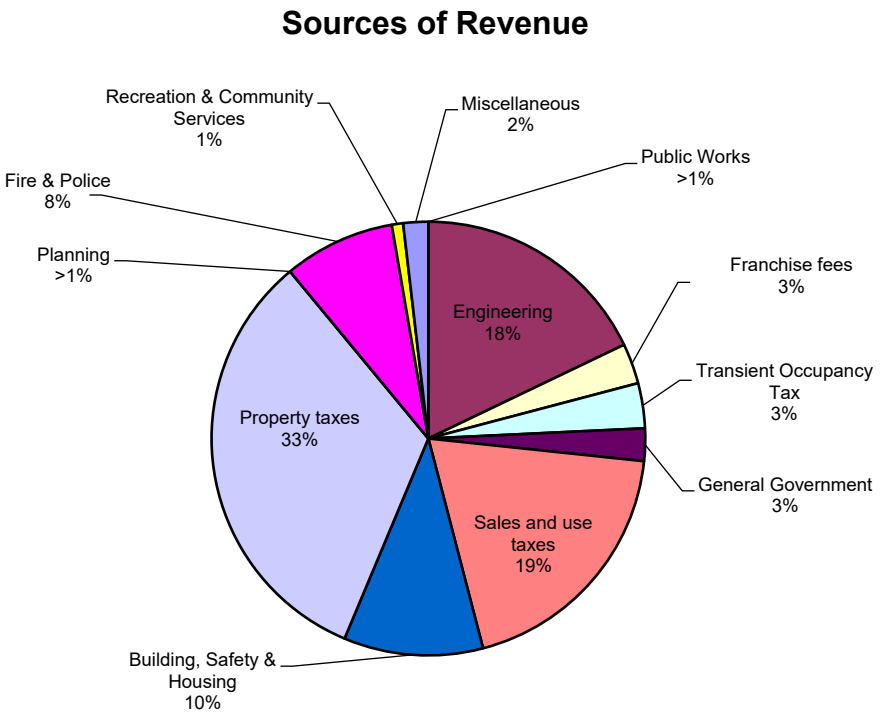
The City's governmental net position was $404.7 million at June 30, 2021, a decrease of $4.8 million from 2020. This decrease is reflected as Change in Net Position in the Governmental Activities column of the Statement of Activities and is also shown in Table 2 of this analysis:

- Cash and investments decreased $2.8 million principally due to decreased revenue from Hotel and Motel taxes.

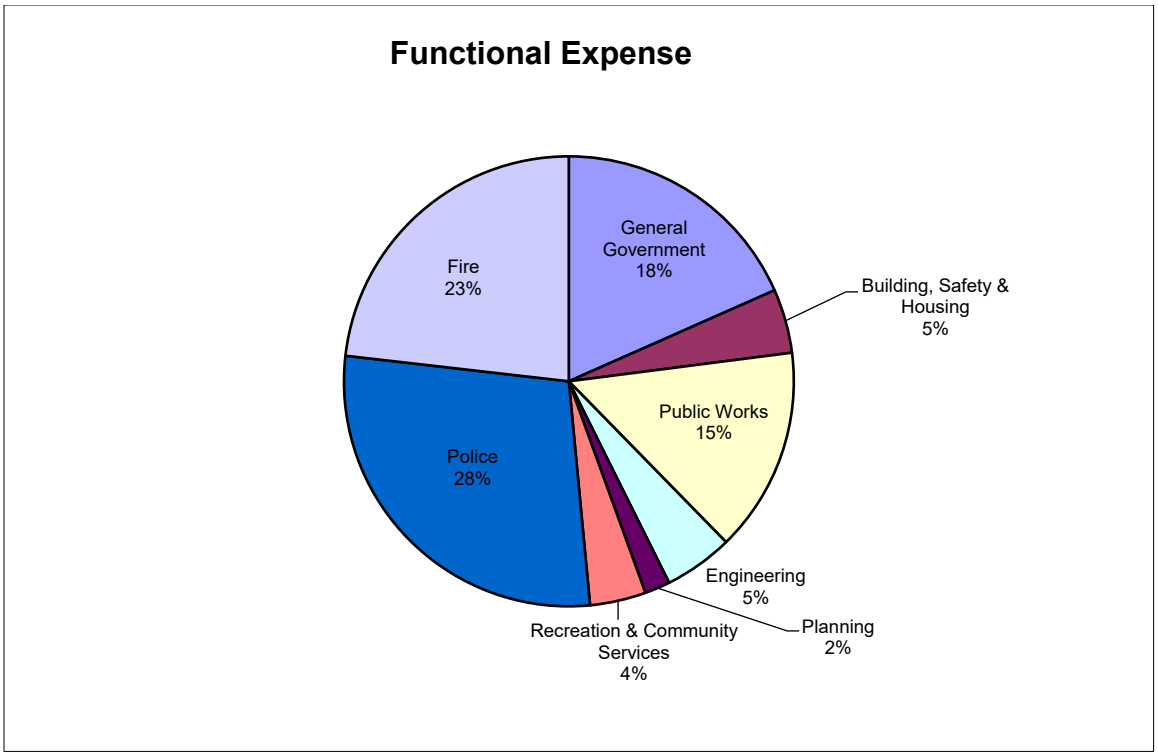
[1] Other liabilities include Accounts Payable, Unearned Revenues and Compensated Absences incurred as of June 30, 2021
[2] Deferred Inflows of Resources – Related to pensions and OPEB refers to unrecognized liability changes due to plan experience which differs from what was assumed in the prior measurement period.

- Restricted cash and investment increased by $16.3 million due to Bond proceeds monies received from the Lease Revenue Bond.
- Other assets increased $3.3 million from last year due to the net activity between receivables and decrease in prepaids, materials, supplies and deposits.
- Capital assets increased $19.5 million from last year, resulting from $14.7 million of depreciation, offset by $35.4 million in asset additions, net of retirements in fiscal 2021.
- Deferred outflows of resources related to pension and OPEB decreased $0.9 million from last year due to changes in actuarial results.

Fiscal Year 2021
Governmental Activities



As the Sources of Revenue Chart above shows, $41 million or 32% came from property taxes, while $24.2 million or 19% came from sales and use taxes. The remainder came from a variety of sources, including charges for services, grants and contributions, franchise fees, transient occupancy taxes, and building fees.



The Functional Expenses Chart above includes only current year expenses, which are discussed in detail below. It does not include capital outlays, which are added to the City's capital assets. The composition of Fiscal 2021's capital assets is shown in detail at Table 8.

The Statement of Activities presents program revenues and expenses and general revenues in detail. All these are elements in the Changes in Governmental Net Position as summarized below.

Table 2
Changes in Governmental Net Position
(in Millions)

	Governmental Activities	
	2021	2020
Expenses		
General Government	$25.2	$24.0
Building, Safety and Housing	6.7	7.4
Recreation and Community Services	5.2	7.1
Public Works	20.2	20.3
Engineering	6.8	7.3
Planning	2.5	2.7
Police	38.9	43.5
Fire	31.9	31.5
Interest on long term debt	0.8	0.0
Total expenses	138.1	143.8
Revenues		
Program revenues:		
Charges for services	16.9	15.6
Operating contributions and grants	15.0	10.6
Capital Grants	19.0	33.4
Total Program Revenues	50.9	59.6
General revenues:		
Taxes:		
Property taxes	41.0	37.7
Sales and use taxes	24.21	24.2
Transient Occupancy taxes	4.2	11.4
Other taxes	0.8	0.8
Franchise fees	5.0	5.2
Investment earnings	1.0	2.8
Miscellaneous	0.6	0.5
Total General Revenues	77.8	82.6
Total Revenues	127.7	142.2
Surplus (Deficit) before transfers	(10.4)	(1.6)
Transfers	6.1	4.2
Changes in net position	(4.3)	2.6
Beginning net position	409.3	369.6
Ending net position	**$405.0**	**$409.3**

Table 2 compares fiscal 2021 expenses and revenues with those of fiscal 2020. Expenses decreased by $5.7 million in fiscal 2021, due to a one time defund of 13.5 Full Time Equivalent (FTE) position in fiscal year 2021. The City has also experienced savings primarily due to vacancy savings, CalPERS budgetary savings and non-personnel savings due to reduced COVID-19 restrictions upon City Operations.

Table 2 shows that total governmental revenues decreased 13.6 million in fiscal 2021. Program revenues decreased $8.7 million while general revenues decreased $4.9 million. The decrease in program revenues was due to $14.4 million decrease in capital grants. However, there is an increase of $1.3 million in charges for services and $4.4 million in operating contribution to offset the losses.

The general revenue decreased $4.9 million from fiscal 2020, the net activity was due to decreases of $7.2 million in hotel/motel taxes, $0.2 million in Franchise Fee, and $1.8 million in investment earnings. The decreases are offset with $3.3 million increases in Property tax, $0.9 million increases in Sales and Uses taxes, and $0.1 million increases in Miscellaneous Revenue.

The transfers increased $1.9 million from fiscal 2020. The increase in transfer was due to one-time transfers from General Government Capital Project Fund to balance fiscal year 2021 budget impacted by COVID19 negative economic situation.

Table 3 presents the net cost of each of the City's largest programs—general government, building safety and housing, recreation and community services, public works, engineering, planning, police, and fire. Net cost is defined as total program cost less the revenues generated by those specific activities. The net cost of providing such programs in fiscal year was $87.3 million.

Table 3
Governmental Activities
(in Millions)

	Net (Expenses) Revenue From Services	
	2021	2020
General Government	$(22.2)	$(22.2)
Building, Safety and Housing	6.3	2.7
Recreation and Community Services	(4.1)	(5.4)
Public Works	(20.2)	(20.3)
Engineering	15.6	30
Planning	(1.6)	(2.0)
Police	(34.1)	(39.1)
Fire	(26.2)	(28.0)
Interest on long term debt	(0.8)	0.0
Totals	**$(87.3)**	**$(84.3)**

Business-type Activities

Table 4
Business-Type Net Position at June 30
(in Millions)

	Business-Type Activities	
	2021	2020
Cash and investments	$122.3	$118.7
Other assets	4.8	3.9
Capital assets	162.8	158.8
Total assets	**289.9**	**281.4**
Deferred Outflows of Resources – Related to Pensions and OPEB	**1.1**	**1.2**
Other liabilities	8.2	3.6
Net pension liabilities	3.8	4.3
Net OPEB liability	3.7	3.8
Long-term Debt	57.90	59.4
Total liabilities	**73.6**	**71.1**
Deferred Inflows of Resources – Related to Pensions and OPEB	**1.1**	**1.1**
Net position:		
Net investment in capital assets	125.2	99.3
Restricted	72.6	63.1
Unrestricted	18.5	48.0
Total net position	**$216.3**	**$210.4**

The net position of business-type activities was $216.3 million in fiscal 2021, an increase of $5.9 million from fiscal 2020. The increase in net position was due to increase in total assets of $8.5 million. The increase in total assets is comprised of $3.6 million increase in cash, increase of $0.9 million in other assets and $4 million increases in capital assets. The increases are offset by additional liability of $2.5 million recorded in fiscal year 2021.

Table 5
Changes in Business-Type Net Position
(in Millions)

	Business-Type Activities	
	2021	2020
Expenses		
Water Utility	$29.0	$28.7
Sewer Utility	16.0	15.2
Total expenses	45.0	43.9
Revenues		
Program revenues:		
Charges for services	55.0	52.4
Operating grants	0.1	0.2
Capital grants	1.4	0.6
Total program revenues	56.5	53.1
General revenues:		
Investment earnings	0.6	2.3
Total general revenues	0.6	2.3
Total Revenues	57.1	55.5
Excess before transfers	12.1	11.6
Net Transfers	(6.1)	(4.2)
Changes in net position	6.0	7.2
Beginning net position	210.3	203.1
Ending net position	**$216.3**	**$210.3**

Table 5 compares fiscal 2021 expenses and revenues with those of fiscal year 2020. Total expenses increased by $1.1 million in fiscal 2021 due to an increase in personnel services and an increase in water purchase and contractual services. Total program revenues increased by $3.4 million primarily due to an increase in charges for services related to a rate increase and an increase in capital grants and contributions. Total general revenue decreased $1.7 million from interest earnings due to a decrease in unrealized gain and loss in investment as of June 30, 2021. The net transfers represent reimbursements of administration costs to the General Fund.

FINANCIAL ANALYSIS OF THE CITY'S FUNDS

Table 6 below summarizes activities and balances of the governmental funds at the fund level:

Table 6
Financial Highlights of Governmental Funds at Fund Level at June 30
(in Millions)

	2021	2020
Total assets	$284.6	$308.5
Total liabilities	29.9	26.6
Total deferred inflow of resources	1.8	1.7
Total fund balances	252.8	279.9
Total revenues	126.8	141.2
Total expenditures	146.6	139.1
Total other financing sources	(7.3)	5.4

At June 30, 2021, the City's governmental funds reported combined fund balances of $252.8 million, a decrease of $27.1 million from last year. The fund balances of the Housing Authority Fund, Transit Area Impact Fee Fund and General Government Capital Improvement Fund increased $0.4 million, $1.0 million, and $9.8 million respectively. General Fund, Street Improvement Fund and Other Governmental Funds decreased $32.1 million, $0.3 million and $5.9 million, respectively. The decrease in General Fund balance is due to establishment of a Section 115 Pension Trust in fiscal year 2021.

Revenues at the fund level totaled $126.8 million, a net decrease of $14.4 million. Revenues received in General Fund, Housing Authority, Street Improvement Fund, Transit Area Impact Fee Fund, and General Government Capital Improvement decreased $1.3 million, $0.2 million, $1.5 million, $11.1 million and $0.8 million respectively while Other Governmental Funds has an increase of $0.5 million in fiscal year 2021.

Expenditures net increased $7.5 million this year to $146.6 million from last year's $139.1 million. The expenditures of the General Fund, Transit Area Impact Fee Fund, and General Government Capital Improvement Fund increased $4.4 million, $2.2 million, and $6.2 million, respectively while the Housing Authority Fund, Street Improvement Fund and Other Governmental Funds decreased $0.3 million, $3.4 million and $1.6 million respectively.

Analyses of Major Governmental Funds

General Fund

General Fund revenues decreased to $98.1 million this fiscal year, down $1.3 million from the prior fiscal year. Hotel/Motel taxes were decreased by $7.2 million from $11.4 million in fiscal year 2020 to $4.2 million in fiscal year 2021. The decrease is due to continuous COVID-19 economic impacting the business travelers to travel and stay in Milpitas for work purposes.

However, there were increases in Property tax revenue of $3.3 million, Licenses and Permit of $2.0 million, Intergovernmental Revenue of $3.4 million, and Sales and Use taxes of $0.9 million has offset losses. The ¼ Measure F sales tax contribute to the increase in sales and uses taxes. The Measure F was effective on April 1, 2021 for 8 years, and has become a new revenue source for the City.

General Fund expenditures increased $4.4 million to $107.2 million in fiscal 2021. The increase is due primarily to personnel cost and contractual services.

Net Other Financing Sources increases by $20.5 million. Transfers out were approximately $34.3 million, as compared to Transfers out of $8.5 million in fiscal 2020. The reason of the increase was due to transfers out of $33.1 million to fund the establishment of the Pension Section 115 Internal Service Fund in fiscal year 2021.

For the City's General Fund, actual revenues of $99 million were $7.7 million more than the final budgeted revenues of $91.3 million. Property taxes, Sales taxes, Licenses and Fines, and Intergovernmental exceeded budget by $4.2 million, $0.8 million, $1.6 million, and $1.4 million respectively. The COVID-19 impact on the City budget was unprecedented and difficult to assess. Moreover, these net revenue increases are primarily one-time, such as property tax education relief augment fund (ERAF), and/or not in the City's control, such as the timing of development related revenues.

At the end of the year, actual General Fund expenditures were $109.3 million, $4.1 million less than final budget of $113.4 million. The $4.1 million was primarily due to vacancy savings, CalPERS budgetary savings, and non-personnel savings in supplies and services category.

Housing Authority

This Fund accounts for the housing activities assumed from the former Redevelopment Agency designed to increase the amount of low and moderate-income housing available in the City. Total revenues were $0.7 million in fiscal 2021, comprised of $0.7 million of interest, rental income and repayment of housing loans. Total expenditures were $0.4 million for administration, interest forgiveness related to a restructure of an affordable housing loan, management of two affordable housing units and one commercial property with eight tenants.

Street Improvement Capital Project

This Street Improvement Capital Project Fund accounts for the majority of the street capital projects activity in the City. The Fund's revenues were $2.3 million in fiscal 2021, a decrease of $1.5 million from fiscal 2020. The decrease in revenues was mainly due to receiving less reimbursement from Measure B local monies from Valley Transportation Authority (VTA) due to reduced activity in the projects. Fund expenditures were $2.7 million in fiscal 2021, a decrease of $3.4 million from fiscal 2020, due to decreased in capital outlay. Net transfers were $0.1 million in fiscal 2021, a decrease of $3.8 million from fiscal 2020 due to decrease funding in street projects from the General Fund, Gas Tax Special Revenue Fund, and Transit Area Impact Fee Capital Projects Fund.

Transit Area Impact Fee

The Transit Area Impact Fee Fund was established in fiscal 2009 to account for impact fees revenue collected from developers and related capital expenditures in the Transit Area. In fiscal 2021, fund revenues were $13.1 million, primarily from fees collected from developers. Expenditures were $12.4 million, primarily consist of $12.3 million capital improvement projects. The fund also receives transfer in of $0.4 million in fiscal year 2021 from to the Street Improvement Capital Project fund to fund Transit Area capital project activity. The fund also repaid a loan advances of $5.4 million to General Fund to help with balance the fiscal year 2021 budget.

General Government Capital Projects

The General Government Capital Projects Fund accounts for construction and maintenance of general government projects and assets in the City. In fiscal 2021, expenditures of $14.3 million consisted of $14.0 million of capital improvement project expenditures. The transfers in of $7.8 million were primarily from capital project defunds from Street Improvement Capital Project Fund, Park Improvement Project Fund and Storm Drain Project Fund in total of $3.5 million. General Government Capital Projects funds also received funding from Community Planning Fund, Street Improvement Capital Fund, Park Improvement Fund, and Internal Service Fund in an amount of approximately $3.4 million. The transfers out of $5.0 million were to the General Fund. This includes $4 million one-time transfer out to the General Fund to balance fiscal year 2021 budget due to negative economic impact from COVID-19.

Other Governmental Funds

These funds are not presented separately in the Basic Financial Statements, but are individually presented as Supplemental Information.

Fund Balance Classifications

Fund balances are classified in five categories: nonspendable, restricted, committed, assigned and unassigned based on a hierarchy of constraint. Further details on fund balance classifications can be found in Note 10B.

Table 7 shows the classification of the fund balances of the major governmental funds.

Table 7
Fund Balances at June 30 – Major Governmental Funds
(in Millions)

	2021	2020
General Fund		
Nonspendable	$4.8	$10.2
Committed	13.3	44.0
Assigned	2.6	6.1
Unassigned	42.0	34.4
Total	$62.7	$94.8
Housing Authority Fund		
Restricted	$39.8	$39.4
Street Improvement Fund		
Restricted	$8.8	$9.1
Transit Area Impact Fee Fund		
Restricted	$63.2	$62.2
General Government Project Fund		
Assigned	$38.3	$28.5

At June 30, 2021, the fund balance of the General Fund was $62.7 million. $4.8 million was classified as nonspendable, comprised of $0.6 million for prepaid materials and supplies, and $4.2 million of property held for resale. $13.2 million was classified as committed, comprised of $2.8 million for PERS Rate Stabilization $1.4 million for Artificial turf replacement, $2 million for Technology replacement and $7 million for Facilities replacement. $6.5 million was classified as Assigned, comprised of $2.3 million for uninsured claims and $2.4 million for encumbrances, and $1.8 million of other assigned. $38.1 million was classified as unassigned, comprised of $18.3 million of contingency reserve, $18.3 million of budget stabilization reserve, $1.4 million of future deficit reserve, and $0.1 million of unassigned.

The fund balances of the Housing Authority Fund, Street Improvement Fund and the Transit Area Impact Fee Fund were also classified as restricted because the amounts were restricted for specific purposes.

The fund balance of the General Government Capital Project Fund was $38.3 million: $38.3 million classified as assigned due to Council's reserve policy.

Analyses of Major Proprietary Funds

Total operating revenues of major proprietary funds increased $2.4 million from last year, while operating expenses decreased $0.4 million. Total operating revenues and total operating expenses were $54.8 million and $42.7 million, respectively. Total of non-operating expenses were $1.5 million in fiscal 2021, a decrease of $3.1 million from the prior year. Capital contributions increased by $0.8 million and net transfers out decreased by $3.6 million.

Water Utility

Water fund revenues were $34.7 million in fiscal 2021, an increase of $1.9 million from prior year. The increase in revenues was primarily due to rate increase in the water utility. Expenses were $28.4 million in fiscal 2021, decrease $0.3 million from prior year, primarily due to decrease in personnel services. Net position of the Water Utility Fund increased $3.6 million in the current year to a total of $90.5 million. The increase comprised of $34.7 million of operating revenues for the current year, $28.3 million of operating expenses, which result in $6.2 million operating income. The water fund also received $0.3 million in interest income, $0.1 million of grants, $0.3 million of capital contributions and net of interest expense of ($0.5) million and transfers of ($2.7) million, and this resulted in increase of net position of $3.6 million.

The Water Fund's Net Position includes $48.6 million invested in capital assets, $34.4 million in restricted net position, and $7.5 million in unrestricted net position.

Sewer Utility

Sewer fund revenues were $20.2 million in fiscal 2021, up $0.6 million from the prior year due to an increase in usage. Expenses were $14.4 million in fiscal 2021, a decrease of $0.1million from the prior year due to a decrease in services and supplies. Non-operating revenues and expenses in fiscal year 2021 consisted of $0.3 million interest income, and $1.7 million interest expense. Net position of the Sewer Utility Fund increased $2.4 million in the current year to a total of $125.8 million. The increase comprised of $20.1 million of operating revenues for the current year, $14.3 million of operating expenses, which result in $5.8 million operating income. The sewer fund also received $0.3 million in interest income, net of interest expense of $1.7 million, $1.1 million of capital contributions and net of transfers of ($3.3) million, and this resulted in increase of net position of $2.4 million. In fiscal year 2021, sewer fund also received a credit of $1.4 million. This is a true-up of actual expenditure from previous fiscal year budget for both operation and capital improvement program for the San Jose Santa Clara Regional Waste Facility.

The Sewer Fund's Net Position includes $76.6 million invested in capital assets, $38.2 million in restricted net position, and $11 million in unrestricted net position.

CAPITAL ASSETS

The City records the cost of all its infrastructure assets such as roads, bridges, signals and similar assets used by the general population and computes the amount of accumulated depreciation for these assets based on their original acquisition dates. At the end of fiscal 2021, the cost of infrastructure and other capital assets recorded on the City's financial statements was as shown in Table 8 below:

Table 8
Capital Assets at Year-end
(in Millions)

	2021	2020
Governmental Activities:		
Land	$84.8	$ 73.7
Construction in progress	74.8	81.2
Buildings and improvements	173.4	173.4
Other improvements	30.8	30.6
Machinery and equipment	48.7	46.5
Landscape system	30.1	30.0
Storm system	74.5	74.3
Street system	302.4	276.7
Traffic system	20.2	19.9
Less accumulated depreciation	(475.7)	(461.9)
Totals	**$364.0**	**$344.5**
Business-type Activities:		
Land	$1.1	$1.1
Construction in progress	18.8	12.3
Distribution facilities	81.2	81.2
Water Service lines	17.1	17.0
Sewer lines	87.5	86.1
Capacity rights	102.7	100.6
Less accumulated depreciation	(145.7)	(139.5)
Totals	**$162.7**	**$158.8**

The primary additions in fiscal 2021 were to the land, machinery and equipment, landscape system, street system, traffic system, construction in progress in business types activities, sewer lines and capacity rights activities. Construction in progress included Automated water meter replacement program, Installation of Supervisory Control and Data Acquisition (SCADA) system to the City's water infrastructure, and Well Upgrade Project at McCandless Park site.

The City depreciates all its capital assets over their estimated useful lives. The purpose of depreciation is to spread the cost of a capital asset over the years of its useful life so that an allocable portion of the cost of the asset is borne by all users. Additional information on depreciable lives and current year activities may be found in Note 8.

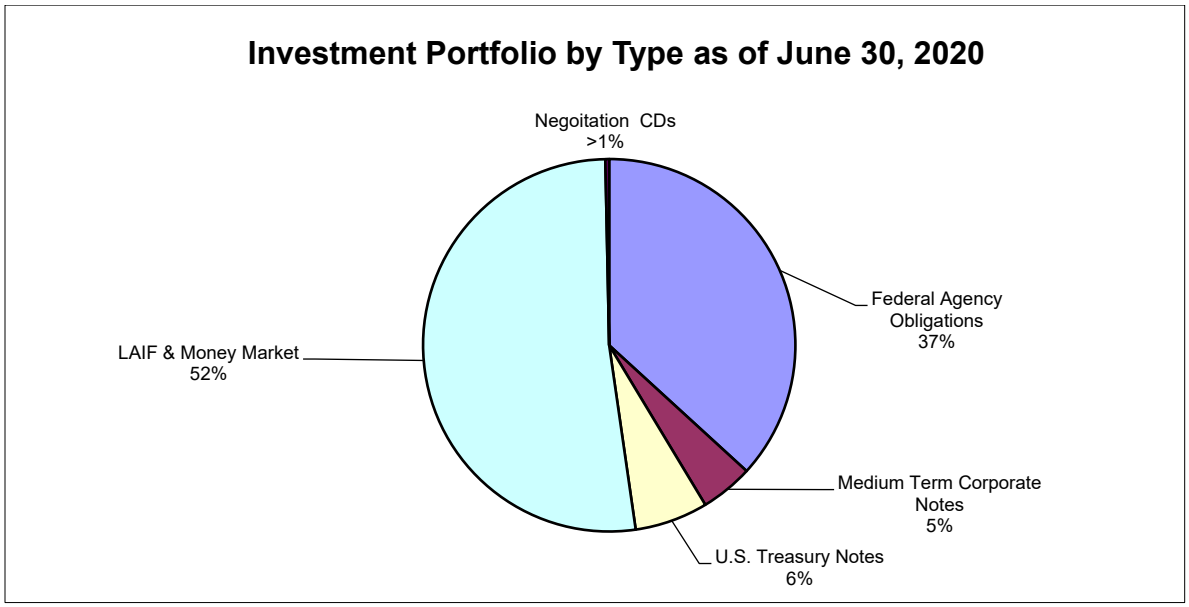
CASH AND INVESTMENTS

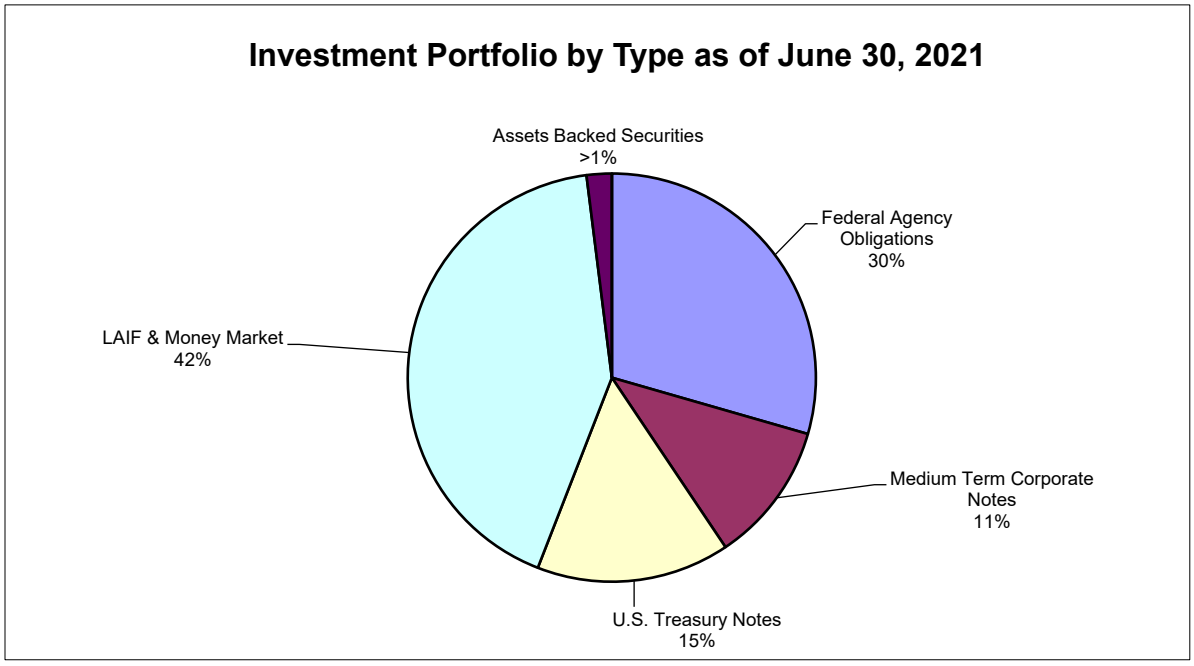
The City outsourced the management of the City's investments to Chandler Asset Management effective June 1, 2020 and held in a custodial account with The Bank of New York. The managed portfolio consists of securities invested in accordance with City's investment policy and the California Government Code.

Total cash and investments increased $17.1 million from $385.7 million to $402.8 million. This increase was due to proceeds from the debt issuance of Lease Revenue bond.

Total investment earnings for fiscal year 2021 was $1.4 million. City's investment income from interest and dividends on investments was $0.7 million in 2021. The change in fair value for the portfolio for the fiscal year ending June 30, 2021 was an unrealized gain on investments of $0.7 million.

The following graphs depict the investment portfolio of $352.0 million cash and investments at June 30, 2021 and $383.6 million at June 30, 2020.





DEBT ADMINISTRATION

The City's debt was issued to finance a few City's projects include Sewer infrastructure, Water infrastructure, energy improvement projects and replacement for Fire Station.

In fiscal 2018, the City refunded the 2006 Sewer Bonds with the 2017 Wastewater Revenue Refunding Bonds to reduce interest rate cost over the life of the bond issuance. The 2017 Bonds are pledges by net revenue from the City's sewer system. In fiscal 2020, Milpitas Municipal Financing Authority issued Wastewater Revenue Bonds, Series 2019 in an amount of $29.8 million to fund for certain improvement to the City's wastewater system. The City also issued Water Revenue Bonds, Series 2019 in an amount of $17.1 million fund for Water system improvement projects.

In fiscal 2021, Milpitas Municipal Financing Authority issued a Lease Revenue Bonds in an amount of $18.4 million to provide funds to finance a portion of Fire Station No. 2 Replacement project and variety of energy improvement projects. Each of the City's debt issues are discussed in detail in Note 9 to the financial statements. At June 30, 2021 the City's debt is comprised of:

Table 9
Outstanding Debt
(in Millions)

	Balance June 30, 2021	Balance June 30, 2020
Governmental Activity Debt:		
2020 General Fund Lease Revenue Bond		
4.0% due June 1, 2041	$18.4	0.0
Plus: Unamortized bond premium	3.5	0.0
Total Governmental-type Activity Debt	$21.9	$ 0.0
Business-type Activity Debt:		
Wastewater Revenue Refunding Bonds, 2017 Series		
2.0% - 5.0%, due November 1, 2026	3.3	3.8
Plus: Unamortized bond premium	0.4	0.5
Wastewater Revenue Bonds, 2019 Series		
4.0% - 5.0%, due November 1, 2049	29.4	29.8
Plus: Unamortized bond premium	5.1	5.3
Water Revenue, 2019 Series		
4.0% - 5.0%, due June 1, 2049	16.8	17.1
Plus: Unamortized bond premium	2.9	2.9
Total Business-type Activity Debt	$57.9	$ 59.4

ECONOMIC OUTLOOK AND MAJOR INITIATIVES

The economy of the City and its major initiatives for the coming year are discussed in detail in the accompanying Transmittal Letter.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This Annual Comprehensive Financial Report is intended to provide citizens, taxpayers, investors, and creditors with a general overview of the City's finances. Questions about this Report should be directed to the Finance Department, at 455 East Calaveras Boulevard, Milpitas, CA 95035-5479 or to the City's website at www.ci.milpitas.ca.gov.

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The Statement of Net Position reports the difference between the City's total assets and deferred outflows of resources and the City's total liabilities and deferred inflows of resources, including all the City's capital assets and all its long-term debt. The Statement of Net Position focuses the reader on the composition of the City's net position by subtracting total liabilities and deferred inflows of resources from total assets and deferred outflows of resources.

The Statement of Net Position summarizes the financial position of the City's Governmental Activities in a single column, and the financial position of all the City's Business-type Activities in a single column; these columns are followed by a Total column that presents the financial position of the primary government. This column is followed by a column that displays the discretely presented component unit.

The City's Governmental Activities include the activities of its General Fund, along with all its Special Revenue, Capital Projects and Debt Service Funds. Since the City's Internal Service Funds service these Funds, their activities are consolidated with Governmental Activities, after eliminating inter-fund transactions and balances. The City's Business-type Activities include all its Enterprise Fund activities.

The Statement of Activities reports increases and decreases in the City's net position. It is prepared on the full accrual basis, which means it includes all the City's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis used in the Fund financial statements, which reflect only current assets, current liabilities, deferred inflows/outflows of resources, available revenues and measurable expenditures.

The Statement of Activities presents the City's expenses first, listed by the program, and follows these with the expenses of its Business-type Activities. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net expense of each governmental and business-type program. The City's general revenues are then listed in the Governmental Activities, Business-type Activities or discretely presented component unit column, as appropriate, and the Change in Net Position is computed and reconciled with the Statement of Net Position.

Both of these Statements include the financial activities of the City and the blended component units: the Milpitas Public Financing Authority (MPFA), the Milpitas Economic Development Corporation (EDC), the City of Milpitas Housing Authority (Housing Authority) and the Milpitas Municipal Financing Authority (MMFA). The Financing Authorities and Housing Authority are legally separate component units of the City, because they are controlled by the City and the City is financially accountable for their activities. The EDC is a California nonprofit public benefit Corporation that is also a legally separate component unit of the City because it is governed by a board consisting of the members of the City Council. The EDC became inactive as of June 30, 2015. The balances and the activities of the discretely presented component unit of Terrace Gardens, Inc. are included in these statements as separate columns.

These financial statements along with the fund financial statements and footnotes are called *Basic Financial Statements.*

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
STATEMENT OF NET POSITION
JUNE 30, 2021

	Primary Government			Component Unit
	Governmental Activities	Business-Type Activities	Total	Terrace Gardens Inc. (As of December 31, 2020)
ASSETS				
Cash and investments available for operations (Note 3)	$264,205,209	$101,955,807	$366,161,016	$74,817
Restricted cash and investments (Note 3)	16,335,485	20,323,475	36,658,960	2,956,140
Receivables:				
Accounts	2,986,344	4,289,395	7,275,739	87,734
Due from other governments	8,503,860	165,834	8,669,694	
Interest	567,213	222,997	790,210	
Loans receivable (Note 5)	32,588,119		32,588,119	
Prepaids, materials, supplies and deposits (Note 1E)	730,267	187,040	917,307	64,097
Property held for resale (Note 6)	6,533,018		6,533,018	
Capital assets and capacity rights (Note 8):				
Land and construction in progress	159,644,576	19,971,984	179,616,560	1,565,277
Depreciable capital assets, net	204,383,815	142,792,629	347,176,444	5,645,002
Total assets	696,477,906	289,909,161	986,387,067	10,393,067
DEFERRED OUTFLOWS OF RESOURCES				
Related to pensions (Note 11D)	29,014,682	580,511	29,595,193	
Related to OPEB (Note 12E)	5,985,752	565,381	6,551,133	
Total deferred outflows of resources	35,000,434	1,145,892	36,146,326	
LIABILITIES				
Accounts payable	7,776,807	6,943,147	14,719,954	211,195
Accrued payroll	3,773,017	217,257	3,990,274	11,551
Interest payable	61,483	308,321	369,804	
Uninsured claims payable (Note 13):				
Due within one year	1,410,489		1,410,489	
Due in more than one year	5,490,085		5,490,085	
Refundable deposits	3,315,570	141,496	3,457,066	74,800
Unearned revenue	15,315,784	6,922	15,322,706	9,525
Accrued vacation (Note 12F):				
Due within one year	2,893,740	108,464	3,002,204	12,259
Due in more than one year	3,706,658	339,992	4,046,650	
Sick leave payable (Note 12F):				
Due within one year	838,357	50,250	888,607	
Due in more than one year	1,443,013	153,382	1,596,395	
Net pension liabilities (Note 11C):				
Due in more than one year	209,397,184	3,775,949	213,173,133	
Net OPEB liability (Note 12C):				
Due in more than one year	6,545,542	1,120,806	7,666,348	
Total OPEB liability (Note 12D)				
Due in more than one year	29,659,001	2,553,960	32,212,961	
Long term debt (Note 9):				
Due within one year	275,000	1,280,000	1,555,000	
Due in more than one year	21,643,516	56,602,224	78,245,740	
Total liabilities	313,545,246	73,602,170	387,147,416	319,330
DEFERRED INFLOWS OF RESOURCES				
Related to pensions (Note 11D)	207,713		207,713	
Related to OPEB (Note 12E)	12,958,826	1,134,570	14,093,396	
Total deferred inflows of resources	13,166,539	1,134,570	14,301,109	
NET POSITION (Note 10)				
Net investment in capital assets and capacity rights	358,445,360	125,205,864	483,651,224	7,210,279
Restricted for:				
Capital projects	100,095,667	72,629,181	172,724,848	
Redevelopment and community development activities	51,802,248		51,802,248	
Pension expenses	35,387,011		35,387,011	
Other programs	1,744,583		1,744,583	
Total restricted net position	189,029,509	72,629,181	261,658,690	
Unrestricted	(142,708,314)	18,483,268	(124,225,046)	2,863,458
Total net position	$404,766,555	$216,318,313	$621,084,868	$10,073,737

See accompanying notes to financial statements

CITY OF MILPITAS
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021

		Program Revenues			Net (Expense) Revenue and Changes in Net Position Primary Government	
Functions/Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities
Primary Government:						
Governmental Activities:						
General Government	$25,246,565	$1,710,529	$1,337,503		($22,198,533)	
Building, Safety and Housing	6,704,650	8,628,822	4,394,426		6,318,598	
Recreation and Community Services	5,173,586	761,935	288,127		(4,123,524)	
Public Works	20,219,243				(20,219,243)	
Engineering	6,826,074	1,792,327	1,754,407	$18,896,585	15,617,245	
Planning	2,489,586	408,061	397,451	100,000	(1,584,074)	
Police	38,918,887	1,055,244	3,744,174		(34,119,469)	
Fire	31,859,119	2,552,896	3,069,818		(26,236,405)	
Interest on long term debt	784,828				(784,828)	
Total Governmental Activities	138,222,538	16,909,814	14,985,906	18,996,585	(87,330,233)	
Business-type Activities:						
Water Utility	28,959,161	34,657,719	111,568	309,506		$6,119,632
Sewer Utility	15,982,008	20,151,541	13,761	1,124,754		5,308,048
Total Business-type Activities	44,941,169	54,809,260	125,329	1,434,260		11,427,680
Total Primary Government	$183,163,707	$71,719,074	$15,111,235	$20,430,845	(87,330,233)	11,427,680
Component Unit:						
Terrace Gardens Inc.	$2,369,426	$2,302,086	$90,338			
General revenues:						
Taxes:						
Property taxes					40,979,462	
Sales and use taxes					24,169,738	
Hotel/Motel taxes					4,213,325	
Other taxes					790,879	
Franchise fees, unrestricted					5,035,476	
Motor vehicle in-lieu, unrestricted					57,179	
Investment earnings					964,708	587,536
Gain from sale of property					27,543	
Miscellaneous					503,440	
Transfers (Note 4)					6,079,209	(6,079,209)
Total general revenues and transfers					82,820,959	(5,491,673)
Change in Net Position					(4,509,274)	5,936,007
Net position-Beginning					409,275,829	210,382,306
Net position-Ending					$404,766,555	$216,318,313

See accompanying notes to financial statements

Net (Expense) Revenue and Changes in Net Position	
Primary Government	Component Unit
Total	Terrace Gardens Inc. (year ended December 31, 2020)
($22,198,533)	
6,318,598	
(4,123,524)	
(20,219,243)	
15,617,245	
(1,584,074)	
(34,119,469)	
(26,236,405)	
(784,828)	
(87,330,233)	
6,119,632	
5,308,048	
11,427,680	
(75,902,553)	
	$22,998
40,979,462	
24,169,738	
4,213,325	
790,879	
5,035,476	
57,179	
1,552,244	18,424
27,543	
503,440	
77,329,286	18,424
1,426,733	41,422
619,658,135	10,032,315
$621,084,868	$10,073,737

CITY OF MILPITAS
CALIFORNIA
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JANUARY 26, 1954

FUND FINANCIAL STATEMENTS

The Fund Financial Statements present individual major funds, while non-major funds are combined in a single column. Major funds are defined generally as having significant activities or balances in the current year. No distinction is made between Fund types.

MAJOR GOVERNMENTAL FUNDS

The funds described below were determined to be Major Funds by the City. Individual non-major funds may be found in the Supplemental section.

GENERAL FUND

The General Fund is used for all the general revenues of the City not specifically levied or collected for other City funds and the related expenditures. The general fund accounts for all financial resources of a governmental unit, which are not accounted for in another fund.

HOUSING AUTHORITY FUND

Established to plan and address the housing needs of the City and to act as the Housing Successor Agency for the former Redevelopment Agency. The main source of the revenue for this fund is the repayment of loans restricted for housing activities.

STREET IMPROVEMENT FUND

Established to account for the construction and maintenance of the street system in Milpitas. Financing may be provided through state and federal grants.

TRANSIT AREA IMPACT FEE FUND

Established to account for capital projects in the transit area. A special transit area impact fee is imposed on developments to provide financing.

GENERAL GOVERNMENT CAPITAL PROJECT FUND

Established to account for the construction and maintenance of general government projects. Financing provided by the General Fund.

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CITY OF MILPITAS
GOVERNMENTAL FUNDS
BALANCE SHEET
JUNE 30, 2021

	General	Housing Authority	Street Improvement	Transit Area Impact Fee
ASSETS				
Cash and investments available for operations (Note 3)	$71,420,969	$8,339,145	$10,025,888	$63,194,302
Restricted cash and investments (Note 3)	280,738			
Receivables:				
Accounts	1,173,014			1,813,330
Due from other governments	7,754,048		225,373	
Interest	220,961	17,990	21,529	140,259
Loans receivable, net (Note 5)		29,101,316		
Prepaids, materials, supplies and deposits (Note 1E)	582,658	2,000		
Property held for resale (Note 6)	4,200,000	2,333,018		
Total Assets	$85,632,388	$39,793,469	$10,272,790	$65,147,891
LIABILITIES				
Accounts payable	$2,168,481	$13,304	$1,002,070	$74,940
Accrued payroll	3,554,901		8,088	6,817
Refundable deposits	3,284,431	12,100		3,227
Unearned revenue	13,904,026		500,245	
Total Liabilities	22,911,839	25,404	1,510,403	84,984
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenue - accounts receivable (Note 7C)				1,813,330
Total Deferred Inflows of Resources				1,813,330
FUND BALANCES				
Fund balances (Note 10):				
Nonspendable	4,782,658	2,000		
Restricted		39,766,065	8,762,387	63,249,577
Committed	13,266,484			
Assigned	6,543,065			
Unassigned	38,128,342			
TOTAL FUND BALANCES	62,720,549	39,768,065	8,762,387	63,249,577
Total Liabilities, Deferred Inflows of Resources and Fund Balances	$85,632,388	$39,793,469	$10,272,790	$65,147,891

Amounts reported for Governmental Activities in the Statement of Net Position are different from those reported in the Governmental Funds above because of the following:

CAPITAL ASSETS
Capital assets used in Governmental Activities are not current assets or financial resources and therefore are not reported in the Governmental Funds.

ALLOCATION OF INTERNAL SERVICE FUND NET POSITION
Internal service funds are not governmental funds. However, they are used by management to charge the costs of certain activities, such as insurance and central services and maintenance, to individual governmental funds. The net current assets of the Internal Service Funds are therefore included in Governmental Activities in the Statement of Net Position.

LONG-TERM ASSETS AND LIABILITIES
The assets and liabilities below are not due and payable in the current period and therefore are not reported in the Funds:
- Unavailable revenue
- Long-term debt
- Net pension liability and pension-related deferred outflows/inflows of resources
- Net OPEB liability
- Total OPEB liability
- Deferred outflows/inflows of resources related to OPEB liabilities
- Non-current portion of accrued vacation and sick leave
- Non-current portion of uninsured claims payable

NET POSITION OF GOVERNMENTAL ACTIVITIES

See accompanying notes to financial statements

General Government Capital Projects	Other Governmental Funds	Total Governmental Funds
$26,103,253	$37,374,388	$216,457,945
16,054,747		16,335,485
		2,986,344
	524,439	8,503,860
56,934	83,005	540,678
	3,486,803	32,588,119
	25,992	610,650
		6,533,018
$42,214,934	$41,494,627	$284,556,099
$3,947,147	$393,149	$7,599,091
13,129	125,210	3,708,145
	18,843	3,318,601
	911,513	15,315,784
3,960,276	1,448,715	29,941,621
		1,813,330
		1,813,330
	25,992	4,810,650
	38,766,442	150,544,471
		13,266,484
38,254,658	1,253,478	46,051,201
		38,128,342
38,254,658	40,045,912	252,801,148
$42,214,934	$41,494,627	
		364,028,391
		47,458,913
		1,813,330
		(21,979,999)
		(180,590,215)
		(6,545,542)
		(29,659,001)
		(6,973,074)
		(8,690,049)
		(6,900,574)
		$404,766,555

CITY OF MILPITAS
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2021

	General	Housing Authority	Street Improvement	Transit Area Impact Fee
REVENUES				
Property taxes	$41,093,301			
Sales taxes	25,114,095			
Hotel /Motel taxes	4,213,326			
Franchise fees	5,035,476			
Other taxes	1,046,894			
Licenses and fines	10,993,296			
Use of money and property	683,993	$712,550	$3,680	$20,523
Intergovernmental	4,934,324		2,307,826	
Charges for services	4,573,639			
Developer contributions			314	13,065,471
Other	442,411			9,625
Total Revenues	98,130,755	712,550	2,311,820	13,095,619
EXPENDITURES				
Current:				
General Government	20,602,496	357,580		4,129
Building, Safety and Housing	5,523,319			
Recreation and Community Services	3,661,454			
Public Works	8,769,370			
Engineering	3,624,913		122,124	
Planning	1,984,099			
Police	34,381,690			
Fire	28,200,271			
Capital outlay			2,620,601	12,360,484
Debt service:				
Interest and fees	411,938			36,949
Total Expenditures	107,159,550	357,580	2,742,725	12,401,562
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(9,028,795)	354,970	(430,905)	694,057
OTHER FINANCING SOURCES (USES)				
Proceeds from sale of property	2,500			
Issuance of long term debt	692,538			
Transfers in (Note 4A)	10,618,990		1,903,299	366,806
Transfers (out) (Note 4A)	(34,341,108)		(1,810,661)	
Total Other Financing Sources (Uses)	(23,027,080)		92,638	366,806
NET CHANGE IN FUND BALANCES	(32,055,875)	354,970	(338,267)	1,060,863
Fund balances at beginning of year	94,776,424	39,413,095	9,100,654	62,188,714
FUND BALANCES AT END OF YEAR	$62,720,549	$39,768,065	$8,762,387	$63,249,577

See accompanying notes to financial statements

General Government Capital Projects	Other Governmental Funds	Total Governmental Funds
		$41,093,301
		25,114,095
		4,213,326
		5,035,476
	$3,841,899	4,888,793
		10,993,296
$13,616	70,410	1,504,772
	5,334,298	12,576,448
	242,047	4,815,686
	2,813,784	15,879,569
86,125	103,857	642,018
99,741	12,406,295	126,756,780
346,658	1,591,489	22,902,352
	564,517	6,087,836
		3,661,454
	1,901,360	10,670,730
	99,342	3,846,379
	309,165	2,293,264
	420,755	34,802,445
		28,200,271
13,976,671	4,690,370	33,648,126
		448,887
14,323,329	9,576,998	146,561,744
(14,223,588)	2,829,297	(19,804,964)
		2,500
21,225,978		21,918,516
7,775,174	821,312	21,485,581
(5,044,765)	(9,527,173)	(50,723,707)
23,956,387	(8,705,861)	(7,317,110)
9,732,799	(5,876,564)	(27,122,074)
28,521,859	45,922,476	279,923,222
$38,254,658	$40,045,912	$252,801,148

CITY OF MILPITAS
Reconciliation of the
NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS
with the
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021

The schedule below reconciles the Net Changes in Fund Balances reported on the Governmental Funds Statement of Revenues, Expenditures and Changes in Fund Balance, which measures only changes in current assets and current liabilities on the modified accrual basis, with the Change in Net Position of Governmental Activities reported in the Statement of Activities, which is prepared on the full accrual basis.

NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS	($27,122,074)
Amounts reported for governmental activities in the Statement of Activities are different because of the following:	
CAPITAL ASSETS TRANSACTIONS	
Governmental Funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.	
The capital expenditures are therefore added back to fund balance (Internal service fund additions of $2,363,427 have already been added to capital assets)	31,990,186
Retirements of capital assets are deducted from fund balance (Internal service fund retirements of $12,656 have already been deducted from capital assets)	(99,458)
Depreciation expense is deducted from the fund balance (Depreciation expense is net of internal service fund depreciation of $1,146,222 which has already been allocated to serviced funds.)	(13,537,732)
LONG-TERM DEBT PROCEED AND PAYMENTS	
Lease proceeds provide current financial resources to governmental funds, but issuing debt increases long-term liabilities in the Statement of Net Position. Repayment of lease principal is an expenditure in the governmental funds, but in the Statement of Net Position the repayment reduces long-term liabilities.	
Proceeds from issuance of capital lease	(21,918,516)
ACCRUAL OF NON-CURRENT ITEMS	
The amounts below included in the Statement of Activities do not provide or (require) the use of current financial resources and therefore are not reported as revenue or expenditures in governmental funds (net change):	
Interest payable	(61,483)
Non-current portion of accrued vacation and sick leave	168,611
Non-current portion of uninsured claims payable	274,101
Net pension liabilities and pension-related deferred outflows/inflows of resources	(11,573,159)
Net OPEB liability	(5,951,106)
Total OPEB liability	3,485,827
Deferred outflows/inflows of resources related to OPEB liabilities	3,804,193
Unavailable revenue	(274,458)
ALLOCATION OF INTERNAL SERVICE FUND ACTIVITY	
Internal Service Funds are used by management to charge the costs of certain activities, such as equipment acquisition, maintenance, and insurance to individual funds. The portion of the net revenue (expense) of these Internal Service Funds arising out of their transactions with governmental funds is reported with governmental activities, because they service those activities.	
Change in Net Position - All Internal Service Funds	36,305,794
CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES	($4,509,274)

See accompanying notes to financial statements

CITY OF MILPITAS
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL (NON-GAAP LEGAL BASIS)
FOR THE YEAR ENDED JUNE 30, 2021

	Budgeted Amounts			Variance with Budget
	Original	Final	Actual Amounts Budgetary Basis	Positive (Negative)
Revenues				
Property taxes	$36,872,241	$36,872,241	$41,093,301	$4,221,060
Sales taxes	28,371,951	24,277,643	25,114,095	836,452
Hotel /Motel taxes	13,452,683	4,100,000	4,213,326	113,326
Franchise fees	5,514,787	5,514,787	5,035,476	(479,311)
Other taxes	1,196,860	1,196,860	1,046,894	(149,966)
Licenses and fines	9,907,120	9,419,120	10,993,296	1,574,176
Use of money and property	1,364,000	1,000,000	1,555,192	555,192
Intergovernmental	808,597	3,509,875	4,934,324	1,424,449
Charges for services	7,814,500	4,949,500	4,573,639	(375,861)
Other	258,000	481,014	442,411	(38,603)
Total Revenues	105,560,739	91,321,040	99,001,954	7,680,914
Expenditures				
Current:				
General Government:				
City Manager	4,513,120	4,237,751	4,000,364	237,387
City Attorney	1,340,302	1,454,316	1,454,316	
Finance	4,377,992	4,273,163	4,243,595	29,568
Human Resources	2,101,657	2,131,331	1,896,862	234,469
Information Services	3,721,547	3,574,980	3,562,991	11,989
Non-departmental	5,624,683	9,015,109	6,349,144	2,665,965
Building, Safety and Housing	6,948,858	5,674,981	5,600,989	73,992
Recreation and Community Services	6,304,106	4,296,034	3,674,167	621,867
Public Works	9,155,209	9,355,086	9,344,173	10,913
Engineering	4,154,819	3,832,998	3,631,709	201,289
Planning	1,931,383	2,164,849	2,152,186	12,663
Police	38,296,020	34,727,419	34,712,158	15,261
Fire	28,280,292	28,263,767	28,263,767	
Debt service:				
Interest		411,938	411,938	
Total Expenditures	116,749,988	113,413,722	109,298,359	4,115,363
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	(11,189,249)	(22,092,682)	(10,296,405)	11,796,277
OTHER FINANCING SOURCES (USES)				
Proceeds from sale of property			2,500	2,500
Proceeds from issuance of long term debt		411,938	692,538	280,600
Transfers in	7,013,990	10,618,990	10,618,990	
Transfers (out)	(300,000)	(34,171,915)	(34,341,108)	(169,193)
Total Other Financing Sources (Uses)	6,713,990	(23,140,987)	(23,027,080)	113,907
NET CHANGE IN FUND BALANCE	($4,475,259)	($45,233,669)	(33,323,485)	$11,910,184
Adjustments to budgetary basis:				
Encumbrance expenditures			2,138,809	
Change in market value of investments			(871,199)	
Fund balance at beginning of year			94,776,424	
FUND BALANCE AT END OF YEAR			$62,720,549	

See accompanying notes to financial statements

CITY OF MILPITAS
HOUSING AUTHORITY
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL (NON-GAAP LEGAL BASIS)
FOR THE YEAR ENDED JUNE 30, 2021

	Budgeted Amounts			Variance with Budget Positive (Negative)
	Original	Final	Actual Amounts Budgetary Basis	
Revenues				
Use of money and property	$292,000	$292,000	$712,550	$420,550
Total Revenues	292,000	292,000	712,550	420,550
Expenditures				
Current:				
General Government:				
City Attorney			20,128	(20,128)
Non-departmental	742,200	7,242,200	337,452	6,904,748
Total Expenditures	742,200	7,242,200	357,580	6,884,620
NET CHANGE IN FUND BALANCE	($450,200)	($6,950,200)	354,970	$7,305,170
Fund balances at beginning of year			39,413,095	
FUND BALANCE AT END OF YEAR			$39,768,065	

See accompanying notes to financial statements

MAJOR PROPRIETARY FUNDS

Proprietary funds account for City operations financed and operated in a manner similar to a private business enterprise. The intent of the City is that the cost of providing goods and services be financed primarily through user charges.

The concept of *major funds* extends to Proprietary Funds. The City has identified the funds below as major proprietary funds.

Financial reporting standards do not provide for the disclosure of budget vs. actual comparisons regarding proprietary funds that are major funds.

WATER UTILITY FUND

Accounts for the provision of water services to residents and businesses of the City. All activities necessary to provide such services are accounted for in this fund, including, but not limited to, administration, operations, capital improvements, maintenance, billing and collection.

SEWER UTILITY FUND

Accounts for the provision of sewer services to residents and businesses of the City. All activities necessary to provide such services are accounted for in this fund, including, but not limited to, administration, operations, capital improvements, maintenance, financing, billing and collection.

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CITY OF MILPITAS
PROPRIETARY FUNDS
STATEMENT OF NET POSITION
JUNE 30, 2021

	Business-type Activities-Enterprise Funds			Governmental Activities- Internal Service Funds
	Water Utility	Sewer Utility	Totals	
ASSETS				
Current Assets				
Cash and investments available for operations (Note 3)	$49,852,729	$52,103,078	$101,955,807	$47,747,264
Restricted cash and investments (Note 3)	13,946,701	6,376,774	20,323,475	
Receivables:				
Accounts	2,631,920	1,657,475	4,289,395	
Due from other governments	126,608	39,226	165,834	
Interest	107,309	115,688	222,997	26,535
Prepaids, materials, supplies and deposits (Note 1E)	171,849	15,191	187,040	119,617
Total current assets	66,837,116	60,307,432	127,144,548	47,893,416
Noncurrent assets:				
Capital assets and capacity rights (Note 8):				
Land and construction in progress	18,673,266	1,298,718	19,971,984	
Depreciable capital assets, net	35,620,833	107,171,796	142,792,629	9,596,944
Total noncurrent assets	54,294,099	108,470,514	162,764,613	9,596,944
Total assets	121,131,215	168,777,946	289,909,161	57,490,360
DEFERRED OUTFLOWS OF RESOURCES				
Related to pensions (Note 11D)	336,940	243,571	580,511	
Related to OPEB (Note 12E)	297,241	268,140	565,381	
Total deferred outflows of resources	634,181	511,711	1,145,892	
LIABILITIES				
Current liabilities:				
Accounts payable	6,190,845	752,302	6,943,147	177,716
Accrued payroll	144,597	72,660	217,257	64,872
Interest payable	62,004	246,317	308,321	
Refundable deposits	141,005	491	141,496	196
Unearned revenue	3,461	3,461	6,922	
Accrued vacation (Note 12F)	54,232	54,232	108,464	67,793
Sick leave payable (Note 12F)	25,125	25,125	50,250	7,009
Revenue Bonds (Note 9)	300,000	980,000	1,280,000	
Total current liabilities	6,921,269	2,134,588	9,055,857	317,586
Non-current liabilities:				
Accrued vacation (Note 12F)	208,392	131,600	339,992	99,243
Sick leave payable (Note 12F)	141,097	12,285	153,382	17,674
Net pension liabilities (Note 11C):	2,191,633	1,584,316	3,775,949	
Net OPEB liability (Note 12C)	520,818	599,988	1,120,806	
Total OPEB liability (Note 12D)	1,377,990	1,175,970	2,553,960	
Revenue Bonds (Note 9)	19,322,990	37,279,234	56,602,224	
Total non-current liabilities	23,762,920	40,783,393	64,546,313	116,917
Total liabilities	30,684,189	42,917,981	73,602,170	434,503
DEFERRED INFLOWS OF RESOURCES				
Related to pensions (Note 11D)				
Related to OPEB (Note 12E)	609,128	525,442	1,134,570	
Total deferred inflows of resources	609,128	525,442	1,134,570	
NET POSITION (Note 10)				
Net investment in capital assets and capacity rights	48,617,810	76,588,054	125,205,864	9,596,944
Restricted for capital projects	34,390,217	38,238,964	72,629,181	
Restricted for pension expenses				35,387,011
Unrestricted	7,464,052	11,019,216	18,483,268	12,071,902
Total net position	$90,472,079	$125,846,234	$216,318,313	$57,055,857

See accompanying notes to financial statements

CITY OF MILPITAS
PROPRIETARY FUNDS
STATEMENT OF REVENUE, EXPENSES
AND CHANGES IN FUND NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Business-type Activities-Enterprise Funds			Governmental Activities- Internal Service Funds
	Water Utility	Sewer Utility	Totals	
OPERATING REVENUES				
Charges for services	$34,529,115	$19,897,503	$54,426,618	$4,051,122
Developer contributions	16,912		16,912	
Other operating revenue	111,692	254,038	365,730	148,690
Total Operating Revenues	34,657,719	20,151,541	54,809,260	4,199,812
OPERATING EXPENSES				
Purchased water	18,728,872		18,728,872	
Sewer treatment services		5,873,775	5,873,775	
Personnel services	3,621,555	1,872,544	5,494,099	1,641,982
Services and supplies	2,745,496	1,848,217	4,593,713	953,781
Depreciation	1,644,548	4,556,774	6,201,322	1,146,222
Repairs and maintenance	1,625,277	177,777	1,803,054	697,793
Total Operating Expenses	28,365,748	14,329,087	42,694,835	4,439,778
Operating Income (Loss)	6,291,971	5,822,454	12,114,425	(239,966)
NONOPERATING REVENUES (EXPENSES)				
Gain on sale of capital assets				25,043
Interest income	253,805	333,731	587,536	5,850
Interest expense	(593,413)	(1,652,921)	(2,246,334)	
Subventions and grants	111,568	13,761	125,329	
Total Nonoperating Revenues (Expenses)	(228,040)	(1,305,429)	(1,533,469)	30,893
Income (Loss) Before Contributions and Transfers	6,063,931	4,517,025	10,580,956	(209,073)
Capital contributions		702,252	702,252	1,197,532
Capital contributions - connection fees	309,506	422,502	732,008	
Transfers in (Note 4A)				35,717,335
Transfers (out) (Note 4A)	(2,798,779)	(3,280,430)	(6,079,209)	(400,000)
Change in net position	3,574,658	2,361,349	5,936,007	36,305,794
Net position-beginning	86,897,421	123,484,885	210,382,306	20,750,063
Net position-ending	$90,472,079	$125,846,234	$216,318,313	$57,055,857

See accompanying notes to financial statements

CITY OF MILPITAS
PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2021

	Business-type Activities-Enterprise Funds			Governmental Activities- Internal Service Funds
	Water Utility	Sewer Utility	Totals	
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts from customers	$34,108,264	$19,764,707	$53,872,971	$4,199,812
Payments to suppliers	(19,307,475)	(7,291,889)	(26,599,364)	(1,606,514)
Payments to employees for salaries and benefits	(3,693,708)	(2,137,997)	(5,831,705)	(1,523,828)
Net cash provided by operating activities	11,107,081	10,334,821	21,441,902	1,069,470
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES				
Subventions and grants	111,568	13,761	125,329	
Transfers in				35,717,335
Transfers (out)	(2,798,779)	(3,280,430)	(6,079,209)	(400,000)
Cash Flows from Noncapital Financing Activities	(2,687,211)	(3,266,669)	(5,953,880)	35,317,335
CASH FLOWS FROM CAPITAL FINANCING ACTIVITIES				
Principal paid on long-term debt	(290,000)	(920,000)	(1,210,000)	
Interest paid	(857,722)	(1,752,563)	(2,610,285)	
Proceeds from sale of capital assets				37,699
Acquisition of capital assets	(6,744,930)	(2,739,576)	(9,484,506)	(1,165,895)
Capital contributions - connection fees	309,506	422,502	732,008	
Cash Flows from Capital and Related Financing Activities	(7,583,146)	(4,989,637)	(12,572,783)	(1,128,196)
CASH FLOWS FROM INVESTING ACTIVITIES				
Interest received	326,177	384,616	710,793	31,232
Cash Flows from Investing Activities	326,177	384,616	710,793	31,232
Net increase (decrease) in cash and cash equivalents	1,162,901	2,463,131	3,626,032	35,289,841
Cash and investments at beginning of period	62,636,529	56,016,721	118,653,250	12,457,423
Cash and investments at end of period	$63,799,430	$58,479,852	$122,279,282	$47,747,264
Reconciliation of operating income to net cash provided by operating activities:				
Operating income (loss)	$6,291,971	$5,822,454	$12,114,425	($239,966)
Adjustments to reconcile operating income (loss) to net cash provided by operating activities:				
Depreciation	1,644,548	4,556,774	6,201,322	1,146,222
Change in assets and liabilities:				
Receivables, net	(601,765)	(387,281)	(989,046)	
Materials, supplies and deposits	(9,784)	1,443	(8,341)	9,437
Accrued payroll	55,595	27,112	82,707	
Accounts and other payables	4,020,791	605,366	4,626,157	153,777
Due to retirement system	(244,543)	(255,408)	(499,951)	
Due to OPEB	(49,732)	(35,639)	(85,371)	
Net cash provided by operating activities	$11,107,081	$10,334,821	$21,441,902	$1,069,470
NONCASH TRANSACTIONS:				
Contributions and transfers of capital assets		$702,252	$702,252	$1,197,532

See accompanying notes to financial statements

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

FIDUCIARY FUNDS

FIDUCIARY FUNDS

These funds are used to account for assets held by the City as an agent for individuals, private organizations, and other governments. The financial activities of these funds are excluded from the Government-wide financial statements, but are presented in separate Fiduciary Fund financial statements.

SUCCESSOR AGENCY TO THE MILPITAS REDEVELOPMENT AGENCY PRIVATE-PURPOSE TRUST FUND

The Successor Agency to the Milpitas Redevelopment Agency Private-Purpose Trust Fund accounts for the accumulation of resources to be used to make payments that are on the Recognized Obligation Payment Schedule and to dispose of assets and property of the former Redevelopment Agency for the benefit of the taxing agencies.

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION
JUNE 30, 2021

	Successor Agency to the Milpitas Redevelopment Agency Private-purpose Trust Fund
ASSETS	
Cash and investments (Note 3)	$9,558,703
Restricted cash and investments (Note 3)	9
Total Assets	9,558,712
LIABILITIES	
Accounts payable	7,895
Interest payable	1,464,417
Refundable deposits	
Long-term obligations (Note 15C):	
Due in one year	10,042,780
Due in more than one year	96,827,680
Total Liabilities	108,342,772
NET POSITION (DEFICIT)	
Held in trust for other governments	($98,784,060)

See accompanying notes to financial statements

CITY OF MILPITAS
FIDUCIARY FUND
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Successor Agency to the Milpitas Redevelopment Agency Private-purpose Trust Fund
Additions:	
Property taxes	$17,539,910
Use of money and property	2,694
Total additions	17,542,604
Deductions:	
General and administrative	25,309
Debt service:	
Interest and fees	6,512,536
Total deductions	6,537,845
Net change in net position	11,004,759
Net position (deficit) - beginning	(109,788,819)
Net position (deficit) - ending	($98,784,060)

See accompanying notes to financial statements

NOTES TO FINANCIAL STATEMENTS

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The City of Milpitas was incorporated as a general law city on January 26, 1954. The City operates under the Council-Manager form of government and provides the following services: public safety; fire and building inspection; engineering; public works; water; sewer; sanitation; recreation services; building and safety; planning and zoning; general administration services and economic development.

The financial statements and accounting policies of the City conform with generally accepted accounting principles applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for governmental accounting and financial reporting principles. Significant accounting policies are summarized below:

A. Reporting Entity

The accompanying basic financial statements present the financial activity of the City, which is the primary government presented, along with the financial activities of its component units, which are entities for which the City is financially accountable. Although they are separate legal entities, *blended* component units are in substance part of the City's operations and are reported as an integral part of the City's financial statements. Each discretely presented component unit, on the other hand, is reported in a separate column in the basic financial statements to emphasize it is legally separate from the government.

PRIMARY GOVERNMENT

The financial statements of the primary government of the City of Milpitas include the activities of the City as well as the Milpitas Public Financing Authority, the Milpitas Economic Development Corporation, the City of Milpitas Housing Authority and the Milpitas Municipal Financing Authority, all of which are controlled by and dependent on the City. While these are separate legal entities, their financial activities are integral to those of the City. Their financial activities have been aggregated and merged (termed "blended") with those of the primary government of the City in the accompanying financial statements.

Blended Component Units

The Milpitas Public Financing Authority is a separate government entity whose purpose is to assist with the financing or refinancing of certain public capital improvements within the City. The Authority has the power to purchase bonds issued by any local agency at public or negotiated sale and may sell such bonds to public or private purchasers at public or negotiated sale. The Authority is controlled by the City and has the same governing body as the City, which also performs all accounting and administrative functions for the Authority. The financial activities of the Authority are included in the Sewer Utility Enterprise Fund.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The Milpitas Economic Development Corporation, formed in February 2011, is a California nonprofit public benefit Corporation formed by the City and the former Milpitas Redevelopment Agency under the laws of the State of California. As discussed in Note 15, the Redevelopment Agency was dissolved effective January 31, 2012. The Corporation was organized for the purpose of encouraging and facilitating the City's economic development, affordable housing and other community programs. The Corporation is governed by a board of directors consisting of the members of the City Council. Under an operating agreement with the Redevelopment Agency, the Corporation received funding from the Agency and will use the funds for redevelopment purposes consistent with the California Community Redevelopment Law, Health and Safety Code Section 33000 and to implement and carry out the Redevelopment Plans. The Corporation also entered into a Service Agreement with the City under which the City will perform the necessary services on an independent contractor basis to eliminate blight, provide affordable housing, improve the public realm, facilitate public and private developments, stimulate economic development, and create jobs. The Corporation is controlled by the City and has the same governing body as the City, which also performs all accounting and administrative functions for the Corporation. The Corporation became inactive as of June 30, 2015.

The City of Milpitas Housing Authority, formed in February 2011, is a separate government entity whose purpose is to assist with the housing for the City's low and moderate income residents. The Housing Authority is controlled by the City and has the same governing body as the City, which also performs all accounting and administrative functions for the Housing Authority. The Financial activities of the Housing Authority are included in the Housing Authority Special Revenue Fund.

The Milpitas Municipal Financing Authority, formed in March 2016, is a separate government entity whose purpose is to assist with the financing and refinancing of public programs, projects and capital improvements for the benefit of the City and the Housing Authority. The Municipal Financing Authority has the power to purchase bonds issued by any local agency at public or negotiated sale and may sell such bonds to public or private purchasers at public or negotiated sale. The Municipal Financing Authority is controlled by the City and the Housing Authority and has the same governing body as the City, which also performs all accounting and administrative functions for the Municipal Financing Authority. The Financial activities of the Municipal Financing Authority are included in the General Government Capital Projects Fund.

Separate financial statements are not issued for the Milpitas Public Financing Authority, Milpitas Economic Development Corporation, City of Milpitas Housing Authority or Milpitas Municipal Financing Authority.

Discretely Presented Component Unit

Terrace Gardens, Inc. is a non-profit public benefit corporation organized in September 1986 for the purpose of developing and managing the operations of a residential complex known as Terrace Gardens, which is located in the City of Milpitas and is dedicated to the needs of elderly persons. The former Milpitas Redevelopment Agency funded the construction of Terrace Gardens. City Council can appoint a voting majority of the governing board and approves the annual budget. The City Council exercises control over the Board of Terrace Gardens. Therefore, the financial activities of Terrace Gardens, Inc. as of and for the year ended December 31, 2020 are discretely presented in the Terrace Gardens Inc. Component Unit column of the Statement of Net Position and the Statement of Activities.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Financial statements for Terrace Gardens, Inc. may be obtained from Terrace Gardens, Inc., 186 Beresford Court, Milpitas, CA 95035.

B. Basis of Presentation

The City's Basic Financial Statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the United States of America.

These Standards require that the financial statements described below be presented.

Government-wide Statements: The Statement of Net Position and the Statement of Activities display information about the primary government, the City and its blended and discretely presented component units. These statements include the financial activities of the overall City government, except for fiduciary activities. Eliminations have been made to minimize the double counting of internal activities, except for interfund services provided and used, which are not eliminated in the process of consolidation. These statements distinguish between the *governmental* and *business-type activities* of the City. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The Statement of Activities presents a comparison between direct expenses and program revenues for each segment of the business-type activities of the City and for each function of the City's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs, (b) grants and contributions that are restricted to meeting the operational needs of a particular program and (c) fees, grants and contributions that are restricted to financing the acquisition or construction of capital assets. Revenues that are not classified as program revenues, including franchise fees that are based on gross receipts and all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the City's funds, including fiduciary funds and blended component units. Separate statements for each fund category-*governmental, proprietary,* and *fiduciary*-are presented. The emphasis of fund financial statements is on major individual governmental and enterprise funds, each of which is displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

Proprietary fund *operating* revenues and expenses, such as charges for services and the related costs, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. *Nonoperating* revenues and expenses, such as subsidies, investment earnings and any related costs, result from nonexchange transactions or ancillary activities.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Major Funds

Major funds are defined as funds that have either assets and deferred outflows of resources, liabilities and deferred inflows of resources, revenues or expenditures/expenses equal to ten percent of their fund-type total and five percent of the grand total. The General Fund is always a major fund. The City may also select other funds it believes should be presented as major funds.

The City reported the following major governmental funds in the accompanying financial statements:

General Fund - The General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. The major revenue sources for this Fund are sales taxes, property taxes, hotel taxes, unrestricted revenues from the State, fines and forfeitures and interest income. Expenditures are incurred for public safety, public works, recreation services and the other governmental services described above.

Housing Authority Fund – Established to plan and address the housing needs of the City and to act as the Housing Successor of the former Redevelopment Agency. The main source of the revenue for this fund is the repayment of loans restricted for housing activities.

Street Improvement Fund – Established to account for the construction and maintenance of the street system in Milpitas. Financing is provided through State and Federal grants.

Transit Area Impact Fee Fund – Established to account for the capital projects in the transit area. A special transit area impact fee is imposed on developments to provide financing.

General Government Capital Projects Fund – Established to account for the construction and maintenance of general government projects. Financing is provided by the General Fund.

The City reported all its enterprise funds as major funds in the accompanying financial statements:

Water Utility Fund – Accounts for the provision of water services to residents and businesses of the City. All activities necessary to provide such services are accounted for in this fund, including, but not limited to, administration, operations, capital improvements, maintenance, billing and collection.

Sewer Utility Fund – Accounts for the provision of sewer services to residents and businesses of the City. All activities necessary to provide such services are accounted for in this fund, including, but not limited to, administration, operations, capital improvements, maintenance, financing, and billing and collection.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The City also reports the following fund types:

Internal Service Funds – The Equipment Management Internal Service Fund is used to finance and account for the replacement of equipment used by City departments and the maintenance of the online permit development system on a cost reimbursement basis. The Pension Section 115 Internal Service Fund is used to accumulate funds to pay down the City's CalPERS Unfunded Accrued Liability.

Fiduciary Funds – Trust funds account for assets held by the City as an agent for various functions. The Successor Agency to the Milpitas Redevelopment Agency Private-Purpose Trust Fund accounts for the accumulation of resources to be used for payments at appropriate amounts and times in the future. This fund accounts for winding down the affairs of the former Milpitas Redevelopment Agency and makes payments on the Enforceable Obligation Schedule and disposes of assets and property of the former Redevelopment Agency for the benefit of taxing agencies. The financial activities of this fund is excluded from the City-wide financial statements, but is presented in separate Fiduciary Fund financial statements.

D. Basis of Accounting

The government-wide, proprietary, and fiduciary fund financial statements are reported using the economic resources measurement focus and the full accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place.

Governmental funds are reported using the *current financial resources* measurement focus and the *modified accrual* basis of accounting. Under this method, revenues are recognized when *measurable and available*. The City considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after year-end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and accumulated unpaid vacation, sick pay and other employee benefit amounts, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as *other financing sources*.

Non-exchange transactions, in which the City gives or receives value without directly receiving or giving equal value in exchange, include property taxes, grants, entitlements, and donations. On the accrual basis, revenue from taxes is recognized in the fiscal year for which the taxes are levied or assessed. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Other revenues susceptible to accrual are sales taxes, significant building permit fees, and interest revenue. Forfeitures, licenses, other permits and miscellaneous revenue are not susceptible to accrual because they are not measurable until received in cash. Grant funding received in advance of the related expenditure is accounted for as unearned revenue.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Grant revenues are recognized in the fiscal year in which all eligibility requirements are met. Under the terms of grant agreements, the City may fund certain programs with a combination of cost-reimbursement grants, categorical block grants, and general revenues. Thus, both restricted and unrestricted net position may be available to finance program expenditures. The City's policy is to first apply restricted grant resources to such programs, followed by unrestricted resources if necessary.

E. Prepaids, Materials, Supplies and Deposits

Certain payments to vendors reflect costs applicable to future fiscal years and are recorded as prepaid items in both government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed, rather than when purchased.

Materials and supplies are valued at cost on a first-in first-out basis. Supplies in the enterprise and internal funds consist principally of materials and supplies for utility and internal operations. Materials and supplies of the governmental funds consist of expendable supplies and materials held for consumption. The cost is recorded as an expense or expenditure in the funds at the time individual inventory items are consumed.

Prepaids, materials, supplies and deposits in governmental funds are equally offset by nonspendable fund balance which indicates that they do not constitute available spendable resources even though they are a component of net current assets.

F. Deferred Inflows and Deferred Outflows of Resources

In addition to assets, the statement of net position or balance sheet reports a separate section for deferred outflows of resources. This separate net statement element, deferred outflows of resources, represents a consumption of net position or fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City has pension-related deferred outflows of resources arising from certain changes in the collective net pension liability.

In addition to liabilities, the statement of net position or balance sheet reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position or fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The City has deferred inflows of resources arising from certain changes in the collective net pension liability. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

G. Property Tax

Santa Clara County assesses properties and bills, collects, and distributes property taxes to the City. The County remits the entire amount levied and handles all delinquencies, retaining interest and penalties. Secured and unsecured property taxes are levied on January 1.

Secured property tax is due in two installments, on November 1 and March 1, and becomes a lien on those dates. It becomes delinquent on December 10 and April 10, respectively. Unsecured property tax is due on July 1, and becomes delinquent on August 31. Collection of delinquent accounts is the responsibility of the County, which retains all penalties.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The term "unsecured" refers to taxes on personal property other than real estate, land and buildings. These taxes are secured by liens on the property being taxed. Property tax revenues are recognized by the City in the fiscal year they are assessed, provided they become available as defined above.

H. Revenue Recognition for Water Utility and Sewer Utility

Revenues are recognized based on cycle billings rendered to customers. Revenues for services provided but not billed at the end of a fiscal period are not material and are not accrued.

I. Fair Value Measurements

Fair value is defined as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The fair value hierarchy categorizes the inputs to valuation techniques used to measure fair value into three levels based on the extent to which inputs used in measuring fair value are observable in the market.

Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities.

Level 2 inputs are inputs – other than quoted prices included within level 1 – that are observable for an asset or liability, either directly or indirectly.

Level 3 inputs are unobservable inputs for an asset or liability.

If the fair value of an asset or liability is measured using inputs from more than one level of the fair value hierarchy, the measurement is considered to be based on the lowest priority level input that is significant to the entire measurement.

J. Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles (GAAP) requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

K. Fund Reclassification

Management adopted the provisions of the following Governmental Accounting Standards Board (GASB) Statement No. 84**,** *Fiduciary Activities,* which became effective during the year ended June 30, 2021. In January 2017, GASB issued Statement No. 84 and the objective of this Statement is to improve guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported. This Statement describes four fiduciary funds that should be reported, if applicable: (1) pension (and other employee benefit) trust funds, (2) investment trust funds, (3) private-purpose trust funds, and (4) custodial funds. Custodial funds generally should report fiduciary activities that are not held in a trust or equivalent arrangement that meets specific criteria. As part of the implementation of this Statement, it was determined that the Employee Benefit Fund, previously reported as an Agency Fund, should be reported as part of the General Fund.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

L. New and Closed Funds

The City established the Pension Section 115 Internal Service Fund to accumulate funds that will be deposited into a Section 115 Trust to pay down the City's CalPERS Unfunded Accrued Liability.

The Senior Advisory Commission Fund, previously reported as an Agency Fund, was closed as of June 30, 2021.

NOTE 2 – BUDGETS AND BUDGETARY ACCOUNTING

A. Budgets and Budgetary Accounting

The City adopts an annual operating budget on or before June 30 of the previous fiscal year, except for the Park Improvement and Storm Drain Capital Projects Funds which are budgeted on a project basis. The operating budget takes the form of a one year financial plan which is adopted in its entirety by the City Council by resolution. Because Milpitas is a general law city, it is not subject to a budgetary process prescribed by statute or charter.

The operating budget is subject to supplemental appropriations throughout its term in order to provide flexibility to meet changing needs and conditions. The City Manager's budget control remains at the level of department and/or project within any one fund. The City Manager may approve supplemental appropriations in the General Fund providing the total increase does not exceed 1% of the original total General Fund expenditure budget subject to the following. All additional appropriations that require the use of reserves must be approved by City Council. Expenditures cannot exceed the appropriated budget at the department level within each fund without City Council approval.

The City Manager is authorized to amend appropriations within the various departments and projects within a fund, provided that the amount of the amended appropriation is $100,000 or less. Interfund transfers or transfers of an appropriation amount within a fund in which any single instance exceeds $100,000 require prior approval of the City Council.

Budgeted amounts are as originally adopted, or as amended by the City Council. Individual amendments were not material in relation to the original appropriations which were amended.

B. Adjustments to GAAP Basis from Budgetary Basis

City budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP) except that encumbrances are considered budgetary expenditures in the year of the commitment to purchase, and capital projects expenditures are budgeted on a project length basis rather than a fiscal year. The effects of these differences are shown as encumbrance adjustments, expenditures capitalized for GAAP purposes and capital outlay in the budget and actual statements. The Street Improvement, Park Improvement, General Government Project, Storm Drain Development and Transit Area Impact Fee Capital Projects Funds are budgeted on a project length basis and therefore are not comparable on an annual basis.

NOTE 3 – CASH AND INVESTMENTS

The City pools cash from all sources and all funds except Cash and Investments held by Trustees, so that it can be invested at the maximum yield consistent with safety and liquidity, while individual funds can make expenditures at any time.

A. Policies

The City invests in individual investments, money market mutual funds, and in investment pools. Individual investments are evidenced by specific identifiable *securities instruments*, or by an electronic entry registering the owner in the records of the institution issuing the security, called the *book entry* system. In order to increase security, the City employs the Trust and Custody Department of a bank as the custodian of certain City managed investments, regardless of their form.

California Law requires banks and savings and loan institutions to pledge government securities with a market value of 110% of the City's cash on deposit, or first trust deed mortgage notes with a market value of 150% of the deposit, as collateral for these deposits. Under California Law this collateral is held in a separate investment pool by another institution in the City's name and places the City ahead of general creditors of the institution.

The City's investments are carried at fair value, as required by generally accepted accounting principles. The City adjusts the carrying value of its investments to reflect their fair value at each fiscal year end, and it includes the effects of these adjustments in income for that fiscal year.

B. Classification

Cash and investments are classified in the financial statements as shown below, based on whether or not their use is restricted under the terms of City debt instruments or other agreements.

Cash and investments available for operations	$366,161,016
Restricted Cash and Investments	36,658,960
Total Primary Government cash and investments	402,819,976
Cash and investments available for operations	74,817
Restricted Cash	2,956,140
Total Component Unit cash and investments	3,030,957
Cash and investments in Fiduciary Funds (separate statement)	9,558,703
Restricted Cash and Investments in Fiduciary Funds (separate account)	9
Total cash and investments	$415,409,645

Cash and Investments Available for Operations is used in preparing proprietary fund statements of cash flows because these assets are highly liquid and are expended to liquidate liabilities arising during the year.

NOTE 3 – CASH AND INVESTMENTS (Continued)

C. Investments Authorized by the California Government Code and the City's Investment Policy

The City's Investment Policy, updated or adopted on an annual basis, and the California Government Code allow the City to invest in the following, provided the credit ratings of the issuers are acceptable to the City; and approved percentages and maturities are not exceeded. The table below also identifies certain provisions of the California Government Code or the City's Investment Policy where it is more restrictive:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality*	Maximum Percentage of Portfolio	Maximum Investment In One Issuer
U. S. Treasury Bonds, Notes and Bills	5 Years		100%	No Limit
Federal Agency Obligations	5 Years		100%	30%
Bankers Acceptances	180 Days		40%	5%
Commercial Paper – Pooled Funds	270 Days	A	40%	(A)
Commercial Paper – Non-Pooled Funds	270 Days	A	25%	(A)
Negotiable Certificates of Deposit	5 Years		30%	5%
Repurchase Agreements	1 Year		100%	No Limit
Time Certificates of Deposit – Banks or Savings and Loans (Non-negotiable)	5 Years		100%	No Limit
Medium-Term Corporate Notes	5 Years	A	30%	5%
State of California Local Agency Investment Fund (LAIF Pool)	Upon Demand		100%	No Limit
Money Market Funds of Government Securities	Upon Demand	Top Rating Category	20%	10%
Municipal Securities and Municipal Treasury Notes or Bonds	5 Years	A	30%	5%
Mortgage Pass-Through and Asset Backed Securities	5 Years	AA	20%	5%
Collateralized Bank Deposits	Upon Demand		100%	No Limit

(A) Eligible Commercial Paper may not represent more than 5% of outstanding paper of an issuing corporation.

*At time of purchase

NOTE 3 – CASH AND INVESTMENTS (Continued)

D. Investments Authorized by Debt Agreements and Trust Agreements

The City must maintain required amounts of cash and investments with trustees or fiscal agents under the terms of certain debt issues. These funds are unexpended bond proceeds or are pledged reserves to be used if the City fails to meet its obligations under these debt issues. The California Government Code requires these funds to be invested in accordance with City resolutions, bond indentures or State statutes. The table below identifies the investment types that are authorized for investments held by fiscal agents. The table also identifies certain provisions of these debt agreements:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality*	Maximum Percentage of Portfolio	Maximum Investment In One Issuer
U. S. Treasury Bonds, Notes and Bills	5 Years		100%	No Limit
Federal Agency Obligations	5 Years		100%	30%
Time Certificates of Deposit – Banks or Savings and Loans	5 Years		100%	No Limit
Bankers Acceptances	180 Days	A	20%	5%
Commercial Paper – Pooled Funds	270 Days	A	40%	(A)
Commercial Paper – Non-Pooled Funds	270 Days	A	25%	(A)
Negotiable Certificates of Deposit	5 Years		30%	No Limit
Repurchase Agreements	1 Year		100%	No Limit
Medium-Term Corporate Notes	5 Years	AA	30%	5%
State of California Local Agency Investment Fund (LAIF Pool)	Upon Demand		No Limit	No Limit
Money Market and Mutual Funds	Upon Demand	Aaa/AAm	20%	10%
California Asset Management Program (CAMP)	Upon Demand		No Limit	No Limit

(A) The combined total of commercial paper may not represent more than 10% of the outstanding paper and notes of an issuing corporation.

*At time of purchase

During the fiscal year ended June 30, 2021, the City also implemented investment guidelines for its Section 115 Pension Trust, which authorize investments in a diversified portfolio, including equities and mutual funds, in order to achieve a 3% to 6% investment earnings goal during the next 5 to 10 years.

E. Investments Authorized for Terrace Gardens Inc.

Terrace Gardens, Inc. investments conform with the California Government Code.

NOTE 3 – CASH AND INVESTMENTS (Continued)

F. Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Normally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. The City generally manages its interest rate risk by holding investments to maturity.

Information about the sensitivity of the fair values of the City's investments (including investments held by trustees) to market interest rate fluctuations is provided by the following table that shows the distribution of the City's investments by maturity or earliest call date:

Investment Type	12 Months or less	13 to 36 Months	36 to 60 Months	Total	Percentage of Portfolio
City and Successor Agency:					
Federal Agency Obligations	$34,882,671	$40,016,915	$28,799,376	$103,698,962	24.94%
Medium-Term Corporate Notes	4,672,615	14,565,677	19,984,178	39,222,470	9.44%
U.S. Treasury Notes	7,589,280	9,470,683	36,841,326	53,901,289	12.98%
California Local Agency Investment Fund	137,626,591			137,626,591	33.13%
Mutual Funds (U.S. Securities)	10,572,500			10,572,500	2.55%
Asset Backed Securities		1,242,731	5,767,728	7,010,459	1.69%
Terrace Gardens, Inc.:					
Nonnegotiable Certificates of Deposit	2,364,847			2,364,847	0.57%
Total Investments	$197,708,504	$65,296,006	$91,392,608	354,397,118	
Demand Deposits - City of Milpitas				60,346,417	14.54%
Demand Deposits - Terrace Gardens				666,110	0.16%
Total Cash and Investments				$415,409,645	100.00%

The City is a participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. The City reports its investment in LAIF at the fair value amount provided by LAIF, which is the same as the value of the pool share. The balance is available for withdrawal on demand, and is based on the accounting records maintained by LAIF, which are recorded on an amortized cost basis. Each regular LAIF account is permitted to have up to 15 transactions per month, with a minimum transaction amount of $5,000, no maximum transaction amount, and at least 24 hours advance notice for withdrawals of $10 million or more. Bond proceeds accounts are subject to a one-time deposit with no cap and are set up with a monthly draw down schedule. Included in LAIF's investment portfolio are collateralized mortgage obligations, mortgage-backed securities, other asset-backed securities, loans to certain state funds, and floating rate securities issued by federal agencies, government-sponsored enterprises, United States Treasury Notes and Bills, and corporations. At June 30, 2021 these investments matured in an average of 291 days.

Mutual funds are available for withdrawal on demand and at June 30, 2021 matured in an average of 25 days.

NOTE 3 – CASH AND INVESTMENTS (Continued)

G. Credit Risk

Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the actual rating as of June 30, 2021 for each of the Primary Government's investment types as provided by Standard and Poor's investment rating system:

Investment Type	AAA	AA+/AA/AA-	A+/A/A-	BBB+/BBB	Total
Federal Agency Obligations		$103,698,962			$103,698,962
Medium-Term Corporate Notes	$1,012,212	9,940,988	$25,609,897	$2,659,373	39,222,470
Asset Backed Securities	3,928,357				3,928,357
Mutual Funds (U.S. Securities)	10,572,500				10,572,500
Totals	$15,513,069	$113,639,950	$25,609,897	$2,659,373	157,422,289
Not rated:					
California Local Agency Investment Fund				$137,626,591	137,626,591
Asset Backed Securities				$3,082,102	3,082,102
Exempt from credit rate disclosure:					
U.S. Treasury Notes				53,901,289	53,901,289
Total Investments				$194,609,982	$352,032,271

All of the unrated negotiable certificates of deposit were fully insured by Federal Deposit Insurance at June 30, 2021.

Terrace Gardens, Inc. invests only in Nonnegotiable Certificates of Deposit. At December 31, 2020, all of Terrace Gardens' Nonnegotiable Certificates of Deposit totaling $2,364,847 were fully insured by Federal Deposit Insurance.

NOTE 3 – CASH AND INVESTMENTS (Continued)

H. Fair Value Hierarchy

The City categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; Level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs.

The following is a summary of the fair value hierarchy of the City's investments as of June 30, 2021:

	Level 2	Total
Investments by Fair Value Level:		
Federal Agency Obligations	$103,698,962	$103,698,962
Medium-Term Corporate Notes	39,222,470	39,222,470
U.S. Treasury Notes	53,901,289	53,901,289
Negotiable Certificates of Deposit	7,010,459	7,010,459
Subtotal	$203,833,180	203,833,180
Investments Measured at Amortized Cost:		
Mutual Funds (U.S. Securities)		10,572,500
Investments Measured at Cost:		
Terrace Gardens, Inc.		
Nonnegotiable Certificates of Deposit		2,364,847
Investments Exempt from Fair Value Hierarchy:		
California Local Agency Investment Fund		137,626,591
Total Investments		$354,397,118

Federal Agency Obligations totaling $103.7 million, Medium Term Corporate Notes of $39.2 million, U.S. Treasury Notes totaling $53.9 million, and Negotiable Certificates of Deposit of $7 million, classified in Level 2 of the fair value hierarchy, are valued using pricing techniques of matrix pricing or market corroborated pricing, with inputs such as yield curves or indices. These prices are obtained from various pricing sources by our custodian bank.

I. Significant Investments

Investments in the securities of any individual issuers, other than U. S. Treasury securities, mutual funds and the California Local Agency Investment Fund, that represent 5% or more of total entity-wide investments are as follows at June 30, 2021:

Issuer	Investment Type	Amount
Federal Farm Credit Bank	Federal Agency Obligations	$49,071,606
Federal Home Loan Mortgage Corporation	Federal Agency Obligations	22,153,218
Federal Bational Mortgage Association	Federal Agency Obligations	25,471,246

NOTE 4 – INTERFUND TRANSACTIONS

A. Transfers Between Funds

With Council approval, resources may be transferred from one City fund to another. The purpose of the majority of transfers is to reimburse a fund which has made an expenditure on behalf of another fund. Less often, a transfer may be made to open or close a fund.

Transfers between funds during the fiscal year ended June 30, 2021 were as follows:

Fund Receiving Transfers	Fund Making Transfers	Amount Transferred	
Governmental Funds:			
General Fund	Community Facility District Special Revenue Fund	$2,175,000	(A)
General Fund	Solid Waste Reduction and Services Special Revenue Fund	109,778	(A)
General Fund	General Government Capital Projects Fund	4,000,000	(A)
General Fund	Water Utility Enterprise Fund	2,748,779	(A)
General Fund	Sewer Utility Enterprise Fund	1,585,433	(A)
Street Improvement Capital Projects Fund	General Fund	42,298	(A)
Street Improvement Capital Projects Fund	General Government Capital Projects Fund	264,432	(B)
Street Improvement Capital Projects Fund	Gas Tax Special Revenue Fund	1,596,569	(B)
Transit Area Impact Fee Capital Projects Fund	Street Improvement Capital Projects Fund	366,806	(C)
General Government Capital Projects Fund	General Fund	84,597	(A)
General Government Capital Projects Fund	Street Improvement Capital Projects Fund	1,414,841	(B), (C)
General Government Capital Projects Fund	Water Utility Enterprise Fund	50,000	(B)
General Government Capital Projects Fund	Sewer Utility Enterprise Fund	179,910	(B)
General Government Capital Projects Fund	Gas Tax Special Revenue Fund	395,090	(B)
General Government Capital Projects Fund	Lighting & Landscape Maintenance District Special Revenue Fund	97,500	(B)
General Government Capital Projects Fund	Community Facilities District Special Revenue Fund	50,000	(B)
General Government Capital Projects Fund	Community Planning Special Revenue Fund	600,000	(B)
General Government Capital Projects Fund	Public Art Capital Projects Fund	97,500	(B)
General Government Capital Projects Fund	Park Improvement Capital Projects Fund	2,825,736	(B), (C)
General Government Capital Projects Fund	Storm Drain Development Capital Projects Fund	1,580,000	(C)
General Government Capital Projects Fund	Equipment Management Internal Service Fund	400,000	(B)
Community Planning Special Revenue Fund	General Government Capital Projects Fund	750,000	(A)
Affordable Housing Unrestricted Special Revenue Fund	General Fund	42,298	
Park Improvement Capital Projects Fund	Street Improvement Capital Projects Fund	29,014	(C)
	Governmental Funds Subtotal	**21,485,581**	
Internal Service Funds:			
Equipment Management Internal Service Fund	General Fund	300,000	(A)
Equipment Management Internal Service Fund	General Government Capital Projects Fund	30,333	(C)
Pension Section 115 Internal Service Fund	General Fund	33,871,915	(D)
Pension Section 115 Internal Service Fund	Sewer Utility Enterprise Fund	1,515,087	(D)
	Internal Service Funds Subtotal	**35,717,335**	
	Total Interfund Transfers	**$57,202,916**	

(A) To Transfer for Operating Cost
(B) To Fund Capital Project
(C) To Return Unexpended Project Funds
(D) To Fund Pension Section 115 Trust Fund

B. Long-Term Interfund Advance

In June 2014, the General Fund advanced $5,000,000 to the Transit Area Impact Fee Capital Projects Fund. The advance was repaid as of June 30, 2021.

NOTE 5 – LOANS RECEIVABLE

The City and former Redevelopment Agency entered into the loan programs below to improve the quality of housing and to increase the availability of affordable housing, and for other purposes. With the dissolution of the Redevelopment Agency as discussed in Note 15, the City agreed to become the successor to the Redevelopment Agency's housing activities and as a result the City of Milpitas Housing Authority assumed the loans receivable of the Redevelopment Agency's Housing Reserve Special Revenue Fund as of February 1, 2012.

These loans were comprised of the following at June 30, 2021:

Housing and Community Development Loans:	
Rehabilitation Loans	$3,486,803
Housing Authority Loans:	
Milpitas Housing Associates	3,366,000
Parc Metropolitan Housing Development	54,105
Parc North Associates LLC	551,611
Mid-Peninsula Milpitas Affordable Housing Associates	17,735,130
KB Home South Bay Inc.	1,222,900
Western Pacific Housing Inc.	1,784,009
Shapell Industries	800,000
MIL Aspen Associates, Ltd.	3,423,244
Resources for Community Development	164,317
Total Housing Authority Loans Receivable	29,101,316
Total Loans Receivable	$32,588,119

A. Rehabilitation Loans

The City administers a housing rehabilitation program using Housing and Community Development Act funds. Under the Program, individuals with incomes below a certain level are eligible to receive low or no interest loans, secured by deeds of trust, for construction work on their homes. At June 30, 2021, the City had outstanding rehabilitation loans of $3,486,803 in its Housing and Community Development Special Revenue Fund. During the year ended June 30, 2021, the City received principal payment of $181,855 from all participants and accrued interest of $8,948.

NOTE 5 – LOANS RECEIVABLE (Continued)

B. Milpitas Housing Associates Loan

In fiscal 1997, the former Redevelopment Agency loaned the Milpitas Housing Associates, a partnership of Bridge Housing and a developer, $3,000,000 to assist in the financing of the construction of a 306 unit apartment complex. Fifty percent of the units were made available to very low and low income tenants. The Loan bore interest at the rate of 5.45% per year, compounded annually and is repayable in 2040, subject to certain conditions. The loan is secured by a subordinated deed of trust in the third position on the property. In January 2020, the City Council and the Housing Authority Commission approved a restructuring of the loan, which, 1) lowered the interest rate from 5.45% to a simple interest of 3.05% effective July 1, 2017, 2) forgave accrued interest of $1,541,074 through fiscal year 2017, and 3) approved the foregoing of residual receipts totaling $200,000 annually. As a result, fiscal year 2018 interest was recalculated to be $91,500 and accrued and the prior fiscal year 2018 accrued interest of $247,489 was written off. During fiscal year 2021, interest of $91,500 was accrued, and as of June 30, 2021, principal and accrued interest outstanding totaled $3,366,000.

C. Parc Metropolitan Housing Development Loans

The Housing Authority provides loans to eligible low-income families for the purchase of townhome units at the Parc Metropolitan Housing Development. During the year ended June 30, 2021, the Housing Authority received principal payments of $1,996 and as of June 30, 2021, there were $54,105 in loans outstanding.

D. Parc North Associates LLC Loan

In September 2003, the former Redevelopment Agency entered into an Owner Participation Agreement with Parc North Associates LLC for the development of 285 town homes and condominiums. Eighteen of the units were made available to very low income households, six of the units were made available to low income households, and thirty-four units were made available to moderate income households. In exchange, the Agency provided a grant of $1,823,480 to the Developer for permits, fees, and infrastructure, along with silent-second loans to eligible low-income families for the purchase of these town homes and condominium. Interest of 5% begins on the 61st month after the recordation of the deeds of trust and continues until the loans are paid in full. During fiscal year 2021, new loans totaling $50,000 were made, principal of $28,613 was paid and as of June 30, 2021, there were $551,611 of such loans outstanding.

E. Mid-Peninsula Milpitas Affordable Housing Associates

In December 2005, the former Redevelopment Agency entered into a Disposition and Development Agreement with Mid-Peninsula Milpitas Affordable Housing Associates for the development of a 103-unit senior housing project with long-term affordability to extremely low and very low income seniors. Under the terms of the Agreement, the Agency provided a grant of $1 million to the Developer and will provide a development loan up to $14.6 million to the Developer. No interest is accrued on the first $5 million of loan proceeds. The remaining $9.6 million bears simple interest of 3.00% annually. Repayment of interest and principal is payable from surplus operating cash subject to certain conditions as defined in the Agreement, and unpaid principal and accrued interest is due in December 2062. The loan is secured by a second deed of trust on the property. Construction began in fiscal year 2006 and was completed in December 2008. During fiscal year 2021, interest of $288,000 and $123,779 was accrued and paid, respectively, and as of June 30, 2021, principal and accrued interest outstanding totaled $17,735,130.

NOTE 5 – LOANS RECEIVABLE (Continued)

F. KB Home South Bay Inc. Loans

In January 2005, the former Redevelopment Agency entered into a Disposition and Development Agreement with KB Home South Bay Inc. for the development of a public park and approximately 700 housing units on the two parcels (Parcels C and D). In addition, the former Redevelopment Agency would provide a total of $4,250,000 of silent-second mortgages to eighty-five moderate income households on Parcel C, approximately $5,000,000 of subsidies to twenty-five moderate income households on Parcel D. The silent-second mortgages are not due for 45 years or upon the sale, renting or leasing of the property. Interest begins on the 37th month after the recordation of the Deed of Trust and continues until the loans are paid in full.

Due to changes in the housing market and stricter lending requirements which had created unforeseen challenges in finding qualified buyers for the affordable units, the former Redevelopment Agency amended the Agreement in February 2009 to establish an in-lieu housing payment of $1,702,000 to remove the affordable restrictions on 46 of the 67 remaining unsold affordable units ($37,000 for each unit). This amount was paid in equal parts to the Agency and to the County. In addition, the commitment for silent-second mortgages was reduced $2,300,000 to $1,950,000, and the total number of affordable units was reduced from 110 to 64.

As of June 30, 2021, there were $954,900 of loans to Parcel C households outstanding. As of June 30, 2021 subsidies totaling $1,222,900 had been provided.

G. Western Pacific Housing Inc., Loans

In August 2005, the former Redevelopment Agency entered into an Owner Participation Agreement with Fairfield Development, LLC for the development of a 464- unit residential apartment project called Centria, of which 93 units will be deed-restricted for very low- to moderate- income households. In November 2005, the project was purchased by Western Pacific Housing Inc. and obligations of the Owner Participation Agreement were assigned to Western Pacific Housing Inc. The former Redevelopment Agency will provide a grant of $379,480 for permits, fees, and infrastructure. The former Redevelopment Agency also will provide a total of $770,000 for silent-second down payment assistance loans for the 22 very-low income units. The loans are not due for 25 years or upon the sale, renting or leasing of the property. Interest will begin on the 61st month after the recordation of the Deed of Trust and continues until the loans are paid in full. Principal of $36,194 was repaid in fiscal year 2021 and as of June 30, 2021 there were $587,009 such loans outstanding.

In August 2008 the Owner Participation Agreement was amended to reduce the number of units to be constructed by Western Pacific Housing Inc. to 137 and provide for the conversion of 7 of the moderate income units to low income units. In addition, in August 2008 the 327 unconstructed units of the project were sold to Lyon Milpitas LLC and the Agency entered into a new Owner Participation Agreement with Lyon Milpitas LLC to complete the construction of the affordable housing units.

In September 2006, the former Redevelopment Agency entered into an Owner Participation Agreement with Western Pacific Housing, Inc. for the development of a 147-unit townhome project called Paragon that includes nine units deed-restricted to very low income residents and twenty units deed-restricted to moderate income residents. The Agency will provide silent-second loans of $133,333 to each of the very low income households. Interest will begin on the date of the promissory note but will be forgiven on the fourth anniversary of the date the Deed of Trust recorded at a rate of 20% per year, and principal is due 45 years from the date the Deed of Trust was recorded. As of June 30, 2021, there were $1,197,000 of silent second loans outstanding.

NOTE 5 – LOANS RECEIVABLE (Continued)

H. Shapell Industries

In June 2004, the former Redevelopment Agency entered into an Agreement with Shapell Industries of Northern California for the development of a 65-unit townhome development, which will include twenty deed-restricted affordable housing units for very low- and moderate-income units. In August 2005 the Agency entered into an Owner Participation Agreement with the Developer that, in exchange for the development of housing units, the Agency will provide a total of $800,000 silent-second mortgages to sixteen moderate-income households. In addition, under the terms of the Agreement, the Agency assisted in the rehabilitation of four existing very low-income units in fiscal 2006. Interest will begin on the date of the promissory note, but will be forgiven on the fourth anniversary of the date the Deed of Trust recorded at a rate of 20% per year, and principal is due 45 years from the date the Deed of Trust was recorded. As of June 30, 2021, there were $800,000 of silent second loans outstanding.

I. MIL Aspen Associates, Ltd.

In April 2007, the former Redevelopment Agency entered into an Owner Participation Agreement with MIL Aspen Associates, Ltd. for the development of a 101-unit multi-family project, of which 100 units will be deed-restricted for very low-income households. Under the terms of the Agreement, during fiscal year 2011 the Agency provided a $2,300,000 loan to the Developer. The loan bears 5% interest compounded annually on outstanding principal balance, and is repayable in April 17, 2037. Upon June 1 of the year following the issuance of the final certificate of occupancy of the project and the first day of each June during the term of the loan, the Developer shall pay 50% of Surplus Cash generated by the Project, as defined in the Agreement, during the previous calendar year. During the year ended June 30, 2021, interest of $167,704 was accrued, and as of June 30, 2021, principal and accrued interest totaled $3,423,244.

J. Resources for Community Development

In November 2017, the Housing Authority entered into a predevelopment loan agreement with Resources for Community Development for certain predevelopment costs necessary for the development of a 102-unit affordable rental housing project, 355 Sango Court Apartments, of which 101 will be affordable and 1 will be an above moderate income (AMI) managers unit. The unit mix will include 40 units with project based subsidy providing supportive housing for chronically homeless veterans and individuals at or below 30% AMI, 31 units that will provide permanent housing to households with incomes at or below 30% AMI, and 30 units providing permanent housing to households with incomes at or below 60% AMI. Under the terms of the agreement, the City provided a $147,768 loan to the Developer. The loan bears interest of 3% and is repayable on May 30, 2022. During the year ended June 30, 2021, $4,500 of interest was accrued, and as of June 30, 2021, principal and accrued interest totaled $164,317.

K. Sango Court, L.P.

In May 2019, the Housing Authority authorized a development loan to Sango Court, L.P. in the amount of $6,500,000 for construction of affordable housing at 355 Sango Court Apartments. However, the loan and regulatory documents will not be fully executed until the developer has finalized all other funding sources for the development. As of June 30, 2021, the developer had not finalized project funding and therefore had not drawn down on the loan.

NOTE 6 – PROPERTY HELD FOR RESALE OR REDEVELOPMENT

A. General Fund

Pursuant to the terms of a settlement agreement between the City, Economic Development Corporation, Housing Authority, Santa Clara County Auditor-Controller, State Controller and other parties, a land parcel was transferred from the Successor Agency to the Housing Authority in June 2014. However, that parcel was not subject to housing related provisions and was transferred to the City from the Housing Authority in June 2014.

The land parcel is accounted for at the lower of cost or net realizable value or agreed-upon sales price if a disposition agreement has been made with a developer.

As of June 30, 2021, property totaling $4,200,000 is held by the General Fund.

B. Housing Authority

The former Redevelopment Agency had purchased parcels of land as part of its efforts to develop or redevelop blighted properties within the Redevelopment areas. Such land parcels are accounted for at the lower of cost or net realizable value or agreed-upon sales price if a disposition agreement has been made with a developer. The City agreed to become the successor to the Redevelopment Agency's housing activities and as a result the City of Milpitas Housing Authority assumed the property held for resale of the Redevelopment Agency's Housing Reserve Fund as of February 1, 2012.

In fiscal year 2010 the Agency purchased five housing units for $1,503,718 in the Parc Metro Subdivision. During fiscal year 2011, the Agency purchased one additional Parc Metro Subdivision unit for $305,095, one Centria Subdivision housing unit for $248,056, and four KB Home Subdivision housing units for $1,273,892. One of the KB Home Subdivision units with a book value of $374,253 was sold in August 2011. Two of the KB Home Subdivision units with a book value of $376,795 and $294,921 were sold in December 2012 and February 2013, respectively. Four of the Parc Metro Subdivision units were sold in fiscal year 2013, with a total book value of $1,245,559, and one unit with a book value of $258,160 was sold in fiscal year 2019. The Centria unit was sold in fiscal year 2017 for $296,000. The units were purchased in order to retain them as affordable housing units and are being held for future resale. The remaining units are rented to tenants.

In February 2011, the Agency purchased additional property along South Main Street in the amount of $1,800,000 which is intended to be incorporated into the Midtown Specific Plan for housing development. The purchase of this property had been funded by a loan from the Housing Reserve Special Revenue Fund to the Redevelopment Capital Projects Fund, and with the dissolution of the Agency as of February 1, 2012, the State Department of Finance approved the property as a housing asset and the property was transferred to the Housing Authority as the successor housing agency.

As of June 30, 2021, property totaling $2,333,018 is held by the Housing Authority. The Housing Authority is required to develop or sell the properties on or before August 31, 2022.

NOTE 7 – DEVELOPMENT AND TAX SHARING AGREEMENTS

The City and former Redevelopment Agency have entered into the development agreements below in an effort to provide incentives to develop new businesses, new tax revenues and affordable housing.

A. South Main Senior Lifestyles, LLC.

In August 2009, the former Redevelopment Agency entered into a Disposition and Development Agreement with the South Main Senior Lifestyles, LLC (SMSL) to develop 180 units of "Continuum of Care Senior Housing" (Phase 1 Parcel), of which 63 units will be for very low and low income households, and 207 units of family housing (Phase 2 Parcel) which will be market rate units. In accordance with the terms of the Agreement, the Agency will acquire the properties and resell them in two phases to the developer prior to construction, subject to certain conditions in the Agreement. In November 2009, the Agency purchased the properties along South Main Street in the amount of $12,443,137. The sales price for the Phase 1 Parcel will be $5,022,129, and the sales price for the Phase 2 Parcel will equal the greater of the fair market value of the Phase 2 Parcel as defined in the Agreement or $7,377,871. In addition, the former Agency's Housing Reserve Special Revenue Fund was to provide a grant in the amount of $7.7 million to support the development and operation of the Phase 1 Parcel project.

In March 2011, the Economic Development Corporation assumed the obligations of the Disposition and Development Agreement and on October 18, 2011, a two year extension to the Agreement was approved to include a more extensive high density residential development plan of sixty-three residential units available at affordable housing cost to income-qualified very low and low income households.

In November 2013, the Housing Authority amended the Disposition and Development Agreement. The amendment states the Authority will convey the properties with a carrying value of $12,443,137 to the developer as a grant after certain requirements are fulfilled. In addition, the amendment also eliminates the $7.7 million grant obligation included in the initial agreement. It further amended the number of affordable units from 63 to 48, all at the very low income level for seniors.

In June 2015, the Housing Authority amended the Disposition and Development Agreement to extend the deadline to convey the properties to the developer from November 19, 2015 to June 30, 2017. In April 2017, the Housing Authority amended the Disposition and Development Agreement to extend the deadline from June 30, 2017 to December 31, 2017. On April 5, 2018, the agreement was again amended to extend the deadline to the date on which the grant deed conveying the Phase 1 Parcel to the developer is recorded. In April 2018, the terms of the agreement were fulfilled and the properties were transferred to the developer.

In February 2018, the City entered into a reimbursement agreement with the developer to reimburse the developer for the full actual cost of the design and improvement to replace an existing 8-inch sanitary sewer pipe with a 12-inch pipe. As of June 30, 2021, the City has issued a total of $702,252 reimbursements to date.

B. Sales Tax Sharing Agreement

In June 2009, the City entered into a Sales Tax Sharing Agreement with a corporation that provides process control for the semiconductor and related industries. Under the terms of the Agreement, the City agreed to pay the corporation 50% of the calendar year sales and use tax revenues paid by the corporation and collected by the State Board of Equalization for the City that exceed the tax base. The tax base is defined in the Agreement as the average amount of annual sales tax increment received by the City from the corporation for calendar years 2006, 2007 and 2008. The agreement terminates in 2025. The City paid $105,443 of sales tax to the corporation during fiscal year 2021.

NOTE 7 – DEVELOPMENT AND TAX SHARING AGREEMENTS (Continued)

C. Piper Montague Infrastructure Payment Cost Sharing Agreement

In August 2009, the City entered into a four-party agreement with three developers in the Piper/Montague Subdistrict in which the developers agreed to share in the costs of infrastructure improvements, including street improvements, storm drain installation and a traffic signal, and certain storm water management facilities. Under the terms of the agreement, when one of the developers undertakes a project related to the shared infrastructure improvements or storm water facilities project, that developer receives TASP fee credits equal to the other two developers pro-rata share of the improvements. The other two developers are then to reimburse the City for those TASP fee credits through the payment of the Piper Montague Infrastructure Fee Payment (PMIP), when building permits are issued, as a surcharge to the TASP fee. In the event the developers do not pay the PMIP fees within seven years of the completion date of the improvements, then the City may levy assessments or collect Mello-Roos special taxes from the applicable properties for the applicable share of the improvements. The cost of the shared infrastructure improvements and storm water facilities project is estimated to total $9.8 million. If a developer's TASP fee credits resulting from the installation of the shared infrastructure exceed its aggregate TASP Fee obligations, the developer is not entitled to a cash payment from the City, but they may be entitled to a credit against other development fees.

The developers have constructed $9,332,087 of shared infrastructure to date. The balance due from the two developers was $1,813,330 as of June 30, 2021.

D. Milpitas Station (San Jose) Venture, LLLP

In June 2014, the City entered into a Fee Credit Agreement with Milpitas Station (San Jose) Venture, LLLP, which requires the developer to pay TASP fees of $9,932,643 to defray all or a portion of the improvements and facilities costs associated with the Milpitas Station Project. Under the terms of the agreement, the developer will be entitled to reimbursements totaling $1,500,000 for construction costs for roadway improvements, pole relocation improvements, and railroad crossing improvements and a park land fee credit totaling $4,244,486 for the park land dedication to be applied against projected TASP fees. During the year ended June 30, 2021, the City issued park land fee credits in the amount of $84,050 and improvement fee credits of $850,000, and total fee credits of $5,744,486 have been issued to date.

E. Anton Milpitas 730 LLC and 750 LLC

In April 2018, the City entered into a Fee Reimbursement Agreement with Anton Milpitas 750 LLC and Anton Milpitas 730 LLC, which requires the developer to pay TASP fees of $19,358,035 to defray all or a portion of the improvements and facilities costs associated with the 730 E. Capitol and 750 E. Capitol apartment complexes. Under the terms of the agreement, the developer will be entitled to reimbursements totaling $8,910,221 for construction costs for parking and a variety of site improvements, including a public park. During the year ended June 30, 2021, no reimbursements were issued, and total reimbursements of $5,910,221 have been issued to date.

NOTE 7 – DEVELOPMENT AND TAX SHARING AGREEMENTS (Continued)

F. LMC Milpitas Holdings I, LLC and Lennar Homes of California

In July 2017, the City entered into a Fee Reimbursement Agreement with LMC Milpitas Holdings I LLC and Lennar Homes of California, which requires the developer to pay TASP fees of $16,029,909 to defray all or a portion of the costs of public parks and public recycled water system. Under the terms of the agreement, the developer will be entitled to reimbursements totaling $4,689,574 for construction and design costs for Montague Expressway and East Penitencia Creek. During the year ended June 30, 2021, $584,174 in reimbursements were issued, and total reimbursements of $3,720,718 have been issued to date.

NOTE 8 – CAPITAL ASSETS

All capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated acquisition value on the date contributed. The City's policy is to capitalize all assets with costs exceeding certain minimum thresholds and with useful lives exceeding two years.

The City has recorded all its public domain (infrastructure) capital assets, which include landscape, storm, street, and traffic systems.

All capital assets with limited useful lives are required to be depreciated over their estimated useful lives. The purpose of depreciation is to spread the cost of capital assets equitably among all users over the life of these assets. The amount charged to depreciation expense each year represents that year's pro rata share of the cost of capital assets. Depreciation of all capital assets is charged as an expense against operations each year and the total amount of depreciation taken over the years is reported on the statement of net position as a reduction in the book value of capital assets.

Depreciation is provided using the straight line method which means the cost of the asset is divided by its expected useful life in years and the result is charged to expense each year until the asset is fully depreciated. The general capitalization threshold is $5,000. The City has assigned the useful lives below to capital assets:

	Useful Lives Years
Buildings and improvements	30
Other improvements	20
Machinery and equipment	10
Landscape system	50
Storm system	15-25
Street system	25
Traffic system	20
Water system	30-61
Sewer system	50
Capacity rights	32

Terrace Gardens, Inc. has assigned the following useful lives to its capital assets: Buildings, 50 years; Building improvements, 10-50 years; and Equipment, 5-7 years.

NOTE 8 – CAPITAL ASSETS (Continued)

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase is reflected in the capitalized value of the asset constructed, net of interest earned on the invested proceeds over the same period.

A. Governmental Capital Asset Additions, Retirements and Balances

	Balance at June 30, 2020	Additions	Retirements	Transfers	Balance at June 30, 2021
Capital assets not being depreciated:					
Land	$73,739,404	$11,090,198			$84,829,602
Construction in progress	81,201,575	12,902,681	($99,458)	($19,189,824)	74,814,974
Total capital assets not being depreciated	154,940,979	23,992,879	(99,458)	(19,189,824)	159,644,576
Capital assets being depreciated:					
Buildings and improvements	173,371,133				173,371,133
Other improvements	30,558,026			276,086	30,834,112
Machinery and equipment	46,483,318	2,363,427	(903,599)	789,143	48,732,289
Landscape system	30,052,847	22,869			30,075,716
Storm system	74,340,148			136,914	74,477,062
Street system	276,726,188	7,674,850		17,987,681	302,388,719
Traffic system	19,915,822	299,588			20,215,410
Total capital assets being depreciated	651,447,482	10,360,734	(903,599)	19,189,824	680,094,441
Less accumulated depreciation for:					
Buildings and improvements	(87,572,790)	(5,811,758)			(93,384,548)
Other improvements	(22,833,292)	(833,761)			(23,667,053)
Machinery and equipment	(35,959,895)	(1,560,066)	890,943		(36,629,018)
Landscape system	(15,876,433)	(601,847)			(16,478,280)
Storm system	(72,723,080)	(250,489)			(72,973,569)
Street system	(211,299,404)	(5,132,234)			(216,431,638)
Traffic system	(15,652,721)	(493,799)			(16,146,520)
Total accumulated depreciation	(461,917,615)	(14,683,954)	890,943		(475,710,626)
Net capital assets being depreciated	189,529,867	(4,323,220)	(12,656)	19,189,824	204,383,815
Governmental activities capital assets, net	$344,470,846	$19,669,659	($112,114)		$364,028,391

NOTE 8 – CAPITAL ASSETS (Continued)

Governmental activities construction in progress comprised the following at June 30, 2021:

Project	Total Budget	Actual Costs	Unexpended Budget
Alviso Adobe Renovation	$8,159,272	$6,955,571	$1,203,701
McCandless Park	12,154,820	3,763,747	8,391,073
Sports Fields Turf Rehabilitation Program	151,000	50,874	100,126
Creighton Park Renovation	3,228,920	3,150,412	78,508
Sandalwood Park Renovation	475,000	294,872	180,128
Sports Center Skate Park	6,325,000	5,716,339	608,661
Minor Sports Courts Rehabilitation	450,000	358,157	91,843
McCarthy Blvd Landscape	1,032,256	473,595	558,661
Fire Station Improvements	1,300,000	771,009	528,991
City Building Improvement	2,815,000	2,583,491	231,509
Sinclair LMD Improvements	256,750	85,764	170,986
City Building, Exterior Painting	600,000	109,164	490,836
PD Communications	3,155,000	2,910,084	244,916
Replacement Fire Station Alert System	393,000	344,420	48,580
City Building Roofing	900,000	205,015	694,985
Police Records Management	1,599,721	340,177	1,259,544
Citywide Park Playground	1,703,497	1,433,212	270,285
Annual Sidewalk, Curb & Gutter Repair	1,826,840	1,352,309	474,531
Technology Projects	1,400,000	1,136,870	263,130
Midtown Street Light	300,000	263,937	36,063
2017-19 Finance System Upgrade	1,250,000	947,431	302,569
Annual Tree Replacement Program	419,000	162,403	256,597
Fire Station #2 Replacement	15,820,000	5,243,855	10,576,145
Fire Stations Security	200,000		200,000
Facilities Water Fixtures Retrofit Project	670,000	631,475	38,525
Community and Senior Center Energy Resilience Project	4,406,895	890,235	3,516,660
Safe Facilities	375,000		375,000
Storm Drain System Rehabilitation	1,190,000	909,422	280,578
Dempsey Road Storm Drain	1,660,000	230,962	1,429,038
Bart Project-Storm Improvement	33,000		33,000
Trash Removal Devices	500,000	469,471	30,529
Flap Gate Replacement	100,000		100,000
Storm Drain System Rehab 17-19	1,058,410	576,922	481,488
Storm Supervisory Control & Data Acquisition	2,416,590	480,000	1,936,590
Light Rail Median Landscaping	5,996,000	3,946,346	2,049,654
Second SCVWD Water Reservoir & Pump Station	200,000	825	199,175
Lower Penitencia Creek	1,825,000	350,486	1,474,514
Montague Pedestrian Overcrossing at Piper Drive	8,750,000	7,821,539	928,461
SCVWD Second Water Supply Turnout #2	100,000	642	99,358
Transit Area Police Substation	310,000		310,000
(Rmb) TASP Linear Trails	3,270,000		3,270,000
(Rmb) Trade Zone/Montague Park - North	3,100,000		3,100,000
S. Milpitas Blvd. Veh. Bridge at Penitencia	2,400,000	166,502	2,233,498
Montague Ped. Overcrossing at Penitencia	1,010,000	495,975	514,025
(Rmb) TASP Recycled Water Distribution	200,391		200,391
SCVWD Zone 1 Pressure Red. Valve	100,000		100,000
Trade Zone/Montague Park - Central	600,000	9,998	590,002
TASP Citation-SCS	12,400,047	12,400,047	
TASP Pulte	4,244,485	4,244,485	
TASP Lennar	2,536,934	2,536,934	
Total construction in progress	$125,367,828	$74,814,974	$50,552,854

NOTE 8 – CAPITAL ASSETS (Continued)

B. Business-Type Capital Asset Additions, Retirements and Balances

	Balance at June 30, 2020	Additions	Transfers	Balance at June 30, 2021
Capital assets not being depreciated:				
Land	$1,133,079			$1,133,079
Construction in progress	12,309,945	$7,374,241	($845,281)	18,838,905
Total capital assets not being depreciated	13,443,024	7,374,241	(845,281)	19,971,984
Capital assets being depreciated:				
Distribution facilities	81,197,041			81,197,041
Water Service lines	16,962,715		104,896	17,067,611
Sewer lines	86,057,508	702,252	740,385	87,500,145
Capacity rights	100,593,340	2,110,265		102,703,605
Total capital assets being depreciated	284,810,604	2,812,517	845,281	288,468,402
Less accumulated depreciation for:				
Distribution facilities	(53,787,023)	(1,267,645)		(55,054,668)
Water Service lines	(7,212,247)	(376,904)		(7,589,151)
Sewer lines	(50,942,559)	(1,406,026)		(52,348,585)
Capacity rights	(27,532,622)	(3,150,747)		(30,683,369)
Total accumulated depreciation	(139,474,451)	(6,201,322)		(145,675,773)
Net capital assets being depreciated	145,336,153	(3,388,805)		142,792,629
Business-type activities capital assets, net	$158,779,177	$3,985,436		$162,764,613

NOTE 8 – CAPITAL ASSETS (Continued)

Business-type activities construction in progress comprised the following at June 30, 2021:

Project	Total Budget	Actual Costs	Unexpended Budget
CCTV Sanitary Sewer	$283,472	$256,739	$26,733
BART Project-Sewer Improvement	243,323	229,730	13,593
Sewr Pump Station Rehabilitation Program	252,000	156,798	95,202
Minor Sewer Projects	113,000	89,335	23,665
Sanitary Supervisory Control & Data	316,600	60,000	256,600
Main Lift Stattion Odor Emmissions Control	2,450,000	150,739	2,299,261
Sanitary Sewer Cathodic Protection Improvement	2,025,000	353,877	1,671,123
Well Upgrade Program	12,475,000	5,277,336	7,197,664
Water System Seismic Improvement	4,887,951	970,179	3,917,772
Hydrant Replacement	386,360	374,992	11,368
Abel St Pipeline Extension	940,000	44,061	895,939
Dempsey Road Water Line	7,857,772	1,240,321	6,617,451
Automated Water Meter	14,047,700	5,934,867	8,112,833
BART Project-Water Improvements	2,503,920	1,820,243	683,677
Supervisory Control & Data	6,516,600	1,303,619	5,212,981
Minor Water Projects	600,000	309,050	290,950
Water O&M Database Management	150,000	137,725	12,275
Water Leak Detection	450,000	129,294	320,706
	$56,498,698	$18,838,905	$37,659,793

NOTE 8 – CAPITAL ASSETS (Continued)

C. Terrace Gardens, Inc.'s Capital Assets

The following is a summary of Terrace Gardens Inc.'s changes in capital assets for the fiscal year ended December 31, 2020:

	Balance December 31, 2019	Additions	Balance December 31, 2020
Capital assets not being depreciated:			
Land	$1,565,277		$1,565,277
Total capital assets not being depreciated	1,565,277		1,565,277
Capital assets being depreciated:			
Buildings	12,107,935		12,107,935
Furniture	364,843	$16,358	381,201
Office equipment	65,096		65,096
Improvements	2,601,250	141,034	2,742,284
Total capital assets being depreciated	15,139,124	157,392	15,296,516
Less accumulated depreciation	(9,233,573)	(417,941)	(9,651,514)
Net capital assets being depreciated	5,905,551	(260,549)	5,645,002
Total capital assets, net	$7,470,828	($260,549)	$7,210,279

D. Depreciation Allocation

Depreciation expense is charged to functions and programs based on their usage of the related assets. The amounts allocated to each function or program are as follows:

Governmental Activities:	
General Government	$2,316,455
Public Works	7,006,815
Engineering	2,438,832
Recreation and Community Services	1,174,996
Police	294,917
Fire	305,717
Internal Service Fund	1,146,222
Total Governmental Activities	$14,683,954
Business-Type Activities:	
Water Utility	$1,644,548
Sewer Utility	4,556,774
Total Business-Type Activities	$6,201,322
Discretely Presented Component Unit:	
Terrace Gardens, Inc.	$417,941

NOTE 8 – CAPITAL ASSETS (Continued)

E. Sewer Treatment Capacity Rights

The City has a contract with the San Jose/Santa Clara Wastewater Treatment Plant, known as the Regional Wastewater Facility (RWF), which gives Milpitas and other tributary agencies rights to a percentage of the capacity of their sewage treatment facilities. The contract terminates in 2031 and requires the City to pay its share of operations, capital expenses and debt service on the treatment plant. The City also pays capital costs based on allocated flow capacity rights of 14.25 million gallons per day or about 8.53% of the total plant capacity, 167 million gallons per day. The City has capitalized its share in the amount of $102,703,609. The operation and maintenance costs are calculated based upon actual sewage flow and strengths. In fiscal year 2021, the City's operation and maintenance share was approximately 6.099% of the total RWF operations.

NOTE 9 – LONG-TERM DEBT

The City generally incurs long-term debt to finance projects or purchase assets which will have useful lives equal to or greater than the related debt.

A. Current Year Transactions and Balances

The City's debt issues and transactions are summarized below and discussed in detail thereafter.

	Original Issue Amount	Balance June 30, 2020	Additions	Retirements	Balance June 30, 2021	Current Portion
Governmental Activities Debt - Direct Borrowing:						
2020 General Fund Lease Revenue Bonds						
4.0%, due June 1, 2041	$18,445,000		$18,445,000		$18,445,000	$275,000
Plus: Unamortized bond premium			3,473,516		3,473,516	
	$18,445,000		$21,918,516		$21,918,516	$275,000
Business-type Activities Debt						
Wastewater Revenue Refunding Bonds, 2017 Series						
2.0% - 5.0%, due November 1, 2026	$4,725,000	$3,785,000		$475,000	$3,310,000	$495,000
Plus: Unamortized bond premium		495,991		70,856	425,135	
Wastewater Revenue Bonds, 2019 Series						
4.0% - 5.0%, due November 1, 2049	29,840,000	29,840,000		445,000	29,395,000	485,000
Plus: Unamortized bond premium		5,312,281		183,182	5,129,099	
Water Revenue Bonds, 2019 Series						
4.0% - 5.0%, due June 1, 2049	17,210,000	17,055,000		290,000	16,765,000	300,000
Plus: Unamortized bond premium		2,960,061		102,071	2,857,990	
Total Business-Type Activities	$51,775,000	$59,448,333		$1,566,109	$57,882,224	$1,280,000

B. 2020 General Fund Lease Revenue Bonds

On November 10, 2020, the Milpitas Municipal Financing Authority issued the 2020 Lease Revenue Bonds (Capital Projects) in the original principal amount of $18,445,000 to provide funds to finance a portion of the Fire Station No. 2 Replacement project and variety of energy improvement projects. The Bonds bear interest rates of 4.0 %. Interest is payable every June 1 and December 1 beginning on June 1, 2021. Principal on the bonds will be payable on June 1 beginning on June 1, 2022 through 2037, followed by a term bond which will be due June 1, 2041. The Bonds were structured with a par optional redemption date of June 1, 2030. Bonds maturing on June 1, 2041 are subject to mandatory redemption.

NOTE 9 – LONG-TERM DEBT (Continued)

C. Wastewater Revenue Refunding Bonds, Series 2017

On December 4, 2017, the City issued Wastewater Revenue Refunding Bonds, Series 2017, in the original principal amount of $4,725,000 to provide funds to prepay an Installment Sale Agreement between the City and the Milpitas Public Financing Authority, thereby defeasing and prepaying all of the Certificates of Participation 2006 Series A and to pay the cost of issuing the 2017 Bonds. The 2006 COPs were called in January 2018. Principal on the 2017 Bonds is payable annually and interest is payable semi-annually through 2027. The 2017 Bonds contain a provision that in an event of default, the Trustee may declare the principal of the bonds, together with all accrued interest at the date of default, immediately due and payable, or exercise any and all rights and remedies available to it under applicable law, including the right to enforce from the City all payments due on the 2017 Bonds, and the City will pay all reasonable fees and expenses incurred by the Trustee and those of its attorneys.

The 2017 Bonds are pledged by net revenues from the City's Sewer System.

D. Wastewater Revenue Bonds, Series 2019

On October 22, 2019, the Milpitas Municipal Financing Authority issued Wastewater Revenue Bonds, Series 2019, in the original principal amount of $29,840,000 to provide funds for certain improvements to the City's wastewater system. The Bonds bear interest rates of 4.0% to 5.0%. Interest is payable every May 1 and November 1 beginning on May 1, 2020. Principal on the bonds will be payable on November 1 beginning on November 1, 2020 through 2039, followed by a term bond which will be due on November 1, 2049. The Bonds were structured with a par optional redemption date of May 1, 2029. Bonds maturing on May 1, 2049 are subject to mandatory redemption. The Bonds contain a provision that in an event of default, the Trustee may declare the principal of the bonds, together with all accrued interest at the date of default, immediately due and payable, or exercise any and all rights and remedies available to it under applicable law, including the right to enforce from the City all payments due on the Bonds, and the City will pay all reasonable fees and expenses incurred by the Trustee and those of its attorneys.

The 2019 Bonds are pledged by net revenues from the City's Wastewater System and are on parity with the 2017 Bonds. For the fiscal year 2021, net revenues amounted to $10,677,320 which represented coverage of 4.41 over the $2,418,525 debt service of both bond issues.

E. Water Revenue Bonds, Series 2019

On October 24, 2019, the Milpitas Municipal Financing Authority issued Water Revenue Bonds, Series 2019, in the original principal amount of $17,210,000 to provide funds to the City for certain improvements to the City's water system. The Bonds bear interest of 4.0% to 5.0% and interest is payable every June 1 and December 1 beginning on June 1, 2020. Principal on the bonds will be payable on June 1 beginning on June 1, 2020 through 2039, followed by term bonds that are due June 1, 2044 and June 1, 2049 respectively. The Bonds were structured with a par optional redemption date of June 1, 2029. Bonds maturing on June 1, 2044 and June 1, 2049 are subject to mandatory redemption.

NOTE 9 – LONG-TERM DEBT (Continued)

The Bonds contain a provision that in an event of default, the Trustee may declare the principal of the bonds, together with all accrued interest at the date of default, immediately due and payable, or exercise any and all rights and remedies available to it under applicable law, including the right to enforce from the City all payments due on the Bonds, and the City will pay all reasonable fees and expenses incurred by the Trustee and those of its attorneys.

The Bonds are collateralized by net revenues from the City's Water System. For the fiscal year 2021, net revenues amounted to $8,140,592 which represented coverage of 7.79 over the $1,045,650 debt service.

F. Debt Service Requirements

Annual debt service requirements are shown below:

	Governmental Activities Revenue Bonds		Business-Type Activities Revenue Bonds	
Year Ending June 30	Total Principal	Total Interest	Total Principal	Total Interest
2022	$275,000	$737,800	$1,280,000	$2,199,925
2023	470,000	726,800	1,335,000	2,143,325
2024	520,000	708,000	1,395,000	2,081,400
2025	570,000	687,200	1,460,000	2,013,650
2026	625,000	664,400	1,530,000	1,939,275
2027-2031	4,270,000	2,874,200	6,095,000	8,716,250
2032-2036	5,285,000	1,936,600	6,990,000	7,163,250
2037-2041	6,430,000	791,200	8,910,000	5,215,525
2042-2046			11,020,000	3,110,400
2047-2050			9,455,000	772,100
	18,445,000	$9,126,200	49,470,000	$35,355,100
Plus: Unamoritized bond premium	3,473,516		8,412,224	
	$21,918,516		$57,882,224	

NOTE 10 – NET POSITION AND FUND BALANCES

Governmental fund balances represent the net current assets of each fund. Net current assets generally represent a fund's cash, receivables and deferred outflows of resources, less its liabilities and deferred inflows of resources. Portions of a fund's balance may be restricted, committed or assigned for future expenditure.

Net Position is measured on the full accrual basis while Fund Balance is measured on the modified accrual basis, as explained in Note 1D.

A. Net Position

Net Position is the excess of all assets and deferred outflows of resources over all liabilities and deferred inflows of resources. Net Position is divided into three captions. These captions apply only to Net Position, which is determined only for proprietary funds and at the Government-wide level, and are described below:

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

Net Investment in Capital Assets and Capacity Rights, describes the portion of Net Position which is represented by the current net book value of the City's capital assets and capacity rights, less the outstanding balance of any debt issued to finance these assets.

Restricted describes the portion of Net Position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the City cannot unilaterally alter. These principally include developer fees received for use on capital projects and redevelopment funds restricted for community development activities.

Unrestricted describes the portion of Net Position which is not restricted as to use.

B. Fund Balances

Governmental fund balances represent the net current assets of each fund. Net current assets generally represent a fund's cash, receivables and deferred outflows of resources, less its liabilities and deferred inflows of resources.

The City's fund balances are classified based on spending constraints imposed on the use of resources. For programs with multiple funding sources, the City prioritizes and expends funds in the following order: Restricted, Committed, Assigned, and Unassigned. Each category in the following hierarchy is ranked according to the degree of spending constraint:

Nonspendable represents balances set aside to indicate items do not represent available, spendable resources even though they are a component of assets. Assets not expected to be converted to cash, such as prepaids, notes receivable, and property held for resale are included. However, if proceeds realized from the sale or collection of nonspendable assets are restricted, committed or assigned, then nonspendable amounts are required to be presented as a component of the applicable category.

Restricted fund balances have external restrictions imposed by creditors, grantors, contributors, laws, regulations, or enabling legislation which requires the resources to be used only for a specific purpose. Encumbrances and nonspendable amounts subject to restrictions are included along with spendable resources.

Committed fund balances have constraints imposed by resolution of the City Council which may be altered only by formal action of the City Council. Encumbrances and nonspendable amounts subject to council commitments are included along with spendable resources.

Assigned fund balances are amounts constrained by the City's intent to be used for a specific purpose, but are neither restricted nor committed. Intent is expressed by the City Council and may be changed at the discretion of the City Council. This category includes: encumbrances; nonspendables, when it is the City's intent to use proceeds or collections for a specific purpose; and residual fund balances, if any, of Special Revenue, Capital Projects and Debt Service Funds which have not been restricted or committed.

Unassigned fund balance represents residual amounts that have not been restricted, committed, or assigned. This includes the residual General Fund balance and residual fund deficits, if any, of other governmental funds.

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

Detailed classifications of the City's Fund Balances, as of June 30, 2021, are below:

Fund Balance Classifications	General Fund	Major Special Revenue Fund Housing Authority	Major Capital Projects Street Improvement Fund	Major Capital Projects Transit Area Impact Fee Fund	Major Capital Projects General Government Projects Fund	Other Governmental Funds	Total
Nonspendable:							
Prepaids, materials, supplies and deposits	$582,658	$2,000				$25,992	$610,650
Property held for resale	4,200,000						4,200,000
Subtotal Nonspendable	4,782,658	2,000				25,992	4,810,650
Restricted for:							
Programs and Maintenance			$8,762,387			3,292,564	12,054,951
Housing and community development		39,766,065				3,817,107	43,583,172
Law enforcement services						169,352	169,352
Solid waste reduction and services						1,563,598	1,563,598
Assessment district services						2,005,326	2,005,326
Hetch-Hetchy ground lease						1,572,229	1,572,229
Community planning						873,132	873,132
Community benefits						370,210	370,210
Affordable housing						4,737,099	4,737,099
Affordable housing unrestricted						2,229,472	2,229,472
Park improvement projects						12,631,776	12,631,776
Storm drain projects						5,504,577	5,504,577
Transit area capital projects				$63,249,577			63,249,577
Subtotal Restricted		39,766,065	8,762,387	63,249,577		38,766,442	150,544,471
Committed to:							
PERS stabilization	2,826,484						2,826,484
Artificial turf replacement	1,440,000						1,440,000
Technology replacement	2,000,000						2,000,000
Facilities replacement	7,000,000						7,000,000
Subtotal Committed	13,266,484						13,266,484
Assigned to:							
Uninsured claims payable	2,344,962						2,344,962
Public art projects						1,253,478	1,253,478
Contracts	2,415,278						2,415,278
General government capital projects					$38,254,658		38,254,658
Other assigned	1,782,825						1,782,825
Subtotal Assigned	6,543,065				38,254,658	1,253,478	46,051,201
Unassigned:							
General Fund							
Contingency reserve	18,253,286						18,253,286
Budget stabilization	18,253,286						18,253,286
Future deficit	1,452,576						1,452,576
Unassigned	169,194						169,194
Subtotal Unassigned	38,128,342						38,128,342
Total fund balances	$62,720,549	$39,768,065	$8,762,387	$63,249,577	$38,254,658	$40,045,912	$252,801,148

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

C. Fund Balance Policies

The City's Fiscal Policies, which are annually approved as part of the adoption of the budget, prescribes the City's fund balance requirements and targets.

1) The City will fund the following reserves as follows with any General Fund audited year end operating surplus after the General Fund Contingency Reserve and General Fund Budget Stabilization Reserve requirements are met.

   - 20% to the PERS Rate Stabilization Reserve
   - 20% to the General Government Capital Improvement Fund
   - 10% to the Affordable Housing Community Benefit Fund
   - 10% to Transportation/Transit
   - 40% to the Unassigned General Fund Reserve.

2) The City will maintain a Contingency Reserve of at least 16.67% or two months of the annual operating expenditures in the General Fund to be used only in the case of dire need as a result of physical or financial emergencies and disasters as determined by the City Council. The City Council will set the reserve amount annually after the results of the prior fiscal year's Annual Comprehensive Financial Report (ACFR) are known. For the year ended June 30, 2021, the reserve is set at $18.2 million and classified in the unassigned fund balance.

3) The City will maintain a General Fund Budget Stabilization Reserve with a target of 16.67%, or two months, of annual operating expenditures. The purpose of this reserve is to provide budget stability when there are fluctuations that result in lower than projected revenues and or higher than projected expenditures that cannot be rebalanced within existing budget resources in any given fiscal year. This reserve is intended to provide a buffer, or bridge funding, to protect against reducing service levels when these fluctuations occur. This reserve will be funded only after General Fund Contingency Reserve requirements have been met. The City Council will set the reserve amount annually after the results of the prior fiscal year's Annual Comprehensive Financial Report (ACFR) are known. For the year ended June 30, 2021, the reserve is set at $18.2 million and classified in the unassigned fund balance.

4) The City will maintain in the Pension Section 115 Internal Service Fund a Public Employees Retirement (PERS) Rate Stabilization Reserve to be funded by 20% of any General Fund or Enterprise Funds annual operating surpluses. The City's actuary has determined that the General Fund portion of the Unfunded Actuarial Liability for the Miscellaneous Retirement Plan is 84.9% and for the Water and Sewer Utility Enterprise Funds portion of the Unfunded Actuarial Liability for the Miscellaneous Retirement Plan is 8.5% and 6.6%, respectively. The General Fund portion of the contribution to the PERS Rate Stabilization Reserve shall only be funded after General Fund Contingency Reserve and the General Fund Budget Stabilization Reserve requirements have been met. The Utility Funds' portion of the contribution to the PERS Rate Stabilization Reserve shall be consistent with the General Fund contributions and only be funded after the Capital Reserve and Rate Stabilization Reserve (RSR) requirements in the Water and Sewer utility funds have been met. The City may use the PERS Rate Stabilization Reserve to fund either the annual actuarially determined contribution amount in lieu of a contribution amount derived from a percentage of salary, pay down unfunded pension liabilities with CalPERS, or reduce the length of pension cost amortization schedules with CalPERS. Any savings or additional costs resulting from the budgeting methodologies shall benefit or be adjusted from the PERS Rate Stabilization Reserve. This reserve may also be drawn on if the required employer contribution rates exceed previous year's contribution rates by more than 3% of payroll. In this instance, the City Council must approve utilization of this reserve at the time of the budget hearing.

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

5) The City will maintain a capital reserve for artificial turf replacement with a target of $2 million and an annual set-aside amount of at least $230,000 until the target is reached. This reserve shall be used to accrue funding for the normal depreciation expense of the City's artificial turf fields over their useful life. Eligible uses of this reserve may include the replacement of the City's artificial turf fields so as to eliminate large spikes in capital expenses and normalize annual costs.

6) Annually, the City will endeavor to transfer $300,000 from the General Fund to the Technology Replacement Fund set aside in a reserve with a target of $5 million. This reserve shall be used to accrue funding for technology projects such as the major rehabilitation or replacement of the City's technology infrastructure or new technology initiatives.

7) The City will maintain a capital reserve for Facilities Replacement with a target of $10 million. This reserve shall be used to accrue funding for major rehabilitation or replacement of City facilities (buildings/structures). Eligible uses of this reserve may include both the direct funding of public facility improvements and the servicing of related debt.

8) The City will maintain a Storm Drain replacement reserve to replace and repair storm drain pump stations. The City will endeavor to transfer $500,000 annually from the General Fund to the Storm Drain Fund for this purpose.

9) The City will maintain a General Liability and Workers' Compensation Claims Reserve of $2 million in the General Fund, which will be reviewed for adjustments annually.

10) Other reserves designated in the General Fund for investment portfolio market gain and uninsured claims payable will be calculated adjusted annually at appropriate levels.

11) The City will maintain capital reserves in the Water and Sewer utility enterprise funds to provide for future capital projects and unanticipated emergencies, such as water main break repairs, pump station repairs. The City will attempt to maintain a capital reserve of approximately 30% of the annual operating and maintenance expenses for the Water utility fund and 25% of the annual operating and maintenance expenses for the Sewer utility fund. The City Council will set the reserve amounts annually after the results of the prior fiscal year's Annual Comprehensive Financial Report (ACFR) are known. For the year ended June 30, 2021, the capital reserve for the Water Operating Fund is set at $8.6 million and for the Sewer Operating Fund at $3.7 million.

12) The City will maintain a Rate Stabilization Reserve (RSR) in the Water and Sewer utility enterprise funds with a goal of at least 16.67% or two months of the respective annual operating expenditures after the Capital Reserve requirements have been met. The RSR shall be used to mitigate the effects of occasional shortfalls in revenue or unanticipated expenditures that cannot be re-balanced within existing budgeted resources in any given fiscal year. Revenue shortfalls may result from a number of events such as weather factors (wet weather or drought events and natural disasters), increased water conservation, and poor regional economic conditions. The Rate Stabilization Reserves should be used to assist in smoothing out revenue variability resulting from these factors and ensure that adequate resources are available during such times that might otherwise require large rate increases to utility customers. The City Council will set the reserve amounts annually after the results of the prior fiscal year's Annual Comprehensive Financial Report (ACFR) are known. The RSR funding will be phased within five years, or sooner, as part of the fiscal year end closing process. Thereafter, the replenishment of these reserves may also be incorporated into the annual Adopted Operating Budget if resources are available to replenish the reserves.

NOTE 10 – NET POSITION AND FUND BALANCES (Continued)

13) The City will maintain $2 million infrastructure replacement funds in both the Water and Sewer Utility Enterprise Funds. The goal is to accumulate at least $2 million a year from each utility fund to set-aside for replacement of infrastructure as the infrastructure reaches the end of its useful life.

14) The City will maintain a capital reserve in the Equipment Management Internal Service Fund to enable the timely replacement of vehicles and depreciable equipment as cost. The City will maintain a minimum fund balance of at least 30% of the replacement costs for equipment accounted for in this fund.

NOTE 11 – PENSION PLANS

A. General Information

Plan Descriptions – All qualified permanent and probationary employees are eligible to participate in the City's separate Safety (police and fire) and Miscellaneous (all other) Plans, agent multiple-employer defined benefit pension plans administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plans are established by State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website.

Benefits Provided – CalPERS provides service retirement and disability benefits, annual cost of living adjustments and death benefits to plan members, who must be public employees and beneficiaries. Benefits are based on years of credited service, equal to one year of full time employment. Members with five years of total service are eligible to retire at age 50 with statutorily reduced benefits. All members are eligible for non-duty disability benefits after 10 years of service. The death benefit is one of the following: the Basic Death Benefit, the 1957 Survivor Benefit, or the Optional Settlement 2W Death Benefit. The cost of living adjustments for each plan are applied as specified by the Public Employees' Retirement Law.

NOTE 11 – PENSION PLANS (Continued)

The Plans' provisions and benefits in effect at June 30, 2021, are summarized as follows:

	Miscellaneous		
	Classic Tier I	Classic Tier II	PEPRA
Hire date	Prior to October 9, 2011	After October 9, 2011	On or after January 1, 2013
Benefit formula	2.7% @ 55	2.0% @ 60	2.0% @ 62
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 - 55	50 - 63	52 - 67
Monthly benefits, as a % of eligible compensation	2.0% - 2.7%	1.092% - 2.418%	1.0% - 2.5%
Required employee contribution rates	8%	7%	6.25%
Required employer contribution rates	10.145%	10.145%	10.145%
Required Unfunded Actuarial Liability Contribution		$6,111,834	

	Safety		
	Classic Tier I	Classic Tier II	PEPRA
Hire date	Prior to April 8, 2012	After April 8, 2012	On or after January 1, 2013
Benefit formula	3% @ 50	3% @ 55	2.7% @ 57
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50	50 - 55	50 - 57
Monthly benefits, as a % of eligible compensation	3%	2.4% - 3%	2.0% - 2.7%
Required employee contribution rates	9%	9%	11%
Required employer contribution rates	20.470%	20.470%	20.470%
Required Unfunded Actuarial Liability Contribution		$8,345,404	

Beginning in fiscal year 2016, CalPERS collects employer contributions for the Plan as a percentage of payroll for the normal cost portion as noted in the rates above and as a dollar amount for contributions toward the unfunded liability (UAL). The dollar amounts are billed on a monthly basis or the City can elect a lump sum payment option. The City's required contributions for the unfunded liability in the Miscellaneous and Safety Plans for the year ended June 30, 2021 were $6,111,834 and $8,345,404, respectively, which were made under the lump sum payment option.

Employees Covered – The following employees were covered by the benefit terms for each Plan as of the most recent actuarial valuation date of June 30, 2019 and measurement date of June 30, 2020:

	Miscellaneous			Safety		
	Classic Tier I	Classic Tier II	PEPRA Tier	Classic Tier I	Classic Tier II	PEPRA Tier
Inactive employees or beneficiaries currently receiving benefits	398			242		
Inactive employees entitled to but not yet receiving benefits	342			29		
Active employees	114	9	89	102	6	42
Total	854	9	89	373	6	42

NOTE 11 – PENSION PLANS (Continued)

Contributions – Section 20814(c) of the California Public Employees' Retirement Law requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. Funding contributions for both Plans are determined annually on an actuarial basis as of June 30 by CalPERS. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

In May 2021, the City established a Section 115 irrevocable trust to set aside funds to meet the City's future pension contributions or unfunded liabilities. The Trust is owned and monitored by the City but externally managed by investment professionals. In June 2021, the City transferred $35.4 million to the Trust, and as of June 30, 2021, the City reported the account balance of the trust of $35,387,011. This amount has been reported as cash and investments in the Pension Section 115 Internal Service Fund.

B. Net Pension Liability

The City's net pension liability for each Plan is measured as the total pension liability, less the pension plan's fiduciary net position. The net pension liability of each Plan is measured as of June 30, 2020, using an annual actuarial valuation as of June 30, 2019 rolled forward to June 30, 2020 using standard update procedures. A summary of principal assumptions and methods used to determine the net pension liability is shown below.

Actuarial Assumptions – The total pension liabilities as of the June 30, 2020 measurement date were determined using the following actuarial assumptions:

	Miscellaneous (1)	Safety (1)
Valuation Date	June 30, 2019	June 30, 2019
Measurement Date	June 30, 2020	June 30, 2020
Actuarial Cost Method	Entry-Age Normal Cost Method	Entry-Age Normal Cost Method
Actuarial Assumptions:		
Discount Rate	7.15	7.15
Inflation	2.50%	2.50%
Payroll Growth	2.75%	2.75%
Projected Salary Increase	(2)	(2)
Investment Rate of Return	7.15% (3)	7.15% (3)
Mortality	Derived using CalPERS Membership Data for all Funds (4)	Derived using CalPERS Membership Data for all Funds (4)
Post Retirement Benefit Increase	The lesser of contract COLA or 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.50% thereafter	The lesser of contract COLA or 2.50% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.50% thereafter

(1) Actuarial assumptions are the same for all benefit tiers (Classic Tier I, Classic Tier II, and PEPRA)
(2) Depending on age, service and type of employment
(3) Net of pension plan investment expenses, including inflation
(4) The mortality table used was developed based on CalPERS' specific data. The probabilities of mortality are based on the 2017 CalPERS Experience Study for the period from 1997 to 2015. Pre-retirement and post-retirement mortality rates include 15 years of projected mortality improvement using 90% of Scale MP-2016 published by the Society of Actuaries. For more details on this table, please refer to the CalPERS Experience Study and Review of Actuarial Assumptions report from December 2017 that can be found on the CalPERS website.

NOTE 11 – PENSION PLANS (Continued)

The underlying mortality assumptions and all other actuarial assumptions used in the June 30, 2019 valuation were based on the results of a December 2017 actuarial experience study for the period 1997 to 2015. Further details of the Experience Study can be found on the CalPERS website at www.calpers.ca.gov.

Discount Rate – The discount rate used to measure the total pension liability for each Plan was 7.15%. The projection of cash flows used to determine the discount rate for each Plan assumed that contributions from all plan members in the Public Employees Retirement Fund (PERF) will be made at the current member contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, each Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members for all plans in the PERF. Therefore, the long-term expected rate of return on plan investments was applied to all periods of projected benefit payments to determine the total pension liability for each Plan.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11+ years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the rounded single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equal to the single equivalent rate calculated above and adjusted to account for assumed administrative expenses.

The table below reflects the long-term expected real rates of return by asset class.

Asset Class (a)	Current Target Allocation	Real Return Years 1 - 10(b)	Real Return Years 11+(c)
Global Equity	50.0%	4.80%	5.98%
Fixed Income	28.0%	1.00%	2.62%
Inflation Assets	0.0%	0.77%	1.81%
Private Equity	8.0%	6.30%	7.23%
Real Assets	13.0%	3.75%	4.93%
Liquidity	1.0%	0.00%	-0.92%
Total	100.0%		

(a) In the CalPERS Comprehensive Annual Financial Report, Fixed Income is included in Global Debt Securities; Liquidity is included in Short-term Investments; Inflation Assets are included in both Global Equity Securities and Global Debt Securities.
(b) An expected inflation of 2.00% used for this period.
(c) An expected inflation of 2.92% used for this period.

NOTE 11 – PENSION PLANS (Continued)

C. Changes in the Net Pension Liability

The changes in the Net Pension Liability for each Plan follows:

	Miscellaneous Plan		
	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2019 (Measurement Date)	$243,415,080	$171,422,033	$71,993,047
Changes in the year:			
Service cost	3,777,335		3,777,335
Interest on the total pension liability	17,295,222		17,295,222
Differences between actual and expected experience	2,592,349		2,592,349
Changes in assumptions			
Changes in benefit terms			
Contribution - employer		7,965,270	(7,965,270)
Contribution - employee		1,772,996	(1,772,996)
Net Plan to Plan Resource Movement		8,527,794	(8,527,794)
Net investment income			
Administrative expenses		(241,663)	241,663
Other Miscellaneous Income/(Expense)			
Benefit payments, including refunds of employee contributions	(12,009,750)	(12,009,750)	
Net changes	11,655,156	6,014,647	5,640,509
Balance at June 30, 2020 (Measurement Date)	$255,070,236	$177,436,680	$77,633,556

	Safety Plan		
	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability/(Asset)
Balance at June 30, 2019 (Measurement Date)	$362,401,709	$233,910,818	$128,490,891
Changes in the year:			
Service cost	6,711,730		6,711,730
Interest on the total pension liability	25,568,359		25,568,359
Differences between actual and expected experience	981,131		981,131
Changes in assumptions			
Changes in benefit terms			
Contribution - employer		12,104,306	(12,104,306)
Contribution - employee		2,748,961	(2,748,961)
Net Plan to Plan Resource Movement			
Net investment income		11,689,024	(11,689,024)
Administrative expenses		(329,757)	329,757
Other Miscellaneous Income/(Expense)			
Benefit payments, including refunds of employee contributions	(18,278,539)	(18,278,539)	
Net changes	14,982,681	7,933,995	7,048,686
Balance at June 30, 2020 (Measurement Date)	$377,384,390	$241,844,813	$135,539,577
Grand Totals - Both Plans	$632,454,626	$419,281,493	$213,173,133

NOTE 11 – PENSION PLANS (Continued)

Sensitivity of the Net Pension Liability to Changes in the Discount Rate – The following presents the net pension liability of the City for each Plan, calculated using the discount rate for each Plan, as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower or 1-percentage point higher than the current rate:

	Miscellaneous	Safety
1% Decrease	6.15%	6.15%
Net Pension Liability	$110,579,811	$185,236,085
Current Discount Rate	7.15%	7.15%
Net Pension Liability	$77,633,556	$135,539,577
1% Increase	8.15%	8.15%
Net Pension Liability	$50,303,549	$94,484,737

Pension Plan Fiduciary Net Position – Detailed information about each pension plan's fiduciary net position is available in the separately issued CalPERS financial reports.

D. Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

For the year ended June 30, 2021, the City recognized pension expense of $12,294,830 for the Miscellaneous Plan and $20,453,307 for the Safety Plan, for total pension expense of $32,748,137. At June 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Miscellaneous Plan	
	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions after the measurement date	$8,808,294	
Differences between actual and expected experience	1,829,443	
Changes in assumptions		
Net differences between projected and actual earnings on plan investments	1,297,583	
Total	$11,935,320	$0

NOTE 11 – PENSION PLANS (Continued)

	Safety Plan	
	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contributions after the measurement date	$12,866,635	
Differences between actual and expected experience	3,102,986	
Changes in assumptions		($207,713)
Net differences between projected and actual earnings on plan investments	1,690,252	
Total	$17,659,873	($207,713)
Grand Totals - Both Plans	$29,595,193	($207,713)

$21,674,929 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized as pension expense as follows:

Year Ended	Annual Amortization	
June 30	Miscellaneous	Safety
2022	$830,605	$250,772
2023	682,585	1,881,053
2024	888,185	1,429,314
2025	725,651	1,024,386

E. Public Agency Retirement System

The Omnibus Budget Reconciliation Act of 1990 (OBRA) mandates that public sector employees who are not members of their employer's existing retirement system as of January 1, 1992 be covered by either Social Security or an alternative plan.

The City's part-time, seasonal and temporary employees are covered under the Public Agency Retirement System (PARS), a defined contribution plan, which requires these employees to contribute 6% and the City to contribute 1.5% of the employees pay plus administration costs.

The City's required contributions of $13,100 and the employee's required contributions of $52,395 were made during the fiscal year ending June 30, 2021.

NOTE 12 – EMPLOYEE BENEFITS

A. Deferred Compensation Plan

City employees may defer a portion of their compensation under a City sponsored Deferred Compensation Plan created in accordance with Internal Revenue Code Section 457. Under this Plan, participants are not taxed on the deferred portion of their compensation until distributed to them; distributions may be made only at termination, retirement, death or in an emergency defined by the Plan.

The laws governing deferred compensation plan assets require plan assets to be held by a Trust for the exclusive benefit of plan participants and their beneficiaries. Since the assets held under these plans are not the City's property and are not subject to City control, they have been excluded from these financial statements.

B. Retiree Medical Benefits

The liability for explicit subsidy benefits for the dependents of City retirees were previously included together with other City plan OPEB liabilities. However, the City was also contributing directly toward the cost of these dependent benefits by making negotiated contributions determined as a percentage of payroll for active employees in each bargaining group, effectively contributing twice. Beginning with fiscal year 2020, the total OPEB liability for these dependent fund benefits is now being determined and reported separately. Further discussion is included in Note 12C and 12D.

The City provides postretirement health care benefits through its defined benefit Retiree Medical Benefits Plan to employees who retire in good standing from the City after attaining the age of 50 and to certain employees who retire due to disability. As of June 30, 2021, there were 295 participants receiving these health care benefits.

The City joined the California Employers' Retiree Benefit Trust (CERBT), an agent multiple-employer plan administered by CALPERS, consisting of an aggregation of single-employer plans. The CERBT issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained from the California Public Employees' Retirement System, CERBT, P.O. Box 942703, Sacramento, CA 94229-2703.

NOTE 12 – EMPLOYEE BENEFITS (Continued)

In order to qualify for postemployment medical and dental benefits an employee must retire from the City and maintain enrollment in one of City's eligible health plans. In addition, there are eligibility rules and contribution requirements defined in the Memorandum of Understanding (MOU) with each employee group. In the MOUs, the Benefit Cap is defined as not more than the single medical premium rate paid by the City for active employees, and the Retiree Cap is 15% above the single Kaiser medical premium rate. The eligibility rules for each MOU are summarized below, starting with benefits for retirees, followed by benefits for dependents.

Medical Benefit for Retirees:

	Hire/Retirement Date	Date of Retirement	Eligibility Rule (Continuous Years of Service)	City Contribution Requirement
Professional / Technical (PROTECH)	Before July 1, 1995	Before June 30, 1989	n/a	PEMHCA Minimum Only
		After July 1, 1990 but before September 1, 2002	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After August 31, 2002	Less than 5	PEMHCA Minimum Only
			At least 5	Benefit Cap
	After June 30, 1995	After August 31, 2002	Less than 5	PEMHCA Minimum Only
			5 but less than 9	Up to 25% of the Benefit cap
			9 but less than 14	Up to 50% of the Benefit Cap
			14 but less than 19	Up to 75% of the Benefit Cap
			At least 19	Up to 100% of the Benefit Cap
Mid-Management and Confidential (LIUNA) (Began 9/2003)	Before July 1, 1995	Any	Less than 5	PEMHCA Minimum Only
			At least 5	Benefit cap
	After June 30, 1995	Any	Less than 5	PEMHCA Minimum Only
			5 but less than 9	Up to 25% of the Benefit Cap
			9 but less than 14	Up to 50% of the Benefit Cap
			14 but less than 19	Up to 75% of the Benefit Cap
			At least 19	Up to 100% of the Benefit Cap
Unrepresented Miscellaneous and Fire*	Before July 1, 1995	Before January 1, 1989	n/a	PEMHCA Minimum Only
		After July 1, 1990 but before September 1, 2002	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After August 31, 2002	Less than 5	PEMHCA Minimum Only
			At least 5	Benefit cap
	After June 30, 1995	Any	Less than 5	PEMHCA Minimum Only
			5 but less than 10	Up to 25% of the Benefit Cap
			10 but less than 15	Up to 50% of the Benefit Cap
			15 but less than 20	Up to 75% of the Benefit Cap
			At least 20	Up to 100% of the Benefit Cap

- In the grid above and on the following pages, "Benefit Cap" refers to the single medical premium rate paid by the City for active employees, currently Kaiser. "Retiree Cap" refers to 115% of the Benefit Cap.
- Upon reaching Medicare, the City contributes up to 100% of the employee only Medicare rates. "Vesting" percentages still apply.

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Medical benefits for retirees (continued):

	Hire/Retirement Date	Date of Retirement	Eligibility Rule (Continuous Years of Service)	City Contribution Requirement
Unrepresented Police ONLY*	Before July 1, 1995	Before January 1, 1989	n/a	PEMHCA Minimum Only
		After December 31, 1988 but before July 1, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After June 30, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Retiree Cap
	After June 30, 1995	Any	Less than 5	PEMHCA Minimum Only
			5 but less than 10	Up to 25% of the Retiree Cap
			10 but less than 15	Up to 50% of the Retiree Cap
			15 but less than 20	Up to 75% of the Retiree Cap
			At least 20	Up to 100% of the Retiree Cap
Fire Safety (IAFF)	Before January 1, 1995	Before January 1, 1990	n/a	PEMHCA Minimum Only
		After December 31, 1989 but before January 1, 1995	Less than 1	PEMHCA Minimum Only
			At least 1	Any employee only premium
		After December 31, 1994 but before February 21, 2007	Less than 1	PEMHCA Minimum Only
			1 but less than 10	50% of any employee only premium
			At least 10	100% of any employee only premium
		After February 20, 2007	Less than 1	PEMHCA Minimum Only
			1 but less than 10	Up to 50% of the lesser of the Retiree Cap and the premium rate
			At least 10	Up to 100% of the lesser of the Retiree Cap and the premium rate
	After December 31, 1994	Before February 21, 2007	Less than 1	PEMHCA Minimum Only
			1 but less than 10	Up to 25% of the Benefit Cap
			10 but less than 15	Up to 50% of the Benefit Cap
			15 but less than 20	Up to 75% of the Benefit Cap
			At least 20	Up to 100% of the Benefit Cap
		After February 20, 2007	Less than 1	PEMHCA Minimum Only
			1 but less than 10	25% of the lesser of the Retiree Cap and the premium rate
			10 but less than 15	50% of the lesser of the Retiree Cap and the premium
			15 but less than 20	75% of the lesser of the Retiree Cap and the premium
			At least 20	100% of the lesser of the Retiree Cap and the premium

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Medical benefits for retirees (continued):

	Hire/Retirement Date	Date of Retirement	Eligibility Rule (Continuous Years of Service)	City Contribution Requirement
Police (MPOA)	Before January 1, 1996	Before January 1, 1989	n/a	PEMHCA Minimum Only
		After December 31, 1988 but before July 1, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After June 30, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Up to the Retiree Cap
	After December 31, 1995	Before July 1, 2003	Less than 1	PEMHCA Minimum Only
			1 but less than 9	25% of any employee only premium
			9 but less than 14	50% of any employee only premium
			14 but less than 19	75% of any employee only premium
			At least 19	100% of any employee only premium
		After June 30, 2003	Less than 1	PEMHCA Minimum Only
			1 but less than 9	Up to 25% of the Retiree Cap
			9 but less than 14	Up to 50% of the Retiree Cap
			14 but less than 19	Up to 75% of the Retiree Cap
			At least 19	Up to 100% of the Retiree Cap
Employee Association (MEA)	Before July 1, 1996	Before July 16, 1989	n/a	PEMHCA Minimum Only
		After July 17, 1989 but before March 19, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After March 18, 2003	Less than 5	PEMHCA Minimum Only
			At least 5	Benefit Cap
	After June 30, 1996	Any	Less than 1	PEMHCA Minimum Only
			1 but less than 10	Up to 25% of the Benefit Cap
			10 but less than 15	Up to 50% of the Benefit Cap
			15 but less than 20	Up to 75% of the Benefit Cap
			At least 20	Up to 100% of the Benefit Cap
Supervisors (MSA) (Ended June, 30, 2012)	Before June 30, 1995	Before July 1, 1996	n/a	PEMHCA Minimum Only
		After June 30, 1996 and before November 27, 2007	Less than 5	PEMHCA Minimum Only
			At least 5	Any employee only medical premium rate
		After November 26, 2007	Less than 5	PEMHCA Minimum Only
			At least 5	Benefit Cap
	After June 29, 1995	After November 27, 2007	Less than 5	PEMHCA Minimum Only
			5 but less than 9	Up to 25% of the Benefit Cap
			9 but less than 14	Up to 50% of the Benefit Cap
			14 but less than 19	Up to 75% of the Benefit Cap
			At least 19	Up to 100% of the Benefit Cap

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Medical benefits for dependents:

Group	Date of Hire	Date of Retirement	Minimum Years of Continuous Service	City Contribution for Dependent Medical Premiums [1]
Professional / Technical (PROTECH)	Before July 1, 1995	After December 4, 2006	At least 5	Up to 100% of family/dependent premium
	After June 30, 1995	After December 4, 2006	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium
Mid-Management and Confidential (LIUNA)	Before July 1, 1995	After January 1, 2007	At least 5	Up to 100% of family/dependent premium
	After June 30, 1995	After January 1, 2007	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium
Unrepresented (UNREP-Police)[2]	Before January 1, 1996	After June 30, 2003	At least 5	100% of family/dependent premiums
	After December 31, 1995	After June 30, 2003	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium
Unrepresented (UNREP-Fire)[3]	Before January 1, 1996	After September 4, 2007	At least 5	100% of family/dependent premiums
	After December 31, 1995	After September 4, 2007	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium
Unrepresented (UNREP-Misc)4	Before January 1, 1996	After June 30, 2018	At least 5	100% of family/dependent premiums
	After December 31, 1995	After June 30, 2018	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium

[1] Family/Dependent Medical Premium is active employee Single+1 OR Family medical premium rate less active employee Single medical premium rate.

[2] If the UNREP-Police fund is depleted, MPOA will provide funding for the dependent benefits.

[3] The Fire Chief is ineligible for dependent fund benefits.

[4] The Fire Chief is eligible for dependent fund benefits in UNREP Misc group.

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Medical benefits for dependents (continued):

Group	Date of Hire	Date of Retirement	Minimum Years of Continuous Service	City Contribution for Dependent Medical Premiums [1]
Fire Safety (IAFF)[5]	Before January 1, 1995	After February 19, 2007	5 but less than 9	50% of family/dependent medical premiums
			At least 10	100% of family/dependent medical premiums
	After December 31, 1994	After February 19, 2007	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium
Police (MPOA)	Before January 1, 1996	After June 30, 2003	At least 5	100% of family/dependent premiums
	After December 31, 1995	After June 30, 2003	5 but less than 9	Up to 25% of the family/dependent premium
			9 but less than 14	Up to 50% of the family/dependent premium
			14 but less than 19	Up to 75% of the family/dependent premium
			At least 19	Up to 100% of the family/dependent premium

[1] Family/Dependent Medical Premium is active employee Single+1 OR Family medical premium rate less active employee Single medical premium rate.

[5] The amounts paid for dependents are adjusted to keep the fund viable. Currently, the IAFF dependent fund pays the following amounts:
- $300 per month for 1 dependent
- $500 per month for two or more dependents

C. Net OPEB Liability

Funding Policy and Contributions – The City's policy is to prefund these benefits by accumulating assets with CERBT discussed above pursuant to the City's annual budget approved by Council. For the year ended June 30, 2021, the City's contributions to the Plan were $1,743,593.

Employees Covered by Benefit Terms – Membership in the plan consisted of the following at the measurement date of June 30, 2020:

Active employees	372
Inactive employees or beneficiaries currently receiving benefit payments	295
Inactive employees entitled to but not yet receiving benefit payments	92
Total	759

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Actuarial Methods and Assumptions – The City's net OPEB liability was measured as of June 30, 2020 and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation dated July 1, 2019, that was rolled forward using standard update procedures to determine the total OPEB liability as of June 30, 2020, based on the following actuarial methods and assumptions:

	Actuarial Assumptions
Valuation Date	July 1, 2019
Measurement Date	June 30, 2020
Actuarial Cost Method	Entry Age Normal Cost, level percent of pay
Actuarial Assumptions:	
Discount Rate	6.95% (explicit subsidies) and 3.13% (implicit subsidies)
Inflation	2.50%
Salary Increase	3.00%
Investment Rate of Return	6.95%
Mortality Rate	MacLeod Watts Scale of 2020 applied generationally
Healthcare Trend Rate	5.40% grading down to 4% for years 2076 and thereafter

The underlying mortality assumptions were based on the mortality table published by CalPERS in their 2017 study, adjusted to back out 15 years of Scale MP 2016 to central year 2015 and all other actuarial assumptions used in the July 1, 2019 valuation are based on based on the result of a June 30, 2019 actuarial experience study for the period from 1997 to 2015, except for a different basis used to project future mortality improvements.

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The City's accumulated assets are allocated using one of three diversified allocation strategies offered by CERBT. The target allocation for each major asset class using Strategy 2 are summarized in the following table:

Asset Class	Target Allocation
Global Equities	59.0%
Fixed Income	25.0%
Global Real Estate (REITs)	8.0%
Treasury Inflation Protected Securities	5.0%
Commodities	3.0%
Total	100.0%

Discount Rate

Explicit Subsidy Liability – The City expects the trust assets to yield 6.95 over the long term, based on information published by CalPERS as of the June 30, 2019 valuation date. Net contributions to the trust in recent years have been set at a level to prefund the explicit portion of benefits, with no advance funding of the implicit subsidy liability. Accordingly, the discount rate used for the City's explicit OPEB liability is 6.95%.

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Implicit Subsidy Liability – The City expects to continue to fund the implicit subsidy liability on a pay-as-you-go basis. Therefore, the Fidelity 20 year AA General Obligation Municipal Bond Index was used in determining the discount rates used to calculate the implicit subsidy liability. As of the end of the Measurement Period, the discount rates for the Fidelity index were 3.13%.

Changes in Net OPEB Liability – The changes in the net OPEB liability follows:

	Increase (Decrease)		
	Total OPEB Liability (a)	**Plan Fiduciary Net Position (b)**	**Net OPEB Liability/(Asset) (a) - (b)**
Balance at June 30, 2020	$62,305,877	$48,308,972	$13,996,905
Changes Recognized for the Measurement Period:			
Service Cost	1,958,563		1,958,563
Interest on the total OPEB liability	3,581,088		3,581,088
Changes in benefit terms			
Differences between expected and actual experience			
Changes of assumptions	(5,621,298)		(5,621,298)
Contributions from the employer		4,528,174	(4,528,174)
Net investment income		1,745,028	(1,745,028)
Other Expenses			
Plan Experience			
Administrative expenses		(24,292)	24,292
Benefit payments	(3,122,284)	(3,122,284)	
Net changes	(3,203,931)	3,126,626	(6,330,557)
Balance at June 30, 2021 (Measurement Date)	$59,101,946	$51,435,598	$7,666,348

The benefit payments and refunds include implied subsidy benefit payments in the amount of $1,050,156.

Sensitivity of the Net OPEB Liability to Changes in the Discount Rate and Healthcare Cost Trend Rates – The following presents the net OPEB liability of the City, as well as what the City's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate:

Net OPEB Liability/(Asset)		
	Discount Rate	
Discount Rate -1%	(6.95%-3.13%)	Discount Rate +1%
$15,229,698	$7,666,348	$1,388,277

NOTE 12 – EMPLOYEE BENEFITS (Continued)

The following presents the net OPEB liability of the City, as well as what the City's net OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates:

Net OPEB Liability/(Asset)		
	Healthcare Cost Trend Rates	
1% Decrease	(5.40%-4.00%)	1% Increase
$755,608	$7,666,348	$16,107,105

D. Dependent Fund Post Employment Benefit (OPEB) Plan (Total OPEB Liability)

Plan Description – The City provides continuation of medical coverage to its retiring employees and their eligible dependents. Pursuant to various bargaining agreements with different employee groups, the City contributes a percent of total payroll toward the cost of medical coverage for the eligible dependents of retirees. The City does not define the eligibility for or amount of any such benefits paid, nor is it legally obligated to make any payments to these dependents. The extent of the City's obligation is to make the negotiated contributions to the funds. However, the City has determined that a liability for the projected cost of these benefits must be reported in its financial statements in accordance with current accounting standards. No assets are accumulated in a trust that meets the criteria in paragraph 4 of Governmental Accounting Standards Board Statement No. 75.

Employees Covered by Benefit Terms – Membership in the plan consisted of the following at the measurement date of June 30, 2020:

Active employees	372
Inactive dependents of retirees currently receiving benefit payments	149
Inactive employees entitled to but not yet receiving benefit payments	28
Total	549

Actuarial Methods and Assumptions – The Union Dependent Funds' total OPEB liability was measured as of June 30, 2020 and the total OPEB liability was determined by an actuarial valuation dated June 30, 2019, that was rolled forward using standard update procedures to determine the total OPEB liability as of June 30, 2020 based on the following actuarial methods and assumptions:

	Actuarial Assumptions
Valuation Date	June 30, 2019
Measurement Date	June 30, 2020
Actuarial Cost Method	Entry Age Normal Cost, level percent of pay
Actuarial Assumptions:	
Discount Rate	2.45% as of June 30, 2020
Inflation	2.50%
Salary Increase	3.00%
Investment Rate of Return	6.95%
Mortality Rate	MacLeod Watts Scale of 2020 applied generationally
Healthcare Trend Rate	5.40% grading down to 4% for years 2076 and thereafter

NOTE 12 – EMPLOYEE BENEFITS (Continued)

Changes in Total OPEB Liability – The changes in the total OPEB liability follows:

	Increase (Decrease) Total OPEB Liability (a)
Balance at June 30, 2020	$28,504,872
Changes Recognized for the Measurement Period:	
Service Cost	1,139,508
Interest on the total OPEB liability	905,377
Changes in benefit terms	3,100,405
Differences between expected and actual experience	
Changes of assumptions	
Contributions from the employer	
Net investment income	
Other Expenses	
Plan Experience	
Administrative expenses	
Benefit payments	(1,437,201)
Net changes	3,708,089
Balance at June 30, 2021 (Measurement Date)	$32,212,961

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate and Healthcare Cost Trend Rates

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (2.13%) or 1-percentage point higher (4.13%) than the current discount rate:

Net OPEB Liability/(Asset)		
	Discount Rate	
Discount Rate -1%	2.45%	Discount Rate +1%
$37,680,221	$32,212,961	$27,800,248

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using healthcare cost trend rates that are 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rates:

Net OPEB Liability/(Asset)		
	Healthcare Cost Trend Rates	
1% Decrease	(5.40% - 4.00%)	1% Increase
$27,893,626	$32,212,961	$37,657,283

NOTE 12 – EMPLOYEE BENEFITS (Continued)

E. OPEB Expenses and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended June 30, 2021, the City recognized Retiree Medical Benefits OPEB Plan and Dependent Fund OPEB Plan recognized expense of $1,117,053 and $2,464,426, respectively, for total OPEB expense of $3,581,479. At June 30, 2021, the Retiree Medical Benefits OPEB plan and Union Dependent Funds reported deferred outflows and inflows of resources related to OPEB from the following sources:

Retiree Medical Benefits OPEB Plan

	Deferred Outflows of Resources	Deferred Inflows of Resources
Employer contributions made subsequent to the measurement date	$1,743,593	
Differences between actual and expected experience		($7,777,998)
Changes of assumptions		(6,315,398)
Net differences between projected and actual earnings on plan investments	1,098,611	
Total	$2,842,204	($14,093,396)

Dependent Fund OPEB Plan

	Deferred Outflows of Resources	Deferred Inflows of Resources
Employer contributions made subsequent to the measurement date	$1,028,064	
Differences between actual and expected experience		
Changes of assumptions	2,680,864	
Net differences between projected and actual earnings on plan investments		
Total	$3,708,928	
Grand Total, Both Plans	$6,551,132	($14,093,396)

$2,771,657 reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the OPEB liability in the year ended June 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized as part of OPEB expense as follows:

Year	Annual Amortization	
Ended June 30	Retiree Medical Benefits Plan	Dependent Fund
2022	($3,275,513)	$419,541
2023	(3,018,076)	419,541
2024	(2,901,513)	419,541
2025	(2,701,673)	419,541
2026	(1,079,332)	419,541
Thereafter	(18,678)	583,159

NOTE 12 – EMPLOYEE BENEFITS (Continued)

F. Accrued Vacation and Sick Leave Liabilities

Employees accrue vacation up to certain maximums, based on employee classification. Employees may elect to be paid a portion of their vacation at various times according to the applicable memorandum of understanding. Sick leave may be accumulated without limit. Vested sick leave may be paid upon separation from service in good standing and is based on a vesting schedule determined by years of service.

The City measures and adjusts the liability for vacation and sick leave annually at its fiscal year end. During the year ended June 30, 2021, sick leave benefits payable decreased by $549,197 and vacation benefits payable increased by $632,744. For all governmental funds, amounts expected to be paid out for permanent liquidation are recorded as fund liability; the long-term portion is recorded in the Statement of Net Position.

The changes of the Accrued Vacation and Sick Leave Liabilities and the allocation of each liability among the departments are as follows:

	Accrued Vacation		Sick Leave	
	Governmental Activities	Business-Type Activities	Governmental Activities	Business-Type Activities
Balance as of June 30, 2020	$6,118,025	$298,085	$2,845,205	$188,994
Additions	2,937,911	310,265	938,575	56,570
Payments and adjustments	(2,455,538)	(159,894)	(1,502,410)	(41,932)
Balance as of June 30, 2021	$6,600,398	$448,456	$2,281,370	$203,632
General Government	$749,113		$135,275	
Building	218,346			
Public Works	386,564		344,040	
Engineering	314,069		76,527	
Planning	176,424			
Recreation	176,160		35,685	
Police	3,047,107		456,797	
Fire	1,365,577		1,208,364	
Water Utility		$262,625		$166,221
Sewer Utility		185,831		37,411
Internal Service	167,038		24,682	
Total	$6,600,398	$448,456	$2,281,370	$203,632
Long-Term Portion:				
Governmental activities	$3,706,658		$1,443,013	
Business-type activities		$339,992		$153,382
Total long term portions	$3,706,658	$339,992	$1,443,013	$153,382
Current Portion:				
Governmental activities	$2,893,740		$838,357	
Business-type activities		$108,464		$50,250
Total current portions	$2,893,740	$108,464	$838,357	$50,250

Accrued Vacation and Sick Leave are liquidated by the fund that has recorded the liability. The long-term portion of governmental activities compensated absences is liquidated primarily by the General Fund.

NOTE 13 – RISK MANAGEMENT

A. Risk Pool

The City participates in the Pooled Liability Assurance Network Joint Powers Authority (PLAN JPA), a joint powers authority established to provide liability insurance coverage, claims and risk management, and legal defense to its participating members. PLAN JPA provides $5,000,000 of self-funded general liability and auto coverage and $30,000,000 excess liability coverage per occurrence and is responsible for paying claims in excess of the City's $100,000 deductible. PLAN JPA also provides $2,000,000 employee theft coverage in excess of the City's $10,000 deductible, and $2,000,000 of government crime coverage (with various sub-limits depending on the type of crime) in excess of the City's $10,000 deductible. PLAN JPA provides coverage for property damage up to $1 billion. The City retains a self-insured amount of $5,000 for each property and $5,000 for each vehicle per occurrence.

During the fiscal year, ended June 30, 2021, the City contributed $1,161,755 for the 2020/21 program year.

PLAN JPA is governed by a Board of Directors consisting of representatives from member municipalities. The Board controls the operations of PLAN JPA, consisting of funding polices and approval of operating budgets, independent of any influence by member municipalities beyond their representation on the Board.

The City's annual contributions to PLAN JPA are calculated based on the ratio of the City's payroll to the total payrolls of all entities participating in the program and the City's loss experience. Actual surpluses or losses are shared according to a formula developed from overall costs and spread to member entities on a percentage basis.

Financial statements may be obtained from PLAN JPA, 1750 Creekside Oaks Drive, Suite 200, Sacramento, CA 95833.

B. Workers Compensation

The City has a commercial insurance policy which provides workers compensation coverage up to a maximum of $20,000,000. The City has a deductible or uninsured liability of up to $750,000 per claim for miscellaneous employees and $1,000,000 for public safety employees.

C. Dental

The City is self-insured for dental care for miscellaneous employees up to a maximum of $14,000 per family, based on years of service. Claims are funded on a pay-as-you-go basis. During the year ended June 30, 2021 the City paid $1,015,255 in dental claims and administrative fees. Public safety employees are insured under various dental care insurance plans.

NOTE 13 – RISK MANAGEMENT (Continued)

D. Liability for Uninsured Claims

The City provides for the uninsured portion of claims and judgments, including a provision for claims incurred but not reported, when a loss is deemed probable of assertion and the amount of the loss is reasonably determinable.

The City's liability for uninsured claims is limited to worker's compensation and general liability claims, as discussed above, and was computed as follows based on claims experience:

	2021			
	Worker's Compensation	General Liability	Total	2020
Beginning balance	$6,816,082	$358,593	$7,174,675	$6,214,673
Liability for current fiscal year claims	1,876,955	101,634	1,978,589	1,251,345
Increase (decrease) in estimated liability for prior fiscal year claims and claims incurred but not reported (IBNR)	(667,994)	420,062	(247,932)	926,773
Claims paid	(1,483,062)	(521,696)	(2,004,758)	(1,218,116)
Ending balance	$6,541,981	$358,593	$6,900,574	$7,174,675
Due in one year	$1,121,283	$289,206	$1,410,489	$1,172,486

Settlements have not exceeded insurance coverage in the past three fiscal years.

NOTE 14 – COMMITMENTS AND CONTINGENT LIABILITIES

A. Litigation

The City is subject to litigation arising in the normal course of business. In the opinion of the City Attorney there is no pending litigation which is likely to have a material adverse effect on the financial position of the City.

B. Federal and State Grant Programs

The City participates in several Federal and State grant programs. These programs are subject to audit by the City's independent accountants in accordance with the provisions of the federal Single Audit Act as amended and applicable State requirements. No cost disallowances have been proposed as a result of audits completed to date; however, these programs are still subject to further examination by the grantors and the amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time. The City expects such amounts, if any, to be immaterial.

NOTE 14 – COMMITMENTS AND CONTINGENT LIABILITIES (Continued)

C. Encumbrances

The City uses an encumbrance system as an extension of normal budgetary accounting for governmental funds. Under this system, purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of applicable appropriations. Encumbrances outstanding at year-end are recorded as restricted, committed or assigned fund balance, depending on the classification of the resources to be used to liquidate the encumbrance, since they do not constitute expenditures or liabilities. Outstanding encumbrances at year-end are automatically reappropriated for the following year. Unencumbered and unexpended appropriations lapse at year-end. Encumbrances outstanding by fund as of June 30, 2021 were as follows:

Major Governmental Funds:	
General Fund	$2,415,278
Housing Authority Fund	6,767,799
Non-Major Governmental Funds	80,075
Total Encumbrances	$9,263,152

D. South Bay Water Recycling System Facility Replacement

As required by the Water Pollution Control Plant's National Pollutant Discharge Elimination System (NPDES) permit, the regional partner agencies are responsible for maintenance and operation of the South Bay Water Recycling System. The regional partner agencies, which includes the City of Milpitas, are also responsible for the planned $2 billion rehabilitation/replacement of the facility over the next thirty years. The City's share of the project is approximately 6.196% as discussed in Note 8E.

E. Bay Area Water Supply and Conservation Agency Revenue Bonds Surcharge

The City contracts with the City and County of San Francisco for the purchase of water from the Hetch Hetchy System operated by the San Francisco Public Utilities Commission (SFPUC). The City is also a member of the Bay Area Water Supply and Conservation Agency (BAWSCA) which represents the interests of all the 24 cities and water districts, as well as two private utilities, that purchase wholesale water from the SFPUC.

In 2009 the City entered into a new 25 year agreement with the SFPUC that includes a minimum water delivery level of 5.341MGD. One of the ways that the new agreement differs from the old is in how facilities constructed by the SFPUC that benefit the regional customers are treated from a rate and financial perspective. Under the old agreement, facilities were built, capitalized, and added to the rate base with a rate of return (interest), and then paid for over their useful lives through wholesale rates. Under the new agreement, the SFPUC issues revenue bonds and the debt service (which also includes an interest component) is paid for through rates over the life of the bonds.

During the transition from the old to the new contracts, one of the issues addressed was how to deal with the $370 million in assets that were still being paid for by the wholesale customers under the old agreement. The assets were transferred to the new agreement, assigned a life with an agreed upon rate of return of 5.13%. Also negotiated was a provision to allow the wholesale customers to prepay any remaining existing assets' unpaid principal balance without penalty or premium. This prepayment was executed through the issuance of bonds by BAWSCA which provide a better interest rate given the favorable rate environment.

NOTE 14 – COMMITMENTS AND CONTINGENT LIABILITIES (Continued)

BAWSCA issued Revenue Bonds in the principal amount of $335,780,000 in January 2013 to prepay the capital cost recovery payment obligation and fund a stabilization fund. The Bonds mature in October 2034 and are secured by surcharges to the monthly water purchase charges imposed upon the participating members. The Bonds are not a debt obligation of any member, and BAWSCA's failure to pay its Bonds would not constitute a default by any participating member.

Should any participating member fail to pay its share, BAWSCA will rely on the stabilization fund and will pursue all legal remedies to collect the shortfall from the delinquent member. In the interim, other participating members may have their portion adjusted to insure the continued payment of the debt service surcharge.

The risk of bearing the debt service expense of a defaulting member is not significantly different than the risk each member assumes currently for fluctuations in water purchase charges. Under the Bond indenture, BAWSCA maintains a stabilization fund. If surcharge revenues collected are less than needed (due to a member's failure to pay timely), BAWSCA uses the stabilization fund to fund the debt service deficiency, and increases the surcharge in the subsequent year to make up for the prior year shortfall and reimburse the stabilization fund account. Also, given that each participating agency's governing body adopted a Resolution to participate in the Bond issue, Management believes that default is generally very unlikely.

The annual debt service surcharges are a fixed amount for each participant and are calculated by taking the subsequent fiscal year's debt service, multiplied by each participant's actual water purchase as a percent of total wholesale customer water purchases from the prior fiscal year. One-twelfth of the annual surcharge is included in the monthly bill from SFPUC. Because each participant's share of the debt service surcharge is proportional to the amount of water purchased during the prior fiscal year, the City's share of the debt service will fluctuate from year to year.

The City paid its surcharge of $993,732 during fiscal year 2021, which is included as a component of purchased water expenses in the Water Enterprise Fund. The surcharge for fiscal year 2022 is estimated to be $1,265,664.

F. Sunnyhills Apartment Complex

In October 2017, the City entered into an agreement with Sunnyhills Investors LLC to purchase affordability covenants for the Sunnyhills Apartment Complex, which has provided 149 affordable housing units to the City over the last 30 years. The City is required to pay $250,000 per year, ending January 15, 2023, beginning in fiscal year 2019. The first payment under the agreement was made in April 2018, and was for fiscal year 2019. The City has paid a total of $750,000 as of June 30, 2021.

G. Housing Successor Excess Surplus

Health and Safety Code (HSC) Section 34176.1(d) defines an excess surplus as an unencumbered balance held by the housing successor that exceeds the greater of $1,000,000 or the aggregate amount deposited into the housing successor fund during the housing successor's preceding four fiscal years, whichever is greater. If a housing successor has an excess surplus, the HSC Section requires that the housing successor encumber the excess surplus for eligible purposes described in the HSC Section 34176.1(a)(3) or transfer the funds to another local housing successor within three fiscal years. If the housing successor fails to comply with this provision, the housing successor, within 90 days of the end of the third fiscal year, is required to transfer any excess surplus to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

NOTE 15 – SUCCESSOR AGENCY ACTIVITIES

A. Redevelopment Dissolution

In an effort to balance its budget, the State of California adopted ABx1 26 on June 28, 2011, amended by AB1484 on June 27, 2012, which suspended all new redevelopment activities except for limited specified activities as of that date and dissolved redevelopment agencies on January 31, 2012.

The suspension provisions prohibited all redevelopment agencies from a wide range of activities, including incurring new indebtedness or obligations, entering into or modifying agreements or contracts, acquiring or disposing of real property, taking actions to adopt or amend redevelopment plans and other similar actions, except actions required by law or to carry out existing enforceable obligations, as defined in ABx1 26.

Effective January 31, 2012, the Redevelopment Agency was dissolved. Certain assets of the Redevelopment Agency Housing Reserve Fund were distributed to a Housing Successor; and all remaining Redevelopment Agency assets and liabilities were distributed to a Successor Agency. The Successor Agency received a finding of completion on June 27, 2014.

Under the provisions of AB 1484, the City can elect to become the Housing Successor and retain the housing assets. The City's Housing Authority elected to become the Housing Successor and on February 1, 2012, certain housing assets were transferred to the City's Housing Authority Special Revenue Fund.

The City also elected to become the Successor Agency and on February 1, 2012 the Redevelopment Agency's remaining assets were distributed to and liabilities were assumed by the Successor Agency. ABx1 26 requires the establishment of an Oversight Board to oversee the activities of the Successor Agency and one was established on March 26, 2012. The activities of the Successor Agency were subject to review and approval of the Oversight Board, which was comprised of seven members, including one member of City Council and one former Redevelopment Agency employee appointed by the Mayor.

On July 1, 2018, the duties of the Milpitas Oversight Board transferred to a new Santa Clara Countywide Consolidated Oversight Board, which is now responsible for overseeing the winddown affairs of all Successor Agencies in Santa Clara County, including the Successor Agency to the Milpitas Redevelopment Agency.

The activities of the Housing Successor are reported in the Housing Authority Special Revenue Fund as the City has control of those assets, which may be used in accordance with the low and moderate income housing provisions of California Redevelopment Law.

The activities of the Successor Agency are reported in the Successor Agency to the Redevelopment Agency Private-Purpose Trust Fund as the activities are under the control of the County Oversight Board. The City provides administrative services to the Successor Agency to wind down the affairs of the former Redevelopment Agency.

Cash and investments of the Successor Agency as of June 30, 2021 are discussed in Note 3. Information presented in the following footnotes represents other assets and liabilities of the Successor Agency as of June 30, 2021.

NOTE 15 – SUCCESSOR AGENCY ACTIVITIES (Continued)

B. Development Agreements

The Successor Agency assumed the obligations of the former Redevelopment Agency's Disposition and Development Agreements as follows:

Installment Purchase Agreement

The Redevelopment Agency agreed to purchase two parcels of land comprising thirty-five acres surrounding the County Correctional Facility for $57,750,000 in cash and $135,000,000 payable over eighteen years at no interest.

The Agency also agreed to re-sell this land to developers for a total of $57,750,000, of which $40,000,000 was received in fiscal 2005 and the remainder was received on the close of escrow on the second parcel in fiscal 2006. The Agency's intent in purchasing this land was to simultaneously re-sell it for development.

In addition, starting in 2024 the Agency is required to pay the County the greater of $2,000,000 or 50% of the sales tax revenue arising out of sales originating on certain properties that are in the Midtown Area, but not to exceed $5,000,000 annually, until the earlier of either June 30, 2038, the date that tax increment revenue allocated to the Agency has reached its limit; or the termination of the Redevelopment Plan.

C. Long-Term Obligations

1. Current Year Transactions and Balances

The Successor Agency's debt issues and transactions are summarized below and discussed in detail thereafter.

	Balance June 30, 2020	Retirements	Balance June 30, 2021	Current Portion
Installment Purchase Agreement with the County of Santa Clara - Direct Borrowing				
due June 30, 2023	$7,859,573	$2,748,669	$5,110,904	$2,617,780
2015 Tax Allocation Bonds				
2%-5%, due September 1, 2032	94,935,000	7,070,000	87,865,000	7,425,000
Plus: Unamortized bond premium	15,085,518	1,190,962	13,894,556	
Total	$117,880,091	$11,009,631	$106,870,460	$10,042,780

NOTE 15 – SUCCESSOR AGENCY ACTIVITIES (Continued)

2. *Installment Purchase Agreement with the County of Santa Clara*

The former Redevelopment Agency had a non-interest bearing Installment Purchase Agreement with the County of Santa Clara in the original principal amount of $135,000,000, as mentioned in Note 15B. As discussed in Note 15B, under the Agreement, the former Redevelopment Agency purchased two parcels of land that were later sold to developers. The amount due under the Agreement does not bear interest and is payable annually through 2023. The Successor Agency has therefore recorded a liability of $5,110,904 at June 30, 2021, representing the present value of future payments due under this Agreement.

3. *2015 Tax Allocation Refunding Bonds*

In March 2015, the Successor Agency issued Tax Allocation Refunding Bonds in the original principal amount of $127,790,000. The proceeds of the Bonds were used to advance refund and defease the outstanding balance of the 2003 Tax Allocation Bonds, which were redeemed on March 23, 2015. The Bonds are secured by Redevelopment Property Tax Trust Fund (RPTTF) revenues. In lieu of a reserve fund, the 2015 Bonds are secured by a reserve insurance policy in the amount of $11,822,000, issued by Assured Guaranty Municipal Corp. Principal is payable annually and the interest is payable semi-annually through 2032. The 2015 Bonds contain a provision that in an event of default, the Trustee may declare the principal of the bonds, together with all accrued interest at the date of default, immediately due and payable, or (b) exercise any and all rights and remedies available to it under applicable law, including right to enforce from the Successor Agency all payments due on the Bonds, and the Successor Agency will pay all reasonable fees and expenses incurred by the Trustee and those of its attorneys. On August 27, 2021, S&P Global Ratings (formerly Standard & Poor's Financial Services, LLC) upgraded its Local Currency Long-Term Ratings on the Bonds from 'AA- to AA'.

4. *Debt Service Requirements*

Debt service requirements are shown below for all long-term debt:

	Installment Purchase Agreement with the County of Santa Clara		2015 Tax Allocation Bonds	
Year Ending June 30	Total Principal	Total Interest	Total Principal	Total Interest
2022	$2,617,780	$3,382,220	$7,425,000	$4,207,625
2023	2,493,124	3,506,876	7,800,000	3,827,000
2024			8,185,000	3,427,375
2025			8,595,000	3,007,875
2026			9,025,000	2,567,375
2027-2031			39,140,000	6,389,000
2032-2033			7,695,000	389,375
	$5,110,904	$6,889,096	87,865,000	$23,815,625
Plus: Unamortized bond premium			13,894,556	
			$101,759,556	

NOTE 15 – SUCCESSOR AGENCY ACTIVITIES (Continued)

5. Defeased Bonds

As of June 30, 2021, the outstanding balance of defeased debt was $7,495,000 for the Redevelopment Agency 1997 Tax Allocation Bonds.

D. Commitments and Contingencies

State Approval of Enforceable Obligations

The Successor Agency prepares a Recognized Obligation Payment Schedule (ROPS) semi-annually that contains all proposed expenditures for the subsequent six-month period. The ROPS is subject to the review and approval of the County Oversight Board as well as the State Department of Finance. Although the State Department of Finance may not question items included on the ROPS in one period, they may question the same items in a future period and disallow associated activities. The amount, if any, of current obligations that may be denied by the State Department of Finance cannot be determined at this time. The City expects such amounts, if any, to be immaterial.

REQUIRED SUPPLEMENTARY INFORMATION

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

City of Milpitas
Required Supplementary Information

SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND RELATED RATIOS
Agent Multiple-Employer Retiree Medical Benefits (OPEB) Plan
Last 10 fiscal years*

Measurement Date	**6/30/17**	**6/30/18**	**6/30/19**	**6/30/20**
Total OPEB Liability				
Service Cost	$2,386,392	$2,356,491	$2,423,566	$1,958,563
Interest	4,794,071	5,155,080	5,462,138	3,581,088
Changes in benefit terms			(17,098,878)	
Differences between expected and actual experience			(11,594,216)	
Changes of assumptions	(1,263,847)	(113,934)	(1,624,371)	(5,621,298)
Benefit payments	(3,325,081)	(2,994,247)	(3,183,858)	(3,122,284)
Net change in total OPEB liability	2,591,535	4,403,390	(25,615,619)	(3,203,931)
Total OPEB liability - beginning	80,926,571	83,518,106	87,921,496	62,305,877
Total OPEB liability - ending (a)	$83,518,106	$87,921,496	$62,305,877	$59,101,946
Plan fiduciary net position				
Contributions - employer	$4,959,756	$4,803,893	$4,651,743	$4,528,174
Contributions - employee				
Net investment income	3,708,342	3,175,844	2,834,217	1,745,028
Administrative expense	(18,732)	(21,490)	(9,742)	(24,292)
Benefit payments	(3,325,081)	(2,994,247)	(3,183,858)	(3,122,284)
Other Expenses		(51,721)		
Net change in plan fiduciary net position	5,324,285	4,912,279	4,292,360	3,126,626
Plan fiduciary net position - beginning	33,780,048	39,104,333	44,016,612	48,308,972
Plan fiduciary net position - ending (b)	$39,104,333	$44,016,612	$48,308,972	$51,435,598
Net OPEB liability - ending (a)-(b)	$44,413,773	$43,904,884	$13,996,905	$7,666,348
Plan fiduciary net position as a percentage of the total OPEB liability	46.82%	50.06%	77.54%	87.03%
Covered-employee payroll	$42,017,236	$43,375,678	$48,788,854	$52,202,907
Net OPEB liability as a percentage of covered-employee payroll	105.70%	101.22%	28.69%	14.69%

* Fiscal year 2018 was the first year of implementation.

City of Milpitas
Required Supplementary Information

SCHEDULE OF CONTRIBUTIONS

Agent Multiple-Employer Retiree Medical Benefits (OPEB) Plan
Last 10 fiscal years*

Fiscal Year Ended June 30,	2018			2019		
	Explicit	Implicit	Total	Explicit	Implicit	Total
Actuarially determined contribution	$3,387,020	$1,652,641	$5,039,661	$3,492,808	$1,703,307	$5,196,115
Contributions in relation to the actuarially determined contribution	3,387,020	1,059,545	4,446,565	3,492,808	1,158,935	4,651,743
Contribution deficiency (excess)	$0	$593,096	$593,096	$0	$544,372	$544,372
Covered-employee payroll	$43,375,678	$43,375,678	$43,375,678	$48,788,854	$48,788,854	$48,788,854
Contributions as a percentage of covered-employee payroll	7.81%	2.44%	10.25%	7.16%	2.38%	9.53%

Fiscal Year Ended June 30,	2020			2021		
	Explicit	Implicit	Total	Explicit	Implicit	Total
Actuarially determined contribution	$788,831	$1,545,113	$2,333,944	$655,377	$1,552,190	$2,207,567
Contributions in relation to the actuarially determined contribution	3,478,018	1,050,156	4,528,174	655,377	1,088,216	1,743,593
Contribution deficiency (excess)	($2,689,187)	$494,957	($2,194,230)	$0	$463,974	$463,974
Covered-employee payroll	$52,202,907	$52,202,907	$52,202,907	$59,134,552	$59,134,552	$59,134,552
Contributions as a percentage of covered-employee payroll	6.66%	2.01%	8.67%	1.11%	1.84%	2.95%

Notes to Schedule

Valuation date:

Methods and assumptions used to determine contribution rates:

Valuation Date	July 1, 2019
Actuarial Assumptions:	
Discount Rate	6.95% (explicit subsidies) and 3.13% (implicit subsidies)
Inflation	2.50%
Salary Increase	3.00%
Investment Rate of Return	6.95%
Mortality Rate	MacLeod Watts Scale of 2020 applied generationally
Healthcare Trend Rate	5.4% grading down to 4% for years 2076 and thereafter

* Fiscal year 2018 was the first year of implementation.

City of Milpitas
Required Supplementary Information

SCHEDULE OF CHANGES IN THE TOTAL OPEB LIABILITY AND RELATED RATIOS
Dependent Fund (OPEB) Plan
Last 10 fiscal years*

Measurement Date	**6/30/19**	**6/30/20**
Total OPEB Liability		
Service Cost		$1,139,508
Interest		905,377
Changes in benefit terms	$28,504,872	
Differences between expected and actual experience		
Changes of assumptions		3,100,405
Benefit payments		(1,437,201)
Net change in total OPEB liability	28,504,872	3,708,089
Total OPEB liability - beginning		28,504,872
Total OPEB liability - ending (a)	$28,504,872	$32,212,961
Plan fiduciary net position		
Contributions - employer		$1,437,201
Contributions - employee		
Net investment income		
Administrative expense		
Benefit payments		(1,437,201)
Other Expenses		
Net change in plan fiduciary net position	-	-
Plan fiduciary net position - beginning		
Plan fiduciary net position - ending (b)	-	-
Net OPEB liability - ending (a)-(b)	$28,504,872	$32,212,961
Plan fiduciary net position as a percentage of the total OPEB liability		
Covered-employee payroll	$48,788,854	$52,202,907
Net OPEB liability as a percentage of covered-employee payroll	58.42%	61.71%

*The liability of this Plan had been previously included together with other City plan OPEB Liabilities.
Beginning with fiscal year 2020, the City began to report the liability of this plan seperately.
No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB 75.

City of Milpitas
Required Supplementary Information

SCHEDULE OF CONTRIBUTIONS

Dependent Fund (OPEB) Plan
Last 10 fiscal years*

Fiscal Year Ended June 30,	**2020**	**2021**
	Explicit	Explicit
Actuarially required contribution	N/A (a)	N/A (a)
Contributions in relation to the actuarially required contributions	$1,028,064	$0
Contribution deficiency (excess)	N/A (a)	N/A (a)
Covered-employee payroll	$52,202,907	$59,134,552
Contributions as a percentage of covered-employee payroll	N/A (a)	N/A (a)

*No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB 75.
(a) Due to the nature of the Plan, actuarially required contribution is not available.
See Note 12D for contribution requirements.

SCHEDULE OF CHANGES IN THE NET PENSION LIABILITY AND RELATED RATIOS
Miscellaneous Plan - Agent Multiple-Employer Defined Pension Plan
Last 10 Years*

Measurement Period	**2013-14**	**2014-15**	**2015-16**	**2016-17**
Total Pension Liability				
Service Cost	$2,652,510	$2,664,628	$2,666,665	$3,008,973
Interest	13,600,615	14,114,152	14,689,192	15,078,047
Differences between expected and actual experience		(982,598)	(18,301)	(1,238,427)
Changes in assumptions		(3,463,459)		12,475,424
Changes in benefits				
Benefit payments, including refunds of employee contributions	(8,381,334)	(8,930,516)	(9,558,779)	(10,236,837)
Net change in total pension liability	7,871,791	3,402,207	7,778,777	19,087,180
Total pension liability - beginning	184,205,937	192,077,728	195,479,935	203,258,712
Total pension liability - ending (a)	$192,077,728	$195,479,935	$203,258,712	$222,345,892
Plan fiduciary net position				
Contributions - employer	$3,356,909	$4,076,975	$4,519,744	$5,048,143
Contributions - employee	1,439,932	1,326,989	1,333,019	1,266,956
Net investment income	22,034,637	3,281,429	775,183	16,109,364
Administrative expense		(164,523)	(89,109)	(211,414)
Benefit payments, including refunds of employee contributions	(8,381,334)	(8,930,516)	(9,558,779)	(10,236,837)
Other Miscellaneous Income/Expense				
Net Plan to Plan Resource Movement			(370)	(370)
Net change in plan fiduciary net position	18,450,144	(409,646)	(3,020,312)	11,975,842
Plan fiduciary net position - beginning	128,172,005	146,622,149	146,212,503	143,192,191
Plan fiduciary net position - ending (b)	$146,622,149	$146,212,503	$143,192,191	$155,168,033
Net pension liability - ending (a)-(b)	$45,455,579	$49,267,432	$60,066,521	$67,177,859
Plan fiduciary net position as a percentage of the total pension liability	76.33%	74.80%	70.45%	69.79%
Covered payroll	$15,682,538	$16,009,660	$16,161,589	$16,418,123
Net pension liability as percentage of covered payroll	289.85%	307.74%	371.66%	409.17%

Benefit changes. The figures above do not include any liability impact that may have resulted from plan changes which occurred after June 30. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes in assumptions. In 2017, the accounting discount rate reduced from 7.65% to 7.15%. In 2016, 2018, 2019, and 2020, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5% (net of administrative expense) to 7.65% (without a reduction for pension plan administrative expense). In 2014, amounts were based on the 7.5% discount rate.

* Fiscal year 2015 was the first year of implementation.

SCHEDULE OF CHANGES IN THE NET PENSION LIABILITY AND RELATED RATIOS
Miscellaneous Plan - Agent Multiple-Employer Defined Pension Plan
Last 10 Years*

Measurement Period	**2017-18**	**2018-19**	**2019-20**
Total Pension Liability			
Service Cost	$3,042,853	$3,361,140	$3,777,335
Interest	15,647,110	16,517,342	17,295,222
Differences between expected and actual experience	1,831,444	4,569,776	2,592,349
Changes in assumptions	(1,404,854)		
Changes in benefits			
Benefit payments, including refunds of employee contributions	(10,906,398)	(11,589,225)	(12,009,750)
Net change in total pension liability	8,210,155	12,859,033	11,655,156
Total pension liability - beginning	222,345,892	230,556,047	243,415,080
Total pension liability - ending (a)	$230,556,047	$243,415,080	$255,070,236
Plan fiduciary net position			
Contributions - employer	$5,762,448	$6,864,376	$7,965,270
Contributions - employee	1,473,732	1,569,027	1,772,996
Net investment income	13,123,448	10,774,536	8,527,794
Administrative expense	(241,795)	(116,977)	(241,663)
Benefit payments, including refunds of employee contributions	(10,906,398)	(11,589,225)	(12,009,750)
Other Miscellaneous Income/Expense	(459,172)	381	
Net Plan to Plan Resource Movement	(381)		
Net change in plan fiduciary net position	8,751,882	7,502,118	6,014,647
Plan fiduciary net position - beginning	155,168,033	163,919,915	171,422,033
Plan fiduciary net position - ending (b)	$163,919,915	$171,422,033	$177,436,680
Net pension liability - ending (a)-(b)	$66,636,132	$71,993,047	$77,633,556
Plan fiduciary net position as a percentage of the total pension liability	71.10%	70.42%	69.56%
Covered payroll	$18,846,066	$22,079,190	$19,463,309
Net pension liability as percentage of covered payroll	353.58%	326.07%	398.87%

* Fiscal year 2015 was the first year of implementation.

SCHEDULE OF CONTRIBUTIONS

Miscellaneous Plan - Agent Multiple-Employer Defined Pension Plan
Last 10 Years*

Fiscal Year Ended June 30	**2015**	**2016**	**2017**	**2018**
Actuarially determined contribution	$3,252,668	$4,236,931	$5,082,638	$6,243,904
Contributions in relation to the actuarially determined contributions	3,252,668	4,236,931	5,082,638	6,243,904
Contribution deficiency (excess)	$0	$0	$0	$0
Covered payroll	$16,009,660	$16,161,589	$16,418,123	$18,846,066
Contributions as a percentage of covered payroll	20.32%	26.22%	30.96%	33.13%
Notes to Schedule				
Valuation date:	6/30/2012	6/30/2013	6/30/2014	6/30/2015

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age
Amortization method	Level percentage of payroll
Remaining amortization period	15 Years as of the Valuation Date
Asset valuation method	Market Value of Assets
Inflation	2.75% for 2015 to 2019, 2.625% for 2020, and 2.50% for 2021
Salary increases	Varies by Entry Age and Service
Investment rate of return	7.50% for 2015 to 2018, 7.375% for 2019, 7.25% for 2020, and 7.00% for 2021, net of pension plan investment expense, including inflation.
Retirement age	The probabilities of Retirement are based on the CalPERS Experience Study.
Mortality	The probabilities of mortality are based on the CalPERS Experience Study. Pre-retirement and Post-retirement mortality rates include 20 years of projected mortality improvement using Scale BB published by the Society of Actuaries for 2015 to 2018. For 2019, 2020, and 2021, pre-retirement and post-retirement mortality rates include 15 years of projected mortality improvement using 90% of Scale MP-2016 published by the Society of Actuaries.

* Fiscal year 2015 was the 1st year of implementation.

2019	2020	2021
$6,863,508	$8,337,504	$8,916,157
6,863,508	8,337,504	8,916,157
$0	$0	$0
$22,079,190	$19,463,309	$21,793,252
31.09%	42.84%	40.91%
6/30/2016	6/30/2017	6/30/2018

City of Milpitas
Required Supplementary Information

SCHEDULE OF CHANGES IN THE NET PENSION LIABILITY AND RELATED RATIOS
Safety Plan - Agent Multiple-Employer Defined Pension Plan
Last 10 Years*

Measurement Period	**2013-14**	**2014-15**	**2015-16**	**2016-17**
Total Pension Liability				
Service Cost	$4,932,970	$4,808,751	$5,094,318	$5,934,642
Interest	19,838,662	20,535,893	21,663,378	22,434,283
Differences between expected and actual experience		(2,363,470)	3,274,330	(690,685)
Changes in assumptions		(5,052,089)		18,725,315
Changes in benefits				
Benefit payments, including refunds of employee contributions	(13,076,629)	(13,656,196)	(14,390,575)	(14,864,837)
Net change in total pension liability	11,695,003	4,272,889	15,641,451	31,538,718
Total pension liability - beginning	268,587,329	280,282,332	284,555,221	300,196,672
Total pension liability - ending (a)	$280,282,332	$284,555,221	$300,196,672	$331,735,390
Plan fiduciary net position				
Contributions - employer	$5,856,270	$6,604,951	$7,230,399	$7,887,539
Contributions - employee	1,839,234	1,887,408	2,064,277	2,233,341
Net investment income	30,157,647	4,420,615	1,031,136	22,090,936
Administrative expense		(224,227)	(121,445)	(288,028)
Net Plan to Plan Resource Movement				
Other Miscellaneous Income/Expense				
Benefit payments, including refunds of employee contributions	(13,076,629)	(13,656,196)	(14,390,575)	(14,864,837)
Net change in plan fiduciary net position	24,776,522	(967,449)	(4,186,208)	17,058,951
Plan fiduciary net position - beginning	175,461,012	200,237,534	199,270,085	195,083,877
Plan fiduciary net position - ending (b)	$200,237,534	$199,270,085	$195,083,877	$212,142,828
Net pension liability - ending (a)-(b)	$80,044,798	$85,285,136	$105,112,795	$119,592,562
Plan fiduciary net position as a percentage of the total pension liability	71.44%	70.03%	64.99%	63.95%
Covered payroll	$18,310,535	$18,810,920	$20,170,400	$21,078,669
Net pension liability as percentage of covered payroll	437.15%	453.38%	521.12%	567.36%

Notes to Schedule:

Benefit changes. The figures above do not include any liability impact that may have resulted from plan changes which occurred after June 30. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes in assumptions. In 2017, the accounting discount rate reduced from 7.65% to 7.15%. In 2016, 2018, 2019, and 2020, there were no changes. In 2015, amounts reported reflect an adjustment of the discount rate from 7.5% (net of administrative expense) to 7.65% (without a reduction for pension plan administrative expense). In 2014, amounts were based on the 7.5% discount rate.

* Fiscal year 2015 was the 1st year of implementation.

2017-18	2018-19	2019-20
$5,975,378	$6,211,449	$6,711,730
23,331,989	24,560,414	25,568,359
626,935	4,563,968	981,131
(986,630)		
(16,083,729)	(17,533,455)	(18,278,539)
12,863,943	17,802,376	14,982,681
331,735,390	344,599,333	362,401,709
$344,599,333	$362,401,709	$377,384,390
$8,866,550	$10,288,856	$12,104,306
2,240,962	2,441,763	2,748,961
17,931,642	14,733,700	11,689,024
(330,577)	(159,951)	(329,757)
(521)		
(627,771)	521	
(16,083,729)	(17,533,455)	(18,278,539)
11,996,556	9,771,434	7,933,995
212,142,828	224,139,384	233,910,818
$224,139,384	$233,910,818	$241,844,813
$120,459,949	$128,490,891	$135,539,577
65.04%	64.54%	64.08%
$21,698,152	$23,314,576	$21,136,130
555.16%	551.12%	641.27%

City of Milpitas
Required Supplementary Information

SCHEDULE OF CONTRIBUTIONS
Safety Plan - Agent Multiple-Employer Defined Pension Plan
Last 10 Years*

Fiscal Year Ended June 30	2015	2016	2017	2018	2019	2020	2021
Actuarially determined contribution	$5,904,019	$7,346,983	$8,741,506	$9,247,165	$10,289,680	$11,739,849	$12,866,635
Contributions in relation to the actuarially determined contributions	5,904,019	7,346,983	8,741,506	9,247,165	10,289,680	11,739,849	12,866,635
Contribution deficiency (excess)	$0	$0	$0	$0	$0	$0	$0
Covered payroll	$18,810,920	$20,170,400	$21,078,669	$21,698,152	$23,314,576	$21,136,130	$23,212,673
Contributions as a percentage of covered payroll	31.39%	36.42%	41.47%	42.62%	44.13%	55.54%	55.43%
Notes to Schedule							
Valuation date:	6/30/2012	6/30/2013	6/30/2014	6/30/2015	6/30/2016	6/30/2017	6/30/2018

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age
Amortization method	Level percentage of payroll
Remaining amortization period	15 Years as of the Valuation Date
Asset valuation method	Market Value of Assets
Inflation	2.75% for 2015 to 2019, 2.625% for 2020, and 2.50% for 2021
Salary increases	Varies by Entry Age and Service
Investment rate of return	7.50% for 2015 to 2018, 7.375% for 2019, 7.25% for 2020, and 7.00% for 2021, net of pension plan investment expense, including inflation.
Retirement age	The probabilities of Retirement are based on the CalPERS Experience Study
Mortality	The probabilities of mortality are based on the CalPERS Experience Study. Pre-retirement and Post-retirement mortality rates include 20 years of projected mortality improvement using Scale BB published by the Society of Actuaries for 2015 to 2018. For 2019, 2020, and 2021, pre-retirement and post-retirement mortality rates include 15 years of projected mortality improvement using 90% of Scale MP-2016 published by the Society of Actuaries.

* Fiscal year 2015 was the 1st year of implementation.

NON-MAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS:

GAS TAX FUND

Established to account for the City's share of state gasoline taxes which are restricted for use on construction and maintenance of the street system in Milpitas.

HOUSING AND COMMUNITY DEVELOPMENT FUND

Established to account for community development block grants and expenditures.

LAW ENFORCEMENT SERVICES FUND

Established to account for the proceeds from Federal and State asset seizures. This fund also accounts for the Supplemental Law Enforcement Services grant, Local Law Enforcement Block grant, Justice Assistance grant and expenditures. These funds must be used only for specified law enforcement purposes.

SOLID WASTE REDUCTION AND SERVICES FUND

Established to account for landfill tipping fees allocated by Santa Clara County. The County allocates a fee of $1 per ton to each City to be used in relation to the State of California Waste Reduction Act. Revenue is used for the implementation of waste reduction programs to meet the State required landfill deposits percentage reduction. The fund also accounts for special charges built into garbage rates specifically for community promotions and household hazardous waste activities.

LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FUND

Established to account for assessments collected within the district. Revenue is used for servicing and maintaining the public landscaping and additional lighting for the district.

COMMUNITY FACILITIES DISTRICT FUND

Established to account for assessments collected within the district. Revenue is used for providing City services for the district.

HETCH-HETCHY GROUND LEASE FUND

Established to account for the lease payment to the City and County of San Francisco for the permitted use of the Hetch-Hetchy land.

COMMUNITY PLANNING FUND

Established to account for fees collected to fund the General Plan update, zoning ordinance update and other long range planning documents.

COMMUNITY BENEFITS FUND

Established to account for fees collected from developers to fund Public Benefits for the Community.

AFFORDABLE HOUSING FUND

Established to account for fees collected from developers to fund Affordable Housing activities.

AFFORDABLE HOUSING UNRESTRICTED FUND

Established to account for Affordable Housing unrestricted activities funded by General Fund Surplus.

CAPITAL PROJECTS FUNDS:

PUBLIC ART FUND

Established to account for the acquisition and installation of public art. Financing provided by a percentage of eligible project expenditures within the City's Annual Capital Improvement Program.

PARK IMPROVEMENT FUND

Established to account for the construction and maintenance of City parks. A special park improvement fee is imposed on developments to provide financing.

STORM DRAIN DEVELOPMENT FUND

Established to account for the construction and maintenance of storm drain projects. A special storm drain fee is imposed on developments to provide financing.

CITY OF MILPITAS
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CITY OF MILPITAS
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2021

	SPECIAL REVENUE FUNDS					
	Gas Tax	Housing and Community Development	Law Enforcement Services	Solid Waste Reduction and Services	Lighting and Landscape Maintenance District	Community Facilities District
ASSETS						
Cash and investments available for operations	$3,022,657	$257,861	$1,053,813	$1,607,756	$20,801	$2,022,682
Receivables:						
Due from other governments	263,372	213,232	6,445	27,352		14,038
Interest	6,535		298	3,455	263	9,165
Loans receivable		3,486,803				
Prepaids, materials, supplies and deposits				989	1,999	12,839
Total Assets	$3,292,564	$3,957,896	$1,060,556	$1,639,552	$23,063	$2,058,724
LIABILITIES						
Accounts payable		$140,789	$7,299	$8,364	$14,195	$2,762
Accrued payroll				20,150	5,993	38,673
Unearned revenue			883,905	27,608		
Refundable deposits				18,843		
Total Liabilities		140,789	891,204	74,965	20,188	41,435
FUND BALANCE						
Fund Balances:						
Nonspendable				989	1,999	12,839
Restricted	$3,292,564	3,817,107	169,352	1,563,598	876	2,004,450
Assigned						
Total Fund Balances	3,292,564	3,817,107	169,352	1,564,587	2,875	2,017,289
Total Liabilities and Fund Balances	$3,292,564	$3,957,896	$1,060,556	$1,639,552	$23,063	$2,058,724

SPECIAL REVENUE FUNDS					CAPITAL PROJECTS FUNDS			
Hetch-Hetchy Ground Lease	Community Planning	Community Benefits	Affordable Housing	Affordable Housing Unrestricted	Public Art	Park Improvement	Storm Drain Development	Total Nonmajor Governmental Funds
$1,571,840	$883,767	$370,210	$4,757,964	$ 2,224,753	$1,250,672	$12,821,670	$5,507,942	$37,374,388
								524,439
3,391	2,481		10,365	4,719	2,806	27,646	11,881	83,005
								3,486,803
3,002	2,762		4,401					25,992
$1,578,233	$889,010	$370,210	$4,772,730	$2,229,472	$1,253,478	$12,849,316	$5,519,823	$41,494,627
$3,002			$1,862			$201,601	$13,275	$393,149
	$13,116		29,368			15,939	1,971	125,210
								911,513
								18,843
3,002	13,116		31,230			217,540	15,246	1,448,715
3,002	2,762		4,401					25,992
1,572,229	873,132	$370,210	4,737,099	$2,229,472		12,631,776	5,504,577	38,766,442
					$1,253,478			1,253,478
1,575,231	875,894	370,210	4,741,500	2,229,472	1,253,478	12,631,776	5,504,577	40,045,912
$1,578,233	$889,010	$370,210	$4,772,730	$2,229,472	$1,253,478	$12,849,316	$5,519,823	$41,494,627

CITY OF MILPITAS
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING STATEMENTS OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2021

	SPECIAL REVENUE FUNDS					
	Gas Tax	Housing & Community Development	Law Enforcement Services	Solid Waste Reduction and Services	Lighting and Landscape Maintenance District	Community Facilities District
REVENUES:						
Other taxes					$413,581	$3,428,318
Use of money and property	$27,421	$9,227	$12,450	$16,923	980	32,632
Intergovernmental	3,144,200	1,473,732	419,803	296,563		
Charges for services						
Developer contributions						
Other						
Total Revenues	3,171,621	1,482,959	432,253	313,486	414,561	3,460,950
EXPENDITURES:						
Current:						
General Government		1,473,733				9,314
Building, Safety and Housing						
Public Works				503,090	253,546	1,144,724
Engineering				6,574	92,768	
Planning						
Police			420,755			
Capital outlay						
Total Expenditures		1,473,733	420,755	509,664	346,314	1,154,038
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	3,171,621	9,226	11,498	(196,178)	68,247	2,306,912
OTHER FINANCING SOURCES (USES)						
Transfers in						
Transfers (out)	(1,991,659)			(109,778)	(97,500)	(2,225,000)
Total Other Financing Sources (Uses)	(1,991,659)			(109,778)	(97,500)	(2,225,000)
NET CHANGE IN FUND BALANCES	1,179,962	9,226	11,498	(305,956)	(29,253)	81,912
Fund balances at beginning of year	2,112,602	3,807,881	157,854	1,870,543	32,128	1,935,377
FUND BALANCES AT END OF YEAR	$3,292,564	$3,817,107	$169,352	$1,564,587	$2,875	$2,017,289

SPECIAL REVENUE FUNDS					CAPITAL PROJECTS FUNDS			
Hetch-Hetchy Ground Lease	Community Planning	Community Benefits	Affordable Housing	Affordable Housing Unrestricted	Public Art	Park Improvement	Storm Drain Development	Total Nonmajor Governmental Funds
								$3,841,899
$7,293	$6,901	$3,239	$39,168	$21,768	$991	($84,446)	($24,137)	70,410
								5,334,298
	242,047							242,047
		100,000	2,049,111				664,673	2,813,784
					103,857			103,857
7,293	248,948	103,239	2,088,279	21,768	104,848	(84,446)	640,536	12,406,295
36,209			72,233					1,591,489
			564,517					564,517
								1,901,360
								99,342
	309,165							309,165
								420,755
						3,931,991	758,379	4,690,370
36,209	309,165		636,750			3,931,991	758,379	9,576,998
(28,916)	(60,217)	103,239	1,451,529	21,768	104,848	(4,016,437)	(117,843)	2,829,297
	750,000			42,298		29,014		821,312
	(600,000)				(97,500)	(2,825,736)	(1,580,000)	(9,527,173)
	150,000			42,298	(97,500)	(2,796,722)	(1,580,000)	(8,705,861)
(28,916)	89,783	103,239	1,451,529	64,066	7,348	(6,813,159)	(1,697,843)	(5,876,564)
1,604,147	786,111	266,971	3,289,971	2,165,406	1,246,130	19,444,935	7,202,420	45,922,476
$1,575,231	$875,894	$370,210	$4,741,500	$2,229,472	$1,253,478	$12,631,776	$5,504,577	$40,045,912

CITY OF MILPITAS
BUDGETED NON-MAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (NON-GAAP LEGAL BASIS)
FOR THE YEAR ENDED JUNE 30, 2021

	GAS TAX			HOUSING AND COMMUNITY DEVELOPMENT		
	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
REVENUES						
Other taxes						
Use of money and property	$63,000	$27,421	($35,579)	$2,000	$9,227	$7,227
Intergovernmental	3,353,426	3,144,200	(209,226)	1,480,732	1,473,732	(7,000)
Charges for services						
Developer contributions						
Total Revenues	3,416,426	3,171,621	(244,805)	1,482,732	1,482,959	227
EXPENDITURES						
Current:						
General Government:						
City Manager						
City Attorney						
Finance				15,000	15,000	
Non-departmental				1,465,732	1,458,733	6,999
Building, Safety and Housing						
Public Works						
Engineering						
Planning						
Police						
Total Expenditures				1,480,732	1,473,733	6,999
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	3,416,426	3,171,621	(244,805)	2,000	9,226	7,226
OTHER FINANCING SOURCES (USES)						
Transfers in						
Transfers (out)	(3,391,659)	(1,991,659)	1,400,000			
Total Other Financing Sources (Uses)	(3,391,659)	(1,991,659)	1,400,000			
NET CHANGE IN FUND BALANCES	$24,767	1,179,962	$1,155,195	$2,000	9,226	$7,226
ADJUSTMENT TO BUDGETARY BASIS:						
Expenditures capitalized for GAAP purposes						
Capital Outlay						
Encumbrance adjustments						
Fund balances at beginning of year		2,112,602			3,807,881	
Fund balances at end of year		$3,292,564			$3,817,107	

LAW ENFORCEMENT SERVICES			SOLID WASTE REDUCTION AND SERVICES			LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT		
Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
						$426,000	$413,581	($12,419)
$3,000	$12,450	$9,450	$33,000	$16,923	($16,077)	2,000	980	(1,020)
417,926	419,803	1,877	252,782	296,563	43,781			
420,926	432,253	11,327	285,782	313,486	27,704	428,000	414,561	(13,439)
			1,040,297	580,182	460,115	260,526	253,546	6,980
			28,903	6,574	22,329	95,947	94,940	1,007
502,370	442,648	59,722						
502,370	442,648	59,722	1,069,200	586,756	482,444	356,473	348,486	7,987
(81,444)	(10,395)	71,049	(783,418)	(273,270)	510,148	71,527	66,075	(5,452)
			(109,778)	(109,778)		(97,500)	(97,500)	
			(109,778)	(109,778)		(97,500)	(97,500)	
($81,444)	(10,395)	$71,049	($893,196)	(383,048)	$510,148	($25,973)	(31,425)	($5,452)
	21,893			77,092			2,172	
	157,854			1,870,543			32,128	
	$169,352			$1,564,587			$2,875	

(Continued)

CITY OF MILPITAS
BUDGETED NON-MAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (NON-GAAP LEGAL BASIS)
FOR THE YEAR ENDED JUNE 30, 2021

	COMMUNITY FACILITIES DISTRICT			HETCH-HETCHY GROUND LEASE		
	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
REVENUES						
Other taxes	$3,405,000	$3,428,318	$23,318			
Use of money and property	21,000	32,632	11,632	$5,000	$7,293	$2,293
Intergovernmental						
Charges for services						
Developer contributions						
Total Revenues	3,426,000	3,460,950	34,950	5,000	7,293	2,293
EXPENDITURES						
Current:						
General Government:						
City Manager						
City Attorney						
Finance						
Non-departmental	10,500	9,314	1,186	36,500	36,209	291
Building, Safety and Housing						
Public Works	1,352,850	1,144,724	208,126			
Engineering						
Planning						
Police						
Total Expenditures	1,363,350	1,154,038	209,312	36,500	36,209	291
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	2,062,650	2,306,912	244,262	(31,500)	(28,916)	2,584
OTHER FINANCING SOURCES (USES)						
Transfers in						
Transfers (out)	(2,225,000)	(2,225,000)				
Total Other Financing Sources (Uses)	(2,225,000)	(2,225,000)				
NET CHANGE IN FUND BALANCES	($162,350)	81,912	$244,262	($31,500)	(28,916)	$2,584
ADJUSTMENT TO BUDGETARY BASIS:						
Expenditures capitalized for GAAP purposes						
Capital Outlay						
Encumbrance adjustments						
Fund balances at beginning of year		1,935,377			1,604,147	
Fund balances at end of year		$2,017,289			$1,575,231	

COMMUNITY PLANNING			COMMUNITY BENEFITS			AFFORDABLE HOUSING		
Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
$19,000	$6,901	($12,099)		$3,239	$3,239		$39,168	$39,168
300,000	242,047	(57,953)						
				100,000	100,000	$2,000,000	2,049,111	49,111
319,000	248,948	(70,052)		103,239	103,239	2,000,000	2,088,279	88,279
						25,236	13,614	11,622
						7,062	7,062	
						91,166	51,557	39,609
						767,004	564,517	202,487
309,165	309,165					528		528
309,165	309,165					890,996	636,750	254,246
9,835	(60,217)	(70,052)		103,239	103,239	1,109,004	1,451,529	342,525
750,000	750,000							
(600,000)	(600,000)							
150,000	150,000							
$159,835	89,783	($70,052)		103,239	$103,239	$1,109,004	1,451,529	$342,525
	786,111			266,971			3,289,971	
	$875,894			$370,210			$4,741,500	

(Continued)

CITY OF MILPITAS
BUDGETED NON-MAJOR FUNDS
COMBINING SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
BUDGET AND ACTUAL (NON-GAAP LEGAL BASIS)
FOR THE YEAR ENDED JUNE 30, 2021

	AFFORDABLE HOUSING UNRESTRICTED			PUBLIC ART		
	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)	Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
REVENUES						
Other taxes						
Use of money and property		$21,768	$21,768	$16,000	$991	($15,009)
Intergovernmental						
Charges for services						
Developer contributions					103,857	103,857
Total Revenues		21,768	21,768	16,000	104,848	88,848
EXPENDITURES						
Current:						
General Government:						
City Manager						
City Attorney						
Finance						
Non-departmental						
Building, Safety and Housing						
Public Works						
Engineering						
Planning						
Police						
Total Expenditures						
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES		21,768	21,768	16,000	104,848	88,848
OTHER FINANCING SOURCES (USES)						
Transfers in		42,298	42,298			
Transfers (out)				(97,500)	(97,500)	
Total Other Financing Sources (Uses)		42,298	42,298	(97,500)	(97,500)	
NET CHANGE IN FUND BALANCES		64,066	$64,066	($81,500)	7,348	$88,848
ADJUSTMENT TO BUDGETARY BASIS:						
Expenditures capitalized for GAAP purposes						
Capital Outlay						
Encumbrance adjustments						
Fund balances at beginning of year		2,165,406			1,246,130	
Fund balances at end of year		$2,229,472			$1,253,478	

TOTALS		
Budget	Actual Amounts Budgetary Basis	Variance Positive (Negative)
$3,831,000	$3,841,899	$10,899
164,000	178,993	14,993
5,504,866	5,334,298	(170,568)
300,000	242,047	(57,953)
2,000,000	2,252,968	252,968
11,799,866	11,850,205	50,339
25,236	13,614	11,622
7,062	7,062	
15,000	15,000	
1,603,898	1,555,813	48,085
767,004	564,517	202,487
2,653,673	1,978,452	675,221
124,850	101,514	23,336
309,693	309,165	528
502,370	442,648	59,722
6,008,786	4,987,785	1,021,001
5,791,080	6,862,420	1,071,340
	792,298	792,298
(6,521,437)	(5,121,437)	1,400,000
(6,521,437)	(4,329,139)	2,192,298
($730,357)	2,533,281	$3,263,638
	101,157	
	19,275,121	
	$21,909,559	

CITY OF MILPITAS
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INTERNAL SERVICE FUNDS

Internal Service Funds report any activity that provides goods or services to other funds, departments, or agencies of the primary government and its components units, or to other governments, on a cost reimbursement basis. These funds include the following:

EQUIPMENT MANAGEMENT INTERNAL SERVICE FUND

The Equipment Management Internal Service Fund is used to finance and account for the replacement of equipment used by City departments and the maintenance of computer systems on a cost reimbursement basis.

PENSION SECTION 115 INTERNAL SERVICE FUND

The Pension Section 115 Internal Service Fund is used to accumulate funds which may be used to fund either the annual actuarially determined pension contribution amounts, pay down unfunded pension liabilities with CalPERS, or reduce the length of pension cost amortization schedules with CalPERS.

CITY OF MILPITAS
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CITY OF MILPITAS
INTERNAL SERVICE FUNDS
COMBINING STATEMENTS OF NET POSITION
JUNE 30, 2021

	Equipment Management	Pension Section 115	Totals
ASSETS			
Current Assets			
Cash and investments	$12,360,253	$35,387,011	$47,747,264
Interest receivable	26,535		26,535
Total current assets	12,386,788	35,387,011	47,773,799
Noncurrent Assets			
Materials, supplies and deposits	119,617		119,617
Capital assets (net of accumulated depreciation)	9,596,944		9,596,944
Total noncurrent assets	9,716,561		9,716,561
Total Assets	22,103,349	35,387,011	57,490,360
LIABILITIES			
Current Liabilities			
Accounts payable	177,716		177,716
Interest payable			
Refundable deposit	196		196
Accrued payroll	64,872		64,872
Accrued vacation	67,793		67,793
Sick leave payable	7,009		7,009
Noncurrent Liabilities			
Accrued vacation	99,243		99,243
Sick leave payable	17,674		17,674
Total Liabilities	434,503		434,503
NET POSITION			
Invested in capital assets	9,596,944		9,596,944
Restricted for pension expenses		35,387,011	35,387,011
Unrestricted	12,071,902		12,071,902
Total Net Position	$21,668,846	$35,387,011	$57,055,857

CITY OF MILPITAS
INTERNAL SERVICE FUNDS
COMBINING STATEMENTS OF REVENUES, EXPENSES AND
CHANGES IN FUND NET POSITION
FOR THE YEAR ENDED JUNE 30, 2021

	Equipment Management	Pension Section 115	Totals
OPERATING REVENUES			
Charges for services	$4,051,122		$4,051,122
Other	148,690		148,690
Total Operating Revenues	4,199,812		4,199,812
OPERATING EXPENSES			
Personal services	1,641,982		1,641,982
Services and supplies	953,781		953,781
Depreciation and amortization	1,146,222		1,146,222
Maintenance and repairs	697,793		697,793
Total Operating Expenses	4,439,778		4,439,778
Net income before contributions and transfers	(239,966)		(239,966)
Gain on sale of capital assets	25,043		25,043
Interest	5,841	$9	5,850
Subventions and grants			
Contributions	1,197,532		1,197,532
Interest expense			
Transfer in	330,333	35,387,002	35,717,335
Transfer out	(400,000)		(400,000)
Change in net position	918,783	35,387,011	36,305,794
Net position-beginning	20,750,063		20,750,063
Net position-ending	$21,668,846	$35,387,011	$57,055,857

CITY OF MILPITAS
INTERNAL SERVICE FUNDS
COMBINING STATEMENTS OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2021

	Equipment Management	Pension Section 115	Totals
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from customers	$4,199,812		$4,199,812
Payments to suppliers	(1,606,514)		(1,606,514)
Payments to employees	(1,523,828)		(1,523,828)
Net cash provided by operating activities	1,069,470		1,069,470
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES			
Transfers in	330,333	$35,387,002	35,717,335
Transfers out	(400,000)		(400,000)
Cash Flows from Noncapital Financing Activities	(69,667)	35,387,002	35,317,335
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES			
Acquisition of capital assets	(1,165,895)		(1,165,895)
Proceeds from sale of capital assets	37,699		37,699
Cash Flows from Capital and Related Financing Activities	(1,128,196)		(1,128,196)
CASH FLOWS FROM INVESTING ACTIVITIES			
Interest and dividends	31,223	9	31,232
Cash Flows from Investing Activities	31,223	9	31,232
Net increase (decrease) in cash and cash equivalents	(97,170)	35,387,011	35,289,841
Cash and investments at beginning of period	12,457,423		12,457,423
Cash and investments at end of period	$12,360,253	$35,387,011	$47,747,264
NONCASH TRANSACTIONS:			
Contributions and transfers of capital assets, net	$1,197,532		$1,197,532
Retirement of capital assets, net	(12,656)		($12,656)
Reconciliation of operating income (loss) to net cash provided by operating activities:			
Operating income (loss)	($239,966)		($239,966)
Adjustments to reconcile operating income to net cash provided by operating activities:			
Depreciation	1,146,222		1,146,222
Change in assets and liabilities:			
Receivables, net			
Materials, supplies and deposits	9,437		9,437
Accounts and other payables	153,777		153,777
Net cash provided by operating activities	$1,069,470		$1,069,470

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

STATISTICAL SECTION

This part of the City's Annual Comprehensive Financial Report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health. In contrast to the financial section, the statistical section information is not subject to independent audit.

Financial Trends
These schedules contain trend information to help the reader understand how the City's financial performance and wellbeing have changed over time:

Net Position – Schedule 1
Changes in Net Position – Schedule 2
Fund Balances, Governmental Funds – Schedule 3
Changes in Fund Balance, Governmental Funds – Schedule 4

Revenue Capacity
These schedules contain information to help the reader assess the City's most significant local revenue source, the property tax:

Assessed Value and Actual Value of Taxable Property – Schedule 5
Direct and Overlapping Property Taxes Rates – Schedule 6
Principal Property Taxpayers – Schedule 7
Property Tax Levies and Collections – Schedule 8
Taxable Sales by Category – Schedule 9
Direct and Overlapping Sales Tax Rates – Schedule 10
Principal Sales Tax Payers – Schedule 11

Debt Capacity
These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future:

Ratios of Outstanding Debt by Type – Schedule 12
Bonded Debt Pledged Revenue Coverage, Redevelopment Agency Tax Allocation Bonds – Schedule 13
Computation of Direct and Overlapping Debt – Schedule 14
Legal Debt Margin Information – Schedule 15
Installment Payment Coverage, Sewer Certificates of Participation and Waste Water Revenue Refunding Bonds – Schedule 16
Installment Payment Coverage, Water Revenue Bonds – Schedule 17

Demographic and Economic Information
These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place:

Bimonthly Sewer Rates by Customer Class – Schedule 18
Bimonthly Water Rates by Customer Class – Schedule 19
Demographic and Economic Statistics – Schedule 20
Principal Employers – Schedule 21

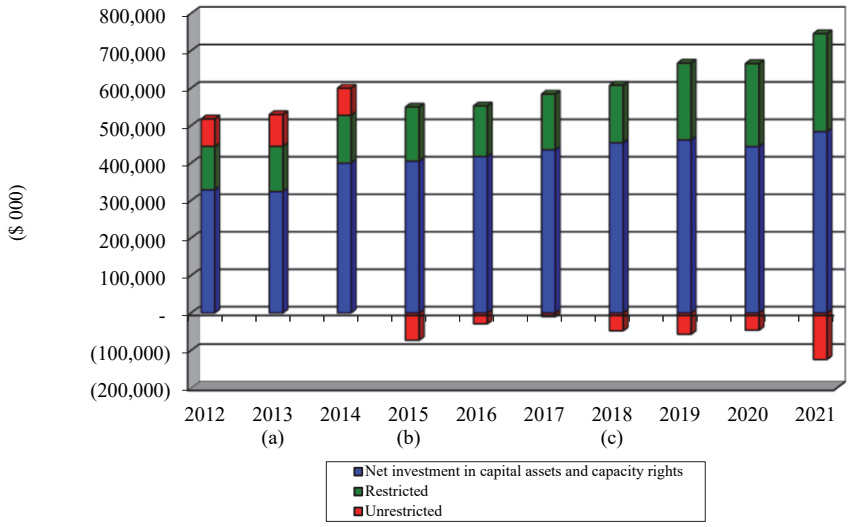
Operating Information
These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the City provides and the activities it performs:

Authorized Full-Time Equivalent Employees by Function/Program – Schedule 22
Operating Indicators by Function/Program – Schedule 23
Capital Asset Statistics by Function/Program – Schedule 24

Sources
Unless otherwise noted, the information in these schedules is derived from the Annual Comprehensive Financial Reports for the relevant year.

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
NET POSITION
LAST TEN FISCAL YEARS
(Accrual basis of accounting)
(Dollars in Thousands)



	Fiscal Year Ended June 30				
	2012	2013 (a)	2014	2015 (b)	2016
Governmental activities					
Net investment in capital assets and capacity rights	$219,034	$217,002	$291,704	$291,500	$298,321
Restricted	90,878	88,147	90,758	103,829	100,327
Unrestricted	53,417	64,876	51,315	(84,598)	(44,368)
Total governmental activities net position	$363,329	$370,025	$433,777	$310,731	$354,280
Business-type activities					
Net investment in capital assets and capacity rights	$109,146	$106,489	$107,816	$113,232	$118,588
Restricted	25,239	32,889	37,254	40,867	35,130
Unrestricted	19,838	19,799	20,880	11,586	15,261
Total business-type activities net position	$154,223	$159,177	$165,950	$165,685	$168,979
Primary government					
Net investment in capital assets and capacity rights	$328,180	$323,491	$399,520	$404,732	$416,909
Restricted	116,117	121,036	128,012	144,696	135,457
Unrestricted	73,255	84,675	72,195	(73,012)	(29,107)
Total primary government net position	$517,552	$529,202	$599,727	$476,416	$523,259

	Fiscal Year Ended June 30				
	2017	2018 (c)	2019	2020	2021
Governmental activities					
Net investment in capital assets and capacity rights	$312,138	$323,239	$326,564	$344,471	$358,445
Restricted	108,630	109,726	145,983	158,716	189,030
Unrestricted	(30,091)	(63,405)	(65,799)	(93,911)	(142,708)
Total governmental activities net position	$390,677	$369,560	$406,748	$409,276	$404,767
Business-type activities					
Net investment in capital assets and capacity rights	$122,937	$130,736	$135,048	$99,331	$125,206
Restricted	40,311	43,834	59,191	63,084	72,629
Unrestricted	20,254	15,784	8,930	47,967	18,483
Total business-type activities net position	$183,502	$190,354	$203,169	$210,382	$216,318
Primary government					
Net investment in capital assets and capacity rights	$435,075	$453,975	$461,612	$443,802	$483,651
Restricted	148,941	153,560	205,174	221,800	261,659
Unrestricted	(9,837)	(47,621)	(56,869)	(45,944)	(124,225)
Total primary government net position	$574,179	$559,914	$609,917	$619,658	$621,085

(a) The City implemented the provisions of GASB Statement 63 in fiscal year 2013, which replaced the term "net assets" with the term "net position"
(b) The City implemented the provisions of GASB Statement 68 in fiscal year 2015 that required the restatement of net position. Amounts prior to 2015 have not been restated.
(c) The City implemented the provisions of GASB Statement 75 in fiscal year 2018 that required the restatement of net position. Amounts prior to 2018 have not been restated.

CITY OF MILPITAS
CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(accrual basis of accounting)
(Dollars in Thousands)

	Fiscal Year Ended June 30,			
	2012	2013 (b)	2014	2015
Expenses				
Governmental activities				
General Government	$17,418 (a)	$15,329	$21,074	$18,118
Building and Safety	2,029	2,293	2,684	2,617
Building, Housing and Safety				
Recreation and Community Services				
Public Works	21,787	17,700 (c)	18,664	17,509
Engineering				
Planning and Neighborhood Services	2,144	2,553	2,119	2,372
Planning				
Parks and Recreation	5,823	3,107 (c)	3,012	3,098
Police	22,620	21,702	23,373	24,699
Fire	14,904	15,810	15,159	16,301
Interest on Long Term Debt	2,050	227	240	67
Total governmental activities expenses	88,775	78,721	86,325	84,781
Business-type activities				
Water Utility	15,229	17,195	17,369	18,344
Recycled Water Utility	599	(d)	(d)	(d)
Sewer Utility	8,399	9,418	11,008	10,426
Total business-type activities expenses	24,227	26,613	28,377	28,770
Total primary government expenses	$113,002	$105,334	$114,702	$113,551
Program Revenues				
Governmental activities:				
Charges for services:				
General Government	$1,349	$1,700	$1,819	$1,063
Building and Safety	3,436	4,554	6,445	5,128
Building, Housing and Safety				
Recreation and Community Services				
Public Works	2,440	2,668	2,472	2,644
Engineering				
Planning and Neighborhood Services	237	301	432	700
Planning				
Parks and Recreation	1,833	1,987	1,958	2,060
Police	1,134	1,051	1,091	1,151
Fire	1,292	1,508	2,120	1,885
Operating grants and contributions	6,146	7,487	6,195	6,201
Capital grants and contributions	8,294	8,286	15,483	14,711
Total government activities program revenues	26,161	29,542	38,015	35,543
Business-type activities				
Charges for services:				
Water Utility	16,773	19,801	21,354	21,136
Recycled Water Utility	1,447	(d)	(d)	(d)
Sewer Utility	12,445	12,632	12,753	14,453
Operating grants and contributions	43	111	57	127
Capital grants and contributions	1,629	1,975	1,402	710
Total business-type activities program revenue	32,337	34,519	35,566	36,426
Total primary government program revenues	$58,498	$64,061	$73,581	$71,969
Net (Expense)/Revenue				
Governmental activities	($62,614)	($49,179)	($48,310)	($49,238)
Business-type activities	8,110	7,906	7,189	7,656
Total primary government net expense	($54,504)	($41,273)	($41,121)	($41,582)

(a) The Redevelopment Agency was dissolved as of January 31, 2012.

(b) The City implemented the provisions of GASB Statement 63 in fiscal year 2013, which replaced the term "net assets" with the term "net position."

(c) The parks division is part of the Public Works department beginning in fiscal year 2013.

(d) Beginning in fiscal year 2013, the Recycled Water Utility is part of the Water Utility.

(e) Under the terms of a settlement agreement with the County Auditor - Controller, Successor Agency to the Milpitas Redevelopment Agency and other parties, the City and Economic Development Corporation transferred cash and certain capital assets to the Successor Agency and received certain capital assets from the Successor Agency.

(f) Public Works and Engineering are separate departments beginning in fiscal year 2016.

(g) Neighborhood Services is a component of Building, Housing and Safety, and Planning is a separate department beginning in fiscal year 2019.

2016	2017	2018	2019	2020	2021
$18,614	$21,174	$19,111	$25,281	$24,050	$25,247
2,513	3,389	4,148	(g)	(g)	
		(g)	5,449	7,418	6,705
		5,890	7,020	7,095	5,174
12,761	16,266	15,903	20,053	20,342	20,219
5,790 (f)	6,249 (f)	5,712 (f)	6,459 (f)	7,314 (f)	6,826 (f)
2,649 (f)	3,103 (f)	3,586 (f)	(g)	(g)	
			1,851	2,741	2,489
4,090	4,949				
24,556	30,270	33,840	35,868	43,505	38,919
16,400	20,499	24,194	26,535	31,472	31,859
56	48		17	37	785
87,429	105,947	112,384	128,533	143,974	138,223
19,743	20,666	23,742	25,232	28,750	28,959
(d)	(d)	(d)	(d)	(d)	
10,872	9,969	12,715	12,231	15,240	15,982
30,615	30,635	36,457	37,463	43,990	44,941
$118,044	$136,582	$148,841	$165,996	$187,964	$183,164
$2,065	$1,970	$2,088	$2,347	$1,809	$1,710
5,963	7,814	10,093	(g)	(g)	
			9,718	6,621	8,629
		2,559	2,655	1,145	762
(f)	(f)	(f)	(f)	(f)	(f)
2,863 (f)	2,720 (f)	2,465 (f)	2,379 (f)	2,132 (f)	1,792 (f)
747	292	418	(g)	(g)	
			226	452	408
1,981	2,301				
1,138	1,184	1,089	1,130	1,087	1,055
2,440	3,224	3,326	2,172	2,402	2,553
7,320	7,880	6,521	8,277	10,643	14,986
35,195	32,256	34,003	47,194	33,423	18,997
59,712	59,641	62,562	76,098	59,714	50,892
18,709	26,318	29,667	29,355	32,792	34,658
(d)	(d)	(d)	(d)	(d)	
15,964	16,803	17,139	17,830	19,566	20,152
63	89	124	114	171	125
1,103	4,937	2,507	2,755	601	1,434
35,839	48,147	49,437	50,054	53,130	56,369
$95,551	$107,788	$111,999	$126,152	$112,844	$107,261
($27,717)	($46,306)	($49,822)	($52,435)	($84,260)	($87,331)
5,224	17,512	12,980	12,591	9,140	11,428
($22,493)	($28,794)	($36,842)	($39,844)	($75,120)	($75,903)

(Continued)

CITY OF MILPITAS
CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(accrual basis of accounting)
(Dollars in Thousands)

	Fiscal Year Ended June 30,			
	2012	2013 (b)	2014	2015
General Revenues and Other Changes in Net Position				
Governmental activities				
Taxes:				
Property taxes	$34,029	$20,469	$27,607	$24,927
Sales and use taxes	18,758	20,196	19,014	18,779
Hotel/Motel taxes	7,068	7,933	9,336	10,917
Other taxes	491	516	672	664
Franchise fees	3,218	3,270	3,453	3,659
Motor vehicle in lieu	35	37	31	29
Investment earnings	1,093	260	844	379
Gain on sale of capital assets/property		46		
Miscellaneous	67	103	200	333
Transfers	3,304	3,045	3,402	1,627
Extraordinary item	68,882 (a)			
Special Item			49,799	
Total government activities	136,945	55,875	64,559	61,314
Business-type activities				
Investment earnings	390	94	690	383
Transfers	(3,304)	(3,045)	(3,402)	(1,627)
Total business-type activities	(2,914)	(2,951)	(2,712)	(1,244)
Total primary government	$134,031	$52,924	$61,847	$60,070
Change in net position				
Governmental activities	$74,331	$6,696	$16,249	$12,076
Business-type activities	5,196	4,955	4,477	6,412
Total primary government	$79,527	$11,651	$20,726	$18,488

(a) The Redevelopment Agency was dissolved as of January 31, 2012.

(b) The City implemented the provisions of GASB Statement 63 in fiscal year 2013, which replaced the term “net assets” with the term “net position.”

(c) The parks division is part of the Public Works department beginning in fiscal year 2013.

(d) Beginning in fiscal year 2013, the Recycled Water Utility is part of the Water Utility.

(e) Under the terms of a settlement agreement with the County Auditor - Controller, Successor Agency to the Milpitas Redevelopment Agency and other parties, the City and Economic Development Corporation transferred cash and certain capital assets to the Successor Agency and received certain capital assets from the Successor Agency.

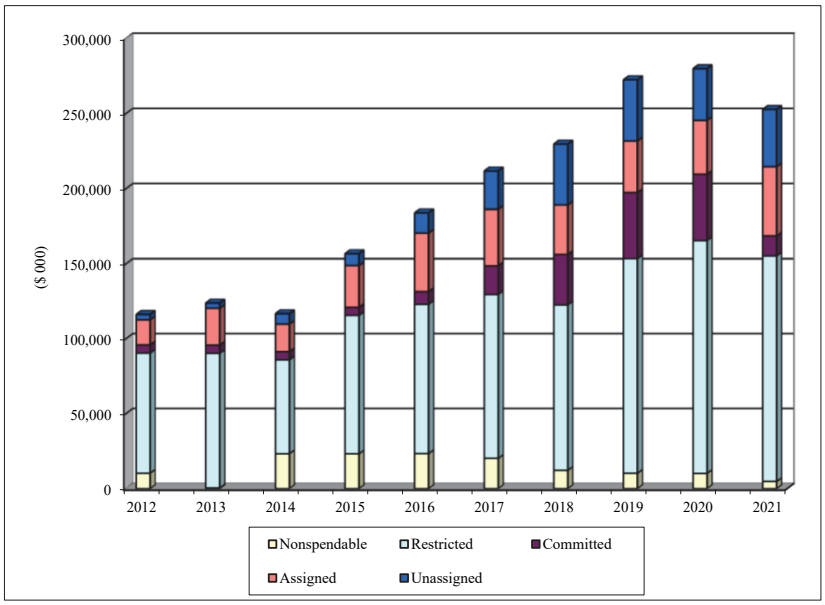
(f) Public Works and Engineering are separate departments beginning in fiscal year 2016.

(g) Neighborhood Services is a component of Building, Housing and Safety, and Planning is a separate department beginning in fiscal year 2019.

2016	2017	2018	2019	2020	2021
$27,068	$30,262	$31,893	$33,811	$37,684	$40,979
23,924	25,392	26,991	27,983	24,173	24,170
11,757	11,858	12,122	14,503	11,377	4,213
822	803	814	808	836	791
3,841	3,871	4,678	5,127	5,173	5,036
29	34	39	36	60	57
913	118	301	4,474	2,808	965
	7,324		4	43	28
287	118	186	390	446	503
2,625	2,923	2,511	2,489	4,187	6,079
		(12,432) (e)			
71,266	82,703	67,103	89,625	86,787	82,821
695	(65)	171	2,712	2,261	588
(2,625)	(2,923)	(2,511)	(2,489)	(4,187)	(6,079)
(1,930)	(2,988)	(2,340)	223	(1,926)	(5,491)
$69,336	$79,715	$64,763	$89,848	$84,861	$77,330
$43,549	$36,397	$17,281	$37,190	$2,527	($4,510)
3,294	14,524	10,640	12,814	7,214	5,937
$46,843	$50,921	$27,921	$50,004	$9,741	$1,427

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

CITY OF MILPITAS
FUND BALANCES, GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)
(Dollars in Thousands)



	Fiscal Year Ended June 30,									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
General Fund										
Nonspendable	$577	$468	$23,279	$23,265	$23,387	$20,209	$10,043	$10,234	$10,189	$4,783
Restricted										
Committed	5,433	5,433	5,433	5,433	8,440	19,026	33,643	43,852	44,082	13,266
Assigned	13,904	10,434	6,658	7,013	9,052	8,067	8,629	5,916	6,118	6,543
Unassigned	15,800	16,444	13,521	13,864	13,410	25,440	40,496	40,655	34,387	38,128
Total General Fund	$35,714	$32,779	$48,891	$49,575	$54,289	$72,742	$92,811	$100,657	$94,776	$62,720 (a)
All Other Governmental Funds										
Nonspendable	$9,788	$11	$32	$11	$13	$15	$2,229	$85	$20	$28
Restricted	80,112	89,821	62,661	92,347	99,701	109,416	110,418	143,232	155,359	150,544
Assigned	2,892	14,244	11,808	20,806	29,956	29,635	24,284	28,532	29,768	39,508
Unassigned	(12,234)	(12,955)	(6,610)	(5,932)						
Total all other governmental funds	$80,558	$91,121	$67,891	$107,232	$129,670	$139,066	$136,931	$171,849	$185,147	$190,080 (a)

(a) The change in total fund balance for the General Fund and other governmental funds is explained in Management's Discussion and Analysis.

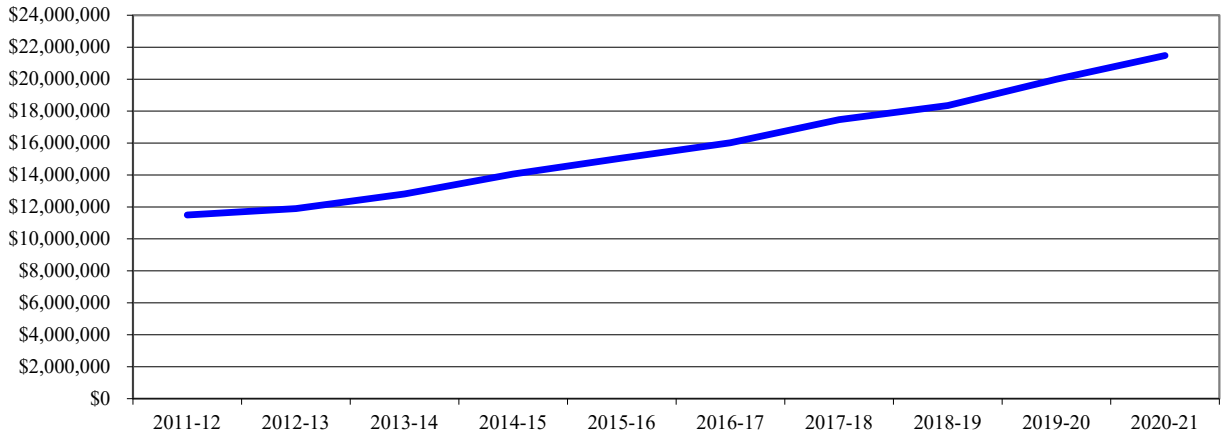
CITY OF MILPITAS
CHANGES IN FUND BALANCES, GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(modified accrual basis of accounting)
(Dollars in Thousands)

	Fiscal Year Ended June 30,				
	2012	2013	2014	2015	2016
Revenues					
Property taxes	$34,029 (b)	$20,466	$27,608	$24,927	$27,068
Sales taxes	19,403	20,908	19,766	19,572	24,719
Hotel/Motel taxes					
Franchise fees					
Other taxes	12,230	13,343	14,992	17,505	18,737
Licenses and fines	4,956	5,875	8,193	6,971	8,051
Use of money and property	5,303	1,538	2,964	2,032	3,037
Intergovernmental	4,834	5,842	5,216	5,482	6,104
Charges for services	4,725	5,550	5,735	6,449	7,196
Developer contributions	7,549	7,987	13,975	11,614	29,410
Other	578	715	1,144	205	113
Total Revenues	93,607	82,224	99,593	94,757	124,435
Expenditures					
Current:					
General Government	12,753 (b)	11,871	13,204	12,814	13,771
Building and Safety	2,060	2,278	2,658	2,706	2,885
Building, Housing and Safety					
Recreation and Community Services					3,383
Human Resources and Recreation		3,087	3,124	3,329	(e)
Parks and Recreation	5,261	(c)	(c)	(c)	(c)
Public Works	8,772	9,124	8,535	9,199	6,020
Engineering					3,257
Planning and Neighborhood Services	2,196	2,030	2,202	2,570	2,805
Planning					
Police	21,733	20,978	22,165	24,193	26,124
Fire	14,562	15,420	14,587	15,605	17,470
Capital outlay	28,876	7,510	10,035	14,376	24,811
Debt service:					
Principal	13,153	4,209	3,828	6,000	
Interest and fees	6,823	668	223	61	54
Total Expenditures	116,189	77,175	80,561	90,853	100,580
Excess (deficiency) of revenues over (under) expenditures	(22,582)	5,049	19,032	3,904	23,855
Other Financing Sources (Uses)					
Proceeds from debt issuance	21,780				
Payments to refunded debt escrow agent		46			
Proceeds/gain from sale of properties	8		6	4	160
Loss from sale/conveyance of property		(512)			
Transfers in	34,994	13,780	7,499	25,558	23,001
Transfers (out)	(31,690)	(10,735)	(4,098)	(19,305)	(19,864)
Total other financing sources (uses)	25,092	2,579	3,407	6,257	3,297
Extraordinary Items					
Assets transferred to Housing Successor	17,274 (b)				
Assets transferred to/liabilities assumed by Successor Agency/Housing Successor	(42,431) (b)				
Special Item					
Assets transferred to/from Successor Agency and County			(27,261) (d)		
Net Change in fund balances	($22,647)	$7,628	$22,439	$10,161	$27,152
Debt service as a percentage of noncapital expenditures	19.5%	18.5%	5.5%	7.4%	0.1%

(a) In 2011, the Redevelopment Agency began reporting tax increment gross of pass-through payments and administrative fees withheld by the County.
(b) The Redevelopment Agency was dissolved as of January 31, 2012.
(c) Beginning in fiscal year 2013, parks maintenance division is part of the public works department and the recreation division is part of human resources department.
However starting in fiscal year 2016, the recreation was separated out from Human Resources as an individual department
(d) Under the terms of a settlement agreement with the County Auditor - Controller, Successor Agency to the Milpitas Redevelopment Agency and other parties, the City and Economic Development Corporation transferred cash and certain capital assets to the Successor Agency and received certain capital assets from the Successor Agency.
(e) Human Resources is a component of General Government and Recreation is a separate department beginning in fiscal year 2016.
(f) Neighborhood Services is a component of Building, Housing and Safety, and Planning is a separate department beginning in fiscal year 2019.
(g) Transient occupancy taxes and Franchise fees were reported separately from Other taxes beginning in fiscal year 2020.

Fiscal Year Ended June 30				
2017	2018	2019	2020	2021
$30,261	$31,893	$33,811	$37,799	$41,093
26,214	27,854	28,890	25,058	25,114
			11,377	4,213 (g)
			5,173	5,036 (g)
19,349	20,429	23,386	4,632	4,889 (g)
10,497	12,758	11,757	9,039	10,993
2,180	2,719	8,452	8,092	1,505
4,696	6,228	6,019	9,089	12,576
7,238	6,981	6,969	5,228	4,816
25,637	29,065	41,153	24,684	15,880
310	568	926	983	642
126,382	138,495	161,363	141,154	126,757
17,089	15,397	21,352	19,146	22,902
3,148	3,633	(f)	(f)	(f)
		5,038	5,784	6,088
3,876	4,497	5,144	5,227	3,662
(e)	(e)	(e)	(e)	(e)
(c)	(c)	(c)	(c)	(c)
6,839	6,983	8,151	9,588	10,671
3,527	3,103	3,201	3,559	3,846
2,978	3,153	(f)	(f)	(f)
		1,648	2,116	2,293
27,247	27,880	30,389	34,301	34,803
18,456	21,034	23,225	26,416	28,200
26,151	27,243	23,435	32,106	33,648
		199	728	
48	69	104	155	449
109,359	112,992	121,886	139,126	146,562
17,023	25,503	39,477	2,028	(19,805)
		952		21,919
7,324		1		3
	(12,437)	(152)		
18,405	19,505	37,936	27,164	21,486
(14,903)	(14,637)	(35,449)	(21,777)	(50,724)
10,826	(7,569)	3,288	5,387	(7,316)
$27,849	$17,934	$42,765	$7,415	($27,121)
0.1%	0.1%	0.3%	0.7%	0.3%

CITY OF MILPITAS
ASSESSED VALUE AND ACTUAL VALUE OF TAXABLE PROPERTY
LAST TEN FISCAL YEARS
(Dollars in Thousands)



Fiscal Year	Real Property: Residential Property	Real Property: Commercial Property	Real Property: Industrial Property	Real Property: Other (c)	Unsecured	Less: Tax-Exempt Property (c)	Total Taxable Assessed Value (a)	Total Direct Tax Rate (b)
2011-12	$6,237,714	$1,325,735	$2,474,543	$327,933	$1,415,065	($282,633)	$11,498,357	1%
2012-13	6,291,949	1,348,591	2,507,227	355,453	1,706,657	(309,165)	11,900,712	1%
2013-14	6,793,845	1,388,236	2,622,328	540,230	1,764,760	(296,041)	12,813,358	1%
2014-15	7,728,283	1,427,474	2,628,858	654,879	1,887,428	(266,136)	14,060,786	1%
2015-16	8,629,667	1,445,665	2,788,984	649,712	1,844,591	(299,860)	15,058,759	1%
2016-17	9,386,926	1,493,922	3,248,012	675,017	1,529,223	(314,291)	16,018,809	1%
2017-18	10,143,815	1,581,140	3,563,327	782,718	1,710,357	(315,999)	17,465,358	1%
2018-19	10,997,080	1,619,668	3,504,633	790,143	1,761,094	(328,719)	18,343,899	1%
2019-20	12,311,913	1,684,889	3,752,681	665,325	1,917,745	(333,527)	19,999,026	1%
2020-21	13,398,580	1,792,792	4,048,447	672,581	1,890,212	(324,516)	21,478,097	1%

Source: Hdl Coren & Cone, Santa Clara County Assessor Combined Tax Rolls

Notes:

(a) The State Constitution requires property to be assessed at one hundred percent of the most recent purchase price, plus an increment of no more than two percent annually, plus any local over-rides. These values are considered to be full market values.

(b) California cities do not set their own direct tax rate. The state constitution establishes the rate at 1% and allocates a portion of that amount, by an annual calculation, to all the taxing entities within a tax rate area.

(c) Corrections were made for Fiscal Years 2013-14 through 2018-19 to correct the amounts for Other and Tax-Exempt Property. Total assessed value was unchanged.

CITY OF MILPITAS
DIRECT AND OVERLAPPING PROPERTY TAX RATES
LAST TEN FISCAL YEARS
(Rate per $100 of assessed value)

	City Direct Rates		Overlapping Rates (a)		
Fiscal Year	Basic Rate (b)	Total Direct	County of Santa Clara (c)	School Districts	Special Districts
2011-12	$1.00	$1.00	$0.0459	$0.1490	$0.0064
2012-13	1.00	1.00	0.0463	0.1140	0.0069
2013-14	1.00	1.00	0.0437	0.0961	0.0070
2014-15	1.00	1.00	0.0503	0.0750	0.0065
2015-16	1.00	1.00	0.0503	0.0817	0.0057
2016-17	1.00	1.00	0.0498	0.0734	0.0086
2017-18	1.00	1.00	0.0621	0.0880	0.0062
2018-19	1.00	1.00	0.0589	0.0850	0.0042
2019-20	1.00	1.00	0.0581	0.1245	0.0041
2020-21	1.00	1.00	0.0412	0.1156	0.0037

Source: County of Santa Clara, Tax Rates & Information

Notes:

(a) Overlapping rates are those of local and county governments that apply to property owners within the City of Milpitas. Not all overlapping rates apply to all Milpitas property owners. These are voter approved levies in addition to the 1% State levy.

(b) The City's basic property tax rate can only be increased by a 2/3 vote of the City's residents.

(c) The overlapping rates for the County of Santa Clara were corrected in prior years to include amounts that were previously omitted by mistake.

Schedule 7

CITY OF MILPITAS
PRINCIPAL PROPERTY TAX PAYERS
FISCAL YEARS 2020-21 and 2011-12

	2020-2021			2011-2012		
Taxpayer	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value
Cisco Systems Inc.	$874,626,034	1	4.07%	$426,047,061	1	3.71%
KLA Tencor Corporation	493,940,280	2	2.30%	200,388,156	3	1.74%
Milpitas Mills LP	342,671,781	3	1.60%	320,821,128	2	2.79%
Sandbox Expansion LLC	241,923,583	4	1.13%			
Campus 237 Owner LLC	238,100,000	5	1.11%			
Milpitas-District 1 Owner LLC	220,914,767	6	1.03%			
Western Digital Technologies Inc	218,586,577	7	1.02%			
Headway Technologies	212,742,384	8	0.99%	107,587,426	7	0.94%
McCarthy Center Holding LLC	195,633,059	9	0.91%			
Amalfi Milpitas LLC	171,056,332	10	0.80%			
California Diversified LLC				123,523,176	4	1.07%
BRE Milpitas LLC				116,437,669	5	1.01%
Linear Technology Corporation				108,712,826	6	0.95%
Solyndra Inc				94,210,095	8	0.82%
Sanbox Expansion LLC				88,639,838	9	0.77%
EQR Fresca 2009 LP				79,107,219	10	0.69%
Subtotal	$3,210,194,797		14.95%	$1,665,474,594		14.48%

Fiscal Year 2019-2020 Total Net Assessed Valuation	$21,478,097,000
Fiscal Year 2010-2011 Total Net Assessed Valuation	$11,498,357,000

Source: Hdl, Coren & Cone, Santa Clara County Assessor 2019/20 Combined Tax Rolls

CITY OF MILPITAS
PROPERTY TAX LEVIES AND COLLECTIONS
LAST TEN FISCAL YEARS
(Dollars in thousands)

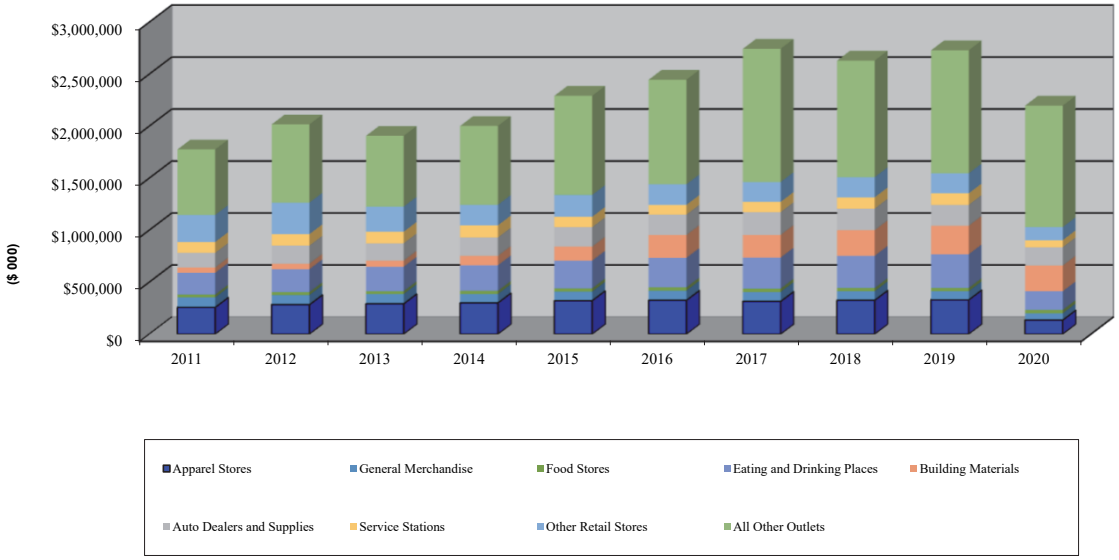
Fiscal Year		Taxes Levied (a)	Current Collections (a)	Percent of Levy Collected	Delinquent Tax Collections	Total Taxes Collected (a)	Percent of Levy
2011-12	(b)	$34,029	$34,029	100.00%	0	$34,029	100.00%
2012-13	(b)	20,469	20,469	100.00%	0	20,469	100.00%
2013-14		27,608	27,608	100.00%	0	27,608	100.00%
2014-15		24,927	24,927	100.00%	0	24,927	100.00%
2015-16		27,068	27,068	100.00%	0	27,068	100.00%
2016-17		30,262	30,262	100.00%	0	30,262	100.00%
2017-18		31,893	31,893	100.00%	0	31,893	100.00%
2018-19		33,811	33,811	100.00%	0	33,811	100.00%
2019-20		37,684	37,684	100.00%	0	37,684	100.00%
2020-21		41,093	41,093	100.00%	0	41,093	100.00%

(a) The City elected to participate in the "Teeter" plan offered by the County whereby cities receive 100% of the taxes levied in exchange for foregoing any interest and penalties collected on delinquent taxes.

(b) The Redevelopment Agency was dissolved effective January 31, 2012 and collections of property tax increment ceased as of that date. Subsequent to that date, a Successor Agency collects property taxes of the former Redevelopment Agency.

Source: City of Milpitas Annual Comprehensive Financial Report

CITY OF MILPITAS
TAXABLE SALES BY CATEGORY
LAST TEN CALENDAR YEARS
(Dollars in Thousands)
Adjusted for Economic Data (a)



	CALENDAR YEARS									
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Apparel Stores	$257,012	$282,727	$291,556	$300,238	$321,691	$324,913	$314,459	$325,501	$328,809	$135,037
General Merchandise	95,508	92,912	93,209	85,048	86,475	92,857	90,727	86,646	83,207	64,466
Food Stores	27,581	28,345	27,962	30,876	32,076	32,093	32,541	31,103	31,552	33,127
Eating and Drinking Places	209,170	220,142	234,971	245,202	266,172	283,033	298,257	309,295	323,513	179,247
Building Materials	50,629	53,043	58,260	90,386	134,128	219,504	217,800	245,999	273,634	246,796
Auto Dealers and Supplies	141,298	173,910	167,563	177,840	187,625	196,335	219,503	208,778	202,137	176,994
Service Stations	104,189	109,768	110,453	115,979	99,194	93,395	97,830	107,744	110,422	67,310
Other Retail Stores	260,016	303,237	241,302	197,320	210,406	198,009	191,295	193,995	192,340	125,577
All Other Outlets	630,191	752,405	680,960	758,792	954,081	1,006,053	1,281,156	1,121,155	1,183,373	1,168,512
Total	$1,775,594	$2,016,489	$1,906,236	$2,001,681	$2,291,848	$2,446,192	$2,743,568	$2,630,216	$2,728,987	$2,197,066

Source: State Board of Equalization, California Department of Taxes and Fees Administration, State Controller's Office, The HdL Companies

Note: Due to confidentiality issues, the names of the ten largest revenue payers are not available. The categories presented are intended to provide alternative information regarding the sources ot the City's revenue.

(a) Adjusted for Economic Data - reflects adjustments for prior periods taxable sales in the appropriate quarters.

CITY OF MILPITAS
DIRECT AND OVERLAPPING SALES TAX RATES
LAST TEN FISCAL YEARS

Fiscal Year	City Direct Rate	Santa Clara County (e)		State of California	
2011-12	1.00	1.25		6.00	(a)
2012-13	1.00	1.50	(b)	6.25	(c)
2013-14	1.00	1.50		6.25	
2014-15	1.00	1.50		6.25	
2015-16	1.00	1.50		6.25	
2016-17	1.00	2.00		6.00	(d)
2017-18	1.00	2.00		6.00	
2018-19	1.00	2.00		6.00	
2019-20	1.00	2.00		6.00	
2020-21	1.25	2.00		6.00	

Source: California State Board of Equalization
(a) July 1, 2011 the State decreased the State Rate 1%
(b) April 1, 2013 the County increased the rate 0.25%
(c) On both July 1, 2012 and April 1, 2013 the State increased the State Rate 0.125%
(d) On April 1, 2017, the County increased the rate 0.50% and on January 1, 2017 the State decreased the rate 0.25%.
(e) Corrections were made to the County and State rates in all years. 0.25% that is part of the County Transportation Fund was being counted as State rate by mistake.

Note: The City's sales tax rate may be changed only with approval of the State Legislature.

CITY OF MILPITAS
PRINCIPAL SALES TAX PAYERS
FISCAL YEARS 2020-21 AND 2011-12
IN ALPHABETICAL ORDER

Fiscal Year 2020-2021	Fiscal Year 2011-2012
Acme Construction Supply Co.	Best Buy
Autumn Information Systems	Burlington
Best Buy	Chevron
Burlington	Chevron
Cisco Systems	Cisco Systems
Consolidated Electrical Distributors	Coach
Eplus Technology	Dave & Busters
Flextronics	F5 Networks
Floor & Décor Outlets of America	Flextronics
Headway Technologies	Headway Technologies
Home Depot	Home Depot
Hoya Optics	KLA Tencor
Independent Electric Supply	Kohls
Jacklin Shell	Marshalls
KLA Tencor	Mazak Corporation
Lennox Industries	Milpitas Materials Company
Marshalls	Neiman Marcus last Call
Milpitas Materials Company	Nextg Networks Inc
Piercey Honda	Nike Factory Store
Piercey Toyota	One Workplace
Teledyne Lecroy	Piercey Toyota
United Rentals	Pivot Interiors
Veeco Process Equipment Inc	Shell
Walmart Supercenter	South Bay Honda
Western Digital Technologies	Walmart Supercenter

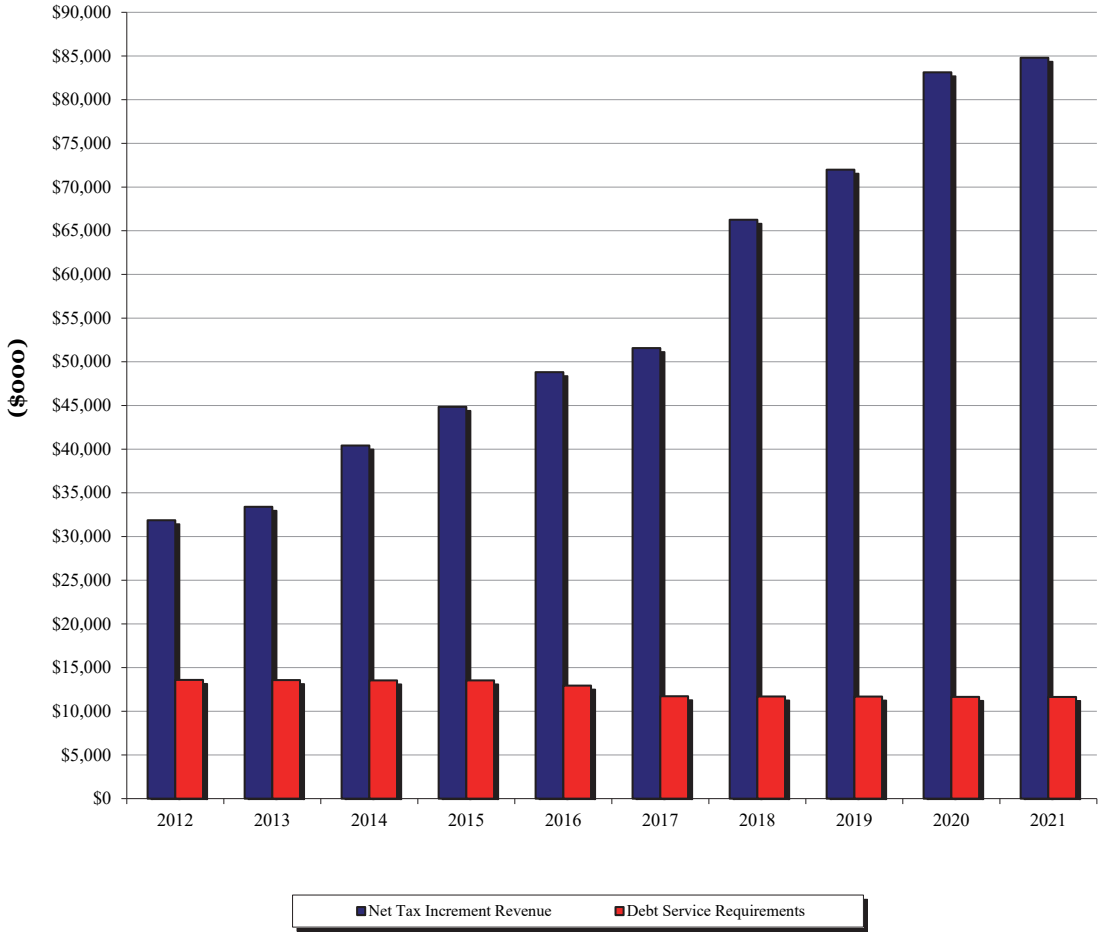
Source: HDL Coren & Cone

CITY OF MILPITAS
RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS
(Dollars in thousands, except per capita)

	Governmental Activities			Business-type Activities				
Fiscal Year	Lease Revenue Bonds	Purchase Agreement	Capital Lease	Certificates of Participation	Revenue Bonds (c)	Total Primary Government	Percentage of Personal Income (a)	Per Capita (a)
2011-12	$0	$14,037	$0	$7,710	$0	$21,747	1.06%	$325
2012-13	0	9,828	360	7,315	0	17,503	0.82%	258
2013-14	0	6,000	274	6,910	0	13,184	0.59%	188
2014-15	0	0	186	6,490	0	6,676	0.29%	96
2015-16	0	0	94	6,055	0	6,149	0.26%	81
2016-17	0	0	0	5,605	0	5,605	0.22%	74
2017-18	0	0	0	0	5,363	5,363	0.20%	71
2018-19	0	0	728	0	4,812	5,540	0.19% (b)	73
2019-20	0	0	0	0	59,448	59,448	1.76%	763
2020-21	21,919	0	0	0	57,882	79,801	2.11%	1,055

Note: Details regarding the city's outstanding debt can be found in the notes to the financial statements.
(a) See Schedule 20 for personal income and population data.
(b) Data for fiscal year 2018-19 not available until May of 2020.
(c) Balance of Revenue Bonds includes unamortized Bond Premium

CITY OF MILPITAS
BONDED DEBT PLEDGED REVENUE COVERAGE
REDEVELOPMENT AGENCY TAX ALLOCATION BONDS
LAST TEN FISCAL YEARS



Fiscal Year Ended June 30	Redevelopment Agency Property Tax Increments (a)	Less Housing Reserve Fund	Net Tax Increment Revenue	Debt Service Requirements Principal	Interest	Total	Coverage
2012	$31,866,464 (b) (d)	$0	$31,866,464	$5,410,000	$8,182,883	$13,592,883	2.34
2013	33,401,413 (d)	0 (b)	33,401,413	5,595,000 (c)	7,973,533 (c)	13,568,533	2.46
2014	40,418,284 (d)	0 (b)	40,418,284	5,825,000 (d)	7,713,234 (d)	13,538,234	2.99
2015	44,843,881 (d)	0 (b)	44,843,881	6,120,000 (d)	7,414,608 (d)	13,534,608	3.31
2016	48,810,216 (d)	0 (b)	48,810,216	7,375,000 (d)	5,567,028 (d)	12,942,028	3.77
2017	51,563,292 (d)	0 (b)	51,563,292	6,045,000 (d)	5,682,175 (d)	11,727,175	4.40
2018	66,266,187 (d)	0 (b)	66,266,187	6,225,000 (d)	5,467,000 (d)	11,692,000	5.67
2019	71,988,412 (d)	0 (b)	71,988,412	6,475,000 (d)	5,213,000 (d)	11,688,000	6.16
2020	83,139,471	0 (b)	83,139,471	6,735,000 (d)	4,915,125 (d)	11,650,125	7.14
2021	84,805,793	0 (b)	84,805,793	7,070,000 (d)	4,570,000 (d)	11,640,000	7.29

(a) Tax increments are net of pass-through payments and administrative fees withheld by the County prior to distribution to the Agency.
(b) The Redevelopment Agency was dissolved as of January 31, 2012 and its debt was assumed by a Successor Agency. The Successor Agency collects Property Taxes, with no distinction between housing and non-housing revenues, which are used for the repayment of the former Redevelopment Agency's Bonds.
(c) Includes debt service paid by the Redevelopment Agency prior to the dissolution and by the Successor Agency after the dissolution.
(d) Tax increment reported in this table after the dissolution date is the amount calculated by the County Auditor-Controller as available for payment of enforceable obligations. Under the provisions of the laws dissolving the Redevelopment Agency, the Successor Agency only receives the funds necessary to fulfill its approved obligations. Debt service reported was paid by the Successor Agency.

CITY OF MILPITAS
COMPUTATION OF DIRECT AND OVERLAPPING DEBT
JUNE 30, 2021

JURISDICTION	PERCENTAGE APPLICABLE TO CITY OF MILPITAS (1)	AMOUNT APPLICABLE TO CITY OF MILPITAS
2020-21 Assessed Valuation, Direct and Overlapping Debt		$21,478,097,000
OVERLAPPING TAX AND ASSESSMENT DEBT:		
Santa Clara County		$31,678,461
San Jose- Evergreen Community College District		109,289,170
Milpitas Unified School District		152,824,974
East Side Union High School District		7,526,077
Berryessa Union School District		5,900,095
Santa Clara Valley Water District Benefits Assessment District		2,222,250
TOTAL OVERLAPPING TAX AND ASSESSMENT DEBT		309,441,027
DIRECT AND OVERLAPPING GENERAL FUND DEBT		
Santa Clara County General Fund Obligations		35,665,057
Santa Clara County Pension Obligations		13,307,741
Santa Clara County Board of Education Certificates of Participation		104,077
San Jose- Evergreen Community College District OPEB Bonds		5,923,658
Milpitas Unified School District Certificates of Participation		11,076,905
East Side Union High School District OPEB Bonds		205,015
Berryessa Union School District Certificates of Participation		168,996
City of Milpitas	**100%**	**18,445,000**
Santa Clara County Vector District Certifications of Participations		68,800
TOTAL GROSS DIRECT AND OVERLAPPING GENERAL FUND DEBT		84,965,249
Less: Santa Clara County supported obligations		985,309
TOTAL DIRECT AND OVERLAPPING GENERAL FUND DEBT		$83,979,940
OVERLAPPING TAX INCREMENT DEBT (Successor Agency)	100%	$87,865,000
TOTAL DIRECT DEBT		**$18,445,000**
TOTAL GROSS OVERLAPPING DEBT		$463,826,276
TOTAL NET OVERLAPPING DEBT		$462,840,967
GROSS COMBINED TOTAL DEBT		$482,271,276 (2)
NET COMBINED TOTAL DEBT		$481,285,967

(1) The percentage of overlapping debt applicable to the city is estimated using taxable assessed property value. Applicable percentages were estimated by determining the portion of the overlapping district's assessed value that is within the boundaries of the city divided by the district's total taxable assessed value.

(2) Excludes tax and revenue anticipation notes, revenue, mortgage revenue and tax allocation bonds and non-bonded capital lease obligations.

Ratios to 2019-20 Assessed Valuation:	
Total Overlapping Tax and Assessment Debt	1.44%
Ratios to Assessed Valuation:	
Direct Debt %	0.09%
Total Gross Debt %	2.25%

Source: Avenu Insights & Analytics, California Muncipal Statistics, Inc.

CITY OF MILPITAS
LEGAL DEBT MARGIN INFORMATION
LAST TEN FISCAL YEARS
(Dollars in Thousands)

Legal Debt Margin Calculation for Fiscal Year 2020-21

Assessed value (net) - June 30, 2021	$21,478,097	
Debt limit: 3.75% of assessed value (a)		$805,429
Debt applicable to limit		
Total Bonded Debt		
Less: Tax Allocation Bonds not subject to limit		
Amount of Debt subject to limit		0
Legal debt margin		$805,429

Fiscal Year	Debt Limit	Total Net Debt Applicable to Limit	Legal Debt Margin	Total Net Debt Applicable to the Limit as a percentage of Debt Limit
2011-12	$431,188	$0	$431,188	0.0%
2012-13	446,277	0	446,277	0.0%
2013-14	480,501	0	480,501	0.0%
2014-15	527,280	0	527,280	0.0%
2015-16	564,703	0	564,703	0.0%
2016-17	600,705	0	600,705	0.0%
2017-18	654,951	0	654,951	0.0%
2018-19	687,896	0	687,896	0.0%
2019-20	749,963	0	749,963	0.0%
2020-21	805,429	0	805,429	0.0%

(a) California Government Code, Section 43605 sets the debt limit at 15%. The Code section was enacted prior to the change in being assessed value to full market value when it was previously 25% of market value. Thus, the limit shown as 3.75% is one-fourth the limit to account for the adjustment of showing assessed valuation at full cash value.

Source: City of Milpitas Finance Department
Santa Clara County Tax Assessor's Office

CITY OF MILPITAS
INSTALLMENT PAYMENT COVERAGE
SEWER CERTIFICATES OF PARTICIPATION AND WASTEWATER REVENUE REFUNDING BONDS
LAST TEN FISCAL YEARS

Fiscal Year	Gross Revenues (1)	Less: Operating Expenses (2)	Net Available Revenue	Installment Payments			Coverage
				Principal	Interest	Total	
2011-12	$12,757,123	$5,405,936	$7,351,187	$380,000	$304,267	$684,267	10.74
2012-13	12,785,567	6,356,621	6,428,946	395,000	292,966	687,966	9.34
2013-14	13,235,908	7,834,220	5,401,688	405,000	278,965	683,965	7.90
2014-15	14,664,759	7,263,553	7,401,206	420,000	264,528	684,528	10.81
2015-16	16,408,718	7,687,848	8,720,870	435,000	249,348	684,348	12.74
2016-17	16,803,344	6,657,757	10,145,587	450,000	233,193	683,193	14.85
2017-18	17,245,001	9,031,729	8,213,272	470,000	216,055	686,055	11.97
2018-19	19,163,495	8,427,888	10,735,607	480,000	170,273	650,273	16.51
2019-20	20,664,951	10,235,463	10,429,488	460,000	808,477	1,268,477	8.22
2020-21	20,499,033	11,425,234	9,073,799	920,000	1,498,525	2,418,525	3.75

NOTE: The Certificates of Participation were issued on November 28, 2006 and called on January 5, 2018.
The 2017 Wastewater Revenue Refunding Bonds were issued on December 4, 2017.
The 2019 Wastewater Revenue Bonds were issued on October 22, 2019.

(1) Gross Revenues include sewer service charges, other operating revenues, and interest income.
Gross Revenues exclude connection fees and capital contributions.

(2) Operating Expenses include sewer treatment services, personnel services, services and supplies, and repairs and maintenance expenses.
Operating Expenses exclude depreciation and amortization expenses.

Schedule 17

CITY OF MILPITAS
INSTALLMENT PAYMENT COVERAGE
WATER REVENUE FUNDS
LAST TEN FISCAL YEARS

Fiscal Year	Gross Revenues (1)	Less: Operating Expenses (2)	Net Available Revenue	Installment Payments			Coverage
				Principal	Interest	Total	
2011-12							
2012-13							
2013-14							
2014-15							
2015-16							
2016-17							
2017-18							
2018-19							
2019-20	$33,954,254	$26,919,455	$7,034,799	$155,000	$419,018	$574,018	12.26
2020-21	35,023,092	27,314,613	7,708,479	290,000	755,650	1,045,650	7.37

NOTE: The Water Revenue Bonds were issued on October 24, 2019.

(1) Gross Revenues include water service charges, other operating revenues, and interest income. Gross Revenues exclude connection fees and capital contributions.

(2) Operating Expenses include wholesale water purchases, personnel services, services and supplies, and repairs and maintenance expenses. Operating Expenses exclude depreciation and amortization expenses.

CITY OF MILPITAS
BIMONTHLY SEWER RATES BY CUSTOMER CLASS
LAST TEN FISCAL YEARS

	Residential			Commercial	
Fiscal Year	Single Family Per Dwelling Unit	Multi-Family Per Dwelling Unit	Mobile Home Parks Per Dwelling Unit	Flat Rate	Quantity Charges (a)
2011-12	72.95	51.06	33.36	12.82	2.38 - 6.99
2012-13	75.92	51.06	33.36	13.72	2.38 - 6.99
2013-14	75.92	51.06	33.36	13.72	2.38 - 6.99
2014-15	86.93	52.22	38.20	14.68	2.73 - 8.00
2015-16	90.27	69.32	56.97	14.97	3.94 - 8.34
2016-17	90.27	69.32	56.97	14.97	3.94 - 8.34
2017-18	90.27	69.32	56.97	14.97	3.94 - 8.34
2018-19	102.52	78.73	64.70	24.30	4.21 - 9.63
2019-20	111.07	85.30	70.08	25.78	4.54 - 10.65
2020-21	118.34	90.88	74.66	26.55	4-91 - 11.48

Source: City of Milpitas, Ordinance 208.53

(a) For each one hundred cubic feet of water used. Charge varies depending on the business or type of business.

CITY OF MILPITAS
BIMONTHLY WATER RATES BY CUSTOMER CLASS
LAST TEN FISCAL YEARS

	Single Family Residential			Commercial	
Fiscal Year	Potable Residential	Capital Surcharge	5/8 inch Meter Charge	Potable Commercial Industrial Institutional Construction	5/8 to 10 inch Meter Charge
2011-12	1.77 - 4.17*		25.77	4.32	25.77 - 628.82
2012-13	2.02 - 4.50*		26.29	4.62	26.29 - 641.40
2013-14	2.30 - 4.86*		26.82	4.94	26.82 - 654.23
2014-15	2.62 - 5.29*		27.36	5.29	27.36 - 667.31
2015-16	4.75		18.00	4.75	18.00 - 900.00
2016-17	5.13	1.30	19.44	5.13	19.44 - 972.00
2017-18	5.13	1.30	19.44	5.13	19.44 - 972.00
2018-19**	5.13 - 5.31	1.30 - 1.08	19.44 - 27.01	5.13 - 5.31	19.44 - 1,350.33
2019-20	5.63	1.08	28.63	5.63	26.83 - 1,431.35
2020-21	6.32	1.08	32.17	6.32	32.17 - 1,608.26

Source: City of Milpitas, Ordinance 120.48

*Residential rates were a range based on consumption amounts for the period. There were 4 levels with the lowest rate being for use under 10 hc, and the highest rate for use over 30 hcf in the period..

**Rate effective Service Period April 1, 2019 to June 30, 2019 implemented on bill dated June 17, 2019. July 2018 rate listed first, and April rate listed second.

CITY OF MILPITAS
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN CALENDAR YEARS
(Personal Income in Thousands)

Calendar Year	Population	Population Density (Sq. Mile)	Total Personal Income	Per Capita Personal Income	School Enrollment	Unemployment Rate (%)	Land Area (Sq. Mile)
2011	66,966	4,902	2,052,307	30,647	9,949	10.00%	13.66
2012	67,894	4,970	2,143,889	31,577	10,033	6.70%	13.66
2013	70,092	5,131	2,234,603	31,881	10,156	5.50%	13.66
2014	69,903	5,117	2,287,366	32,722	10,281	4.90%	13.66
2015	75,521	5,529	2,374,221	31,437	10,291	3.90%	13.66
2016	75,410	5,520	2,528,663	33,532	10,260	3.50%	13.66
2017	75,410	5,520	2,721,275	36,086	10,318	3.60%	13.66
2018	76,231	5,581	2,966,362	38,912	10,172	2.80%	13.66
2019	77,961	5,707	3,373,340	43,269	10,308	2.70%	13.66
2020	75,663	6,519	3,787,034	50,051	10,413	7.50%	13.66

Sources: HdL, Coren & Cone
City of Milpitas Annual Budget

CITY OF MILPITAS
PRINCIPAL EMPLOYERS
FISCAL YEAR 2020-21 and 2011-2012

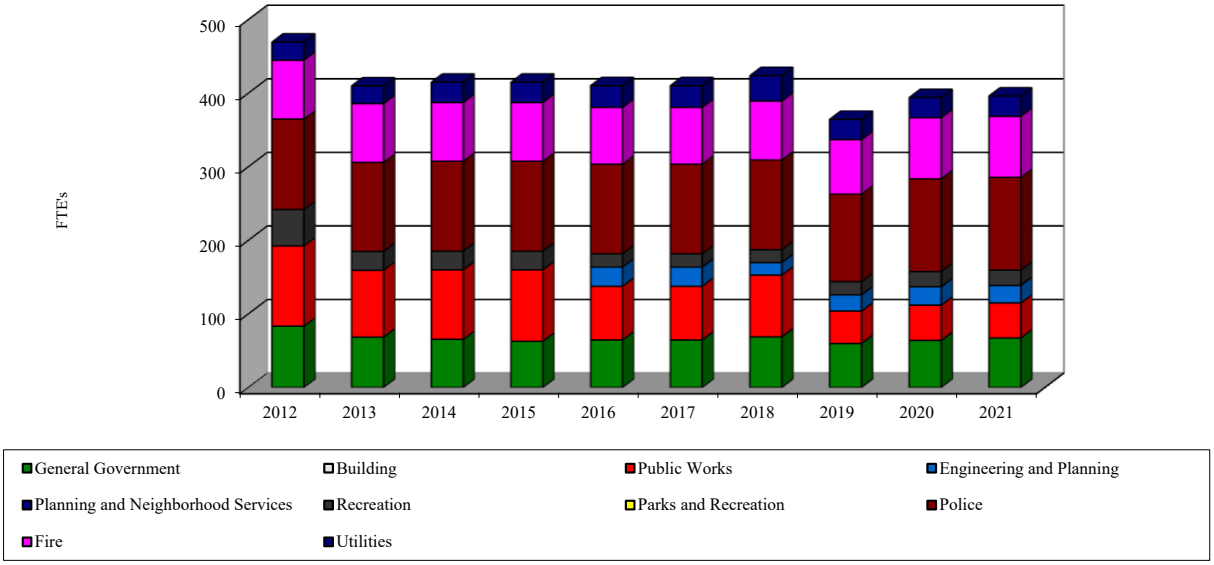
	2020-21			2011-12		
Employer	Number of Employees	Rank	Percentage of Total City Employment	Number of Employees	Rank	Percentage of Total City Employment
Cisco Systems, Inc.	3,347	1	7.57%	2,741	1	3.36%
KLA-Tencor Corporation	2,353	2	5.32%	2,099	2	2.57%
Wester Digital Tech (San Disk Corporation)	1,894	3	4.29%	1,485	3	1.82%
Analog Devices (Linear Technology Corporation)	1,283	4	2.90%	284	8	0.35%
Flextronics International	1,247	5	2.82%			0.00%
Milpitas Unified School District	815	6	1.84%			0.00%
Headway Technologies Inc. (2 Locations)	769	7	1.74%	825	4	1.01%
Wal-Mart Super Center	445	8	1.01%	394	5	0.48%
City of Milpitas	385	9	0.87%	268	10	0.33%
FireEye, Inc	374	10	0.85%			0.00%
Spectra Laboratories				358	6	0.44%
Vista Healthcare Corporation				320	7	0.39%
JDS Uniphase Corporation				277	9	0.34%
Subtotal	12,912		29.21%	9,051		11.09%
Total Labor Force	44,200			81,646		

Source: Muni Services LLC/Avenu Insights & Analytics

CITY OF MILPITAS

AUTHORIZED FULL-TIME EQUIVALENT EMPLOYEES BY FUNCTION/PROGRAM

LAST TEN FISCAL YEARS



	Fiscal Year Ended June 30									
	2012	2013	2014	2015	2016	2017	2018	2019 (e)	2020	2021
Function										
General Government	83.5	68.5	65.5	63.0	64.8	64.8	69.0	60.0	64.0	67.5
Building, Housing and Safety	28.0	28.0	23.0	23.0	24.0	24.0	25.0	33.0 (c)	33.0 (c)	33.0
Public Works	109.0	91.0	94.5	97.0	73.0 (b)	73.0	84.0	44.0	48.0	47.5
Engineering					26.0 (b)	26.0	17.0	22.0	25.0	24.0
Planning	18.0	16.5	18.5	18.5	17.0	17.0	17.0	9.0 (c)	10.0 (c)	10.0
Recreation	49.5	25.5 (a)	25.5	25.5	18.0	18.0	17.5	18.0	20.75	20.75
Parks and Recreation										
Police:										
Sworn Police	94.0	91.5	92.0	92.0	92.0	93.0	93.0	90.0	93.0	93.0
Civilians	29.0	29.5	30.0	30.0	30.0	29.0	29.0	29.0	33.0	33.0
Fire:										
Firefighters and Safety Officers	70.0	70.0	70.0	68.0	66.0	66.0	68.0	71.0	79.0	79.0
Civilians	10.0	10.0	10.0	12.0	11.0	11.0	12.0	3.0	4.0	4.0
Utilities (d)	24.5	24.0	27.5	27.5	29.5	29.5	34.5	27.5	27.5	27.5
Total	515.5	454.5	456.5	456.5	451.3	451.3	466.0	406.5	437.3	439.3

(a) Beginning in fiscal year 2013, parks maintenance division is now under public works department and recreation division is part of human resources department, but it is reported separately here.
(b) Beginning in fiscal year 2016, Public Works and Engineering are separate departments.
(c) Neighborhood Services is a component of Building, Housing and Safety, and Planning is a separate department beginning in fiscal year 2019.
(d) Utilities is comprised of employees from Public Works and Finance.
(e) In Fiscal Year 2019, the City removed unfunded authorized positions.

Source: City of Milpitas, final budget

CITY OF MILPITAS
OPERATING INDICATORS BY FUNCTION/PROGRAM
LAST TEN FISCAL YEARS

	Fiscal Year Ended June 30				
	2012	2013	2014	2015	2016
Function/Program					
Building Safety & Housing					
Building permits issued	2,800	3,400	4,300	4,300	4,200
Plan review performed	800	1,100	1,500	1,400	1,500
Code Customer Service Requests / Violations abated	725	725	725	755	755
Public Works					
Street miles maintained	139	139	139	139	139
Customer Service Requests	3,350	3,500	2,880	2,800	2,794
Development projects reviewed	200	200	205	190	178
Planning					
Applications to Planning Commission	96	106	159	236	92
Recreation					
Sports Center members	1,400	1,600	1,450	1,504	1,600
Senior nutrition meals served	23,304	22,090	20,656	21,231	20,158
Police					
Avg response time to emergency calls (minutes)	2:42	2:32	2:33	2:32	2:40
Number of anti-terrorist patrol checks	1,693	1,996	2,550	2,300	2,400
Crime prevention presentations	235	201	200	200	125
Number of vehicle citations issued	6,901	4,120	3,516	3,600	5,900
DARE presentations: schools/students	12/770	0	0	0	0
Fire					
Emergency calls for service	4,075	4,356	4,356	4,950	5,000
Public education events	120	45	45	80	100
Permits Inspections	4,334	4,510	4,510	4,666	7,600
Plan Review	671	807	807	983	1,200
Utility					
Clean sewer lines (feet)	500,000	329,313	640,255	500,000	500,000
Repair, replace or set water meters	491	149	298	279	189
Average daily consumption (thousands of gallons)	8,200	9,340	9,300	9,300	7,800

Source: City of Milpitas, final budget

Fiscal Year Ended June 30				
2017	2018	2019	2020	2021
4,090	4,200	4,300	4,000	3,000
1,610	1,700	1,600	4,800	4,900
800	714	784	600	600
139	298	298	298	303
2,800	3,000	2,384	4,468	3,353
158	160	225	134	48
92	100	419	37	31
1,325	1,450	1,575	1,877	506
18,678	17,206	18,322	20,145	39,783
2:44	2:57	2:41	2:36	2:40
2,200	2,200	1,949	1,479	958
70	56	104	110	105
5,720	5,900	5,895	6,000	6,300
0	0	0	0	0
5,000	5,200	5,640	5,600	5,800
112	200	223	134	4,200
7,322	7,577	7,824	7,592	7,772
1,550	1,700	1,600	1,644	1,575
500,000	491,244	528,051	432,022	549,693
152	115	147	219	113
5,800	6,590	8,394	8,410	7,440

CITY OF MILPITAS
CAPITAL ASSET STATISTICS BY FUNCTION/PROGRAM
LAST TEN FISCAL YEARS

	Fiscal Year Ended June 30			
	2012	2013	2014	2015
Function/Program				
Public Works				
Miles of streets	287	287	287	298
Street lights	4,500	4,500	4,500	4,577
Square feet of buildings maintained (in thousands)	376	376	376	376
City vehicles	247	242	252	260
Signs	8,534	8,534	5,500	5,700
Signal lights	72	72	72	70
City Parks	31	33	34	34
Acres of Parkland	179	179	180	180
Playgrounds	33	24	25	34
Parks and recreation				
Community centers	1	1	1	1
Senior centers	1	1	1	1
Sports centers	1	1	1	1
Satellite centers	0	0	0	0
Swimming pools	3	3	3	3
Tennis courts	20	20	20	21
Football field	1	1	1	1
Baseball/softball fields	12	8	8	9
Soccer fields	3	9	9	12
Basketball courts	4	8	8	7
Volleyball courts / Horse Shoe Pits / Bocce Ball / Cricket Field / Par Course	5	4	9	7
Handball courts	4	5	5	5
Joint use:				
Russell Bobbysocks Fields	0	0	0	0
Soccer fields	0	0	0	0
Police				
Police stations	2	2	2	2
Police patrol vehicles	27	27	29	28
Fire				
Fire stations	4	4	4	4
Fire Apparatus	13	22	19	19
Fire hydrants	1,840	1,840	1,847	2,033
Utility				
Miles of water mains	213	213	214	213
Water Tank Storage capacity (million of gallons)	16	16	16	16
Miles of sanitary sewers	179	179	179	179
Miles of storm drain	110	110	110	110
Miles of recycled water main	4	4	4	23

Source: City of Milpitas, final budget

	Fiscal Year Ended June 30				
2016	2017	2018	2019	2020	2021
298	298	298	298	298	303
4,577	4,581	5,119	5,141	4,418	4,494
376	376	322	473	473	473
264	264	269	271	258	268
5,700	6,000	10,000	10,000	6,000	6,000
71	72	72	74	78	83
33	32	32	32	36	36
180	195	195	195	154	154
34	33	30	33	33	33
1	1	1	1	1	1
1	1	1	1	1	1
1	1	1	1	1	1
0	2	2	1	2	2
3	3	3	3	3	3
21	21	21	21	21	21
1	1	1	1	1	1
9	7	7	9	9	9
13	13	13	8	8	8
9	10	10	10	10	10
10	13	12	10	10	10
5	6	6	6	6	6
0	3	3	3	3	3
0	2	2	8	2	2
2	2	2	2	2	2
34	29	29	29	29	30
4	4	4	4	4	4
13	11	11	12	13	13
2,033	2,039	2,039	2,039	2,308	2,308
203	203	206	206	206	206
16	16	16	16	16	16
173	173	175	173	173	173
99	99	105	99	99	99
23	21	23	26	26	26

CITY OF MILPITAS
CALIFORNIA
INCORPORATED
JANUARY 26, 1954

MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Members of the City Council
City of Milpitas, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the basic financial statements of the City of Milpitas, California, as of and for the year ended June 30, 2021, and have issued our report thereon dated November 15, 2021. Our report includes a reference to other auditors who audited the financial statements of Terrace Gardens, Inc., as described in our report on the City's financial statements. This report does not include the results of the other auditors' testing of internal control over financial reporting or on compliance and other matters that are reported on separately by those auditors.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weakness may exist that have not been identified.

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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

We have also issued a separate Memorandum on Internal Control dated November 15, 2021 which is an integrate part of our audit and should be read in conjunction with this report.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Maze & Associates

Pleasant Hill, California
November 15, 2021

CITY OF MILPITAS

BICYCLE/PEDESTRIAN PROJECTS

FINANCIAL STATEMENTS
FOR THE YEAR ENDED
JUNE 30, 2021

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CITY OF MILPITAS
Bicycle/Pedestrian Projects
Financial Statement
For the Year Ended June 30, 2021

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MAZE & ASSOCIATES

INDEPENDENT AUDITOR'S REPORT

To the Honorable Members of the City Council
City of Milpitas, California

Report on Financial Statements

We have audited the accompanying financial statements of the City of Milpitas Bicycle/Pedestrian Projects (Projects) of the City of Milpitas, California, as of and for the year ended June 30, 2021, and the related notes to the financial statements, as listed in the Table of Contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Projects' preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Projects' internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Projects as of June 30, 2021, and the change in financial position for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

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Emphasis of Matter

As discussed in Note 1, the financial statements present only the Projects and do not purport to, and do not present fairly the financial position of the City as of June 30, 2021, or the changes in its financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 15, 2021 on our consideration of the Projects' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Projects' internal control over financial reporting and compliance.

Maze & Associates

Pleasant Hill, California
November 15, 2021

CITY OF MILPITAS
BICYCLE/PEDESTRIAN PROJECTS
BALANCE SHEET
JUNE 30, 2021

ASSETS	
Receivable from MTC	$211,883
Total Assets	$211,883
LIABILITIES	
Due to the City	$211,883
Total Liabilities	211,883
DEFERRED INFLOWS OF RESOURCES	
Unavailable Revenue	211,883
Total Deferred Inflows of Resources	211,883
FUND BALANCE	
Fund Balance	(211,883)
Total Fund Balance	(211,883)
Total Liabilities, Deferred Inflows, and Fund Balance	$211,883

See accompanying notes to financial statements

CITY OF MILPITAS
BICYCLE/PEDESTRIAN PROJECTS
STATEMENT OF REVENUES AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2021

REVENUES	
TDA Article 3.0 (Note 2)	
Total Revenues	
EXPENDITURES	
ADA Curb Ramp Transition Program (19001050)	$127,587
ADA Curb Ramp Transition Program (20001031)	84,296
Total Expenditures	211,883
Net change in fund balance	(211,883)
Fund balance at beginning of year	
Fund balance at end of year	($211,883)

See accompanying notes to financial statements

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The City of Milpitas has developed the Bicycle/Pedestrian Projects (Projects) under the Transportation Development Act (TDA), Article 3.0 for the construction of pedestrian pathways and wheelchair ramps and bicycle master plan studies. The Projects are funded by TDA grants.

The TDA Fund is distributed through the Metropolitan Transportation Commission (MTC) which is the agency responsible for allocation of funds to eligible claimants within the greater San Francisco Bay Area.

The following is a summary of significant accounting policies applicable to the Projects which conform to generally accepted accounting principles as applicable to governments.

A. Fund Accounting

The Projects are accounted for as part of the General Government Capital Projects Fund of the City of Milpitas. This fund is a set of self-balancing accounts which comprise its assets, deferred inflows/outflows of resources, liabilities, fund balance, revenues and expenditures.

B. Basis of Accounting

Basis of accounting refers to when revenues and expenditures are recognized. The Projects are accounted for in a governmental fund type and the modified accrual basis of accounting is used. Under the modified accrual basis, revenues are recognized when they become measurable and available as net current assets. The Projects considers all revenues reported in the governmental funds to be available if the revenues are collected within forty-five days after year-end. Expenditures are recognized when they are incurred.

C. Deferred Inflows and Deferred Outflows of Resources

In addition to assets, the balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expenditure) until then.

In addition to liabilities, the balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

NOTE 2 - TDA ARTICLE 3.0 REVENUE

For the year ended June 30, 2021, the City had allocation instructions from the Metropolitan Transportation Commission for the following projects:

Instruction Number	Project Name	Grant Award	Expended in June 30, 2021	Revenue in Fiscal Year 2021
19001050	ADA Curb Ramp Transition Program 2019	127,587	$127,587	-
20001031	ADA Curb Ramp Transition Program 2020	84,296	$84,296	-
		$211,883	$211,883	-

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING, ON COMPLIANCE WITH THE TRANSPORTATION DEVELOPMENT ACT AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Members of the City Council
City of Milpitas, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the City of Milpitas Bicycle/Pedestrian Projects (Projects) as of and for the year ended June 30, 2021. and the related notes to the financial statements, and have issued our report thereon dated November 15, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Projects' internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Projects' internal control. Accordingly, we do not express an opinion on the effectiveness of Projects' internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Projects' financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

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Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Projects' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Our procedures included the applicable audit procedures contained in §6666 of Title 21 of California Code of Regulations and tests of compliance with the applicable provisions of the Transportation Development Act and the allocation instructions and resolutions of the Metropolitan Transportation Commission. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We have also issued a separate Memorandum on Internal Control dated November 15, 2021 which is an integral part of our audit and should be read in conjunction with this report.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the Projects' internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Project's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of the Metropolitan Transportation Commission, management, City Council, others within the City, and federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties; however, this restriction is not intended to limit the distribution of this report, which is a matter of public record.

Pleasant Hill, California
November 15, 2021

CITY OF MILPITAS

MEMORANDUM ON INTERNAL CONTROL

FOR THE YEAR ENDED
JUNE 30, 2021

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CITY OF MILPITAS
MEMORANDUM ON INTERNAL CONTROL

For the Year Ended June 30, 2021

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MAZE & ASSOCIATES

MEMORANDUM ON INTERNAL CONTROL

To the City Council of
the City of Milpitas, California

We have audited the basic financial statements of the City of Milpitas, California, for the year ended June 30, 2021, and have issued our report thereon dated November 15, 2021. Our opinions on the basic financial statements and this report, insofar as they relate to Terrace Gardens, Inc., are based solely on the report of other auditors. In planning and performing our audit of the basic financial statements of the City, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. Given these limitations during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Included in the Schedule of Other Matters are recommendations not meeting the above definitions that we believe are opportunities for strengthening internal controls and operating efficiency.

This communication is intended solely for the information and use of management, City Council, others within the organization, and agencies and pass-through entities requiring compliance with *Government Auditing Standards*, and is not intended to be and should not be used by anyone other than these specified parties.

Maze & Associates

Pleasant Hill, California
November 15, 2021

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SCHEDULE OF OTHER MATTERS

NEW GASB PRONOUNCEMENTS OR PRONOUNCEMENTS NOT YET EFFECTIVE

The following comment represents new pronouncements taking affect in the next few years. We cite them here to keep you informed of developments:

EFFECTIVE FISCAL YEAR 2021/22:

GASB 87 – *Leases*

The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

GASB 89 – *Accounting for Interest Cost Incurred before the End of a Construction Period*

The objectives of this Statement are (1) to enhance the relevance and comparability of information about capital assets and the cost of borrowing for a reporting period and (2) to simplify accounting for interest cost incurred before the end of a construction period.

This Statement establishes accounting requirements for interest cost incurred before the end of a construction period. Such interest cost includes all interest that previously was accounted for in accordance with the requirements of paragraphs 5–22 of Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements,* which are superseded by this Statement. This Statement requires that interest cost incurred before the end of a construction period be recognized as an expense in the period in which the cost is incurred for financial statements prepared using the economic resources measurement focus. As a result, interest cost incurred before the end of a construction period will not be included in the historical cost of a capital asset reported in a business-type activity or enterprise fund.

This Statement also reiterates that in financial statements prepared using the current financial resources measurement focus, interest cost incurred before the end of a construction period should be recognized as an expenditure on a basis consistent with governmental fund accounting principles.

GASB 92 – *Omnibus 2020*

The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. This Statement addresses a variety of topics and includes specific provisions about the following:

SCHEDULE OF OTHER MATTERS

GASB 93 – *Replacement of Interbank Offered Rates*

Some governments have entered into agreements in which variable payments made or received depend on an interbank offered rate (IBOR)—most notably, the London Interbank Offered Rate (LIBOR). As a result of global reference rate reform, LIBOR is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate.

Statement No. 53, Accounting and Financial Reporting for Derivative Instruments, as amended, requires a government to terminate hedge accounting when it renegotiates or amends a critical term of a hedging derivative instrument, such as the reference rate of a hedging derivative instrument's variable payment. In addition, in accordance with Statement No. 87, Leases, as amended, replacement of the rate on which variable payments depend in a lease contract would require a government to apply the provisions for lease modifications, including remeasurement of the lease liability or lease receivable.

The objective of this Statement is to address those and other accounting and financial reporting implications that result from the replacement of an IBOR.

GASB 97 – *Certain Component Unit Criteria, and Accounting for and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans*

The primary objectives of this Statement are to (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform; (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit (OPEB) plans, and employee benefit plans other than pension plans or OPEB plans (other employee benefit plans) as fiduciary component units in fiduciary fund financial statements; and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code (IRC) Section 457 deferred compensation plans (Section 457 plans) that meet the definition of a pension plan and for benefits provided through those plans.

EFFECTIVE FISCAL YEAR 2022/23:

GASB 91 – *Conduit Debt Obligations*

The primary objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement achieves those objectives by clarifying the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitments and voluntary commitments extended by issuers and arrangements associated with conduit debt obligations; and improving required note disclosures.

SCHEDULE OF OTHER MATTERS

GASB 94 – *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*

The primary objective of this Statement is to improve financial reporting by addressing issues related to public-private and public-public partnership arrangements (PPPs). As used in this Statement, a PPP is an arrangement in which a government (the transferor) contracts with an operator (a governmental or nongovernmental entity) to provide public services by conveying control of the right to operate or use a nonfinancial asset, such as infrastructure or other capital asset (the underlying PPP asset), for a period of time in an exchange or exchange-like transaction. Some PPPs meet the definition of a service concession arrangement (SCA), which the Board defines in this Statement as a PPP in which (1) the operator collects and is compensated by fees from third parties; (2) the transferor determines or has the ability to modify or approve which services the operator is required to provide, to whom the operator is required to provide the services, and the prices or rates that can be charged for the services; and (3) the transferor is entitled to significant residual interest in the service utility of the underlying PPP asset at the end of the arrangement.

This Statement also provides guidance for accounting and financial reporting for availability payment arrangements (APAs). As defined in this Statement, an APA is an arrangement in which a government compensates an operator for services that may include designing, constructing, financing, maintaining, or operating an underlying nonfinancial asset for a period of time in an exchange or exchange-like transaction.

GASB 96 – *Subscription-Based Information Technology Arrangements*

This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users (governments). This Statement (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, Leases, as amended.

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STATUS OF PRIOR YEAR
OTHER MATTERS

2016-05 Information Systems Best Practices

We conducted an Information Systems Review with our audit which encompassed the City's financial information system and the network environment that houses it. We expanded our work in previous years beyond simply looking at financial information systems as a result of greater risks of unauthorized access caused by overall industry growth of web-based commerce and internet based financial systems. Internal controls that are present in the overall network environment have become more important and relevant to understanding the internal controls over the financial system. We believe Information System controls must be continuously improved and enhanced to stay ahead of the ever increasing sophistication of hackers and criminals.

Currently, there are no Information Systems standards to which local governments are required to conform. Indeed, there are a wide variety of informal guidelines and suggested controls from many different organizations which local governments can use to implement appropriate controls to ensure adequate security over information technology. A voluntary risk-based Cybersecurity Framework has been developed by the National Institute of Standards and Technology (NIST) per Presidential Executive Order 13636 (12 FEB 2013). The *Framework for Improving Critical Infrastructure Cybersecurity* version 1.0 (12 FEB 2014) offers a number of appropriate standards. Our Information Systems auditors have reviewed the voluntary framework and concluded that the risk management framework developed by NIST for the Federal Information Security Management Act (FISMA) is the most appropriate for local governments[1]. The NIST risk management framework represents the minimum security requirements for federal government agencies and recommends these controls for private industry and state and local governments.

While the results of our work did not indicate material weaknesses, we noted a few areas which could be improved. A summary of these recommendations which we believe are "best practices" are as follows:

Business Continuity Planning with Regards to Information Technology

The City does not have a formal written information technology business continuity policy. As organizations rely more and more on information technology and electronic data storage for an increasingly wider scope of processes, it becomes more and more important to develop a plan to make those resources available during and after some form of disaster. A formal disaster recovery business continuity policy serves to show management's intent and due diligence for the continuity of operations. A disaster recovery policy or contingency plan should address what to do in case of a disaster and how to prepare for a disaster that cripples or closes the computer center such as a fire, flood, natural or manmade disaster. The City should consider developing and implementing an IT contingency plan which would include procedures for periodic information backup and offsite storage, along with an alternative processing site that would allow the City to continue to operate in the event of a disaster.[2]

[1] "State, local, and tribal governments, as well as private sector organizations are encouraged to consider using these guidelines, as appropriate." NIST SP 800-37 Rev 1 pg. 11
[2] For more information see "Contingency Planning Guide for Information Technology Systems" NIST SP 800-34.

STATUS OF PRIOR YEAR OTHER MATTERS

2016-05 Information Systems Best Practices (Continued)

Current Status:

Business Continuity Planning with Regards to Information Technology –The City implemented its Business Continuity Plan in December 2018. Since then, the City has implemented a few major changes to its infrastructure, such as implementing Hyperconverged Infrastructure, cloud backup strategies, and moving communications and Office applications to Office 365.

As a part of the City-wide Continuity of Operation review effort, the IT department has been collaborating with the EOC management staff and various departments to update the Business Continuity Plan, which is near completion. The IT department is also communicating with a consultant to implement a more technically detailed Disaster Recovery Plan for implementation in FY 2021-22.

CITY OF MILPITAS

REQUIRED COMMUNICATIONS

FOR THE YEAR ENDED
JUNE 30, 2021

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CITY OF MILPITAS

REQUIRED COMMUNICATIONS

For the Year Ended June 30, 2021

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MAZE & ASSOCIATES

REQUIRED COMMUNICATIONS

To the City Council of
the City of Milpitas, California

We have audited the basic financial statements of the City of Milpitas, California, for the year ended June 30, 2021. We did not audit the discretely presented component unit financial statements of Terrace Gardens, Inc. as of and for the year ended December 31, 2020, which represent 1.05%, 1.62%, and 1.26% of the assets, net position and revenues, respectively, of the primary government. These component unit financial statements were audited by another auditor, whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for this entity, is based solely on the report of the other auditor.

Professional standards require that we communicate to you the following information related to our audit under generally accepted auditing standards and *Government Auditing Standards* and Uniform Guidance.

Significant Accounting Matters

Accounting Policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year, except as follows:

GASB 84 – *Fiduciary Activities*

The objective of this Statement is to improve guidance regarding the identification of fiduciary activities for accounting and financial reporting purposes and how those activities should be reported.

The pronouncement became effective, but did not have a material effect on the financial statements.

Unusual Transactions, Controversial or Emerging Areas

We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

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Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were as follows:

Estimated Fair Value of Investments: As of June 30, 2021, the City held approximately $415.4 million of cash and investments as measured by fair value as disclosed in Note 3 to the Financial Statements. Fair value is essentially market pricing in effect as of June 30, 2021. These fair values are not required to be adjusted for changes in general market conditions occurring subsequent to June 30, 2021.

Estimated Depreciation: Management's estimate of the depreciation is based on useful lives determined by management. These lives have been determined by management based on the expected useful life of assets as disclosed in Note 8 to the financial statements. We evaluated the key factors and assumptions used to develop the depreciation estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Net Pension Liabilities and Pension-Related Deferred Outflows and Inflows of Resources: Management's estimate of the net pension liabilities and deferred outflows/inflows of resources are disclosed in Note 11 to the financial statements and are based on accounting valuations determined by the California Public Employees Retirement System, which are based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Net OPEB Liability and OPEB-Related Deferred Outflows and Inflows of Resources: Management's estimate of the net OPEB liability are disclosed in Note 12C to the financial statements and is based on actuarial study determined by a consultant, which is based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Total OPEB Liability and OPEB-Related Deferred Outflows and Inflows of Resources: Management's estimate of the total OPEB liability are disclosed in Note 12D to the financial statements and is based on actuarial study determined by a consultant, which is based on the experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Compensated Absences: Accrued compensated absences, which are comprised of accrued vacation and sick leave, is estimated using accumulated unpaid leave hours and hourly pay rates in effect at the end of the fiscal year, and are disclosed in Note 12F to the financial statements. We evaluated the key factors and assumptions used to develop the accrued compensated absences and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Estimated Claims Liabilities: Management's estimate of the claims liabilities payable is disclosed in Note 13 to the financial statements and is based on estimates determined by the City's risk pool and third party claims administrator, which are based on the claims experience of the City. We evaluated the key factors and assumptions used to develop the estimate and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Disclosures

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Except for the adjustments to record the repayment of an interfund loan, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Professional standards require us to accumulate all known and likely uncorrected misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. We have no such misstatements to report to the City Council.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in a management representation letter dated November 15, 2021.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Information Accompanying the Financial Statements

We applied certain limited procedures to the required supplementary information that accompanies and supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the required supplementary information and do not express an opinion or provide any assurance on the required supplementary information.

We were engaged to report on the supplementary information, which accompanying the financial statements but are not required supplementary information. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the Introductory and Statistical Sections which accompany the financial statements, but are not required supplementary information. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

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This information is intended solely for the use of City Council and management and is not intended to be, and should not be, used by anyone other than these specified parties.

Maze & Associates

Pleasant Hill, California
November 15, 2021

MAZE & ASSOCIATES

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES FOR COMPLIANCE WITH THE PROPOSITION 111 2020-2021 APPROPRIATIONS LIMIT INCREMENT

Honorable Mayor and Members of the City Council
City of Milpitas, California

We have performed the procedures below, which were agreed to by the City of Milpitas, on the Appropriations Limit Worksheet (Worksheet) for the year ended June 30, 2021. The City's management is responsible for the Worksheet. These procedures, which were suggested by the League of California Cities and presented in their Article XIIIB Appropriations Limitation Uniform Guidelines, were performed solely to assist you in meeting the requirements of Section 1.5 of Article XIIIB of the California Constitution. The sufficiency of these procedures is solely the responsibility of the City. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures you requested us to perform and our findings were as follows:

A. We obtained the Worksheet (Attachment No. 1 to the Resolution) and determined that the 2020-2021 Appropriations Limit of $113,351,396 and annual adjustment factors were adopted by Resolution of the City Council. We also determined that the population and inflation options were selected by a recorded vote of the City Council.

B. We recomputed the 2020-2021 Appropriations Limit by multiplying the 2019-2020 Prior Year Appropriations Limit by the Total Growth Factor. We recomputed the Total Growth Factor by multiplying the population option by the inflation option.

C. For the Worksheet, we agreed the Per Capita Income Factor, City Population and County Population Factors to California State Department of Finance Worksheets.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Worksheet. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of management and the City Council and is not intended to be and should not be used by anyone other than those specified parties; however, this restriction is not intended to limit the distribution of this report, which is a matter of public record.

Maze & Associates

Pleasant Hill, California
May 11, 2021

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CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Consider Opting into Settlement Agreements with Distributors of Opioids, Amerisource Bergen, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen (owned by Johnson & Johnson)**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Steven McHarris, City Manager, (408) 586-3050** **Christopher J. Diaz, City Attorney, (408) 586-3040**
Recommendation:	1. Opt into settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, whereby the County of Santa Clara will receive the City's designated share of settlement funds and direct the City Manager to execute any documents necessary to implement the action. 2. Opt into settlement agreement with opioid manufacturer, Janssen (owned by Johnson & Johnson), whereby the County of Santa Clara will receive the City's designated share of the settlement funds and direct the City Manager to execute any documents necessary to implement the action.

Background:

States and cities across the United States have brought litigation against the three largest pharmaceutical distributors of opioid painkillers, Amerisource Bergen, Cardinal Health, and McKesson (the "Distributors"), and the opioid painkiller manufacturer, Janssen (owned by Johnson & Johnson) ("Janssen"), which has resulted in two proposed national settlements totaling approximately $26 billion dollars.

The City can opt into the settlements, thereby releasing its claims against the Distributors and Janssen, in order to receive at most approximately **$31,871.26 per year for eighteen years for a total of $573,683**. The funds are restricted to certain opioid remediation uses. The City can either allow the funds to be used by the County of Santa Clara or elect to use the funds itself subject to reporting requirements to the state. Alternatively, the City can take no action, thereby opting out of the settlements, while maintaining its right to pursue litigation against the Distributors and Janssen.

Analysis:

A. Allocation of Funds

The proposed settlement totaling approximately $26 billion dollars is broken into two separate deals: (1) the Distributors Deal (Exhibit A); and (2) the Janssen Deal (Exhibit B.) The Distributors will pay approximately $21 billion over 18 years and Janssen will pay approximately $5 billion over 7 years.

California is to receive at most approximately $2.263 billion ($2,263,923,062). The definite recoverable amount is still unknown based on a bonus structure that is triggered when all 431 eligible entities participate. California is to distribute these funds pursuant to intrastate allocation agreements for both the Distributors Deal and Janssen Deal. (Exhibit C and Exhibit D.) The terms of the intrastate allocation agreements are nearly identical and allocate the funds as follows: fifteen percent to the state fund; fifteen percent to the subdivision fund; and seventy percent to the abatement accounts fund.

State Fund

Fifteen percent of the total settlement funds will be allocated to the state and used by the state for future opioid remediation.

Subdivision Fund

Fifteen percent of the total settlement funds will be allocated to the subdivision fund, which will be allocated among the plaintiffs in the litigation to fund future opioid remediation and to reimburse past opioid-related expenses, which may include fees and expenses related to litigation.

Abatement Accounts Fund

Seventy percent of the total settlement funds will be allocated to counties and cities and used for opioid abatement or remediation uses, such as services to treat opioid use disorder; support people in treatment and recovery; connect people to care; address needs of criminal justice-involved persons; address the needs of pregnant or parenting women and their families, including babies with neonatal abstinence syndrome; prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids; prevent misuse of opioids; prevent overdose deaths and other harms; provide leadership, planning, and coordination of programs; provide training; and conduct research. (See Exhibit A, E-1 – E-15 for allowed uses; see Exhibit B, pp. 63-77 for allowed uses.)

The funds to individual counties are allocated based on opioid deaths per capita, incidence of opioid use disorder, and opioid dosage. The funds to cities within a particular county are allocated based on historical spending of cities on various services, such as police protection, fire protection, health services, correction services, housing and community development, judicial services, and legal services.

B. Management of Funds

Each county and city that receives payment of funds from the settlements must prepare written reports at least annually regarding the use of those funds until the funds are fully expended and for one year thereafter. These reports will also include a certification that all funds received have been used in compliance with the allocation agreements. Further, each county and city will need to track all deposits and expenditures. A county is not responsible for oversight, reporting, or monitoring of funds received by a city, which receives direct payment within such county.

C. Allocation for the City of Milpitas

California counties and cities have been allocated approximately $1,924,335,062, which is 85% of the total amount allocated to California. The City of Milpitas has been allocated 0.0298120% of $1,924,335,062 (i.e., best case scenario), which is equal to $573,683. This total amount will be disbursed over 18 years, which totals approximately $31,871.26 per year. As stated above, the definite amount is not yet known because of the bonus structure built into the agreements.

The default distribution of funds in the settlement agreements provides that the funds will go directly to the county in which a city is located. A city can elect to have its funds delivered directly to the city by providing notice in the settlement agreements. Additionally, a city within a county may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the settlement fund administrators at least sixty days prior to a payment date.

In deciding whether to allow a city's funds to go directly to the county in which a city is located, a city should consider the following: (1) whether the amount of money is substantial enough for the city to handle it on its own; (2) whether the city offers the services and has the employees to spend the money in accordance with

prescribed uses; and (3) whether the city wants to engage in the reporting requirements over the course of the next nineteen years (eighteen years of distribution and an additional year following final distribution).

D. Opting In

The City must opt into the settlements by **January 2, 2022**, which requires the City to release its claims against the Distributors and Janssen. If the City takes no action, it will have opted out of the settlements and its designated funds will flow to the state. The City would still have the opportunity to bring its own action against the Distributors and Janssen.

Policy Alternatives:
Alternative 1: Do not opt into the settlements**.**
Pros: None
Cons: The City and County would not receive the funds provided for in the proposed settlement agreements with the opioid distributors.
Reason not recommended: City Management and the City Attorney's office do not recommend this alternative at this time as it would require the City to hire outside legal counsel to independently bring a lawsuit against the opioid distributors with no certain legal outcome. In addition, it is likely that the majority of the cities in the County are opting into the settlement agreements.

Fiscal Impact:
The City Council's decision to opt into the settlement agreements will provide $573,683. This total amount will be disbursed over 18 years, which totals approximately $31,871.26 per year. The funds would flow to the County, but for the benefit of the City.

California Environmental Quality Act:
The City Council's decision to opt into the settlement agreements will not have an impact on the environment pursuant to the California Environmental Quality Act (CEQA) Guidelines 15061(b)(3) and 15378(b)(4) as the City Council will merely be deciding whether it wants to participate in a national settlement that would provide fiscal funding to the County and City with no connection to any specific project.

Recommendation:

1. Opt into settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, whereby the County of Santa Clara will receive the City's designated share of settlement funds and direct the City Manager to execute any documents necessary to implement the action.
2. Opt into settlement agreement with opioid manufacturer, Janssen (owned by Johnson & Johnson), whereby the County of Santa Clara will receive the City's designated share of the settlement funds and direct the City Manager to execute any documents necessary to implement the action.

Attachments
1. Distributor Settlement Agreement
2. Janssen Settlement Agreement
3. CA Distributors Allocation Agreement
4. CA Janssen Allocation Agreement
5. Distributors Participation Agreement
6. Janssen Participation Agreement

Distributor Settlement Agreement

(see link below)

https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Final-Distributor-Settlement-Agreement-10.22.2021-Exhibit-Updates_.pdf

Janssen Settlement Agreement

(see link below)

https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Janssen-agreement-20211105.pdf

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Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds – Distributor Settlement

1. Introduction

Pursuant to the Distributor Settlement Agreement, dated as of July 21, 2021, and any revision thereto (the "Distributor Settlement Agreement"), including Section V and Exhibit O, the State of California proposes this agreement (the "CA Distributor Allocation Agreement") to govern the allocation, distribution, and use of Settlement Fund payments made to California pursuant to Sections IV and V of the Distributor Settlement Agreement.[1] For the avoidance of doubt, this agreement does not apply to payments made pursuant to Sections IX or X of the Distributor Settlement Agreement.

Pursuant to Exhibit O, Paragraph 4, of the Distributor Settlement Agreement, acceptance of this CA Distributor Allocation Agreement is a requirement to be an Initial Participating Subdivision.

2. Definitions

a) *CA Participating Subdivision* means a Participating Subdivision that is also (a) a Plaintiff Subdivision and/or (b) a Primary Subdivision with a population equal to or greater than 10,000. For the avoidance of doubt, eligible CA Participating Subdivisions are those California subdivisions listed in Exhibit C (excluding Litigating Special Districts) and/or Exhibit I to the Distributor Settlement Agreement.

b) *Janssen Settlement Agreement* means the Janssen Settlement Agreement dated July 21, 2021, and any revision thereto.

c) *Litigating Special District* means a school district, fire protection district, health authority, health plan, or other special district that has filed a lawsuit against an Opioid Defendant. Litigating Special Districts include Downey Unified School District, Elk Grove Unified School District, Kern High School District, Montezuma Fire Protection District (located in Stockton, California), Santa Barbara San Luis Obispo Regional Health Authority, Inland Empire Health Plan, Health Plan of San Joaquin, and LA Care Health Plan.

d) *Plaintiff Subdivision* means a Subdivision located in California, other than a Litigating Special District, that filed a lawsuit, on behalf of the Subdivision and/or through an official of the Subdivision on behalf of the People of the State of California, against one or more Opioid Defendants prior to October 1, 2020.

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[1] A parallel but separate agreement (the "CA Janssen Allocation Agreement") will govern the allocation, distribution, and use of settlement fund payments under the Janssen Settlement Agreement. An eligible Subdivision may elect to participate in either the Distributor Settlement or the Janssen Settlement, or in both.

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e) *Opioid Defendant* means any defendant (including but not limited to Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc., AmerisourceBergen Corporation, and McKesson Corporation) named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government on or before October 1, 2020.

3. General Terms

This agreement is subject to the requirements of the Distributor Settlement Agreement, as well as applicable law, and the Distributor Settlement Agreement governs over any inconsistent provision of this CA Distributor Allocation Agreement. Terms used in this CA Distributor Allocation Agreement have the same meaning as in the Distributor Settlement Agreement unless otherwise defined herein.

Pursuant to Section V(D)(1) of the Distributor Settlement Agreement, (a) all Settlement Fund payments will be used for Opioid Remediation, except as allowed by Section V(B)(2) of the Distributor Settlement Agreement; and (b) at least seventy percent (70%) of Settlement Fund payment amounts will be used solely for future Opioid Remediation.

4. State Allocation

The Settlement Fund payments to California,[2] pursuant to the Distributor Settlement Agreement, shall be allocated as follows: 15% to the State Fund; 70% to the Abatement Accounts Fund; and 15% to the Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlement Fund shall be combined pursuant to this CA Distributor Allocation Agreement, and 15% of that total shall be allocated to the State of California (the "State of California Allocation"), 70% to the California Abatement Accounts Fund ("CA Abatement Accounts Fund"), and 15% to the California Subdivision Fund ("CA Subdivision Fund").

A. State of California Allocation

Fifteen percent of the total Settlement Fund payments will be allocated to the State and used by the State for future Opioid Remediation.

B. CA Abatement Accounts Fund

i. Allocation of CA Abatement Accounts Funds

a) Seventy percent of the total Settlement Fund payments will be allocated to the CA Abatement Accounts Fund. The funds in the CA Abatement Accounts Fund will be

[2] For purposes of clarity, use of the term "California" refers to the geographic territory of California and the state and its local governments therein. The term "State" or "State of California" refers to the State of California as a governmental unit.

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allocated based on the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804), as adjusted to reflect only those cities and counties that are eligible, based on population or litigation status, to become a CA Participating Subdivision. The percentage from the CA Abatement Accounts Fund allocated to each CA Participating Subdivision is set forth in Appendix 1 in the column entitled abatement percentage (the "Local Allocation"). For the avoidance of doubt, Litigating Special Districts and California towns, cities, and counties with a population less than 10,000 are not eligible to receive an allocation of CA Abatement Accounts Funds.

b) A CA Participating Subdivision that is a county, or a city and county, will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision, and will receive payments as provided in the Distributor Settlement Agreement.

c) A CA Participating Subdivision that is a city will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision. The Local Allocation share for a city that is a CA Participating Subdivision will be paid to the county in which the city is located, rather than to the city, so long as: (a) the county is a CA Participating Subdivision, and (b) the city has not advised the Settlement Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date. A Local Allocation share allocated to a city but paid to a county is not required to be spent exclusively for abatement activities in that city, but will become part of the county's share of the CA Abatement Accounts Funds, which will be used in accordance with Section 4.B.ii (Use of CA Abatement Accounts Funds) and reported on in accordance with Section 4.B.iii (CA Abatement Accounts Fund Oversight).

d) A city within a county that is a CA Participating Subdivision may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the Settlement Fund Administrator at least 60 days prior to a Payment Date. For purposes of this CA Distributor Allocation Agreement, the Cities of Los Angeles, Oakland, San Diego, San Jose and Eureka will be deemed to have elected direct payment if they become Participating Subdivisions.

e) The State will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision.

f) Funds received by a CA Participating Subdivision, and not expended or encumbered within five years of receipt and in accordance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement shall be transferred to the State; provided however, that CA Participating Subdivisions have seven years to expend or encumber CA Abatement Accounts Funds designated to support capital outlay projects before they must be transferred to the State. This provision shall not apply to the Cost Reimbursement Funds, which shall be controlled by Appendix 2.

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ii. Use of CA Abatement Accounts Funds

a) The CA Abatement Accounts Funds will be used for future Opioid Remediation in one or more of the areas described in the List of Opioid Remediation Uses, which is Exhibit E to the Distributor Settlement Agreement.

b) In addition to this requirement, no less than 50% of the funds received by a CA Participating Subdivision from the Abatement Accounts Fund in each calendar year will be used for one or more of the following High Impact Abatement Activities:

(1) the provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;

(2) creating new or expanded Substance Use Disorder ("SUD") treatment infrastructure;

(3) addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;

(4) diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and/or

(5) interventions to prevent drug addiction in vulnerable youth.

c) The California Department of Health Care Services ("DHCS") may add to this list (but not delete from it) by designating additional High Impact Abatement Activities. DHCS will make reasonable efforts to consult with stakeholders, including the CA Participating Subdivisions, before adding additional High Impact Abatement Activities to this list.

d) For the avoidance of doubt, and subject to the requirements of the Distributor Settlement Agreement and applicable law, CA Participating Subdivisions may form agreements or ventures, or otherwise work in collaboration with, federal, state, local, tribal or private sector entities in pursuing Opioid Remediation activities funded from the CA Abatement Accounts Fund. Further, provided that all CA Abatement Accounts Funds are used for Opioid Remediation consistent with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement, a county and any cities or towns within the county may agree to reallocate their respective shares of the CA Abatement Accounts Funds among themselves, provided that any direct distribution may only be to a CA Participating Subdivision and any CA Participating Subdivision must agree to their share being reallocated.

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iii. CA Abatement Accounts Fund Oversight

a) Pursuant to Section 5 below, CA Participating Subdivisions receiving settlement funds must prepare and file reports annually regarding the use of those funds. DHCS may regularly review the reports prepared by CA Participating Subdivisions about the use of CA Abatement Accounts Funds for compliance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement.

b) If DHCS determines that a CA Participating Subdivision's use of CA Abatement Accounts Funds is inconsistent with the Distributor Settlement Agreement or this CA Distributor Allocation Agreement, whether through review of reports or information from any other sources, DHCS shall send a request to meet and confer with the CA Participating Subdivision. The parties shall meet and confer in an effort to resolve the concern.

c) If the parties are unable to reach a resolution, DHCS may conduct an audit of the Subdivision's use of the CA Abatement Accounts Funds within one year of the request to meet and confer, unless the parties mutually agree in writing to extend the meet and confer time frame.

d) If the concern still cannot be resolved, the State may bring a motion or action in the court where the State has filed its Consent Judgment to resolve the concern or otherwise enforce the requirements of the Distributor Settlement Agreement or this CA Distributor Allocation Agreement. However, in no case shall any audit be conducted, or motion be brought, as to a specific expenditure of funds, more than five years after the date on which the expenditure of the funds was reported to DHCS, in accordance with this agreement.

e) Notwithstanding the foregoing, this Agreement does not limit the statutory or constitutional authority of any state or local agency or official to conduct audits, investigations, or other oversight activities, or to pursue administrative, civil, or criminal enforcement actions.

C. CA Subdivision Fund

i. Fifteen percent of the total Settlement Fund payments will be allocated to the CA Subdivision Fund. All funds in the CA Subdivision Fund will be allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. The funds will be used, subject to any limits imposed by the Distributor Settlement Agreement and this CA Distributor Allocation Agreement, to fund future Opioid Remediation and reimburse past opioid-related expenses, which may include fees and expenses related to litigation, and to pay the reasonable fees and expenses of the Special Master as set forth in Appendix 2.

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The CA Subdivision Funds will be allocated as follows:

a) First, funds in the CA Subdivision Fund shall be used to pay the Special Master's reasonable fees and expenses in accordance with the procedures and limitations set forth in Appendix 2 to this document;

b) Second, funds will be allocated to Plaintiff Subdivisions that are Initial Participating Subdivisions that have been awarded Costs, as defined by and in accordance with the procedures and limitations set forth in Appendix 2 to this document.

c) Funds remaining in the CA Subdivision Fund, which shall consist of no less than 50% of the total CA Subdivision Fund received in any year pursuant to Appendix 2, Section 2.c.v, will be distributed to Plaintiff Subdivisions that are Initial Participating Subdivisions, in relative proportion to the Local Allocation. These funds shall be used to fund future opioid-related projects and to reimburse past opioid-related expenses, which may include fees and expenses related to litigation against any Opioid Defendant.

D. Provision for State Back-Stop Agreement

On August 6, 2021, Judge Dan Polster of the U.S. District Court, Northern District of Ohio, Eastern Division, issued an order (ECF Docket Number 3814) ("MDL Fees Order") in the National Prescription Opiate Litigation (MDL No. 2804) "cap[ping] all applicable contingent fee agreements at 15%." Private counsel representing Plaintiff Subdivisions should seek its contingency fees and costs from the Attorney Fee Fund or Cost Funds under the Distributor Settlement Agreement and, if applicable, the Janssen Settlement Agreement.

A Plaintiff Subdivision may separately agree to use its share of the CA Subdivision Fund to pay for fees or costs incurred by its contingency-fee counsel ("State Back-Stop Agreement"), pursuant to Exhibit R, section I(R), of the Distributor Settlement Agreement and the MDL Fees Order, so long as such contingency fees do not exceed a total contingency fee of 15% of the total gross recovery of the Plaintiff Subdivision pursuant to the Distributor Settlement, and if applicable, the Janssen Settlement, inclusive of contingency fees from the national Attorney Fee Fund and this State Back-Stop Agreement. Before seeking fees or litigation costs and expenses from a State Back-Stop Agreement, private counsel representing Plaintiff Subdivisions must first seek contingency fees and costs from the Attorney Fee Fund or Cost Funds created under the Distributor Settlement Agreement and, if applicable, the Janssen Settlement Agreement. Further, private counsel may only seek reimbursement for litigation fees and costs that have not previously been reimbursed through prior settlements or judgments.

To effectuate a State Back-Stop Agreement pursuant to this section, an agreement in the form of Appendix 3 may be entered into by a Plaintiff Subdivision, private counsel, and the California Office of the Attorney General. The California Office of the Attorney General shall, upon the request of a Plaintiff Subdivision, execute any agreement executed by a Plaintiff Subdivision and its private counsel if it is in the form of Appendix 3. The California Office of the Attorney

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General will also consider requests from Plaintiff Subdivisions to execute and enter into agreements presented in other forms.

For the avoidance of doubt, this agreement does not require a Plaintiff Subdivision to request or enter into a State Back-Stop Agreement, and no State Back-Stop Agreement shall impose any duty or obligation on the State of California or any of its agencies or officers, including without limitation the Attorney General.

5. State and Subdivision Reporting

a) DHCS will prepare an annual written report regarding the State's use of funds from the settlement until those funds are fully expended and for one year thereafter. These reports will be made publicly available on the DHCS web site.

b) Each CA Participating Subdivision that receives payments of funds from the settlement will prepare written reports at least annually regarding the use of those funds, until those funds are fully expended and for one year thereafter. These reports will also include a certification that all funds that the CA Participating Subdivision has received through the settlement have been used in compliance with the Distributor Settlement Agreement and this CA Distributor Allocation Agreement. The report will be in a form reasonably determined by DHCS. Prior to specifying the form of the report DHCS will confer with representatives of the Plaintiff Subdivisions.

c) The State and all CA Participating Subdivisions receiving CA Abatement Accounts Funds will track all deposits and expenditures. Each such subdivision is responsible solely for the CA Abatement Accounts Funds it receives. A county is not responsible for oversight, reporting, or monitoring of CA Abatement Accounts Funds received by a city within that county that receives direct payment. Unless otherwise exempt, Subdivisions' expenditures and uses of CA Abatement Accounts Funds and other Settlement Funds will be subject to the normal budgetary and expenditure process of the Subdivision.

d) Each Plaintiff Subdivision receiving CA Subdivision Funds will track all deposits and expenditures, as required by the Distributor Settlement Agreement and this CA Distributor Allocation Agreement. Among other things, Plaintiff Subdivisions using monies from the CA Subdivision Fund for purposes that do not qualify as Opioid Remediation must identify and include in their annual report, the amount and how such funds were used, including if used to pay attorneys' fees, investigation costs, or litigation costs. Pursuant to Section V(B)(2) of the Distributor Settlement Agreement, such information must also be reported to the Settlement Fund Administrator and the Distributors.

e) In each year in which DHCS prepares an annual report DHCS will also host a meeting to discuss the annual report and the Opioid Remediation activities being carried out by the State and Participating Subdivisions.

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6. Miscellaneous

a) The State or any CA Participating Subdivision may bring a motion or action in the court where the State has filed its Consent Judgment to enforce the requirements of this CA Distributor Allocation Agreement. Before filing such a motion or action the State will meet and confer with any CA Participating Subdivision that is the subject of the anticipated motion or action, and vice versa.

b) Except as provided in the Distributor Settlement Agreement, this CA Distributor Allocation Agreement is not enforceable by any party other than the State and the CA Participating Subdivisions. It does not confer any rights or remedies upon, and shall not be enforceable by, any third party.

c) Except as provided in the CA Distributor Allocation Agreement, if any provision of this agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such provision to persons, entities, or circumstances other than those as to which it is invalid or unenforceable, will not be affected thereby, and each other provision of this agreement will be valid and enforceable to the fullest extent permitted by law.

d) Except as provided in the Distributor Settlement Agreement, this agreement shall be governed by and interpreted in accordance with the laws of California.

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The undersigned, Milpitas city, ACKNOWLEDGES acceptance of this Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Distributor Settlement is a requirement to be an Initial Participating Subdivision in the Distributor Settlement and ACCEPTS this Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Distributor Settlement.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

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APPENDIX 1

DISCLAIMER: The allocation percentages herein are estimates only and should not be relied on for decisions regarding legal rights, releases, waivers, or other decisions affecting current or potential legal claims. Percentages shown in the Plaintiff Subdivision Percentage column may change pursuant to Section 4.C. of the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Distributor Settlement, whereas the percentages shown in the Abatement Percentage column should not change. Participating Subdivisions, underlying calculations, and the calculated allocation percentages are subject to change. Regarding the column herein entitled "Abatement Percentage," pursuant to Section 4.B.e., the State of California will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision. Regarding the column herein entitled "Plaintiff Subdivision Percentage," payments allocated to a Plaintiff Subdivision, which is not an Initial Participating Subdivision, will be re-allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. Regarding the column herein entitled "Abatement Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the California Abatement Account Funds received, pursuant to Section 4.B. Regarding the column herein entitled "Plaintiff Subdivision Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the California Subdivision Funds received, pursuant to Section 4.C. Regarding the column herein entitled "Weighted Allocation Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the combined and weighted allocation of the Abatement Percentage and the Plaintiff Subdivision Percentage.

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APPENDIX 1

			100.000%	100.000%	100.000%
Participating Subdivision Classification	**Participating Subdivision**	**County**	**Abatement Percentage**	**Plaintiff Subdivision Percentage**	**Weighted Allcation Percentage**
County	***Alameda County***	Alameda	2.332%	2.853%	**2.4237952%**
City	Alameda	Alameda	0.069%		**0.0570162%**
City	Albany	Alameda	0.013%		**0.0107768%**
City	Berkeley	Alameda	0.152%		**0.1249656%**
City	Dublin	Alameda	0.033%	0.040%	**0.0338810%**
City	Emeryville	Alameda	0.023%		**0.0185765%**
City	Fremont	Alameda	0.108%		**0.0888576%**
City	Hayward	Alameda	0.117%		**0.0966218%**
City	Livermore	Alameda	0.054%		**0.0446740%**
City	Newark	Alameda	0.026%		**0.0217626%**
City	Oakland	Alameda	0.486%	0.595%	**0.5055601%**
City	Piedmont	Alameda	0.014%		**0.0114064%**
City	Pleasanton	Alameda	0.067%		**0.0554547%**
City	San Leandro	Alameda	0.039%		**0.0321267%**
City	Union City	Alameda	0.043%		**0.0352484%**
County	***Amador County***	Amador	0.226%	0.277%	**0.2349885%**
County	***Butte County***	Butte	1.615%	1.975%	**1.6783178%**
City	Chico	Butte	0.216%	0.264%	**0.2246499%**
City	Oroville	Butte	0.079%		**0.0646595%**
County	***Calaveras County***	Calaveras	0.226%	0.277%	**0.2351644%**
County	***Colusa County***	Colusa	0.059%		**0.0489221%**
County	***Contra Costa County***	Contra Costa	2.102%	2.571%	**2.1844585%**
City	Antioch	Contra Costa	0.037%		**0.0301879%**
City	Brentwood	Contra Costa	0.026%		**0.0215339%**
City	Clayton	Contra Costa	0.002%		**0.0018060%**
City	Concord	Contra Costa	0.055%		**0.0456676%**
City	Danville	Contra Costa	0.010%		**0.0082255%**
City	El Cerrito	Contra Costa	0.023%		**0.0189024%**
City	Hercules	Contra Costa	0.010%		**0.0078273%**

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Lafayette	Contra Costa	0.006%		**0.0046030%**
City	Martinez	Contra Costa	0.012%		**0.0098593%**
City	Moraga	Contra Costa	0.004%		**0.0031007%**
City	Oakley	Contra Costa	0.010%		**0.0079416%**
City	Orinda	Contra Costa	0.005%		**0.0038157%**
City	Pinole	Contra Costa	0.013%		**0.0110909%**
City	Pittsburg	Contra Costa	0.053%		**0.0436369%**
City	Pleasant Hill	Contra Costa	0.013%		**0.0106309%**
City	Richmond	Contra Costa	0.146%		**0.1201444%**
City	San Pablo	Contra Costa	0.018%		**0.0148843%**
City	San Ramon	Contra Costa	0.021%		**0.0176459%**
City	Walnut Creek	Contra Costa	0.026%		**0.0212132%**
County	***Del Norte County***	Del Norte	0.114%	0.140%	**1.1189608%**
County	***El Dorado County***	El Dorado	0.768%	0.939%	**0.7980034%**
City	Placerville	El Dorado	0.015%		**0.0127642%**
City	South Lake Tahoe	El Dorado	0.081%		**0.0665456%**
County	***Fresno County***	Fresno	1.895%	2.318%	**1.9693410%**
City	Clovis	Fresno	0.065%		**0.0536211%**
City	Coalinga	Fresno	0.012%		**0.0098554%**
City	Fresno	Fresno	0.397%		**0.3270605%**
City	Kerman	Fresno	0.005%		**0.0042534%**
City	Kingsburg	Fresno	0.008%		**0.0066167%**
City	Mendota	Fresno	0.002%		**0.0019387%**
City	Orange Cove	Fresno	0.004%		**0.0035607%**
City	Parlier	Fresno	0.008%		**0.0069755%**
City	Reedley	Fresno	0.012%		**0.0098804%**
City	Sanger	Fresno	0.018%		**0.0146135%**
City	Selma	Fresno	0.015%		**0.0127537%**
County	***Glenn County***	Glenn	0.107%	0.131%	**0.1116978%**
County	***Humboldt County***	Humboldt	1.030%	1.260%	**1.0703185%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Arcata	Humboldt	0.054%		**0.0447660%**
City	Eureka	Humboldt	0.117%	0.143%	**0.1216284%**
City	Fortuna	Humboldt	0.032%		**0.0266837%**
County	***Imperial County***	Imperial	0.258%	0.315%	**0.2679006%**
City	Brawley	Imperial	0.011%		**0.0087986%**
City	Calexico	Imperial	0.019%		**0.0152799%**
City	El Centro	Imperial	0.158%		**0.1302522%**
City	Imperial	Imperial	0.006%		**0.0048791%**
County	***Inyo County***	Inyo	0.073%	0.089%	**0.0754413%**
County	***Kern County***	Kern	2.517%	3.079%	**2.6159145%**
City	Arvin	Kern	0.006%		**0.0046425%**
City	Bakersfield	Kern	0.212%		**0.1747198%**
City	California City	Kern	0.009%		**0.0070820%**
City	Delano	Kern	0.030%		**0.0249316%**
City	McFarland	Kern	0.003%		**0.0025644%**
City	Ridgecrest	Kern	0.015%		**0.0120938%**
City	Shafter	Kern	0.013%		**0.0103417%**
City	Tehachapi	Kern	0.009%		**0.0073580%**
City	Wasco	Kern	0.008%		**0.0069861%**
County	***Kings County***	Kings	0.293%		**0.2413469%**
City	Avenal	Kings	0.007%		**0.0056335%**
City	Corcoran	Kings	0.013%		**0.0107032%**
City	Hanford	Kings	0.027%		**0.0226038%**
City	Lemoore	Kings	0.016%		**0.0131900%**
County	***Lake County***	Lake	0.795%		**0.6545389%**
City	Clearlake	Lake	0.041%	0.050%	**0.0426253%**
City	Lakeport	Lake	0.021%	0.026%	**0.0222964%**
County	***Lassen County***	Lassen	0.319%	0.391%	**0.3320610%**
City	Susanville	Lassen	0.027%		**0.0219295%**
County	***Los Angeles County***	Los Angeles	13.896%	16.999%	**14.4437559%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Agoura Hills	Los Angeles	0.005%		**0.0040024%**
City	Alhambra	Los Angeles	0.042%		**0.0343309%**
City	Arcadia	Los Angeles	0.033%		**0.0267718%**
City	Artesia	Los Angeles	0.001%		**0.0005100%**
City	Azusa	Los Angeles	0.026%		**0.0210857%**
City	Baldwin Park	Los Angeles	0.027%		**0.0218520%**
City	Bell	Los Angeles	0.008%		**0.0068783%**
City	Bellflower	Los Angeles	0.002%		**0.0014485%**
City	Bell Gardens	Los Angeles	0.014%		**0.0114301%**
City	Beverly Hills	Los Angeles	0.065%		**0.0534897%**
City	Burbank	Los Angeles	0.100%		**0.0823132%**
City	Calabasas	Los Angeles	0.006%		**0.0048948%**
City	Carson	Los Angeles	0.019%		**0.0159805%**
City	Cerritos	Los Angeles	0.005%		**0.0039682%**
City	Claremont	Los Angeles	0.010%		**0.0082584%**
City	Commerce	Los Angeles	0.000%		**0.0002971%**
City	Compton	Los Angeles	0.044%		**0.0361882%**
City	Covina	Los Angeles	0.028%		**0.0229127%**
City	Cudahy	Los Angeles	0.001%		**0.0006020%**
City	Culver City	Los Angeles	0.055%		**0.0449894%**
City	Diamond Bar	Los Angeles	0.001%		**0.0006993%**
City	Downey	Los Angeles	0.052%		**0.0429994%**
City	Duarte	Los Angeles	0.003%		**0.0027261%**
City	El Monte	Los Angeles	0.031%	0.038%	**0.0318985%**
City	El Segundo	Los Angeles	0.033%		**0.0268020%**
City	Gardena	Los Angeles	0.034%		**0.0278088%**
City	Glendale	Los Angeles	0.166%		**0.1366586%**
City	Glendora	Los Angeles	0.016%		**0.0134411%**
City	Hawaiian Gardens	Los Angeles	0.005%		**0.0040549%**
City	Hawthorne	Los Angeles	0.050%		**0.0407833%**

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City	Hermosa Beach	Los Angeles	0.018%		**0.0145307%**
City	Huntington Park	Los Angeles	0.023%		**0.0190667%**
City	Inglewood	Los Angeles	0.059%		**0.0489195%**
City	La Cañada Flintridge	Los Angeles	0.003%		**0.0025565%**
City	Lakewood	Los Angeles	0.005%		**0.0039971%**
City	La Mirada	Los Angeles	0.010%		**0.0081572%**
City	Lancaster	Los Angeles	0.045%		**0.0369689%**
City	La Puente	Los Angeles	0.002%		**0.0012999%**
City	La Verne	Los Angeles	0.024%		**0.0194190%**
City	Lawndale	Los Angeles	0.002%		**0.0017731%**
City	Lomita	Los Angeles	0.004%		**0.0031940%**
City	Long Beach	Los Angeles	0.439%		**0.3614151%**
City	Los Angeles	Los Angeles	2.715%	3.321%	**2.8218811%**
City	Lynwood	Los Angeles	0.016%		**0.0134345%**
City	Malibu	Los Angeles	0.002%		**0.0019269%**
City	Manhattan Beach	Los Angeles	0.032%		**0.0260686%**
City	Maywood	Los Angeles	0.004%		**0.0035528%**
City	Monrovia	Los Angeles	0.031%		**0.0254455%**
City	Montebello	Los Angeles	0.030%		**0.0250670%**
City	Monterey Park	Los Angeles	0.031%		**0.0256677%**
City	Norwalk	Los Angeles	0.031%		**0.0258228%**
City	Palmdale	Los Angeles	0.046%		**0.0375827%**
City	Palos Verdes Estates	Los Angeles	0.006%		**0.0053102%**
City	Paramount	Los Angeles	0.011%		**0.0091483%**
City	Pasadena	Los Angeles	0.146%		**0.1200524%**
City	Pico Rivera	Los Angeles	0.022%		**0.0183333%**
City	Pomona	Los Angeles	0.111%		**0.0911933%**
City	Rancho Palos Verdes	Los Angeles	0.002%		**0.0012645%**
City	Redondo Beach	Los Angeles	0.062%		**0.0506992%**
City	Rosemead	Los Angeles	0.003%		**0.0028260%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	San Dimas	Los Angeles	0.003%		**0.0022016%**
City	San Fernando	Los Angeles	0.013%		**0.0104837%**
City	San Gabriel	Los Angeles	0.018%		**0.0147726%**
City	San Marino	Los Angeles	0.009%		**0.0073791%**
City	Santa Clarita	Los Angeles	0.022%		**0.0178167%**
City	Santa Fe Springs	Los Angeles	0.031%		**0.0257531%**
City	Santa Monica	Los Angeles	0.158%		**0.1298513%**
City	Sierra Madre	Los Angeles	0.006%		**0.0048646%**
City	Signal Hill	Los Angeles	0.010%		**0.0084884%**
City	South El Monte	Los Angeles	0.005%		**0.0039603%**
City	South Gate	Los Angeles	0.020%		**0.0166272%**
City	South Pasadena	Los Angeles	0.012%		**0.0095334%**
City	Temple City	Los Angeles	0.005%		**0.0039498%**
City	Torrance	Los Angeles	0.112%		**0.0919820%**
City	Walnut	Los Angeles	0.006%		**0.0047305%**
City	West Covina	Los Angeles	0.049%		**0.0404521%**
City	West Hollywood	Los Angeles	0.013%		**0.0108517%**
City	Whittier	Los Angeles	0.032%		**0.0260581%**
County	***Madera County***	Madera	0.349%	0.427%	**0.3630669%**
City	Chowchilla	Madera	0.012%		**0.0097332%**
City	Madera	Madera	0.039%		**0.0318441%**
County	***Marin County***	Marin	0.564%	0.690%	**0.5861325%**
City	Larkspur	Marin	0.015%		**0.0124697%**
City	Mill Valley	Marin	0.020%		**0.0168401%**
City	Novato	Marin	0.028%		**0.0229824%**
City	San Anselmo	Marin	0.009%		**0.0078062%**
City	San Rafael	Marin	0.089%		**0.0729823%**
County	***Mariposa County***	Mariposa	0.084%	0.103%	**0.0876131%**
County	***Mendocino County***	Mendocino	0.439%	0.536%	**0.4558394%**
City	Ukiah	Mendocino	0.039%		**0.0317153%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
County	***Merced County***	Merced	0.551%	0.674%	**0.5724262%**
City	Atwater	Merced	0.024%		**0.0195846%**
City	Livingston	Merced	0.006%		**0.0045873%**
City	Los Banos	Merced	0.020%		**0.0165142%**
City	Merced	Merced	0.061%		**0.0500762%**
County	***Modoc County***	Modoc	0.065%	0.080%	**0.0678250%**
County	***Mono County***	Mono	0.023%	0.029%	**0.0242606%**
County	***Monterey County***	Monterey	0.908%	1.111%	**0.9437083%**
City	Greenfield	Monterey	0.006%		**0.0050552%**
City	King City	Monterey	0.005%		**0.0037355%**
City	Marina	Monterey	0.017%		**0.0144098%**
City	Monterey	Monterey	0.041%		**0.0336540%**
City	Pacific Grove	Monterey	0.009%		**0.0074842%**
City	Salinas	Monterey	0.094%		**0.0776576%**
City	Seaside	Monterey	0.023%		**0.0191772%**
City	Soledad	Monterey	0.007%		**0.0060870%**
County	***Napa County***	Napa	0.288%	0.352%	**0.2994325%**
City	American Canyon	Napa	0.017%		**0.0136869%**
City	Napa	Napa	0.078%		**0.0642783%**
County	***Nevada County***	Nevada	0.441%	0.539%	**0.4579827%**
City	Grass Valley	Nevada	0.024%		**0.0197805%**
City	Truckee	Nevada	0.003%		**0.0023843%**
County	***Orange County***	Orange	4.364%	5.339%	**4.5363576%**
City	Aliso Viejo	Orange	0.014%		**0.0113841%**
City	Anaheim	Orange	0.554%	0.678%	**0.5759282%**
City	Brea	Orange	0.086%		**0.0708897%**
City	Buena Park	Orange	0.087%		**0.0714352%**
City	Costa Mesa	Orange	0.124%	0.152%	**0.1288366%**
City	Cypress	Orange	0.033%		**0.0271937%**
City	Dana Point	Orange	0.001%		**0.0005560%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Fountain Valley	Orange	0.055%		**0.0455980%**
City	Fullerton	Orange	0.137%	0.168%	**0.1425744%**
City	Garden Grove	Orange	0.213%		**0.1752482%**
City	Huntington Beach	Orange	0.247%	0.302%	**0.2568420%**
City	Irvine	Orange	0.139%	0.170%	**0.1442350%**
City	Laguna Beach	Orange	0.047%	0.058%	**0.0493043%**
City	Laguna Hills	Orange	0.014%		**0.0115457%**
City	Laguna Niguel	Orange	0.001%		**0.0007071%**
City	Laguna Woods	Orange	0.001%		**0.0006546%**
City	La Habra	Orange	0.060%	0.073%	**0.0621049%**
City	Lake Forest	Orange	0.012%		**0.0101249%**
City	La Palma	Orange	0.012%		**0.0095439%**
City	Los Alamitos	Orange	0.008%		**0.0069190%**
City	Mission Viejo	Orange	0.014%		**0.0117560%**
City	Newport Beach	Orange	0.179%		**0.1470134%**
City	Orange	Orange	0.150%		**0.1231320%**
City	Placentia	Orange	0.029%	0.035%	**0.0298912%**
City	Rancho Santa Margarita	Orange	0.001%		**0.0006296%**
City	San Clemente	Orange	0.008%	0.010%	**0.0086083%**
City	San Juan Capistrano	Orange	0.008%		**0.0065510%**
City	Santa Ana	Orange	0.502%	0.614%	**0.5213866%**
City	Seal Beach	Orange	0.020%		**0.0165891%**
City	Stanton	Orange	0.035%		**0.0291955%**
City	Tustin	Orange	0.073%		**0.0600341%**
City	Westminster	Orange	0.104%	0.127%	**0.1082721%**
City	Yorba Linda	Orange	0.044%		**0.0362223%**
County	***Placer County***	Placer	1.045%	1.278%	**1.0861002%**
City	Auburn	Placer	0.017%		**0.0141114%**
City	Lincoln	Placer	0.031%		**0.0255599%**
City	Rocklin	Placer	0.076%		**0.0625485%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Roseville	Placer	0.196%		**0.1616559%**
County	***Plumas County***	Plumas	0.205%	0.251%	**0.2128729%**
County	***Riverside County***	Riverside	4.534%	5.547%	**4.7128296%**
City	Banning	Riverside	0.017%		**0.0143848%**
City	Beaumont	Riverside	0.021%		**0.0171135%**
City	Blythe	Riverside	0.012%		**0.0096714%**
City	Canyon Lake	Riverside	0.000%		**0.0001761%**
City	Cathedral City	Riverside	0.067%		**0.0553614%**
City	Coachella	Riverside	0.021%		**0.0173054%**
City	Corona	Riverside	0.147%		**0.1207083%**
City	Desert Hot Springs	Riverside	0.024%		**0.0200433%**
City	Eastvale	Riverside	0.000%		**0.0002747%**
City	Hemet	Riverside	0.051%		**0.0421792%**
City	Indio	Riverside	0.056%		**0.0457794%**
City	Jurupa Valley	Riverside	0.001%		**0.0008991%**
City	Lake Elsinore	Riverside	0.021%		**0.0172949%**
City	La Quinta	Riverside	0.063%		**0.0516732%**
City	Menifee	Riverside	0.032%		**0.0260909%**
City	Moreno Valley	Riverside	0.137%		**0.1130348%**
City	Murrieta	Riverside	0.048%	0.059%	**0.0497423%**
City	Norco	Riverside	0.016%		**0.0134542%**
City	Palm Desert	Riverside	0.083%		**0.0682465%**
City	Palm Springs	Riverside	0.076%		**0.0629862%**
City	Perris	Riverside	0.009%		**0.0076774%**
City	Rancho Mirage	Riverside	0.052%		**0.0431098%**
City	Riverside	Riverside	0.268%		**0.2206279%**
City	San Jacinto	Riverside	0.010%		**0.0085936%**
City	Temecula	Riverside	0.022%		**0.0180086%**
City	Wildomar	Riverside	0.008%		**0.0062500%**
County	***Sacramento County***	Sacramento	3.797%	4.645%	**3.9465887%**

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City	Citrus Heights	Sacramento	0.057%		**0.0465312%**
City	Elk Grove	Sacramento	0.130%		**0.1066994%**
City	Folsom	Sacramento	0.108%		**0.0890850%**
City	Galt	Sacramento	0.017%		**0.0143704%**
City	Rancho Cordova	Sacramento	0.008%		**0.0067679%**
City	Sacramento	Sacramento	0.721%	0.882%	**0.7496530%**
County	***San Benito County***	San Benito	0.106%	0.130%	**0.1101417%**
City	Hollister	San Benito	0.027%		**0.0225355%**
County	***San Bernardino County***	San Bernardino	3.259%	3.987%	**3.3878124%**
City	Adelanto	San Bernardino	0.008%		**0.0066640%**
City	Apple Valley	San Bernardino	0.025%		**0.0207360%**
City	Barstow	San Bernardino	0.015%		**0.0122056%**
City	Chino	San Bernardino	0.064%		**0.0525893%**
City	Chino Hills	San Bernardino	0.001%		**0.0006388%**
City	Colton	San Bernardino	0.031%		**0.0253443%**
City	Fontana	San Bernardino	0.112%		**0.0920543%**
City	Grand Terrace	San Bernardino	0.006%		**0.0051051%**
City	Hesperia	San Bernardino	0.035%		**0.0291522%**
City	Highland	San Bernardino	0.004%		**0.0029061%**
City	Loma Linda	San Bernardino	0.009%		**0.0071188%**
City	Montclair	San Bernardino	0.039%		**0.0322108%**
City	Ontario	San Bernardino	0.179%		**0.1472934%**
City	Rancho Cucamonga	San Bernardino	0.084%		**0.0689431%**
City	Redlands	San Bernardino	0.057%		**0.0469150%**
City	Rialto	San Bernardino	0.073%		**0.0603206%**
City	San Bernardino	San Bernardino	0.178%		**0.1461880%**
City	Twentynine Palms	San Bernardino	0.002%		**0.0012605%**
City	Upland	San Bernardino	0.052%		**0.0424460%**
City	Victorville	San Bernardino	0.033%		**0.0269400%**
City	Yucaipa	San Bernardino	0.016%		**0.0128772%**

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City	Yucca Valley	San Bernardino	0.003%		**0.0021228%**
County	***San Diego County***	San Diego	5.706%	6.980%	**5.9309748%**
City	Carlsbad	San Diego	0.128%		**0.1050485%**
City	Chula Vista	San Diego	0.189%	0.231%	**0.1961456%**
City	Coronado	San Diego	0.044%		**0.0359095%**
City	El Cajon	San Diego	0.113%		**0.0933582%**
City	Encinitas	San Diego	0.061%	0.074%	**0.0630289%**
City	Escondido	San Diego	0.145%		**0.1192204%**
City	Imperial Beach	San Diego	0.014%		**0.0118283%**
City	La Mesa	San Diego	0.055%	0.068%	**0.0575593%**
City	Lemon Grove	San Diego	0.022%		**0.0183911%**
City	National City	San Diego	0.080%		**0.0656808%**
City	Oceanside	San Diego	0.213%		**0.1753428%**
City	Poway	San Diego	0.062%		**0.0511040%**
City	San Diego	San Diego	1.975%	2.416%	**2.0531169%**
City	San Marcos	San Diego	0.089%		**0.0733897%**
City	Santee	San Diego	0.033%		**0.0268401%**
City	Solana Beach	San Diego	0.017%		**0.0138564%**
City	Vista	San Diego	0.052%		**0.0425144%**
Consolidated	***San Francisco***	San Francisco	3.026%	3.702%	**3.1457169%**
County	***San Joaquin County***	San Joaquin	1.680%	2.055%	**1.7460399%**
City	Lathrop	San Joaquin	0.009%		**0.0075394%**
City	Lodi	San Joaquin	0.053%		**0.0439484%**
City	Manteca	San Joaquin	0.054%		**0.0443454%**
City	Ripon	San Joaquin	0.013%		**0.0104219%**
City	Stockton	San Joaquin	0.313%	0.383%	**0.3256176%**
City	Tracy	San Joaquin	0.084%		**0.0692047%**
County	***San Luis Obispo County***	San Luis Obispo	0.816%	0.999%	**0.8484126%**
City	Arroyo Grande	San Luis Obispo	0.024%		**0.0199053%**
City	Atascadero	San Luis Obispo	0.029%		**0.0240680%**

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City	El Paso de Robles (Paso Robles)	San Luis Obispo	0.043%		**0.0353456%**
City	Grover Beach	San Luis Obispo	0.017%		**0.0137881%**
City	Morro Bay	San Luis Obispo	0.020%		**0.0160922%**
City	San Luis Obispo	San Luis Obispo	0.077%		**0.0637841%**
County	***San Mateo County***	San Mateo	1.074%	1.313%	**1.1159599%**
City	Belmont	San Mateo	0.021%		**0.0169860%**
City	Burlingame	San Mateo	0.019%		**0.0152537%**
City	Daly City	San Mateo	0.044%		**0.0363880%**
City	East Palo Alto	San Mateo	0.013%		**0.0103982%**
City	Foster City	San Mateo	0.020%		**0.0166101%**
City	Half Moon Bay	San Mateo	0.004%		**0.0031638%**
City	Hillsborough	San Mateo	0.013%		**0.0110029%**
City	Menlo Park	San Mateo	0.015%		**0.0126209%**
City	Millbrae	San Mateo	0.013%		**0.0105836%**
City	Pacifica	San Mateo	0.016%		**0.0130625%**
City	Redwood City	San Mateo	0.056%		**0.0463511%**
City	San Bruno	San Mateo	0.021%		**0.0172161%**
City	San Carlos	San Mateo	0.013%		**0.0108885%**
City	San Mateo	San Mateo	0.052%		**0.0425841%**
City	South San Francisco	San Mateo	0.043%		**0.0353943%**
County	***Santa Barbara County***	Santa Barbara	1.132%	1.385%	**1.1768968%**
City	Carpinteria	Santa Barbara	0.001%		**0.0008938%**
City	Goleta	Santa Barbara	0.004%		**0.0028969%**
City	Lompoc	Santa Barbara	0.047%		**0.0389379%**
City	Santa Barbara	Santa Barbara	0.122%		**0.1004559%**
City	Santa Maria	Santa Barbara	0.058%		**0.0479179%**
County	***Santa Clara County***	Santa Clara	2.404%	2.941%	**2.4987553%**
City	Campbell	Santa Clara	0.014%		**0.0112566%**
City	Cupertino	Santa Clara	0.008%		**0.0066824%**
City	Gilroy	Santa Clara	0.025%		**0.0202891%**

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Los Altos	Santa Clara	0.013%		**0.0103338%**
City	Los Gatos	Santa Clara	0.013%		**0.0103220%**
City	Milpitas	Santa Clara	0.036%		**0.0298120%**
City	Morgan Hill	Santa Clara	0.015%		**0.0124619%**
City	Mountain View	Santa Clara	0.041%		**0.0334608%**
City	Palo Alto	Santa Clara	0.039%		**0.0323080%**
City	San Jose	Santa Clara	0.294%	0.360%	**0.3054960%**
City	Santa Clara	Santa Clara	0.067%		**0.0549723%**
City	Saratoga	Santa Clara	0.004%		**0.0034161%**
City	Sunnyvale	Santa Clara	0.053%		**0.0434069%**
County	***Santa Cruz County***	Santa Cruz	0.783%	0.957%	**0.8135396%**
City	Capitola	Santa Cruz	0.020%		**0.0168191%**
City	Santa Cruz	Santa Cruz	0.143%		**0.1180348%**
City	Scotts Valley	Santa Cruz	0.015%		**0.0126525%**
City	Watsonville	Santa Cruz	0.063%		**0.0520136%**
County	***Shasta County***	Shasta	1.095%	1.339%	**1.1380191%**
City	Anderson	Shasta	0.024%		**0.0198896%**
City	Redding	Shasta	0.284%		**0.2334841%**
City	Shasta Lake	Shasta	0.004%		**0.0031993%**
County	***Siskiyou County***	Siskiyou	0.228%	0.279%	**0.2373393%**
County	***Solano County***	Solano	0.760%		**0.6260795%**
City	Benicia	Solano	0.031%		**0.0253903%**
City	Dixon	Solano	0.016%		**0.0130849%**
City	Fairfield	Solano	0.109%		**0.0897317%**
City	Suisun City	Solano	0.021%		**0.0176183%**
City	Vacaville	Solano	0.119%		**0.0976497%**
City	Vallejo	Solano	0.167%		**0.1373644%**
County	***Sonoma County***	Sonoma	1.218%	1.490%	**1.2661290%**
City	Healdsburg	Sonoma	0.032%		**0.0266929%**
City	Petaluma	Sonoma	0.081%		**0.0667507%**

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Rohnert Park	Sonoma	0.041%		**0.0340759%**
City	Santa Rosa	Sonoma	0.184%		**0.1519070%**
City	Sonoma	Sonoma	0.022%		**0.0183438%**
City	Windsor	Sonoma	0.016%		**0.0129298%**
County	***Stanislaus County***	Stanislaus	1.722%		**1.4182273%**
City	Ceres	Stanislaus	0.041%		**0.0340260%**
City	Modesto	Stanislaus	0.217%		**0.1788759%**
City	Newman	Stanislaus	0.006%		**0.0046964%**
City	Oakdale	Stanislaus	0.018%		**0.0145531%**
City	Patterson	Stanislaus	0.015%		**0.0126590%**
City	Riverbank	Stanislaus	0.010%		**0.0085699%**
City	Turlock	Stanislaus	0.065%		**0.0531966%**
County	***Sutter County***	Sutter	0.306%	0.374%	**0.3179548%**
City	Yuba City	Sutter	0.074%		**0.0606242%**
County	***Tehama County***	Tehama	0.213%	0.261%	**0.2216654%**
City	Red Bluff	Tehama	0.014%		**0.0117771%**
County	***Trinity County***	Trinity	0.082%	0.101%	**0.0855476%**
County	***Tulare County***	Tulare	0.809%	0.990%	**0.8410949%**
City	Dinuba	Tulare	0.014%		**0.0116929%**
City	Exeter	Tulare	0.004%		**0.0032479%**
City	Farmersville	Tulare	0.003%		**0.0027879%**
City	Lindsay	Tulare	0.007%		**0.0057111%**
City	Porterville	Tulare	0.021%		**0.0171845%**
City	Tulare	Tulare	0.037%		**0.0302273%**
City	Visalia	Tulare	0.066%		**0.0545872%**
County	***Tuolumne County***	Tuolumne	0.486%	0.594%	**0.5047621%**
County	***Ventura County***	Ventura	2.192%	2.681%	**2.2781201%**
City	Camarillo	Ventura	0.002%		**0.0012815%**
City	Fillmore	Ventura	0.002%		**0.0020294%**
City	Moorpark	Ventura	0.008%		**0.0067337%**

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APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Oxnard	Ventura	0.156%	0.190%	**0.1617338%**
City	Port Hueneme	Ventura	0.021%		**0.0174145%**
City	San Buenaventura (Ventura)	Ventura	0.085%		**0.0702181%**
City	Santa Paula	Ventura	0.014%		**0.0119072%**
City	Simi Valley	Ventura	0.065%		**0.0533043%**
City	Thousand Oaks	Ventura	0.022%		**0.0179902%**
County	***Yolo County***	Yolo	0.357%	0.437%	**0.3713319%**
City	Davis	Yolo	0.055%		**0.0451747%**
City	West Sacramento	Yolo	0.066%		**0.0544321%**
City	Woodland	Yolo	0.058%		**0.0477904%**
County	***Yuba County***	Yuba	0.214%	0.262%	**0.2225679%**
City	Marysville	Yuba	0.014%		**0.0112079%**

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APPENDIX 2

Cost Reimbursement Procedure

1. **Additional defined terms:**

   a) *Costs* means the reasonable amounts paid for the attorney and other City Attorney and County Counsel staff time for individuals employed by a Plaintiff Subdivision at the contractual rate, inclusive of benefits and overhead, together with amounts paid for court reporters, experts, copying, electronic research, travel, vendors, and the like, which were paid or incurred (i) prior to July 21, 2021 in litigation against any Opioid Defendant and/or (ii) in negotiating and drafting this CA Distributor Allocation Agreement. Costs does not include attorneys' fees, costs, or expenses incurred by private contingency fee counsel. No part of the CA Abatement Accounts Fund will be used to reimburse Costs.

   b) *First Claims Date* means October 1, 2023 or when all applications for reimbursement of Costs, in whole or in part, from funds available under Section X and Exhibit R of the Distributor Settlement Agreement or Section XI and Exhibit R of the Janssen Settlement Agreement, have been finally determined under the provisions of those agreements, whichever comes first.

   c) *Special Master* means a retired judicial officer or former public lawyer, not presently employed or retained by a Plaintiff Subdivision, who will aggregate, review, and determine the reasonable Costs to be awarded to each Plaintiff Subdivision that submits a claim for reimbursement of Costs. The Special Master will be selected by a majority vote of the votes cast by Plaintiff Subdivisions, with each such subdivision having one vote.

   d) *Plaintiff Subdivision Committee* means the committee of Plaintiff Subdivisions that will review and approve the invoices submitted by the Special Master reflecting his or her reasonable time and expenses.

2. **Cost Reimbursement to Plaintiff Subdivision**

   a) Purpose. Substantial resources have been expended to hold Opioid Defendants accountable for creating and profiting from the opioid crisis, and this effort has been a significant catalyst in creating a National Opioid Settlement with Distributors, Johnson & Johnson, and others.

   b) Claims Procedure.

      i. If a Plaintiff Subdivision is eligible to seek reimbursement of Costs, in whole or in part, from funds available under Section X or Exhibit R of the Distributor Settlement Agreement or Section XI or Exhibit R of the Janssen Settlement Agreement, it must first make a timely application for reimbursement from such funds. To allow sufficient time for determination of those applications, no claim for

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Costs to the CA Subdivision Fund under this Agreement may be made before the First Claims Date.

ii. A Plaintiff Subdivision that wishes to be reimbursed from the CA Subdivision Fund must submit a claim to the Special Master no later than forty-five (45) days after the First Claims Date. The Special Master will then compile and redistribute the aggregated claim totals for each Plaintiff Subdivision via email to representatives of all the Plaintiff Subdivisions. A claim for attorney and staff time must list, for each attorney or staff member included in the claim, the following information: name, title, total hours claimed, hourly rate (including, if sought, benefits and share of overhead), and narrative summarizing the general nature of the work performed by the attorney or staff member. For reimbursement of "hard" costs, the subdivision may aggregate across a category (e.g., total for travel costs). It is the intention of the Plaintiff Subdivisions that submission of documents related to reimbursement of Costs does not waive any attorney-client privilege or exemptions to the California Public Records Act.

iii. The Special Master may request, at his or her sole option, additional documents or details to assist in the final award of Costs.

iv. The Special Master will review claims for reasonableness and will notify each Plaintiff Subdivision of the final determination of its claim, and will provide a list of all final awards to all Plaintiff Subdivisions by email or, upon request, via First Class U.S. Mail. Any Plaintiff Subdivision may ask the Special Master to reconsider any final award within twenty-one (21) days. The Special Master will make a final determination on any such reconsideration request within thirty (30) days of receipt.

v. Any decision of the Special Master is final and binding, and will be considered under the California Arbitration Act, Code of Civil Procedure section 1280 et seq. as a final arbitration award. Nothing in this agreement is intended to expand the scope of judicial review of the final award for errors of fact or law, and the Parties agree that they may only seek to vacate the award if clear and convincing evidence demonstrates one of the factors set forth in Code of Civil Procedure, section 1286.2, subdivision (a). Plaintiff Subdivisions will have fourteen (14) days after all final awards are made, together with any final determination of a request for reconsideration, to seek review in the Superior Court of California, pursuant to Code of Civil Procedure, section 1285, where the State has filed its Consent Judgment.

vi. The Special Master will prepare a report of Costs that includes his or her fees and expenses at least ninety (90) days before the Payment Date for each Annual Payment. The Special Master's preparation of a report of Costs does not discharge a Plaintiff Subdivision's reporting requirement under Section V.B.2 of the Distributor Agreement.

vii. A member of the Plaintiff Subdivision Committee, which is a CA Participating Subdivision, will submit to the Settlement Fund Administrator and the Distributors a

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report of the fees and expenses incurred by the Special Master pursuant to Section V.B.2 of the Distributor Agreement.

c) Claims Priority and Limitation.

i. The Special Master will submit invoices for compensation of reasonable fees and expenses to the Plaintiff Subdivision Committee no later than ninety (90) days prior to the Payment Date for each Annual Payment. The Plaintiff Subdivision Committee will promptly review and, if reasonable, approve the Special Master's invoice for compensation. The Plaintiff Subdivision Committee will submit approved invoices to the Settlement Fund Administrator for payment. The Special Master's approved invoices have priority and will be paid first from the CA Subdivision Fund before any award of Costs, subject to the limitation in Section 2.c.v below.

ii. Final Awards of Costs that do not exceed seventy-five thousand dollars ($75,000.00) will be paid next in priority after the Special Master's approved invoices.

iii. Final Awards of Costs in excess of seventy-five thousand dollars ($75,000.00) will be paid proportionally from the funds remaining in that year's Annual Payment.

iv. Any claim for Costs that is not paid in full will be allocated against the next year's distribution from the CA Subdivision Fund, until all approved claims for Costs are paid in full.

v. In no event will more than 50% of the total CA Subdivision Fund received in any year be used to pay Costs or the Special Master's approved invoices.

vi. In no event shall more than $28 million of the total CA Subdivision Funds paid pursuant to the Distributor Settlement Agreement and the Janssen Settlement Agreement be used to pay Costs.

d) Collateral Source Payments and Third-Party Settlement.

i. In the event a Plaintiff Subdivision is awarded compensation, in whole or in part, by any source of funds created as a result of litigation against an Opioid Defendant for its reasonable Costs, it will reduce its claim for Costs from the CA Subdivision Fund by that amount. If a Plaintiff Subdivision has already received a final award of Costs from the CA Subdivision Fund, it will repay the fund up to the prior award of Costs via a payment to the Settlement Fund Administrator or notify the Settlement Fund Administrator that its allocation from the next and subsequent Annual Payments should be reduced accordingly. If the Plaintiff Subdivision is repaying any prior award of Costs, that repayment will occur as soon as is feasible after the Plaintiff Subdivision's receipt of Cost funds from the collateral source, but no more than 90 days after its receipt from the collateral source. The Settlement Fund Administrator will add any repaid Costs to the CA Subdivision Fund.

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ii. In the event a Plaintiff Subdivision reaches a monetary settlement or compromise against any Opioid Defendant outside of the National Opioid Settlement, the monetary portion of such settlement, net of fees paid to outside contingency fee counsel and of funds earmarked strictly for abatement, will be credited against its Costs and the subdivision will be ineligible to recover those credited Costs from the CA Subdivision Fund. Plaintiff Subdivisions negotiating monetary settlements or compromises against any Opioid Defendant outside of the National Opioid Settlement will negotiate for funds to repay any Costs it previously received from the CA Subdivision Fund or for Costs it otherwise might be eligible to claim from the CA Subdivision Fund. If such a settlement is paid after all final approved claims for Costs by all Plaintiff Subdivisions are satisfied in full, the settling subdivision will reimburse the CA Subdivision Fund in that amount by making payment to the Settlement Fund Administrator to add to the CA Subdivision Fund in a manner consistent with the repayments described in section 2.d.i above.

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APPENDIX 3

CALIFORNIA-SUBDIVISION BACKSTOP AGREEMENT

On August 6, 2021, Judge Polster of the US District Court for the Northern District of Ohio issued an Order (the Order), docket number 3814, in In Re National Prescription Opiate Litigation, MDL 2804, addressing contingent attorney fee contracts between political subdivisions eligible to participate in the Distributors Settlement and their counsel.

In light of the Order, and at the request of [SUBDIVISION], the [SUBDIVISION], its counsel [COUNSEL], and the California Attorney General, on behalf of the State of California, are entering into this California-Subdivision Backstop Agreement (Backstop Agreement).

[SUBDIVISION] and [COUNSEL] intend this Backstop Agreement to constitute a State Back-Stop Agreement as that term is used in the Order and in Exhibit R (Agreement on Attorneys' Fees, Expenses and Costs) of the Distributor Settlement Agreement.

Pursuant to this Backstop Agreement, [SUBDIVISION] may, subject to the limitations of the Distributor Settlement Agreement and CA Distributor Allocation Agreement, as well as any other limitations imposed by law, use funds that it receives from the Distributor Settlement CA Subdivision Fund to pay a contingent fee to [COUNSEL]. Any such payment from [SUBDIVISION] to [COUNSEL], together with any contingency fees that [COUNSEL] may receive from the national Attorney Fee Fund, will not exceed a total contingency fee of [PERCENTAGE NOT TO EXCEED 15%] of the total gross recovery of [SUBDIVISION] from the Distributors Settlement.

[COUNSEL] certify that they first sought fees and costs from the Attorney Fee Fund created under the Distributor Settlement Agreement before seeking or accepting payment under this backstop agreement. [COUNSEL] further certify that they are not seeking and will not accept payment under this backstop agreement of any litigation fees or costs that have been reimbursed through prior settlements or judgments.

The Attorney General is executing this agreement solely because the definition of "State Back-Stop Agreement" in Exhibit R of the Distributor Settlement Agreement requires such agreements to be between "a Settling State" and private counsel for a participating subdivision. Neither the California Attorney General nor the State of California have any obligations under this Backstop Agreement, and this Backstop Agreement does not require the payment of any state funds to [SUBDIVISION], [COUNSEL], or any other party.

[DATE]	[SUBDIVISION SIGNATURE BLOCK]
[DATE]	[COUNSEL SIGNATURE BLOCK]
[DATE]	[ATTORNEY GENERAL SIGNATURE BLOCK]

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Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively "Settling Distributors"). This virtual envelope contains a Participation Form for the settlement including a release of claims and a separate Signature Page for California's Proposed State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds. Both documents in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially "participating."

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and the Settling Distributors will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: https://nationalopioidsettlement.com/. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. This website will be supplemented as additional documents are created. California has also created a state-specific website which may be accessed here: https://oag.ca.gov/opioids. If you have questions, please contact OpioidSettlement-LocalGovernment@doj.ca.gov.

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Settlement Participation Form

Governmental Entity: Milpitas city	State: CA
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Distributor Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.

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8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.

10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

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I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

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Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively "Janssen"). This virtual envelope contains a Participation Form for the settlement including a release of claims and a separate Signature Page for California's Proposed State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds. Both documents in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially "participating."

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and Janssen will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: https://nationalopioidsettlement.com/. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. This website will be supplemented as additional documents are created. California has also created a state-specific website which may be accessed here: https://oag.ca.gov/opioids. If you have questions, please contact OpioidSettlement-LocalGovernment@doj.ca.gov.

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Settlement Participation Form

Governmental Entity: Milpitas city	State: CA
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.

7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

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8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

   > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

   A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

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I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

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Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds – Janssen Settlement

1. Introduction

Pursuant to the Janssen Settlement Agreement, dated as of July 21, 2021, and any revision thereto (the "Janssen Settlement Agreement"), including Section VI and Exhibit O, the State of California proposes this agreement (the "CA Janssen Allocation Agreement") to govern the allocation, distribution, and use of Settlement Fund payments made to California pursuant to Sections V and VI of the Janssen Settlement Agreement.[1] For the avoidance of doubt, this agreement does not apply to payments made pursuant to Sections X or XI of the Janssen Settlement Agreement.

Pursuant to Exhibit O, Paragraph 4, of the Janssen Settlement Agreement, acceptance of this CA Janssen Allocation Agreement is a requirement to be an Initial Participating Subdivision.

2. Definitions

a) *CA Participating Subdivision* means a Participating Subdivision that is also (a) a Plaintiff Subdivision and/or (b) a Primary Subdivision with a population equal to or greater than 10,000. For the avoidance of doubt, eligible CA Participating Subdivisions are those California subdivisions listed in Exhibit C (excluding Litigating Special Districts) and/or Exhibit I to the Janssen Settlement Agreement.

b) *Distributor Settlement Agreement* means the Distributor Settlement Agreement dated July 21, 2021, and any revision thereto.

c) *CA Litigating Special District* means a Litigating Special District located in California. CA Litigating Special Districts include Downey Unified School District, Elk Grove Unified School District, Kern High School District, Montezuma Fire Protection District (located in Stockton, California), Santa Barbara San Luis Obispo Regional Health Authority, Inland Empire Health Plan, Health Plan of San Joaquin, and LA Care Health Plan.

d) *Plaintiff Subdivision* means a Subdivision located in California, other than a CA Litigating Special District, that filed a lawsuit, on behalf of the Subdivision and/or through an official of the Subdivision on behalf of the People of the State of California, against one or more Opioid Defendants prior to October 1, 2020.

e) *Opioid Defendant* means any defendant (including but not limited to Johnson & Johnson, Janssen Pharmaceuticals, Inc., Purdue Pharma L.P., Cardinal Health, Inc.,

[1] A parallel but separate agreement (the "CA Distributor Allocation Agreement") will govern the allocation, distribution, and use of settlement fund payments under the Distributor Settlement Agreement. An eligible Subdivision may elect to participate in either the Distributor Settlement or the Janssen Settlement, or in both.

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AmerisourceBergen Corporation, and McKesson Corporation) named in a lawsuit seeking damages, abatement, or other remedies related to or caused by the opioid public health crisis in any lawsuit brought by any state or local government on or before October 1, 2020.

3. General Terms

This agreement is subject to the requirements of the Janssen Settlement Agreement, as well as applicable law, and the Janssen Settlement Agreement governs over any inconsistent provision of this CA Janssen Allocation Agreement. Terms used in this CA Janssen Allocation Agreement have the same meaning as in the Janssen Settlement Agreement unless otherwise defined herein.

Pursuant to Section VI(D)(1) of the Janssen Settlement Agreement, (a) all Settlement Fund payments will be used for Opioid Remediation, except as allowed by Section VI(B)(2) of the Janssen Settlement Agreement; and (b) at least seventy percent (70%) of Settlement Fund payment amounts will be used solely for future Opioid Remediation.

4. State Allocation

The Settlement Fund payments to California,[2] pursuant to the Janssen Settlement Agreement, shall be allocated as follows: 15% to the State Fund; 70% to the Abatement Accounts Fund; and 15% to the Subdivision Fund. For the avoidance of doubt, all funds allocated to California from the Settlement Fund shall be combined pursuant to this CA Janssen Allocation Agreement, and 15% of that total shall be allocated to the State of California (the "State of California Allocation"), 70% to the California Abatement Accounts Fund ("CA Abatement Accounts Fund"), and 15% to the California Subdivision Fund ("CA Subdivision Fund").

A. State of California Allocation

Fifteen percent of the total Settlement Fund payments will be allocated to the State and used by the State for future Opioid Remediation.

B. CA Abatement Accounts Fund

i. Allocation of CA Abatement Accounts Funds

a) Seventy percent of the total Settlement Fund payments will be allocated to the CA Abatement Accounts Fund. The funds in the CA Abatement Accounts Fund will be allocated based on the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804), as adjusted to reflect only those cities and counties that are eligible, based on population or litigation status, to become a CA Participating Subdivision. The percentage from the CA

[2] For purposes of clarity, use of the term "California" refers to the geographic territory of California and the state and its local governments therein. The term "State" or "State of California" refers to the State of California as a governmental unit.

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Abatement Accounts Fund allocated to each CA Participating Subdivision is set forth in Appendix 1 in the column entitled abatement percentage (the "Local Allocation"). For the avoidance of doubt, CA Litigating Special Districts and California towns, cities, and counties with a population less than 10,000 are not eligible to receive an allocation of CA Abatement Accounts Funds.

b) A CA Participating Subdivision that is a county, or a city and county, will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision, and will receive payments as provided in the Janssen Settlement Agreement.

c) A CA Participating Subdivision that is a city will be allocated its Local Allocation share as of the date on which it becomes a Participating Subdivision. The Local Allocation share for a city that is a CA Participating Subdivision will be paid to the county in which the city is located, rather than to the city, so long as: (a) the county is a CA Participating Subdivision, and (b) the city has not advised the Settlement Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date. A Local Allocation share allocated to a city but paid to a county is not required to be spent exclusively for abatement activities in that city, but will become part of the county's share of the CA Abatement Accounts Funds, which will be used in accordance with Section 4.B.ii (Use of CA Abatement Accounts Funds) and reported on in accordance with Section 4.B.iii (CA Abatement Accounts Fund Oversight).

d) A city within a county that is a CA Participating Subdivision may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the county, by providing notice to the Settlement Fund Administrator at least 60 days prior to a Payment Date. For purposes of this CA Janssen Allocation Agreement, the Cities of Los Angeles, Oakland, San Diego, San Jose and Eureka will be deemed to have elected direct payment if they become Participating Subdivisions.

e) The State will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision.

f) Funds received by a CA Participating Subdivision, and not expended or encumbered within five years of receipt and in accordance with the Janssen Settlement Agreement and this CA Janssen Allocation Agreement shall be transferred to the State; provided however, that CA Participating Subdivisions have seven years to expend or encumber CA Abatement Accounts Funds designated to support capital outlay projects before they must be transferred to the State. This provision shall not apply to the Cost Reimbursement Funds, which shall be controlled by Appendix 2.

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ii. Use of CA Abatement Accounts Funds

a) The CA Abatement Accounts Funds will be used for future Opioid Remediation in one or more of the areas described in the List of Opioid Remediation Uses, which is Exhibit E to the Janssen Settlement Agreement.

b) In addition to this requirement, no less than 50% of the funds received by a CA Participating Subdivision from the Abatement Accounts Fund in each calendar year will be used for one or more of the following High Impact Abatement Activities:

(1) the provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;

(2) creating new or expanded Substance Use Disorder ("SUD") treatment infrastructure;

(3) addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;

(4) diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and/or

(5) interventions to prevent drug addiction in vulnerable youth.

c) The California Department of Health Care Services ("DHCS") may add to this list (but not delete from it) by designating additional High Impact Abatement Activities. DHCS will make reasonable efforts to consult with stakeholders, including the CA Participating Subdivisions, before adding additional High Impact Abatement Activities to this list.

d) For the avoidance of doubt, and subject to the requirements of the Janssen Settlement Agreement and applicable law, CA Participating Subdivisions may form agreements or ventures, or otherwise work in collaboration with, federal, state, local, tribal or private sector entities in pursuing Opioid Remediation activities funded from the CA Abatement Accounts Fund. Further, provided that all CA Abatement Accounts Funds are used for Opioid Remediation consistent with the Janssen Settlement Agreement and this CA Janssen Allocation Agreement, a county and any cities or towns within the county may agree to reallocate their respective shares of the CA Abatement Accounts Funds among themselves, provided that any direct distribution may only be to a CA Participating Subdivision and any CA Participating Subdivision must agree to their share being reallocated.

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iii. CA Abatement Accounts Fund Oversight

a) Pursuant to Section 5 below, CA Participating Subdivisions receiving settlement funds must prepare and file reports annually regarding the use of those funds. DHCS may regularly review the reports prepared by CA Participating Subdivisions about the use of CA Abatement Accounts Funds for compliance with the Janssen Settlement Agreement and this CA Janssen Allocation Agreement.

b) If DHCS determines that a CA Participating Subdivision's use of CA Abatement Accounts Funds is inconsistent with the Janssen Settlement Agreement or this CA Janssen Allocation Agreement, whether through review of reports or information from any other sources, DHCS shall send a request to meet and confer with the CA Participating Subdivision. The parties shall meet and confer in an effort to resolve the concern.

c) If the parties are unable to reach a resolution, DHCS may conduct an audit of the Subdivision's use of the CA Abatement Accounts Funds within one year of the request to meet and confer, unless the parties mutually agree in writing to extend the meet and confer time frame.

d) If the concern still cannot be resolved, the State may bring a motion or action in the court where the State has filed its Consent Judgment to resolve the concern or otherwise enforce the requirements of the Janssen Settlement Agreement or this CA Janssen Allocation Agreement. However, in no case shall any audit be conducted, or motion be brought, as to a specific expenditure of funds, more than five years after the date on which the expenditure of the funds was reported to DHCS, in accordance with this agreement.

e) Notwithstanding the foregoing, this Agreement does not limit the statutory or constitutional authority of any state or local agency or official to conduct audits, investigations, or other oversight activities, or to pursue administrative, civil, or criminal enforcement actions.

C. CA Subdivision Fund

i. Fifteen percent of the total Settlement Fund payments will be allocated to the CA Subdivision Fund. All funds in the CA Subdivision Fund will be allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. The funds will be used, subject to any limits imposed by the Janssen Settlement Agreement and this CA Janssen Allocation Agreement, to fund future Opioid Remediation and reimburse past opioid-related expenses, which may include fees and expenses related to litigation, and to pay the reasonable fees and expenses of the Special Master as set forth in Appendix 2.

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The CA Subdivision Funds will be allocated as follows:

a) First, funds in the CA Subdivision Fund shall be used to pay the Special Master's reasonable fees and expenses in accordance with the procedures and limitations set forth in Appendix 2 to this document;

b) Second, funds will be allocated to Plaintiff Subdivisions that are Initial Participating Subdivisions that have been awarded Costs, as defined by and in accordance with the procedures and limitations set forth in Appendix 2 to this document.

c) Funds remaining in the CA Subdivision Fund, which shall consist of no less than 50% of the total CA Subdivision Fund received in any year pursuant to Appendix 2, Section 2.c.v, will be distributed to Plaintiff Subdivisions that are Initial Participating Subdivisions, in relative proportion to the Local Allocation. These funds shall be used to fund future opioid-related projects and to reimburse past opioid-related expenses, which may include fees and expenses related to litigation against any Opioid Defendant.

D. Provision for State Back-Stop Agreement

On August 6, 2021, Judge Dan Polster of the U.S. District Court, Northern District of Ohio, Eastern Division, issued an order (ECF Docket Number 3814) ("MDL Fees Order") in the National Prescription Opiate Litigation (MDL No. 2804) "cap[ping] all applicable contingent fee agreements at 15%." Private counsel representing Plaintiff Subdivisions should seek its contingency fees and costs from the Attorney Fee Fund or Cost Funds under the Janssen Settlement Agreement and, if applicable, the Distributor Settlement Agreement.

A Plaintiff Subdivision may separately agree to use its share of the CA Subdivision Fund to pay for fees or costs incurred by its contingency-fee counsel ("State Back-Stop Agreement"), pursuant to Exhibit R, section I(R), of the Janssen Settlement Agreement and the MDL Fees Order, so long as such contingency fees do not exceed a total contingency fee of 15% of the total gross recovery of the Plaintiff Subdivision pursuant to the Janssen Settlement, and if applicable, the Distributor Settlement, inclusive of contingency fees from the national Attorney Fee Fund and this State Back-Stop Agreement. Before seeking fees or litigation costs and expenses from a State Back-Stop Agreement, private counsel representing Plaintiff Subdivisions must first seek contingency fees and costs from the Attorney Fee Fund or Cost Funds created under the Janssen Settlement Agreement and, if applicable, the Distributor Settlement Agreement. Further, private counsel may only seek reimbursement for litigation fees and costs that have not previously been reimbursed through prior settlements or judgments.

To effectuate a State Back-Stop Agreement pursuant to this section, an agreement in the form of Appendix 3 may be entered into by a Plaintiff Subdivision, private counsel, and the California Office of the Attorney General. The California Office of the Attorney General shall, upon the request of a Plaintiff Subdivision, execute any agreement executed by a Plaintiff Subdivision and its private counsel if it is in the form of Appendix 3. The California Office of the Attorney

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General will also consider requests from Plaintiff Subdivisions to execute and enter into agreements presented in other forms.

For the avoidance of doubt, this agreement does not require a Plaintiff Subdivision to request or enter into a State Back-Stop Agreement, and no State Back-Stop Agreement shall impose any duty or obligation on the State of California or any of its agencies or officers, including without limitation the Attorney General.

5. State and Subdivision Reporting

a) DHCS will prepare an annual written report regarding the State's use of funds from the settlement until those funds are fully expended and for one year thereafter. These reports will be made publicly available on the DHCS web site.

b) Each CA Participating Subdivision that receives payments of funds from the settlement will prepare written reports at least annually regarding the use of those funds, until those funds are fully expended and for one year thereafter. These reports will also include a certification that all funds that the CA Participating Subdivision has received through the settlement have been used in compliance with the Janssen Settlement Agreement and this CA Janssen Allocation Agreement. The report will be in a form reasonably determined by DHCS. Prior to specifying the form of the report DHCS will confer with representatives of the Plaintiff Subdivisions.

c) The State and all CA Participating Subdivisions receiving CA Abatement Accounts Funds will track all deposits and expenditures. Each such subdivision is responsible solely for the CA Abatement Accounts Funds it receives. A county is not responsible for oversight, reporting, or monitoring of CA Abatement Accounts Funds received by a city within that county that receives direct payment. Unless otherwise exempt, Subdivisions' expenditures and uses of CA Abatement Accounts Funds and other Settlement Funds will be subject to the normal budgetary and expenditure process of the Subdivision.

d) Each Plaintiff Subdivision receiving CA Subdivision Funds will track all deposits and expenditures, as required by the Janssen Settlement Agreement and this CA Janssen Allocation Agreement. Among other things, Plaintiff Subdivisions using monies from the CA Subdivision Fund for purposes that do not qualify as Opioid Remediation must identify and include in their annual report, the amount and how such funds were used, including if used to pay attorneys' fees, investigation costs, or litigation costs. Pursuant to Section VI(B)(2) of the Janssen Settlement Agreement, such information must also be reported to the Settlement Fund Administrator and Janssen.

e) In each year in which DHCS prepares an annual report DHCS will also host a meeting to discuss the annual report and the Opioid Remediation activities being carried out by the State and Participating Subdivisions.

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6. Miscellaneous

a) The State or any CA Participating Subdivision may bring a motion or action in the court where the State has filed its Consent Judgment to enforce the requirements of this CA Janssen Allocation Agreement. Before filing such a motion or action the State will meet and confer with any CA Participating Subdivision that is the subject of the anticipated motion or action, and vice versa.

b) Except as provided in the Janssen Settlement Agreement, this CA Janssen Allocation Agreement is not enforceable by any party other than the State and the CA Participating Subdivisions. It does not confer any rights or remedies upon, and shall not be enforceable by, any third party.

c) Except as provided in the CA Janssen Allocation Agreement, if any provision of this agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this agreement, or the application of such provision to persons, entities, or circumstances other than those as to which it is invalid or unenforceable, will not be affected thereby, and each other provision of this agreement will be valid and enforceable to the fullest extent permitted by law.

d) Except as provided in the Janssen Settlement Agreement, this agreement shall be governed by and interpreted in accordance with the laws of California.

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The undersigned, Milpitas city, ACKNOWLEDGES acceptance of this Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Janssen Settlement is a requirement to be an Initial Participating Subdivision in the Janssen Settlement and ACCEPTS this Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds - Janssen Settlement.

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

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APPENDIX 1

DISCLAIMER: The allocation percentages herein are estimates only and should not be relied on for decisions regarding legal rights, releases, waivers, or other decisions affecting current or potential legal claims. Percentages shown in the Plaintiff Subdivision Percentage column may change pursuant to Section 4.C. of the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Janssen Settlement, whereas the percentages shown in the Abatement Percentage column should not change. Participating Subdivisions, underlying calculations, and the calculated allocation percentages are subject to change. Regarding the column herein entitled "Abatement Percentage," pursuant to Section 4.B.e., the State of California will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision. Regarding the column herein entitled "Plaintiff Subdivision Percentage," payments allocated to a Plaintiff Subdivision, which is not an Initial Participating Subdivision, will be re-allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. Regarding the column herein entitled "Abatement Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the California Abatement Account Funds received, pursuant to Section 4.B. Regarding the column herein entitled "Plaintiff Subdivision Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the California Subdivision Funds received, pursuant to Section 4.C. Regarding the column herein entitled "Weighted Allocation Percentage," the annotation of "100%" refers to one-hundred percent (100%) of the combined and weighted allocation of the Abatement Percentage and the Plaintiff Subdivision Percentage.

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APPENDIX 1

			100.000%	100.000%	100.000%
Participating Subdivision Classification	**Participating Subdivision**	**County**	**Abatement Percentage**	**Plaintiff Subdivision Percentage**	**Weighted Allcation Percentage**
County	***Alameda County***	Alameda	2.332%	2.853%	**2.4237952%**
City	Alameda	Alameda	0.069%		**0.0570162%**
City	Albany	Alameda	0.013%		**0.0107768%**
City	Berkeley	Alameda	0.152%		**0.1249656%**
City	Dublin	Alameda	0.033%	0.040%	**0.0338810%**
City	Emeryville	Alameda	0.023%		**0.0185765%**
City	Fremont	Alameda	0.108%		**0.0888576%**
City	Hayward	Alameda	0.117%		**0.0966218%**
City	Livermore	Alameda	0.054%		**0.0446740%**
City	Newark	Alameda	0.026%		**0.0217626%**
City	Oakland	Alameda	0.486%	0.595%	**0.5055601%**
City	Piedmont	Alameda	0.014%		**0.0114064%**
City	Pleasanton	Alameda	0.067%		**0.0554547%**
City	San Leandro	Alameda	0.039%		**0.0321267%**
City	Union City	Alameda	0.043%		**0.0352484%**
County	***Amador County***	Amador	0.226%	0.277%	**0.2349885%**
County	***Butte County***	Butte	1.615%	1.975%	**1.6783178%**
City	Chico	Butte	0.216%	0.264%	**0.2246499%**
City	Oroville	Butte	0.079%		**0.0646595%**
County	***Calaveras County***	Calaveras	0.226%	0.277%	**0.2351644%**
County	***Colusa County***	Colusa	0.059%		**0.0489221%**
County	***Contra Costa County***	Contra Costa	2.102%	2.571%	**2.1844585%**
City	Antioch	Contra Costa	0.037%		**0.0301879%**
City	Brentwood	Contra Costa	0.026%		**0.0215339%**
City	Clayton	Contra Costa	0.002%		**0.0018060%**
City	Concord	Contra Costa	0.055%		**0.0456676%**
City	Danville	Contra Costa	0.010%		**0.0082255%**
City	El Cerrito	Contra Costa	0.023%		**0.0189024%**
City	Hercules	Contra Costa	0.010%		**0.0078273%**

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APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Lafayette	Contra Costa	0.006%		**0.0046030%**
City	Martinez	Contra Costa	0.012%		**0.0098593%**
City	Moraga	Contra Costa	0.004%		**0.0031007%**
City	Oakley	Contra Costa	0.010%		**0.0079416%**
City	Orinda	Contra Costa	0.005%		**0.0038157%**
City	Pinole	Contra Costa	0.013%		**0.0110909%**
City	Pittsburg	Contra Costa	0.053%		**0.0436369%**
City	Pleasant Hill	Contra Costa	0.013%		**0.0106309%**
City	Richmond	Contra Costa	0.146%		**0.1201444%**
City	San Pablo	Contra Costa	0.018%		**0.0148843%**
City	San Ramon	Contra Costa	0.021%		**0.0176459%**
City	Walnut Creek	Contra Costa	0.026%		**0.0212132%**
County	***Del Norte County***	Del Norte	0.114%	0.140%	**1.1189608%**
County	***El Dorado County***	El Dorado	0.768%	0.939%	**0.7980034%**
City	Placerville	El Dorado	0.015%		**0.0127642%**
City	South Lake Tahoe	El Dorado	0.081%		**0.0665456%**
County	***Fresno County***	Fresno	1.895%	2.318%	**1.9693410%**
City	Clovis	Fresno	0.065%		**0.0536211%**
City	Coalinga	Fresno	0.012%		**0.0098554%**
City	Fresno	Fresno	0.397%		**0.3270605%**
City	Kerman	Fresno	0.005%		**0.0042534%**
City	Kingsburg	Fresno	0.008%		**0.0066167%**
City	Mendota	Fresno	0.002%		**0.0019387%**
City	Orange Cove	Fresno	0.004%		**0.0035607%**
City	Parlier	Fresno	0.008%		**0.0069755%**
City	Reedley	Fresno	0.012%		**0.0098804%**
City	Sanger	Fresno	0.018%		**0.0146135%**
City	Selma	Fresno	0.015%		**0.0127537%**
County	***Glenn County***	Glenn	0.107%	0.131%	**0.1116978%**
County	***Humboldt County***	Humboldt	1.030%	1.260%	**1.0703185%**

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APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Arcata	Humboldt	0.054%		**0.0447660%**
City	Eureka	Humboldt	0.117%	0.143%	**0.1216284%**
City	Fortuna	Humboldt	0.032%		**0.0266837%**
County	***Imperial County***	Imperial	0.258%	0.315%	**0.2679006%**
City	Brawley	Imperial	0.011%		**0.0087986%**
City	Calexico	Imperial	0.019%		**0.0152799%**
City	El Centro	Imperial	0.158%		**0.1302522%**
City	Imperial	Imperial	0.006%		**0.0048791%**
County	***Inyo County***	Inyo	0.073%	0.089%	**0.0754413%**
County	***Kern County***	Kern	2.517%	3.079%	**2.6159145%**
City	Arvin	Kern	0.006%		**0.0046425%**
City	Bakersfield	Kern	0.212%		**0.1747198%**
City	California City	Kern	0.009%		**0.0070820%**
City	Delano	Kern	0.030%		**0.0249316%**
City	McFarland	Kern	0.003%		**0.0025644%**
City	Ridgecrest	Kern	0.015%		**0.0120938%**
City	Shafter	Kern	0.013%		**0.0103417%**
City	Tehachapi	Kern	0.009%		**0.0073580%**
City	Wasco	Kern	0.008%		**0.0069861%**
County	***Kings County***	Kings	0.293%		**0.2413469%**
City	Avenal	Kings	0.007%		**0.0056335%**
City	Corcoran	Kings	0.013%		**0.0107032%**
City	Hanford	Kings	0.027%		**0.0226038%**
City	Lemoore	Kings	0.016%		**0.0131900%**
County	***Lake County***	Lake	0.795%		**0.6545389%**
City	Clearlake	Lake	0.041%	0.050%	**0.0426253%**
City	Lakeport	Lake	0.021%	0.026%	**0.0222964%**
County	***Lassen County***	Lassen	0.319%	0.391%	**0.3320610%**
City	Susanville	Lassen	0.027%		**0.0219295%**
County	***Los Angeles County***	Los Angeles	13.896%	16.999%	**14.4437559%**

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Agoura Hills	Los Angeles	0.005%		**0.0040024%**
City	Alhambra	Los Angeles	0.042%		**0.0343309%**
City	Arcadia	Los Angeles	0.033%		**0.0267718%**
City	Artesia	Los Angeles	0.001%		**0.0005100%**
City	Azusa	Los Angeles	0.026%		**0.0210857%**
City	Baldwin Park	Los Angeles	0.027%		**0.0218520%**
City	Bell	Los Angeles	0.008%		**0.0068783%**
City	Bellflower	Los Angeles	0.002%		**0.0014485%**
City	Bell Gardens	Los Angeles	0.014%		**0.0114301%**
City	Beverly Hills	Los Angeles	0.065%		**0.0534897%**
City	Burbank	Los Angeles	0.100%		**0.0823132%**
City	Calabasas	Los Angeles	0.006%		**0.0048948%**
City	Carson	Los Angeles	0.019%		**0.0159805%**
City	Cerritos	Los Angeles	0.005%		**0.0039682%**
City	Claremont	Los Angeles	0.010%		**0.0082584%**
City	Commerce	Los Angeles	0.000%		**0.0002971%**
City	Compton	Los Angeles	0.044%		**0.0361882%**
City	Covina	Los Angeles	0.028%		**0.0229127%**
City	Cudahy	Los Angeles	0.001%		**0.0006020%**
City	Culver City	Los Angeles	0.055%		**0.0449894%**
City	Diamond Bar	Los Angeles	0.001%		**0.0006993%**
City	Downey	Los Angeles	0.052%		**0.0429994%**
City	Duarte	Los Angeles	0.003%		**0.0027261%**
City	El Monte	Los Angeles	0.031%	0.038%	**0.0318985%**
City	El Segundo	Los Angeles	0.033%		**0.0268020%**
City	Gardena	Los Angeles	0.034%		**0.0278088%**
City	Glendale	Los Angeles	0.166%		**0.1366586%**
City	Glendora	Los Angeles	0.016%		**0.0134411%**
City	Hawaiian Gardens	Los Angeles	0.005%		**0.0040549%**
City	Hawthorne	Los Angeles	0.050%		**0.0407833%**

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City	Hermosa Beach	Los Angeles	0.018%		**0.0145307%**
City	Huntington Park	Los Angeles	0.023%		**0.0190667%**
City	Inglewood	Los Angeles	0.059%		**0.0489195%**
City	La Cañada Flintridge	Los Angeles	0.003%		**0.0025565%**
City	Lakewood	Los Angeles	0.005%		**0.0039971%**
City	La Mirada	Los Angeles	0.010%		**0.0081572%**
City	Lancaster	Los Angeles	0.045%		**0.0369689%**
City	La Puente	Los Angeles	0.002%		**0.0012999%**
City	La Verne	Los Angeles	0.024%		**0.0194190%**
City	Lawndale	Los Angeles	0.002%		**0.0017731%**
City	Lomita	Los Angeles	0.004%		**0.0031940%**
City	Long Beach	Los Angeles	0.439%		**0.3614151%**
City	Los Angeles	Los Angeles	2.715%	3.321%	**2.8218811%**
City	Lynwood	Los Angeles	0.016%		**0.0134345%**
City	Malibu	Los Angeles	0.002%		**0.0019269%**
City	Manhattan Beach	Los Angeles	0.032%		**0.0260686%**
City	Maywood	Los Angeles	0.004%		**0.0035528%**
City	Monrovia	Los Angeles	0.031%		**0.0254455%**
City	Montebello	Los Angeles	0.030%		**0.0250670%**
City	Monterey Park	Los Angeles	0.031%		**0.0256677%**
City	Norwalk	Los Angeles	0.031%		**0.0258228%**
City	Palmdale	Los Angeles	0.046%		**0.0375827%**
City	Palos Verdes Estates	Los Angeles	0.006%		**0.0053102%**
City	Paramount	Los Angeles	0.011%		**0.0091483%**
City	Pasadena	Los Angeles	0.146%		**0.1200524%**
City	Pico Rivera	Los Angeles	0.022%		**0.0183333%**
City	Pomona	Los Angeles	0.111%		**0.0911933%**
City	Rancho Palos Verdes	Los Angeles	0.002%		**0.0012645%**
City	Redondo Beach	Los Angeles	0.062%		**0.0506992%**
City	Rosemead	Los Angeles	0.003%		**0.0028260%**

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City	San Dimas	Los Angeles	0.003%		**0.0022016%**
City	San Fernando	Los Angeles	0.013%		**0.0104837%**
City	San Gabriel	Los Angeles	0.018%		**0.0147726%**
City	San Marino	Los Angeles	0.009%		**0.0073791%**
City	Santa Clarita	Los Angeles	0.022%		**0.0178167%**
City	Santa Fe Springs	Los Angeles	0.031%		**0.0257531%**
City	Santa Monica	Los Angeles	0.158%		**0.1298513%**
City	Sierra Madre	Los Angeles	0.006%		**0.0048646%**
City	Signal Hill	Los Angeles	0.010%		**0.0084884%**
City	South El Monte	Los Angeles	0.005%		**0.0039603%**
City	South Gate	Los Angeles	0.020%		**0.0166272%**
City	South Pasadena	Los Angeles	0.012%		**0.0095334%**
City	Temple City	Los Angeles	0.005%		**0.0039498%**
City	Torrance	Los Angeles	0.112%		**0.0919820%**
City	Walnut	Los Angeles	0.006%		**0.0047305%**
City	West Covina	Los Angeles	0.049%		**0.0404521%**
City	West Hollywood	Los Angeles	0.013%		**0.0108517%**
City	Whittier	Los Angeles	0.032%		**0.0260581%**
County	***Madera County***	Madera	0.349%	0.427%	**0.3630669%**
City	Chowchilla	Madera	0.012%		**0.0097332%**
City	Madera	Madera	0.039%		**0.0318441%**
County	***Marin County***	Marin	0.564%	0.690%	**0.5861325%**
City	Larkspur	Marin	0.015%		**0.0124697%**
City	Mill Valley	Marin	0.020%		**0.0168401%**
City	Novato	Marin	0.028%		**0.0229824%**
City	San Anselmo	Marin	0.009%		**0.0078062%**
City	San Rafael	Marin	0.089%		**0.0729823%**
County	***Mariposa County***	Mariposa	0.084%	0.103%	**0.0876131%**
County	***Mendocino County***	Mendocino	0.439%	0.536%	**0.4558394%**
City	Ukiah	Mendocino	0.039%		**0.0317153%**

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County	***Merced County***	Merced	0.551%	0.674%	**0.5724262%**
City	Atwater	Merced	0.024%		**0.0195846%**
City	Livingston	Merced	0.006%		**0.0045873%**
City	Los Banos	Merced	0.020%		**0.0165142%**
City	Merced	Merced	0.061%		**0.0500762%**
County	***Modoc County***	Modoc	0.065%	0.080%	**0.0678250%**
County	***Mono County***	Mono	0.023%	0.029%	**0.0242606%**
County	***Monterey County***	Monterey	0.908%	1.111%	**0.9437083%**
City	Greenfield	Monterey	0.006%		**0.0050552%**
City	King City	Monterey	0.005%		**0.0037355%**
City	Marina	Monterey	0.017%		**0.0144098%**
City	Monterey	Monterey	0.041%		**0.0336540%**
City	Pacific Grove	Monterey	0.009%		**0.0074842%**
City	Salinas	Monterey	0.094%		**0.0776576%**
City	Seaside	Monterey	0.023%		**0.0191772%**
City	Soledad	Monterey	0.007%		**0.0060870%**
County	***Napa County***	Napa	0.288%	0.352%	**0.2994325%**
City	American Canyon	Napa	0.017%		**0.0136869%**
City	Napa	Napa	0.078%		**0.0642783%**
County	***Nevada County***	Nevada	0.441%	0.539%	**0.4579827%**
City	Grass Valley	Nevada	0.024%		**0.0197805%**
City	Truckee	Nevada	0.003%		**0.0023843%**
County	***Orange County***	Orange	4.364%	5.339%	**4.5363576%**
City	Aliso Viejo	Orange	0.014%		**0.0113841%**
City	Anaheim	Orange	0.554%	0.678%	**0.5759282%**
City	Brea	Orange	0.086%		**0.0708897%**
City	Buena Park	Orange	0.087%		**0.0714352%**
City	Costa Mesa	Orange	0.124%	0.152%	**0.1288366%**
City	Cypress	Orange	0.033%		**0.0271937%**
City	Dana Point	Orange	0.001%		**0.0005560%**

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City	Fountain Valley	Orange	0.055%		**0.0455980%**
City	Fullerton	Orange	0.137%	0.168%	**0.1425744%**
City	Garden Grove	Orange	0.213%		**0.1752482%**
City	Huntington Beach	Orange	0.247%	0.302%	**0.2568420%**
City	Irvine	Orange	0.139%	0.170%	**0.1442350%**
City	Laguna Beach	Orange	0.047%	0.058%	**0.0493043%**
City	Laguna Hills	Orange	0.014%		**0.0115457%**
City	Laguna Niguel	Orange	0.001%		**0.0007071%**
City	Laguna Woods	Orange	0.001%		**0.0006546%**
City	La Habra	Orange	0.060%	0.073%	**0.0621049%**
City	Lake Forest	Orange	0.012%		**0.0101249%**
City	La Palma	Orange	0.012%		**0.0095439%**
City	Los Alamitos	Orange	0.008%		**0.0069190%**
City	Mission Viejo	Orange	0.014%		**0.0117560%**
City	Newport Beach	Orange	0.179%		**0.1470134%**
City	Orange	Orange	0.150%		**0.1231320%**
City	Placentia	Orange	0.029%	0.035%	**0.0298912%**
City	Rancho Santa Margarita	Orange	0.001%		**0.0006296%**
City	San Clemente	Orange	0.008%	0.010%	**0.0086083%**
City	San Juan Capistrano	Orange	0.008%		**0.0065510%**
City	Santa Ana	Orange	0.502%	0.614%	**0.5213866%**
City	Seal Beach	Orange	0.020%		**0.0165891%**
City	Stanton	Orange	0.035%		**0.0291955%**
City	Tustin	Orange	0.073%		**0.0600341%**
City	Westminster	Orange	0.104%	0.127%	**0.1082721%**
City	Yorba Linda	Orange	0.044%		**0.0362223%**
County	***Placer County***	Placer	1.045%	1.278%	**1.0861002%**
City	Auburn	Placer	0.017%		**0.0141114%**
City	Lincoln	Placer	0.031%		**0.0255599%**
City	Rocklin	Placer	0.076%		**0.0625485%**

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City	Roseville	Placer	0.196%		**0.1616559%**
County	***Plumas County***	Plumas	0.205%	0.251%	**0.2128729%**
County	***Riverside County***	Riverside	4.534%	5.547%	**4.7128296%**
City	Banning	Riverside	0.017%		**0.0143848%**
City	Beaumont	Riverside	0.021%		**0.0171135%**
City	Blythe	Riverside	0.012%		**0.0096714%**
City	Canyon Lake	Riverside	0.000%		**0.0001761%**
City	Cathedral City	Riverside	0.067%		**0.0553614%**
City	Coachella	Riverside	0.021%		**0.0173054%**
City	Corona	Riverside	0.147%		**0.1207083%**
City	Desert Hot Springs	Riverside	0.024%		**0.0200433%**
City	Eastvale	Riverside	0.000%		**0.0002747%**
City	Hemet	Riverside	0.051%		**0.0421792%**
City	Indio	Riverside	0.056%		**0.0457794%**
City	Jurupa Valley	Riverside	0.001%		**0.0008991%**
City	Lake Elsinore	Riverside	0.021%		**0.0172949%**
City	La Quinta	Riverside	0.063%		**0.0516732%**
City	Menifee	Riverside	0.032%		**0.0260909%**
City	Moreno Valley	Riverside	0.137%		**0.1130348%**
City	Murrieta	Riverside	0.048%	0.059%	**0.0497423%**
City	Norco	Riverside	0.016%		**0.0134542%**
City	Palm Desert	Riverside	0.083%		**0.0682465%**
City	Palm Springs	Riverside	0.076%		**0.0629862%**
City	Perris	Riverside	0.009%		**0.0076774%**
City	Rancho Mirage	Riverside	0.052%		**0.0431098%**
City	Riverside	Riverside	0.268%		**0.2206279%**
City	San Jacinto	Riverside	0.010%		**0.0085936%**
City	Temecula	Riverside	0.022%		**0.0180086%**
City	Wildomar	Riverside	0.008%		**0.0062500%**
County	***Sacramento County***	Sacramento	3.797%	4.645%	**3.9465887%**

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City	Citrus Heights	Sacramento	0.057%		**0.0465312%**
City	Elk Grove	Sacramento	0.130%		**0.1066994%**
City	Folsom	Sacramento	0.108%		**0.0890850%**
City	Galt	Sacramento	0.017%		**0.0143704%**
City	Rancho Cordova	Sacramento	0.008%		**0.0067679%**
City	Sacramento	Sacramento	0.721%	0.882%	**0.7496530%**
County	***San Benito County***	San Benito	0.106%	0.130%	**0.1101417%**
City	Hollister	San Benito	0.027%		**0.0225355%**
County	***San Bernardino County***	San Bernardino	3.259%	3.987%	**3.3878124%**
City	Adelanto	San Bernardino	0.008%		**0.0066640%**
City	Apple Valley	San Bernardino	0.025%		**0.0207360%**
City	Barstow	San Bernardino	0.015%		**0.0122056%**
City	Chino	San Bernardino	0.064%		**0.0525893%**
City	Chino Hills	San Bernardino	0.001%		**0.0006388%**
City	Colton	San Bernardino	0.031%		**0.0253443%**
City	Fontana	San Bernardino	0.112%		**0.0920543%**
City	Grand Terrace	San Bernardino	0.006%		**0.0051051%**
City	Hesperia	San Bernardino	0.035%		**0.0291522%**
City	Highland	San Bernardino	0.004%		**0.0029061%**
City	Loma Linda	San Bernardino	0.009%		**0.0071188%**
City	Montclair	San Bernardino	0.039%		**0.0322108%**
City	Ontario	San Bernardino	0.179%		**0.1472934%**
City	Rancho Cucamonga	San Bernardino	0.084%		**0.0689431%**
City	Redlands	San Bernardino	0.057%		**0.0469150%**
City	Rialto	San Bernardino	0.073%		**0.0603206%**
City	San Bernardino	San Bernardino	0.178%		**0.1461880%**
City	Twentynine Palms	San Bernardino	0.002%		**0.0012605%**
City	Upland	San Bernardino	0.052%		**0.0424460%**
City	Victorville	San Bernardino	0.033%		**0.0269400%**
City	Yucaipa	San Bernardino	0.016%		**0.0128772%**

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City	Yucca Valley	San Bernardino	0.003%		**0.0021228%**
County	***San Diego County***	San Diego	5.706%	6.980%	**5.9309748%**
City	Carlsbad	San Diego	0.128%		**0.1050485%**
City	Chula Vista	San Diego	0.189%	0.231%	**0.1961456%**
City	Coronado	San Diego	0.044%		**0.0359095%**
City	El Cajon	San Diego	0.113%		**0.0933582%**
City	Encinitas	San Diego	0.061%	0.074%	**0.0630289%**
City	Escondido	San Diego	0.145%		**0.1192204%**
City	Imperial Beach	San Diego	0.014%		**0.0118283%**
City	La Mesa	San Diego	0.055%	0.068%	**0.0575593%**
City	Lemon Grove	San Diego	0.022%		**0.0183911%**
City	National City	San Diego	0.080%		**0.0656808%**
City	Oceanside	San Diego	0.213%		**0.1753428%**
City	Poway	San Diego	0.062%		**0.0511040%**
City	San Diego	San Diego	1.975%	2.416%	**2.0531169%**
City	San Marcos	San Diego	0.089%		**0.0733897%**
City	Santee	San Diego	0.033%		**0.0268401%**
City	Solana Beach	San Diego	0.017%		**0.0138564%**
City	Vista	San Diego	0.052%		**0.0425144%**
Consolidated	***San Francisco***	San Francisco	3.026%	3.702%	**3.1457169%**
County	***San Joaquin County***	San Joaquin	1.680%	2.055%	**1.7460399%**
City	Lathrop	San Joaquin	0.009%		**0.0075394%**
City	Lodi	San Joaquin	0.053%		**0.0439484%**
City	Manteca	San Joaquin	0.054%		**0.0443454%**
City	Ripon	San Joaquin	0.013%		**0.0104219%**
City	Stockton	San Joaquin	0.313%	0.383%	**0.3256176%**
City	Tracy	San Joaquin	0.084%		**0.0692047%**
County	***San Luis Obispo County***	San Luis Obispo	0.816%	0.999%	**0.8484126%**
City	Arroyo Grande	San Luis Obispo	0.024%		**0.0199053%**
City	Atascadero	San Luis Obispo	0.029%		**0.0240680%**

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City	El Paso de Robles (Paso Robles)	San Luis Obispo	0.043%		**0.0353456%**
City	Grover Beach	San Luis Obispo	0.017%		**0.0137881%**
City	Morro Bay	San Luis Obispo	0.020%		**0.0160922%**
City	San Luis Obispo	San Luis Obispo	0.077%		**0.0637841%**
County	***San Mateo County***	San Mateo	1.074%	1.313%	**1.1159599%**
City	Belmont	San Mateo	0.021%		**0.0169860%**
City	Burlingame	San Mateo	0.019%		**0.0152537%**
City	Daly City	San Mateo	0.044%		**0.0363880%**
City	East Palo Alto	San Mateo	0.013%		**0.0103982%**
City	Foster City	San Mateo	0.020%		**0.0166101%**
City	Half Moon Bay	San Mateo	0.004%		**0.0031638%**
City	Hillsborough	San Mateo	0.013%		**0.0110029%**
City	Menlo Park	San Mateo	0.015%		**0.0126209%**
City	Millbrae	San Mateo	0.013%		**0.0105836%**
City	Pacifica	San Mateo	0.016%		**0.0130625%**
City	Redwood City	San Mateo	0.056%		**0.0463511%**
City	San Bruno	San Mateo	0.021%		**0.0172161%**
City	San Carlos	San Mateo	0.013%		**0.0108885%**
City	San Mateo	San Mateo	0.052%		**0.0425841%**
City	South San Francisco	San Mateo	0.043%		**0.0353943%**
County	***Santa Barbara County***	Santa Barbara	1.132%	1.385%	**1.1768968%**
City	Carpinteria	Santa Barbara	0.001%		**0.0008938%**
City	Goleta	Santa Barbara	0.004%		**0.0028969%**
City	Lompoc	Santa Barbara	0.047%		**0.0389379%**
City	Santa Barbara	Santa Barbara	0.122%		**0.1004559%**
City	Santa Maria	Santa Barbara	0.058%		**0.0479179%**
County	***Santa Clara County***	Santa Clara	2.404%	2.941%	**2.4987553%**
City	Campbell	Santa Clara	0.014%		**0.0112566%**
City	Cupertino	Santa Clara	0.008%		**0.0066824%**
City	Gilroy	Santa Clara	0.025%		**0.0202891%**

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City	Los Altos	Santa Clara	0.013%		**0.0103338%**
City	Los Gatos	Santa Clara	0.013%		**0.0103220%**
City	Milpitas	Santa Clara	0.036%		**0.0298120%**
City	Morgan Hill	Santa Clara	0.015%		**0.0124619%**
City	Mountain View	Santa Clara	0.041%		**0.0334608%**
City	Palo Alto	Santa Clara	0.039%		**0.0323080%**
City	San Jose	Santa Clara	0.294%	0.360%	**0.3054960%**
City	Santa Clara	Santa Clara	0.067%		**0.0549723%**
City	Saratoga	Santa Clara	0.004%		**0.0034161%**
City	Sunnyvale	Santa Clara	0.053%		**0.0434069%**
County	***Santa Cruz County***	Santa Cruz	0.783%	0.957%	**0.8135396%**
City	Capitola	Santa Cruz	0.020%		**0.0168191%**
City	Santa Cruz	Santa Cruz	0.143%		**0.1180348%**
City	Scotts Valley	Santa Cruz	0.015%		**0.0126525%**
City	Watsonville	Santa Cruz	0.063%		**0.0520136%**
County	***Shasta County***	Shasta	1.095%	1.339%	**1.1380191%**
City	Anderson	Shasta	0.024%		**0.0198896%**
City	Redding	Shasta	0.284%		**0.2334841%**
City	Shasta Lake	Shasta	0.004%		**0.0031993%**
County	***Siskiyou County***	Siskiyou	0.228%	0.279%	**0.2373393%**
County	***Solano County***	Solano	0.760%		**0.6260795%**
City	Benicia	Solano	0.031%		**0.0253903%**
City	Dixon	Solano	0.016%		**0.0130849%**
City	Fairfield	Solano	0.109%		**0.0897317%**
City	Suisun City	Solano	0.021%		**0.0176183%**
City	Vacaville	Solano	0.119%		**0.0976497%**
City	Vallejo	Solano	0.167%		**0.1373644%**
County	***Sonoma County***	Sonoma	1.218%	1.490%	**1.2661290%**
City	Healdsburg	Sonoma	0.032%		**0.0266929%**
City	Petaluma	Sonoma	0.081%		**0.0667507%**

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APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Rohnert Park	Sonoma	0.041%		**0.0340759%**
City	Santa Rosa	Sonoma	0.184%		**0.1519070%**
City	Sonoma	Sonoma	0.022%		**0.0183438%**
City	Windsor	Sonoma	0.016%		**0.0129298%**
County	***Stanislaus County***	Stanislaus	1.722%		**1.4182273%**
City	Ceres	Stanislaus	0.041%		**0.0340260%**
City	Modesto	Stanislaus	0.217%		**0.1788759%**
City	Newman	Stanislaus	0.006%		**0.0046964%**
City	Oakdale	Stanislaus	0.018%		**0.0145531%**
City	Patterson	Stanislaus	0.015%		**0.0126590%**
City	Riverbank	Stanislaus	0.010%		**0.0085699%**
City	Turlock	Stanislaus	0.065%		**0.0531966%**
County	***Sutter County***	Sutter	0.306%	0.374%	**0.3179548%**
City	Yuba City	Sutter	0.074%		**0.0606242%**
County	***Tehama County***	Tehama	0.213%	0.261%	**0.2216654%**
City	Red Bluff	Tehama	0.014%		**0.0117771%**
County	***Trinity County***	Trinity	0.082%	0.101%	**0.0855476%**
County	***Tulare County***	Tulare	0.809%	0.990%	**0.8410949%**
City	Dinuba	Tulare	0.014%		**0.0116929%**
City	Exeter	Tulare	0.004%		**0.0032479%**
City	Farmersville	Tulare	0.003%		**0.0027879%**
City	Lindsay	Tulare	0.007%		**0.0057111%**
City	Porterville	Tulare	0.021%		**0.0171845%**
City	Tulare	Tulare	0.037%		**0.0302273%**
City	Visalia	Tulare	0.066%		**0.0545872%**
County	***Tuolumne County***	Tuolumne	0.486%	0.594%	**0.5047621%**
County	***Ventura County***	Ventura	2.192%	2.681%	**2.2781201%**
City	Camarillo	Ventura	0.002%		**0.0012815%**
City	Fillmore	Ventura	0.002%		**0.0020294%**
City	Moorpark	Ventura	0.008%		**0.0067337%**

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APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allcation Percentage
City	Oxnard	Ventura	0.156%	0.190%	**0.1617338%**
City	Port Hueneme	Ventura	0.021%		**0.0174145%**
City	San Buenaventura (Ventura)	Ventura	0.085%		**0.0702181%**
City	Santa Paula	Ventura	0.014%		**0.0119072%**
City	Simi Valley	Ventura	0.065%		**0.0533043%**
City	Thousand Oaks	Ventura	0.022%		**0.0179902%**
County	***Yolo County***	Yolo	0.357%	0.437%	**0.3713319%**
City	Davis	Yolo	0.055%		**0.0451747%**
City	West Sacramento	Yolo	0.066%		**0.0544321%**
City	Woodland	Yolo	0.058%		**0.0477904%**
County	***Yuba County***	Yuba	0.214%	0.262%	**0.2225679%**
City	Marysville	Yuba	0.014%		**0.0112079%**

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APPENDIX 2

Cost Reimbursement Procedure

1. Additional defined terms:

a) *Costs* means the reasonable amounts paid for the attorney and other City Attorney and County Counsel staff time for individuals employed by a Plaintiff Subdivision at the contractual rate, inclusive of benefits and overhead, together with amounts paid for court reporters, experts, copying, electronic research, travel, vendors, and the like, which were paid or incurred (i) prior to July 21, 2021 in litigation against any Opioid Defendant and/or (ii) in negotiating and drafting this CA Janssen Allocation Agreement. Costs does not include attorneys' fees, costs, or expenses incurred by private contingency fee counsel. No part of the CA Abatement Accounts Fund will be used to reimburse Costs.

b) *First Claims Date* means October 1, 2023 or when all applications for reimbursement of Costs, in whole or in part, from funds available under Section X and Exhibit R of the Distributor Settlement Agreement or Section XI and Exhibit R of the Janssen Settlement Agreement, have been finally determined under the provisions of those agreements, whichever comes first.

c) *Special Master* means a retired judicial officer or former public lawyer, not presently employed or retained by a Plaintiff Subdivision, who will aggregate, review, and determine the reasonable Costs to be awarded to each Plaintiff Subdivision that submits a claim for reimbursement of Costs. The Special Master will be selected by a majority vote of the votes cast by Plaintiff Subdivisions, with each such subdivision having one vote.

d) *Plaintiff Subdivision Committee* means the committee of Plaintiff Subdivisions that will review and approve the invoices submitted by the Special Master reflecting his or her reasonable time and expenses.

2. Cost Reimbursement to Plaintiff Subdivision

a) Purpose. Substantial resources have been expended to hold Opioid Defendants accountable for creating and profiting from the opioid crisis, and this effort has been a significant catalyst in creating a National Opioid Settlement with Distributors, Johnson & Johnson, and others.

b) Claims Procedure.

i. If a Plaintiff Subdivision is eligible to seek reimbursement of Costs, in whole or in part, from funds available under Section X or Exhibit R of the Distributor Settlement Agreement or Section XI or Exhibit R of the Janssen Settlement Agreement, it must first make a timely application for reimbursement from such funds. To allow sufficient time for determination of those applications, no claim for

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Costs to the CA Subdivision Fund under this Agreement may be made before the First Claims Date.

ii. A Plaintiff Subdivision that wishes to be reimbursed from the CA Subdivision Fund must submit a claim to the Special Master no later than forty-five (45) days after the First Claims Date. The Special Master will then compile and redistribute the aggregated claim totals for each Plaintiff Subdivision via email to representatives of all the Plaintiff Subdivisions. A claim for attorney and staff time must list, for each attorney or staff member included in the claim, the following information: name, title, total hours claimed, hourly rate (including, if sought, benefits and share of overhead), and narrative summarizing the general nature of the work performed by the attorney or staff member. For reimbursement of "hard" costs, the subdivision may aggregate across a category (e.g., total for travel costs). It is the intention of the Plaintiff Subdivisions that submission of documents related to reimbursement of Costs does not waive any attorney-client privilege or exemptions to the California Public Records Act.

iii. The Special Master may request, at his or her sole option, additional documents or details to assist in the final award of Costs.

iv. The Special Master will review claims for reasonableness and will notify each Plaintiff Subdivision of the final determination of its claim, and will provide a list of all final awards to all Plaintiff Subdivisions by email or, upon request, via First Class U.S. Mail. Any Plaintiff Subdivision may ask the Special Master to reconsider any final award within twenty-one (21) days. The Special Master will make a final determination on any such reconsideration request within thirty (30) days of receipt.

v. Any decision of the Special Master is final and binding, and will be considered under the California Arbitration Act, Code of Civil Procedure section 1280 et seq. as a final arbitration award. Nothing in this agreement is intended to expand the scope of judicial review of the final award for errors of fact or law, and the Parties agree that they may only seek to vacate the award if clear and convincing evidence demonstrates one of the factors set forth in Code of Civil Procedure, section 1286.2, subdivision (a). Plaintiff Subdivisions will have fourteen (14) days after all final awards are made, together with any final determination of a request for reconsideration, to seek review in the Superior Court of California, pursuant to Code of Civil Procedure, section 1285, where the State has filed its Consent Judgment.

vi. The Special Master will prepare a report of Costs that includes his or her fees and expenses at least ninety (90) days before the Payment Date for each Annual Payment. The Special Master's preparation of a report of Costs does not discharge a Plaintiff Subdivision's reporting requirement under Section VI.B.2 of the Janssen Agreement.

vii. A member of the Plaintiff Subdivision Committee, which is a CA Participating Subdivision, will submit to the Settlement Fund Administrator and Janssen a report

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of the fees and expenses incurred by the Special Master pursuant to Section VI.B.2 of the Janssen Agreement.

c) Claims Priority and Limitation.

i. The Special Master will submit invoices for compensation of reasonable fees and expenses to the Plaintiff Subdivision Committee no later than ninety (90) days prior to the Payment Date for each Annual Payment. The Plaintiff Subdivision Committee will promptly review and, if reasonable, approve the Special Master's invoice for compensation. The Plaintiff Subdivision Committee will submit approved invoices to the Settlement Fund Administrator for payment. The Special Master's approved invoices have priority and will be paid first from the CA Subdivision Fund before any award of Costs, subject to the limitation in Section 2.c.v below.

ii. Final Awards of Costs that do not exceed seventy-five thousand dollars ($75,000.00) will be paid next in priority after the Special Master's approved invoices.

iii. Final Awards of Costs in excess of seventy-five thousand dollars ($75,000.00) will be paid proportionally from the funds remaining in that year's Annual Payment.

iv. Any claim for Costs that is not paid in full will be allocated against the next year's distribution from the CA Subdivision Fund, until all approved claims for Costs are paid in full.

v. In no event will more than 50% of the total CA Subdivision Fund received in any year be used to pay Costs or the Special Master's approved invoices.

vi. In no event shall more than $28 million of the total CA Subdivision Funds paid pursuant to the Distributor Settlement Agreement and the Janssen Settlement Agreement be used to pay Costs.

d) Collateral Source Payments and Third-Party Settlement.

i. In the event a Plaintiff Subdivision is awarded compensation, in whole or in part, by any source of funds created as a result of litigation against an Opioid Defendant for its reasonable Costs, it will reduce its claim for Costs from the CA Subdivision Fund by that amount. If a Plaintiff Subdivision has already received a final award of Costs from the CA Subdivision Fund, it will repay the fund up to the prior award of Costs via a payment to the Settlement Fund Administrator or notify the Settlement Fund Administrator that its allocation from the next and subsequent Annual Payments should be reduced accordingly. If the Plaintiff Subdivision is repaying any prior award of Costs, that repayment will occur as soon as is feasible after the Plaintiff Subdivision's receipt of Cost funds from the collateral source, but no more than 90 days after its receipt from the collateral source. The Settlement Fund Administrator will add any repaid Costs to the CA Subdivision Fund.

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ii. In the event a Plaintiff Subdivision reaches a monetary settlement or compromise against any Opioid Defendant outside of the National Opioid Settlement, the monetary portion of such settlement, net of fees paid to outside contingency fee counsel and of funds earmarked strictly for abatement, will be credited against its Costs and the subdivision will be ineligible to recover those credited Costs from the CA Subdivision Fund. Plaintiff Subdivisions negotiating monetary settlements or compromises against any Opioid Defendant outside of the National Opioid Settlement will negotiate for funds to repay any Costs it previously received from the CA Subdivision Fund or for Costs it otherwise might be eligible to claim from the CA Subdivision Fund. If such a settlement is paid after all final approved claims for Costs by all Plaintiff Subdivisions are satisfied in full, the settling subdivision will reimburse the CA Subdivision Fund in that amount by making payment to the Settlement Fund Administrator to add to the CA Subdivision Fund in a manner consistent with the repayments described in section 2.d.i above.

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APPENDIX 3

CALIFORNIA-SUBDIVISION BACKSTOP AGREEMENT

On August 6, 2021, Judge Polster of the US District Court for the Northern District of Ohio issued an Order (the Order), docket number 3814, in In Re National Prescription Opiate Litigation, MDL 2804, addressing contingent attorney fee contracts between political subdivisions eligible to participate in the Janssen Settlement and their counsel.

In light of the Order, and at the request of [SUBDIVISION], the [SUBDIVISION], its counsel [COUNSEL], and the California Attorney General, on behalf of the State of California, are entering into this California-Subdivision Backstop Agreement (Backstop Agreement).

[SUBDIVISION] and [COUNSEL] intend this Backstop Agreement to constitute a State Back-Stop Agreement as that term is used in the Order and in Exhibit R (Agreement on Attorneys' Fees, Costs, and Expenses) of the Janssen Settlement Agreement.

Pursuant to this Backstop Agreement, [SUBDIVISION] may, subject to the limitations of the Janssen Settlement Agreement and CA Janssen Allocation Agreement, as well as any other limitations imposed by law, use funds that it receives from the Janssen Settlement CA Subdivision Fund to pay a contingent fee to [COUNSEL]. Any such payment from [SUBDIVISION] to [COUNSEL], together with any contingency fees that [COUNSEL] may receive from the national Attorney Fee Fund, will not exceed a total contingency fee of [PERCENTAGE NOT TO EXCEED 15%] of the total gross recovery of [SUBDIVISION] from the Distributors Settlement.

[COUNSEL] certify that they first sought fees and costs from the Attorney Fee Fund created under the Janssen Settlement Agreement before seeking or accepting payment under this backstop agreement. [COUNSEL] further certify that they are not seeking and will not accept payment under this backstop agreement of any litigation fees or costs that have been reimbursed through prior settlements or judgments.

The Attorney General is executing this agreement solely because the definition of "State Back-Stop Agreement" in Exhibit R of the Janssen Settlement Agreement requires such agreements to be between "a Settling State" and private counsel for a participating subdivision. Neither the California Attorney General nor the State of California have any obligations under this Backstop Agreement, and this Backstop Agreement does not require the payment of any state funds to [SUBDIVISION], [COUNSEL], or any other party.

[DATE]	[SUBDIVISION SIGNATURE BLOCK]
[DATE]	[COUNSEL SIGNATURE BLOCK]
[DATE]	[ATTORNEY GENERAL SIGNATURE BLOCK]

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Approve Four (4) City of Milpitas Commission Work Plans for FY 2021-22**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053 Walter C. Rossmann, Deputy City Manager, 408-586-3012
Recommendation:	Approve proposed Fiscal Year 2020-21 Work Plans for: Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Public Safety and Emergency Preparedness Commission; and Science, Technology, and Innovation Commission.

Background:
The City of Milpitas has 13 Commissions (including Measure F Oversight Committee) with 86 residents serving as Commissioners and 19 Alternate Members, appointed by the Mayor and City Council. On April 16, 2019, the City Council approved the City of Milpitas Standard Commission By-Laws (By-Laws). Per Section 1, titled "Purpose" of the By-Laws, "A Commission serves as an active advisory group to the City Council on a variety of topics as directed by the City Council." Therefore, annually, City Commissions develop and recommend a work plan to outline tasks, goals, and or projects related to their advisory area. Staff works with Commissions to develop their respective workplans and takes them to Council for review and approval.

Analysis:
The Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Public Safety and Emergency Preparedness Commission; and Science, Technology, and Innovation Commission. (Commissions) meet at different frequencies such as monthly, bi-monthly, or specially designated months as determined by their By-Law addenda. Commissions began meeting and discussing their FY 2021-22 workplans in September and have prepared new work plans that may include items from the previous year's plan that were unaccomplished. All Commissions identified work plan items in their FY 2020-21 work plans they would like to carry forward to their FY 2021-22 work plans. Each Commission reviewed tasks from their 2020-21 Work Plans and categorized them as either "Accomplished" or "Carryover." Those tasks are reported in the Commissioners Annual Report Information Memorandum, which is included as an attachment for this item. Carryover tasks in the Annual Report are included in each Commission's proposed 2021-22 Work Plans.

Fiscal Impact:
Each Commission is allocated $1,000 annually by the City Council in the adopted budget. These funds are budgeted and approved as part of the FY 2021-22 budget and are to be used towards City Council approved tasks and projects, and administrative costs related to the Commission.

Recommendation:
Approve proposed Fiscal Year 2020-21 Work Plans for: Economic Development and Trade Commission; Energy and Environmental Sustainability Commission; Public Safety and Emergency Preparedness Commission; and Science, Technology, and Innovation Commission.

Attachments
1. City Commission Accomplishment Memo 2021
2. Economic Development and Trade Commission Work Plan

3. Energy and Environmental Sustainability Commission Work Plan
4. Public Safety and Emergency Preparedness Commission Work Plan
5. Science, Technology, and Innovation Commission Work Plan

MEMORANDUM

Office of the City Manager

DATE: December 3, 2021

TO: Mayor and Councilmembers

THROUGH: Steve McHarris, City Manager

FROM: Ashwini Kantak, Assistant City Manager

SUBJECT: **City Commissions Annual Report FY 2020-21**

This memo is to update and inform City Council on the individual City Commission annual work plan accomplishments from FY 2020-21, and those tasks and goals that are proposed to carry over to the Commission work plans for FY2021-22.

Background

The City of Milpitas has 13 Commissions (including Measure F Oversight Committee), each comprised of seven (7) commissioners and two (2) alternates; except for the Planning Commission which has no alternates. Per the City of Milpitas Commission By-Laws Section 1., Purpose, "A Commission serves as an active advisory group to the City Council on a variety of topics as directed by the City Council." Annually, City Commissions develop and recommend a work plan to accomplish tasks, goals, and or projects related to their advisory area. Those work plans are reviewed and approved by City Council.

Commissions meet at different frequencies such as monthly, bi-monthly, or specially designated months as determined by their By-Law addendums. Commissions began meeting and discussing their FY2021-22 workplans in August and have prepared new work plans that include items from the previous year's plan that were unaccomplished. The FY 2021-22 workplans for four (4) Commissions (see listing below).

Below please find four (4) Commissions' accomplishments and proposed carryover items from FY2020-21 to the FY2021-22 work plan.

Accomplishments and Continued Items

Economic Development and Trade Commission

The Economic and Trade Commission (EDTC) was established to advise Council on matters pertaining to the design, development, and implementation of economic development for the City of Milpitas. Activities related to trade from the former Sister Cities Commission are to be included as part of this Commission.

FY 2020-21 Work Plan Item	Accomplished	Carryover	Notes
Economic Development Strategy	X	X	Some initiatives have been implemented.
Manufacturing Day 2020	X		Completed on October 9, 2020
International Trade & Commerce	X	X	Program restarted in June 2021 in partnership with Mission College. EDTC will continue to provide help as needed.

Workforce Development and Education	X	X	MUSD Alliance Partners MOU signed. COVID-19 Workforce Recovery Program in progress.
Branding and Communications	X	X	Shared vital business resources through various mediums, updated website, hosted webinars and Constant Contact messages have been released to assist with COVID-19 business resiliency and recovery.

Energy and Environmental Sustainability Commission

The Energy and Environmental Sustainability Commission (EESC) was established to advise Council on matters pertaining to sustainability, climate action, recycling, and waste diversion.

2021 Work Plan Item	Accomplished	Carryover	Notes
Earth Day Event	X		Contributed to virtual Earth Day events and content
Odor Monitoring Study	X		Provided feedback on community odor monitoring efforts and data dashboard
Climate Action Plan Update	X	X	Provided feedback at multiple points of CAP Update. This item will continue into early 2022.
Legislative Review for Possible Positions	X	X	Commission reviewed and forwarded recommended City take support positions on 5 state bills. Commission would like to conduct this review annually.
Street Sweeping Pilot Program	X		Provided feedback on Street Sweeping Pilot
Recycling and Garbage Services	X		Provided feedback on City's efforts related to organics diversion and implementation of SB 1383.

Public Safety & Emergency Preparedness Commission

The Public Safety & Emergency Preparedness Commission (PS&EPC) was established to advise Council on matters pertaining to emergency preparedness and disaster planning. PS&EPC coordinates, along with the Milpitas Unified School District, an annual emergency evacuation drill and Mass Feeding exercise at one Milpitas school campus.

FY 2020-21 Work Plan Item	Accomplished	Carryover	Notes
Neighborfest		X	Deferred due to COVID. Combined with Item 3 (below) to create updated task on 2022 Work Plan – "Neighborhood Specific Emergency Preparedness Programs."
Technology and Collaboration Initiative	X		Increased presence online in emergency preparedness promotional materials.
Increase Map Your Neighborhood Program		X	Deferred due to COVID. Combined with Item 1 (above) to create updated task on 2022 Work Plan – "Neighborhood Specific Emergency Preparedness Programs."
Develop Business Emergency Preparedness Program	X		Outreach has been through the Chamber of Commerce, 2 presentations provided. While ongoing work with the Chamber will continue, this will no longer be an isolated task on the work plan.
Collaborate with Milpitas Police to participate in Neighborhood Watch Program		X	Deferred due to COVID, to be continued in Item 5 on the 2022 Work Plan, "Collaborate with Public Safety on Community Outreach." The "rebranding" of this will also allow for events not to be restricted to just Neighborhood Watch events, and Milpitas PD.

Science Technology and Innovation Commission

The Science Technology and Innovation Commission (STIC) was established to advise Council on matters pertaining to telecommunications policy, legislation and implementation at the local, state and federal levels. The Commission also considers and recommends information technology services to benefit the Milpitas community.

FY 2020-21 Work Plan Item	Accomplished	Carryover	Notes
Digital Inclusion Strategy		X	Develop strategy to ensure digital access and literacy across the Milpitas community
Smart City Initiatives		X	Research and recommend Smart City projects
IT Technology Projects		X	Review and provide feedback on Technology Projects
Odor Sensors	X		Work with IT to build location map from data collected by Public Works and the Bay Area Air Quality Management District (BAAQMD)
5G Implementation Status	X		Research 5G cellular service implementation status
Traffic Congestion	X		Reach out to Caltrans, VTA, and the County for information and report issues/recommendations

ECONOMIC DEVELOPMENT & TRADE COMMISSION (EDTC)
WORK PLAN FY 2021-2022

EDTC Mission Statement:

Advise the City Council on business issues, cultivate international trade and commerce opportunities, and make recommendations on the design, development, and implementation of economic development in Milpitas.

Topic/Overall Goal	Specific Action(s) Required	Schedule	Project Status
Economic Development Strategy	Implement Strategies and Actions: Storefront Improvement Grant Program, Business Improvement District (BID), economic indicators, branding/marketing assets, improving & updating website, & demonstration project policy. • EDTC Commissioners may volunteer as ambassadors to assist in formal and informal business outreach as directed by staff, particularly along Main Street	Ongoing	Storefront Imp. Grant Program launching soon
American Rescue Plan Act (ARPA) Economic Vitality Framework	Economic Vitality: support re-building the Milpitas economy through a Small Business Assistance Grant Program, Workforce Development, Financial Assistance to Chamber & Hotels, Main St. Revitalization & Limited Term Economic Development Specialist. • EDTC Commissioners may provide expertise and feedback on hospitality and workforce development matters • Volunteer ambassadors may help with business outreach for re-building the Milpitas economy	Winter 2021 & Ongoing	RFP Small Bus. Assistance Grant
Workforce Development & Education	Promote a diversified workforce and provide training opportunities for Milpitas residents. • COVID-19 Workforce Recovery implementation, education/outreach on Phase II • FlexFactor Initiative - Workforce dev./training to Milpitas High School students • City/MUSD MOU - Workforce/Educ., MFG Day, career fair, business outreach • As directed by staff, EDTC Commissioners may help facilitate opportunities with MUSD, engage with Milpitas High School students, and leverage networks at San Jose State University, San Jose City College. Evergreen Valley College, NextFlex, etc.	Winter 2021/2022 Spring 2022 Fall/Winter 2021+	Oct. 19, 2021 City Council
Innovation District	Market development opportunities with the real estate development & brokerage communities & business attraction in the emerging technologies arena.	Fall 2021 Ongoing	Oct. 11, 2021 EDTC & CC Oct. 12, 2021
International Trade & Commerce	Support business expansion into global markets, attract foreign investment through information gathering, needs assessment, & cultivate relationships w/service providers.	Summer 2021 & Ongoing	Program launched

	• Provide expertise and feedback on the draft International Trade and Commerce work effort • Help facilitate trade events, including hosting dignitaries, trade missions, attending trade shows, etc.		
Manufacturing Day 2021	Manufacturing Day 2021: Focus on career opportunities in tech/advanced manufacturing, trends from COVID-19, & creating pathways for more women in these industries. • Continue to partner with the Office of Economic Development to support Manufacturing Day 2022 by participating as program speakers; event promotion and marketing; leveraging networks, and/or providing feedback.	Oct. 7, 2021	Completed

City of Milpitas
Energy and Environmental Sustainability Commission
Work Plan 2022

The Energy and Environmental Sustainability Commission advises the City Council on matters pertaining to sustainability, climate action, recycling, and waste diversion.

Month	Issue/Agenda Topic	Commission Objective
January	• Planning for 2022 Earth Day Event and other possible community events	• Brainstorm and begin planning for Earth Day event and identify other possible community event opportunities
	• Potential Green Gardening Program	• Discuss potential program to promote the benefits of green gardening practices (electric tools, less toxic/organic resources, etc)
February	• Odor Monitoring Study	• Provide feedback on odor monitoring efforts
	• Earth Day 2022 Planning (continued)	• Continue planning for Earth Day event and other possible community event opportunities
March	• Silicon Valley Clean Energy Update	• Receive update on SVCE Decarbonization Programs and Solar Net Metering Program Changes
	• Reducing Transportation Emissions	• Commission to research and discuss potential areas to recommend additional action to reduce transportation related emissions
April	• Recycling and Garbage Services and Diversion/SB 1383 Status Update	• Provide feedback diversion programs and solid waste services including neighborhood cleanups program, organics program participation, and recyclables contamination
	• Street Sweeping Pilot Results	• Receive report on Street Sweeping Pilot results and provide feedback
May	• Drought Update and Water Conservation	• Receive update on drought conditions and provide feedback water conservation efforts
	• Vehicle On-Demand Shuttle Program	• Receive staff update on the Vehicle On-Demand Shuttle Program
June	• Update on Emergency Preparations re: Extreme Heat/Wildfire	• Receive staff update Emergency Services preparations for upcoming summer season

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	• Federal Infrastructure Bill Update	• Receive update on Federal Infrastructure Bill expenditure plan and opportunities for local projects
	• Legislative Review for Possible Positions	• Identify and review proposed environmental legislation and make potential position recommendations
July	NO MEETING	
August	• Building Electrification and Reach Codes	• Receive update on Building Energy Code updates and potential reach codes for Milpitas
	• Legislative Review for Possible Positions	• Identify and review proposed environmental legislation and make potential position recommendations to City Council
September	• Sea level rise and local impacts	• Commission to research and discuss local impact of sea level rise
October	• Climate Action Plan Implementation Update	• Receive update on CAP implementation efforts and tracking
	• 2022 Work Plan	• Develop 2022 Work Plan for City Council approval
November	• Recycling and Garbage Services and Diversion/SB 1383 Status Update	• Provide feedback on diversion programs and solid waste services including neighborhood cleanups program, organics program participation, and recyclables contamination
December	• TBD	• TBD
	• TBD	• TBD

**Climate Action Plan Update and Implementation items may be added*

DRAFT

City of Milpitas
Public Safety & Emergency Preparedness Commission
FY 2021-2022 Work Plan

Topic/Advisory Area	Tasks	Required Resources	Goal Deadline
Emergency Preparedness Programs	Expand the “Map Your Neighborhood” Program	Commission, Staff	Ongoing
	Develop the “Neighborfest” Preparedness Program	Commission, Staff	Ongoing
	Develop the “Business Watch” Program	Commission, Staff	Ongoing
	Begin “Listos” Emergency Preparedness Program	Commission, Staff	Ongoing
	Develop the Access & Functional Needs, and Disabilities Preparedness Program	Commission, Staff	Ongoing
	Continue participation in the emergency preparedness public education events	Commission, Staff	Ongoing
Public Safety Collaboration	Continue collaboration in the Neighborhood Watch Program with Milpitas P.D.	Commission, Staff	Ongoing
	Continue to participate with P.D. and Fire in Public Education events	Commission, Staff	Ongoing

City of Milpitas
Science, Technology and Innovation Commission 2021-2022 Workplan

Topic/Advisory Area	Tasks	Required Resources	Goal Deadline
Digital Inclusion Strategy	Develop strategy to ensure digital access and literacy across the Milpitas community		
	• Assist with tablet deployment	**Commission, Staff**	**Spring 2022**
	• Provide training to recipients	**Commission, Staff**	**Spring 2022**
	• Conduct Public WiFi Survey	**Commission**	**Winter 2021**
Smart City Initiatives	Research and recommend Smart City projects		
	• Research Smart City Projects	**Commission**	**Spring 2022**
	• Track grant opportunities	**Commission**	**Ongoing**
IT Technology Projects	Review and provide feedback on Technology Projects		
	• Review hardware and software solutions with IT staff on as-needed basis	**Commission, Staff**	**Ongoing**
	• Receive an annual report on the implementation of ITSP	**Commission**	**Ongoing**
Odor Sensors	Work with IT to Build Location Map from Data Collected by Public Works and the Bay Area Air Quality Management District (BAAQMD)	**Commission, Staff**	**Fall 2021**
5G Implementation Status	Research 5G cellular service implementation status	**Commission**	**Fall 2021**
Traffic Congestion	Reach Out to Caltrans, VTA, and the County for information and report issues/recommendations	**Commission**	**Fall 2021**

Item C16 - Consider Recommendations from Mayor Tran for Appointments City Commissions Report will be posted prior to the December 7, 2021 Meeting

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Waive the Second Reading and adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code**
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Christopher J. Diaz, City Attorney 408-586-3040**
Recommendation:	Waive the second reading and adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code

Background:
Ordinance No. 262.8 was introduced at the November 16, 2021 City Council meeting. The City Council voted 4-0-1 (Councilmember Dominguez was absent) to waive the first reading beyond the title and introduce Ordinance No. 262.8 amending Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code. This Ordinance shall take effect thirty (30) days after the date of its passage.

Fiscal Impact
Waiving second reading and adopting Ordinance No. 262.8 has no fiscal impact.

California Environmental Quality Act:
The adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the project does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government intended to ensure compliance with the State's open meeting laws.

Recommendation
Waive the second reading and adopt Ordinance No. 262.8 Amending Various Provisions of Section 2 (Public Access to Meetings) of Chapter 310 (Open Government Ordinance) of Title I (Administration) of the Milpitas Municipal Code.

Attachment
Ordinance No. 262.8

REGULAR

NUMBER: **262.8**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING VARIOUS PROVISIONS OF SECTION 2 (PUBLIC ACCESS TO MEETINGS) OF CHAPTER 310 (OPEN GOVERNMENT ORDINANCE) OF TITLE I (ADMINISTRATION) OF THE MILPITAS MUNICIPAL CODE**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of November 16, 2021, upon motion by Mayor Tran, 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:

_____
Wendy Wood, City Clerk

APPROVED:

_____
Rich Tran, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on or about April 3, 2004, by Ordinance No. 262, the City of Milpitas adopted Chapter 310 of the Milpitas Municipal Code, the Open Government Ordinance, to adopt regulations to govern the conduct of elected and appointed officials and address required disclosures and conflicts of interest;

WHEREAS, while numerous revisions were made to the Open Government Ordinance at Chapter 310, the most recent revision took place in 2009;

WHEREAS, the Open Government Ordinance was in need of review and revision for consistency with City practices and with changes in State law;

WHEREAS, staff has undergone that review and revision to Section 2 (Public Access to Meetings) of the Open Government Ordinance at Chapter 310 of the Milpitas Municipal Code and the City Council wishes to adopt staff's recommended changes.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-310-2.10 (DEFINITIONS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Subsection (E) of Section 3.70 (Section I-310-2.10 (Definitions) of the Milpitas Municipal Code is hereby amended to read as follows:

> "(E) "Policy bodies" shall mean the City Council, all City commissions, boards, committees, panels, and task forces of the City, standing subcommittees of the City Council and all other Policy Bodies, and City Council ad hoc subcommittees. Policy bodies shall not include a committee that consists solely of employees of the City of Milpitas."

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-310-02.30 (AGENDA REQUIREMENTS; REGULAR MEETINGS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.30 (Agenda Requirements; Regular Meetings) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.30 - Agenda Requirements; Regular Meetings

(a) ***All Policy Bodies***. At least 72 hours before a regular meeting, a policy body shall post an agenda containing a brief but meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet website at least 72 hours before a regular meeting.

(b) ***City Council***. At least six (6) calendar days before a regular City Council meeting, a preliminary agenda shall be posted in the same manner as agendas in subsection (a), except that the purpose of the preliminary agenda is to provide only a list of items tentatively scheduled for consideration at the next regular meeting. Preliminary agendas are "pre-agendas" subject to change that are posted the Wednesday the week preceding the regular City Council meeting and are not the agenda posted in compliance with subsection (a) at least 72 hours before a regular meeting. A preliminary

agenda may be amended to include additional items, delete items or may be amended in any other manner prior to the final posting of the agenda pursuant to subsection (a) at least 72 hours before a regular meeting.

(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. The agenda shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports. such documents shall be posted with the agenda or be made available for public inspection and copying upon request at a location indicated on the agenda during normal office hours.

(d) The agenda shall specify the time and location of the regular meeting and shall be posted at locations that are freely accessible to members of the public.

(e) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may briefly respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony, or may do the same on their own initiative and not in response to public testimony.

(f) Notwithstanding subsection (e) of this section, the policy body may take action on items of business not appearing on the posted agenda under any of the following conditions, provided that prior to discussing any item pursuant to this subsection (f) the policy body publicly identifies the item:

(1) Upon a determination by a majority vote of the policy body that an emergency situation exists, as that term is defined in Section 54956.5 of the Government Code. “Emergency” includes, but is not limited to, a work stoppage, and “dire emergency” includes, but is not limited to, crippling disaster, mass destruction, terrorist act or threatened terrorist act.

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) there is a need to take immediate action on the item and (B) that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subsection (a) of this section.

(3) The item was on an agenda posted pursuant to subsection (a) of this section for a prior meeting of the body occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(g) Each policy body shall ensure that notices and agendas for regular and special meetings shall include the following notice:

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

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

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE CITY ATTORNEY’S OFFICE

(h) Each agenda of a policy body covered by this Open Government Ordinance shall include the contact name, address, phone number, and e-mail address for the City Attorney’s Office. Information on how to obtain a free copy of the Open Government Ordinance shall be included on each agenda.”

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.40 (PUBLIC NOTICE REQUIREMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.40 (Public Notice Requirements) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.40 - Public Notice Requirements

(a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

(b) In the case of a public hearing, the notice must include the date, time, and place of public hearing as well as the identity of the hearing officer or body and provide a general explanation of the matter and location. In other cases, the public notice may-inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.

(c) If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted."

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.50 (ADDITIONAL PUBLIC STATEMENTS AND COMMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.50 (Additional Public Statements and Comments) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.50 - Additional Public Statements and Comments

When notice is given, as provided in this chapter, by public policy or advisory bodies, members of the public may submit written statements and/or comments regarding any item on those bodies' meeting agendas to the City Clerk, who shall transmit those writings to the body; those statements or comments, while not read aloud at the public meeting, shall become public record, regardless of whether their authors are present when the item at issue is discussed. Written **s**tatements and/or comments shall be subject to review and consideration by those bodies if submitted before or during the hearing on the item."

SECTION 6. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.60 (AGENDA DISCLOSURES; CLOSED SESSION)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.60 (Agenda Disclosures: Closed Session) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.60 - Agenda Disclosures: Closed Sessions

(a) In addition to the brief general description of items to be discussed or acted upon in open and public session, for purposes of describing closed session items pursuant to Government Code Section 54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any call and notice delivered to the local media and posted pursuant to Government Code Section 54956, the agenda shall specify and disclose the nature of any closed sessions by providing all of the following information:

(1) With respect to a closed session held pursuant to Government Code Section 54956.7:

LICENSE/PERMIT DETERMINATION:

_____ applicant(s)

The space shall be used to specify the number of persons whose applications are to be reviewed.

(2) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: _____ (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Person(s) negotiating: _____ (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session)

Negotiating Parties _____ (Specify name of the party, not agent)

Under negotiation:

Price:_____ Terms of payment:_____ Both: _____

The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.

(3) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9, either:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

Name of case:_____ (Specified by reference to claimant's name, names of parties, case or claim number)

or

Case Name: Unspecified **(**Unspecified to protect service of process or settlement posture**)**

or:

Anticipated Litigation/Significant Exposure to Litigation:

_____ As defendant

_____ As plaintiff

The space under "Existing Litigation" for specified cases shall be used to specifically identify a case under discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the case name, court, and case number, unless the identification would jeopardize the City's ability to effectuate service of process upon one or more unserved parties, in which instance the space in the next succeeding line shall be

checked, or unless the identification would jeopardize the City's ability to conclude existing settlement negotiations to its advantage. If the closed session is called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be checked under "Anticipated litigation" to indicate the City's anticipated position as defendant or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed, space may be saved by entering the number of separate instances in the "As defendant" or "As plaintiff" spaces or both as appropriate Additional information may be required to be on the agenda or in an oral statement prior to the closed session.

(4) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957, either:

THREAT TO PUBLIC SERVICES OR FACILITIES

Name, title and agency of law enforcement officer(s) or name of applicable agency representative and title to be consulted with:

or:

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title: Description of position(s) to be filled

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Specify position title of employee being reviewed

or:

PUBLIC EMPLOYEE DISMISSAL

No additional information is required in connection with a closed session to consider discipline, dismissal or release of a public employee but the City may specify the number of employees affected.

Number of employees affected:

(5) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6, either:

CONFERENCE WITH LABOR NEGOTIATOR

Name and title of City's negotiator: (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open public session help prior to the closed session)

Organization(s) representing:

___ Milpitas Police Officer Association

___ International Association of Fire Firefighters

___ Professional and Technical Employees

___ Mid-Management and Confidential Employees

___ Milpitas Employees Association

___ Unrepresented

___ Other (specify)

(b) In case of multiple items of business under the same category, lines may be added and the location information may be reformatted to eliminate unnecessary duplication and space, so long as the relationship of information concerning the same item is reasonably clear to the reader. As an alternative to the inclusion of lengthy lists of names or other information in the agenda, or as a means of adding items to an earlier completed agenda, the agenda may incorporate by reference separately prepared documents containing the required information, so long as copies of those documents are posted adjacent to the agenda within the time periods required by Government Code Sections 54954.2 and 54956 and provided with any mailed or delivered notices required by Sections 54954.1 or 54956."

SECTION 7. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.70 (ADDITIONAL REQUIREMENTS FOR CLOSED SESSIONS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.70 (Additional Requirements for Closed Sessions) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.70 - Additional Requirements for Closed Sessions

(a) All closed sessions of any policy body covered by this chapter shall be either audio or video recorded in their entirety and all such recordings shall be retained in accordance with the City's Records Retention Policy.

(b) Each agenda item for a policy body covered by this chapter that involves existing litigation shall identify the court and case name and number on the written agenda. For each agenda item that involves anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time requested and to any member of the public whether such anticipated litigation developed into litigation and shall identify the court and case number."

SECTION 8. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.80 (AGENDAS AND RELATED MATERIALS; PUBLIC RECORDS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.80 (Agendas and Related Materials: Public Records) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.80 - Agendas and Related Materials: Public Records

(a) Agendas of meetings, meeting packets, and any other documents on file with the clerk of the policy body in connection with a matter anticipated for discussion or consideration at a public meeting are available to the public for inspection during the public meeting. To the extent possible, other than the agenda, meeting packets and any other documents related to the public meeting agenda, may also be made available through the policy body's internet website in a position and manner that makes it clear that the writing is related to an agenda item for an upcoming meeting. However, this disclosure need not include any material exempt from public disclosure under this chapter or other law.

(b) Records which are subject to disclosure under subsection (a) of this section and which distributed to a policy body prior to commencement of a public meeting**,** but after posting of the agenda, shall be made available for public inspection and copying upon request.

(c) Records which are subject to disclosure under subsection (a) of this section and which are prepared and distributed by the City or member of the policy body during their discussion at a public meeting shall be made available for public inspection immediately**;** if prepared by others, they shall be distributed as soon thereafter as is practicable.

(d) A policy body may charge a publication fee of ten cents (10¢) per page for a copy of a public record prepared for consideration at a public meeting. Neither this section nor the California Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by the Act, whether or not distributed to a policy body."

SECTION 9. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.100 (STATEMENT OF REASONS FOR CLOSED SESSION)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.100 (Statement of Reasons for Closed Sessions) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.100 - Statement of Reasons for Closed Sessions

Prior to any closed session, a policy body shall disclose, in an open meeting, the item or items to be discussed. The disclosure shall state the general reason or reasons for the closed session, and shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. Disclosure may take the form of a reference to the item or items as they are listed on the agenda. In the case of regular and special meetings, the statement shall be made in the form of the agenda disclosures and specifications required by Section I-310-2.60 of this chapter. In the case of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications required by Section I-310-2.60 of this chapter, as part of the notice provided for the meeting.

In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda pursuant to Section I-310-2.60 of this chapter. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law."

SECTION 10. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.110 (DISCLOSURE OF CLOSED SESSION DISCUSSIONS AND ACTIONS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.110 (Disclosure of Closed Session Discussions and Actions) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.110- Disclosure of Closed Session Discussions and Actions

(a) After every closed session, the policy body only and not individual members may in its discretion and in the public interest, disclose to the public any portion of its discussion that is not confidential under federal or state law, any other law, or non-waivable privilege**,** by motion and in open session, with disclosure to be made by and through the presiding officer of the policy body attending the closed session or other person(s) designated.

(b) A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations. Approval given to a policy body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with another party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval.

(2) Litigation. Direction or approval given to the body's legal counsel to prosecute, defend, or seek, or refrain from seeking appellate review or relief or to otherwise enter as a party, intervener or amicus curiae in any form of litigation as the result of a consultation pursuant to Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the City's intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with the City, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the City's complaint, petition or other litigation initiative.

(3) Settlement. A policy body shall neither solicit nor agree to any term in a settlement, which would preclude the release of the text of the settlement itself, and any related documentation communicated to or received from the adverse party or parties. The agenda for any meeting in which a settlement subject to this section is discussed shall identify the names of the parties, the case number, and the court**.** If the policy body accepts a settlement offer signed by the opposing party, the policy body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement. If there is a disposition of claims discussed in closed session, the fact of disposition shall be reported as soon as reached in a manner that identifies the name of the claimant, the names of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(4) Employee Actions. Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee or otherwise affect the employment status of a public employee in closed session pursuant to Government Code Section 54957 shall be reported immediately at the meeting which the closed session is held in a manner that identifies the title of the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the City, the reason for dismissal. "Dismissal" within the meaning of this chapter includes any termination of employment at the will of the employer rather than of the employee, however characterized. A report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(5) Collective Bargaining. Any collectively bargained agreement shall be made publicly available at least ten (10) calendar days before the meeting of the policy body to which the agreement is to be reported. Approval of an agreement concluding labor negotiations with represented employees pursuant to Government Code Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party, The report shall identify the item approved and the other party or parties to the negotiation.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed immediately shall be provided to

any person who has made a written request regarding that item following the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54954.1 or 54956.**"**

SECTION 11. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.130 (TAPE RECORDING, FILMING AND STILL PHOTOGRAPHY)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.130 (Tape Recording, Filming and Still Photography) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.130 - Audio or Video Recording

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera, and/or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view that constitute**s** or would constitute a persistent disruption of the proceedings.

(b) All policy bodies shall audio or video record each regular and special meeting. Each such audio or video recording made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall be retained consistent with the City's Records Retention Policy. Inspection of any such recording shall be provided without charge on an appropriate play back device made available by the City, or by other means. Audio records of audio taped meetings shall be provided upon request after any required payment is made for the actual cost of the recording pursuant to the Public Records Act. Requests shall be made through the City Clerk.

SECTION 12. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.140 (PUBLIC TESTIMONY AND COUNCIL AMENDMENTS)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.140 (Public Testimony and Council Amendments) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.140 - Public Testimony and Council Amendments

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on any item, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section I-310-2.30(e) of this chapter.

(b) Every agenda for meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) Each policy body shall provide that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for a maximum of three minutes. However, the Chair of the meeting has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak on a particular agenda item. Time limits shall be applied uniformly to members of the public wishing to testify. The Chair of the policy body shall accept public testimony in a fair and evenhanded way, without manipulation in the order of speakers.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body**.**

(e) To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.

(f) The Mayor and Councilmembers during the Councilmember announcement session of the agenda shall be limited to the same amount of speaking time as the policy body has limited individual members of the public during open forum. The presiding officer shall be responsible for enforcing this provision."

SECTION 13. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.150 (MINUTES)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.150 (Tape Recording, Filming and Still Photography) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.150 - Minutes

(a) The clerk or secretary of policy bodies shall record the minutes for each regular and special meeting of those bodies.

(b) To the extent feasible, the draft minutes of each meeting are to be made available and approved at the next regularly scheduled meeting of the policy body and be available for inspection and copying upon request after the minutes have been approved."

SECTION 14. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE I, CHAPTER 310, SECTION I-2.180 (CONFLICT DISCLOSURES REQUIRED AT CITY COUNCIL MEETING)

Title I (Administration), Chapter 310 (Open Government Ordinance), Section I-310-2.180 (Conflict Disclosures Required at City Council Meetings) of the Milpitas Municipal Code is hereby amended to read as follows:

"I-310-2.180 - Conflict Disclosures Required at City Council Meetings

At the beginning of each City Council meeting or upon the arrival of the Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. In addition, pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that a financial interest is present, immediately prior to consideration of that matter, he or she shall publicly identify the conflict or potential conflict in detail sufficient to be understood by the public, and shall then recuse him or herself from taking action on the item and leave the meeting room**,** unless allowed by law to remain on the dais. The member may return to the meeting room after disposition of the matter.

SECTION 15. 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 16. 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 or posted in accordance with Section 36933 of the Government Code of the State of California.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	Approve proposed City Council Procedures and Protocols Handbook.
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	12/7/2021
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Christopher Diaz, City Attorney, 408-586-3041**
Recommendations:	Approve proposed City Council Procedures and Protocols Handbook.

Background:
The 2004 City Council Handbook, last amended in 2007, was intended to provide guidance to the Council in conducting all City business. The City Council Handbook was designed to be periodically updated in order to reflect either changes in the law or in City Council procedure or policy. However, updates were not made in a timely manner and there was some conflicting and/or duplicative information. Thus, the document was in need of a careful review and potential streamlining.

On September 18, 2018, staff brought forward proposed changes to the City Council Handbook as well as to the agenda management process. Council expressed the need for more involvement in the Update and to that end, staff was directed by Council to work on the City Council Handbook with an Ad Hoc Council Handbook Subcommittee. Subcommittee meetings were held between September and October 2018, with the discussion focused on Chapter V, given its connection to the Agenda Management system and process improvements that were underway at that time. On October 16, 2018, Chapter V of the Handbook was approved by the City Council.

Subsequent to the Council action on October 16, 2018, the Subcommittee provided further direction to staff and a proposed City Council Handbook in a streamlined format was brought forward for Council consideration on December 18, 2018 (Agenda Report, scroll down to page 13). Since there were two newly elected Councilmembers on the Council, the Council voted to defer action on this item and asked staff to bring it back at a future retreat. Council also directed staff to reach out to surrounding cities to get handbook examples and provide a copy of the existing/previous Milpitas City Council Handbook. Examples of other similar handbooks from nine other cities were provided to the Council for reference; however, this discussion item was indefinitely deferred.

In 2020 and 2021, the need to update the City Council Handbook was discussed in various Council meetings and a specific request related to either develop a separate policy regarding external communications such as press releases or incorporating into the City Council Handbook was also discussed.

On November 16, staff presented an updated version of the Handbook to the Council. In order to better reflect the intended purpose of the document, staff recommended renaming it to “The Milpitas City Council Procedures and Protocols Handbook” (Handbook). Since the previous City Council Handbook had not been updated for more than a decade and contained information that was either duplicative of the Municipal Code and/or state law, staff recommended a streamlined format, which was also previously discussed by the Handbook Subcommittee.

The Mayor requested information on specific sections that were deleted from the proposed Handbook and Council provided direction to staff to incorporate additional sections into the proposed Handbook and bring back for Council consideration as soon as possible.

Analysis:
The proposed document does not track changes from the original City Council Handbook but includes tracked changes from the November 16 version. The proposed Handbook includes eight Chapters as noted below.

The key highlights of the proposed Handbook are:

1. **Chapter I – Purpose and Overview**
   This Chapter includes the name and the purpose and applicability of the Handbook. As revisions are made to the Handbook in the future, these will be recorded in this Chapter.

2. **Chapter II – Duties of the City Council and Roles of the City Manager and City Attorney**
   This Chapter covers the general authority and duties of the City Council, as well as specific duties of the Mayor and Vice Mayor. This Chapter also covers Council absences and vacancies and includes information about the roles of the City Manager and City Attorney. This Chapter has been modified since November 16 to include sections related to Administration of Oaths, Subpoenas, City Council Subcommittees, Council travel and reimbursable expenses.

3. **Chapter III – Mayor and Councilmember Conduct**
   Includes the approved Council Code of Conduct and other best practices related to Council meetings and Council conduct with staff.

4. **Chapter IV – Meetings**
   Includes language about types of meetings, including virtual meetings, and process for conducting them, public participation, and conflict of interest.

5. **Chapter V – Meeting Agendas and Minutes**
   This Chapter includes the Agenda order

6. **Chapter VI – City Council Actions**
   This Chapter includes process for Proclamations, Commendations, Ordinances, Resolutions, and Motions.

7. **Chapter VII – Communication**
   This Chapter includes guidance related to the California Public Records Act and the Ralph M. Brown Act. Additional language about the Brown Act has been added since November 16. It also covers general correspondence, communication with the Planning Commission, and any external communication by the Council. This Chapter has been modified since November 16 to include more detail on the Brown Act, and in particular, serial meetings, along with best practices to avoid violating the Brown Act when interacting with staff, constituents, and fellow City Council members.

8. **Chapter VIII – Council Liaison Roles**
   This Chapter provides guidance for Council participation as liaisons to other City bodies such as Council Subcommittees, Commissions, and Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission. For Council's reference, the Milpitas Public Financing Authority was established in partnership with the Redevelopment Agency in 1997, and after the dissolution of the Redevelopment Agency, the Milpitas Municipal Financing Authority was established in 2016. The former Financing Authority is still in existence; however, the latter Financing Authority will be used for any City financing in the future

Policy Alternative:
Not Applicable

Fiscal Impact:
There is no fiscal impact associated with the approval of this item.

California Environmental Quality Act:
This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Recommendations
Approve proposed City Council Procedures and Protocols Handbook.

Attachments:
1. Draft City Council Protocols and Procedures Handbook
2. Link to Handbooks for Other Cities

City of Milpitas
City Council Procedures and Protocols Handbook
2021

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CHAPTER I. Purpose and Overview

A. Purpose

This City Council Procedures and Protocols Handbook (Handbook) outlines the Milpitas City Council governing practices.

B. Applicability of Handbook

When not in conflict with the Constitution, the laws of the State of California or the Milpitas Municipal Code, this Handbook shall govern.

C. Revisions to the Handbook

This Handbook will be brought to Council for updates, as needed, due to changes in the law or if the City Council desires to change its procedures or protocols.

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CHAPTER II. Duties of the City Council

A. General Authorities of City Council

Milpitas was incorporated on January 26, 1954. As a general law city, Milpitas derives its authority from and is subject to the California Constitution and the general laws of the State of California.

The City Council is the policy and lawmaking body of the City. State and local laws define the powers and responsibilities of the City Council.

The City has a Council Manager form of government in which the elected City Council sets policy direction and the City Manager implements Council policy, manages day-to day operations and provides professional recommendations to support the Council on policy decisions. Although the Council and City Manager operate in all four dimensions of the governance process: mission, policy, administration and management, the Council's focus is on the mission and policy while the City Manager's focus is on administration and management. Clarity of roles are informed by this Handbook and Municipal Code provisions that provide the overall framework for the governance relationship.

B. Duties of Mayor

The Mayor is directly elected by Milpitas voters. The Mayor is the official head of the City of Milpitas for all ceremonial purposes. The Mayor is entitled to vote on all matters but does not possess any veto power. The Mayor signs all ordinances and resolutions after approval by the majority of the City Council.

C. Duties of Vice Mayor (Mayor Pro Tempore)

The Vice Mayor is selected from those on the Council during the first meeting at which the Mayor and returning or incoming Councilmembers commence their terms. Nomination is done through a motion and appointment is based on a majority vote.

In the event that the Mayor cannot attend a ceremonial function, the Vice Mayor shall serve as the official head of the City in his or her stead. In the event that neither the Mayor nor Vice Mayor can preside at a ceremonial function, one of the remaining members of the City Council shall serve as the official head of the City on a rotating basis to be administered by City staff.

D. Duties of Mayor and Councilmembers

1. Arrive on time for all Council meetings.

2. Review all meeting materials published in accordance with the Open Government Ordinance and other applicable laws, in preparation for Council meetings. As a body, provide clear direction to staff to aid in the development and consideration of proposed ordinances, policies, and

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procedures. Pass ordinances, adopt resolutions, approve new projects and programs, and approve the budget and contracts.

3. Keep in touch with the community and interpret what is heard to Council colleagues and to the staff.

4. Participate in City Council meetings and other public forums.

5. Represent the City Council by fulfilling the liaison assignments to legislators, external agencies, and the City's boards and commission.

6. Requests for Staff Resources
   a. Mayor and Councilmember requests to consider new programs, services, or requests for significant allocations of resources, shall be directed to the budget process to the maximum extent possible.

   b. Mayor or Councilmember requests for minor (generally less than four hours of staff time) research or other staff work must be directed to the City Manager.

   c. If more than four hours of staff time will be required to complete the task/project, the item will be placed on the agenda to ask the City Council if time should be spent on the proposed item. A discussion and prioritization of Mayor and Councilmember requests are scheduled on a quarterly basis.

   d. Mayor and Councilmember requests for more than four hours of staff work for City Council consideration will adhere to all the City of Milpitas Open Government Ordinance provisions, including, but not limited to:

      - I-310-2.30 Agenda Requirements. "(b) At least six (6) days before a regular City Council meeting, a preliminary agenda shall be posted containing a meaningful description of each item of business to be transacted."
      - "(c) A description is meaningful if it is sufficiently clear and specific to alert members of the public whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item.
      - To achieve the above requirements, all materials must be submitted to the City Clerk, to the extent possible, no less than eight (8) days in advance of a Council meeting.

   e. Staff responses to a Councilmember inquiry, including the original inquiry, shall be distributed to the Mayor and all City Councilmembers.

7. Absences

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a. Whenever a member knows in advance that he or she will be absent from a City Council meeting, it is the responsibility of that member to notify the City Manager or City Clerk as soon as possible of the impending absence.

b. If a City Councilmember is absent without permission from all regular City Council meetings for 60 calendar days consecutively from the last regular meeting he or she attended, his or her office becomes vacant pursuant to Government Code 36513.

8. Administration of Oaths

The Mayor may require any person addressing the City Council to be sworn as a witness and to testify under oath; and must so require if directed to do so by a majority of the City Council. The Mayor may administer oaths. Appeals and revocation hearings are the most likely instances when testimony is taken under oath.

9. Subpoenas

In accordance with Government Code 37104, the City Council may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before it.

10. City Council Subcommittees

Council subcommittees, when used, are to help the Council do its job. Subcommittees ordinarily will assist the Council by studying an issue and preparing policy alternatives and implications for Council deliberation. Council subcommittees may not speak or act for the Council, and the subcommittee members should be regularly reporting out their work to the City Council through a scheduled agenda item.

There are generally two types of subcommittees as follows:

- Standing subcommittees that have continuous subject matter jurisdiction and will continue to exist until the City Council terminates their existence through formal action.
- Ad hoc subcommittees have limited subject matter jurisdiction and are usually formed primarily to study a particular topic or immediate issue, and once their task is complete, the ad hoc subcommittee will automatically terminate.

Both standing and ad hoc subcommittees of the City Council are subject to the Brown Act pursuant to the City's Open Government Ordinance.

Subcommittees shall obtain City Council concurrence before they proceed in any direction different from the original instructions of the City Council. In addition, Subcommittees should not implement policy, provide direction that

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would result in incurring additional expenses or provide direction to staff to take any actions that are not consistent with existing City Council direction without first obtaining City Council approval for such actions.

11. Compensation for Mayor and Councilmembers

Information about compensation for the Mayor and Councilmembers can be found in the Milpitas Municipal Code ~~xxx.~~I-14-1.00, et seq.

12. Travel Expenses and Reimbursements

Information about travel expenses and reimbursements for City related expenses can be found in the City Council Travel Policy 3-1.

E. City Council Vacancies

A vacancy in the office of Councilmember or Mayor may be filled by appointment by the City Council. The appointee shall hold office until the next special municipal election which shall be immediately called to fill the remainder of the vacant term as provided under Milpitas Municipal Code Section I-3-2.00. Any unexpired remainder of the term of such office shall be filled by the voters at such election.

F. Role of City Manager.

1. The City Manager is the chief executive officer and the head of the administrative branch of the City government. The City Manager is appointed by the City Council and reports to the full City Council. The City Manager shall work in collaboration with the City Attorney.

2. The City Manager implements policies and procedures initiated by City Council and manages the day-to-day operations of the City. The City Manager supports the full Council in setting clear goals for the City and optimizes the use of City resources to meet these goals.

3. The City Manager is the appointing authority, responsible for all City personnel. The City Manager or designee serves as a liaison to each commission. The use of City-owned property is handled through the City Manager's Office. The City Manager supports effective policy making and oversight by the City Council by providing information, formulating policy proposals, advising and informing the Council on policy matters while promoting team building and collaboration, and ensuring that the administration's delivery of service is consistent with City Council direction.

4. The City Manager prepares the budget annually, advises the City Council of future financial needs, and is responsible for budget administration after adoption. The City Manager prepares and submits to the City Council a complete report at the end of each fiscal year on the finances and

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administrative activities of the City during the preceding year. City Manager shall also present quarterly fiscal/budgetary updates or requested throughout the year.

G. Role of City Attorney.

1. The City Attorney is appointed by the City Council and reports to the full City Council. The City Attorney advises the City Council and City officers in their official capacity on legal matters affecting the City, attends all City Council meetings and some board/commission meetings, and represents the City in legal actions and proceedings. The City Attorney shall work in collaboration with the City Manager.

2. The Office of the City Attorney approves as to form all bonds and contracts made by the City, approves all ordinances and resolutions and related amendments for the City, and prosecutes criminal cases for violation of City ordinances.

3. The members of the City Attorney's Office (attorneys and staff) maintain an attorney-client relationship with the City, full City Council or individual members thereof, its officers, agents and employees, so their official communications are protected as confidential attorney-client privilege.

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CHAPTER III. Mayor and Councilmember Conduct

A. Mayor and Councilmembers shall:

The Milpitas City Council Code of Conduct, as approved by the City Council and noted below, shall be included in Council meeting agendas and read aloud at all City Council meetings.

<u>Milpitas City Council Code of Conduct</u>

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

B. Mayor and Councilmember Best Practices for Council Meetings

- put constituents first at all times;
- treat each other and members of the public with dignity, courtesy, and respect;
- maintain confidentiality of all closed session materials and discussion;
- be attentive to others, limiting interruptions and distractions;
- encourage diverse viewpoints in debate while being mindful not to prolong discourse or block consensus;
- agree to respectfully disagree;
- keep comments clear, concise, and on topic;
- start meetings on time, work from the agenda; and
- present problems in a way that promotes discussion and resolution.

C. Mayor and Councilmember Conduct with City Staff:

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1. Always maintain professionalism, treat all staff with respect.

2. Direct staff personnel issues to the City Manager.

3. Comments about staff performance should not be made in public or to the individual employee and should only be made to the City Manager through private correspondence or conversation.

4. Comments about staff in the office of the City Attorney should be made directly to the City Attorney.

5. In accordance with Milpitas Municipal Code VI-1-2.04, except for purposes of inquiry, the City Council and its members shall deal with the administrative staff solely through the City Manager.

6. The Mayor and Councilmembers must not attempt to influence City staff on the making of employment appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

7. Routine administrative support will be provided to the Mayor and all Councilmembers. Requests for additional staff support - even in high priority or emergency situations — should be made to the City Manager.

8. Do not solicit political support from staff. The Mayor and Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace and on personal time.

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CHAPTER IV. Meetings

A. All Council decisions must occur at City Council meetings pursuant to the requirements of the Ralph M. Brown Act. The City Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other method of communication to discuss or decide matters within the jurisdiction of the Council among a majority of the Councilmembers.

B. Quorum

1. No business may be transacted by the Council at a regular or special meeting unless a quorum of the membership is present (on a 5 member Council, a quorum is 3 members).

2. When there is no quorum, the Mayor or Vice Mayor, or any Councilmember may adjourn a meeting, or if no Councilmember is present, the City Clerk may adjourn a meeting.

C. Council Meeting Dates; Cancellation

1. If at any time any regular meeting of the Council falls on a holiday, the regular meeting shall be held on the next business day or the earliest business day within a week.

2. Any meeting of the City Council may be canceled in advance by the Mayor. It can also be cancelled by a majority of the Councilmembers at a City Council meeting. The City Manager may also cancel a meeting in cases of need, such as an emergency or when a majority of members have provided notice of their unavailability to attend a meeting.

D. Types of Meetings

1. Regular meetings are held on the first and third Tuesdays of each month at 7:00 p.m. in the City Hall Council Chambers, 455 E. Calaveras Blvd., Milpitas, California. Pursuant to the requirements of the City's Open Government Ordinance, the Preliminary agenda is posted by the Wednesday preceding the regular meeting date. The Brown Act requires the posting of an agenda at least 72 hours prior to a regular meeting.

2. Special Meetings may be called by the Mayor. They can also be called by a majority of the Council at a public meeting. Any special meeting called requires a minimum of 24 hours' notice as required by the Brown Act. Only business described in the notice may be transacted.

3. Study Sessions may be held as part of a regular meeting or special meeting and are held for the purpose of providing information to the City Council, particularly on issues that are more complex or more time-consuming. Study sessions may be conducted jointly with another City board, commission or committee or another governmental agency. At study sessions Councilmembers may state their individual responses and

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questions to the information provided and may collectively provide direction to City staff. No formal action is taken at the study sessions.

4. Closed Sessions can be part of either regular or special meetings, typically in advance of the regular or special meetings. The start time of the Closed Sessions shall be publicly noticed in accordance with the law. The Council conducts its business in public to the greatest extent possible. State law, however, recognizes that in certain limited circumstances authorized by the Brown Act, that the Council will need to meet in private without the public present. These matters may include certain personnel matters, labor negotiations, real property negotiations, matters of public security, and the discussion of litigation, among other topics listed in the Brown Act. These rules provide for strict confidentiality of City Council discussion as required by State law and no Councilmember shall disclose anything discussed in closed session to any individual not present in that closed session. Violating this confidentiality requirement can subject an individual Councilmember to disciplinary action, a referral to the grand jury, and in some limited circumstances, criminal prosecution. In limited instances, if action is taken in closed session, the City Attorney may need to report out any action taken and any vote on that action.

5. Emergency Meetings can occur in limited circumstances when there is a work stoppage, crippling activity, other activity that impairs public health, safety, or dire emergency. Depending on the factual circumstances, 24 hour notice or one hour notice may be required, or no notice at all.

E. Teleconferencing

1. Pursuant to Government Code Section 54953(b), teleconferencing may be used as a method for conducting meetings where Councilmembers may be counted towards a quorum and participate fully in the meeting from remote locations. If a Councilmember participates in a meeting via teleconference, the following requirements must be met:

   a. The remote locations must be connected to the main meeting location by telephone, video, or both.

   b. The notice and agenda of the meeting must identify the remote location.

   c. The agenda must be posted at the remote location and be accessible to the public.

   d. All votes must be by roll call.

   e. The meeting must in all respects comply with the Brown Act, including participation by members of the public present in the remote locations.

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f. During the teleconference, at least a quorum of the members of the City Council shall participate from locations within the boundaries of the City.

2. Because there are other legal nuances to making use of the teleconferencing provisions in the Brown Act, please check in with the City Attorney or City Clerk in advance.

3. During certain state of emergency situations, it may also be possible to meet remotely without complying with some of the requirements above, depending on certain findings that must be met during a state of emergency as required by the Brown Act. See, Cal. Gov. Code 54953(e)

F. Presiding Officer

1. The Mayor presides at all City Council meetings. In the absence of the Mayor, the Vice Mayor is the presiding officer. If both the Mayor and Vice Mayor are absent, the remaining Councilmembers should select a presiding officer for that meeting. The presiding officer votes on all questions as do other members of the City Council.

2. The Mayor/presiding officer always sits in the middle seat at all formal council meetings. The Vice Mayor and City Manager are always seated immediately next to the Mayor/presiding officer. Councilmembers are seated based on seniority on the City Council. The Councilmember with the most seniority is seated next to the Vice Mayor, followed by the next most senior Councilmember and so forth. Seniority is defined by continuous time of service as an elected member of the Council. When two or more Councilmembers have equivalent time of service, those Councilmembers shall be given priority in seat selection by the highest number of votes in his/her most recent election.

3. The presiding officer conducts the meetings of the City Council to:

a. Ensure that consideration of items on the agenda move along without delay.

b. Ensure that petitioners, proponents and opponents are heard but not allowed to disrupt the meeting.

c. Ensure that decorum is maintained at the meeting.

d. In presiding over matters where the public has provided testimony and/or raised questions, the presiding officer should:

(i) Restate every question coming before the Council.

(ii) Direct questions or comments requiring a response to staff for a response.

(iii) Ensure that staff and members of the public direct their comments to the presiding officer.

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(iv) If necessary, help keep Councilmember questions relevant to the matter being considered by the Council.

(v) If necessary, consider calling for a brief recess if orderly conduct of the meeting is being disrupted.

(vi) Announce the decision of the Council on all subjects.

4. Ensure that each member of the Council is provided an opportunity to completely express their views on items of business, the Mayor should:

(i) See that Councilmembers ask to be recognized by the Mayor before speaking.

(ii) Ensure that each Councilmember is given the opportunity to fully express their views.

5. The Chief of Police, or his or her representative, is the ex officio sergeant-at-arms of the City Council. The ex officio sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the council chamber.

G. Voting; Rules of Procedure

1. A motion, second, and a majority vote of the Council shall be required for any formal action of Council (except where a different vote requirement is set by state law). Votes and abstentions are taken by roll call and recorded in the meeting minutes.

2. Steps in making, discussing and voting on a formal motion:

a. The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, he or she will say "I move that we ..."

b. The presiding officer will ask if there is a second. Another member of the group must second the motion in order for it to be discussed. A second is made by saying "I second the motion." The Mayor or any Councilmember can suggest one or more modifications in the motion, which the member making the motion can accept or reject. There also may be times where the City Manager or City Attorney may suggest an amendment to the motion for clarity purposes for the public, which the member making the motion can accept or reject.

c. The presiding officer then restates the motion "It has been moved and seconded that ..." and opens the floor to discussion and debate.

d. The presiding officer will recognize members who wish to comment on the motion. Only one “main motion” may be discussed at a time.

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e. Once discussion has concluded, the presiding officer will "call for the question" and conduct a roll call vote.

f. The presiding officer will announce the result of the vote.

3. Unless state law requires otherwise, a majority vote is needed for the motion to pass. In the event of a tie vote, the motion does not pass.

4. Subject to state law limitations and to the extent this Handbook does not address an issue of parliamentary procedure, Roberts Rules of Order shall apply. For example, even though Roberts Rules of Order permit a legislative body to reconsider or rescind prior actions, under due process the City Council cannot reconsider or rescind a quasi-judicial decision after the decision is final, in the absence of statutory authority to the contrary.

5. The City Attorney serves as parliamentarian during City Council meetings. The role of the parliamentarian is advisory; the Chair has the power to rule on questions of order.

H. Continued Matters

1. Any matter may be continued to a subsequent meeting.

2. If the Mayor or Councilmember who was not present at a prior meeting has reviewed the relevant documents and minutes from the missed meeting and, if possible, reviewed the recording or webcast from the meeting, then he or she shall disclose those actions on the record at the beginning of the discussion of the item and may vote on the continued matter.

a. Exception: Continued Public Hearing. If a hearing is required for an agenda item, then the Mayor or a Councilmember shall not participate in the decision if that member was not present during the entire hearing from the time of its opening to the time of its close. (MMC § I-20-3.14.)

I. Public Participation

1. Members of the public are encouraged and invited to participate in the legislative process by submitting written comments before the meeting or speaking at a meeting.

It is the intent of these rules to allow everyone to be heard without fear of jeers or cheers that may discourage public participation. For this reason, these rules are taken seriously. Persons attending the meeting will refrain from behavior which will disrupt the public meeting. This includes making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting. Disruptive or threatening behavior may result in removal from the Council meeting.

2. Only the presiding officer can interrupt a speaker during a presentation. However, a Councilmember can ask the Mayor for a point of order if the

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speaker is off the topic or exhibiting behavior or language the Councilmember finds disruptive.

3. Time Limits for public comment:

a. Individual Speakers - 3 minutes or less as determined by the Mayor/presiding officer.

b. Organized group (in lieu of individual speakers) – up to 15 minutes, depending on the number of speakers represented and at the discretion of the Mayor.

c. The presiding officer may take a poll to determine number of speakers for each item and at his/her discretion, limit the amount of time allotted to the speaker(s) when needed.

4. Individuals who wish to speak should submit a speaker card to the City Clerk to be called up at the appropriate time. Each speaker may only speak once on an item and shall speak at the podium into the microphone and address the City Council. A speaker may also provide comments virtually if the meeting format allows virtual participation.

5. Written or photographic materials relevant to consideration of a matter may be submitted to the Council. Copies of such materials should be provided for the Mayor, Councilmembers, City Clerk, City Manager and City Attorney. The materials must be submitted to the City Clerk's Office by email to CityClerk@ci.milpitas.ca.gov by 12:00 p.m. on the day of the meeting, for distribution to the city officials in advance of the meeting/hearing. The City Council retains discretion to accept or to reject new documentation furnished on the night of the City Council meeting/hearing. Accepted materials are retained by the City and become part of the official public record.

6. Wireless/Cellular telephones or any other telecommunications device should be in the silent mode or turned off during the City Council meeting.

7. Literature distribution or petition circulation is not permitted when the City Council is in session. Such activity may occur outside the meeting room, provided access is not blocked.

8. Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers, with the following restrictions:

a. Signs or symbolic objects shall not obstruct the view or passage of other attendees, or otherwise disturb the meeting.

b. Objects that are deemed a safety threat to persons at the meeting or could damage the facility itself will not be allowed.

J. Discussion Items on the agenda are to be conducted in the following order:

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1. Staff / applicant presentation

2. Council questions to applicant and/or staff

3. Open public hearing (or public comment section) for comments

4. Close public hearing (or public comment section)

5. Response by staff to public questions/concerns, if warranted

6. Council discussion and deliberation

7. Council votes

K. Quasi-Judicial Matters/Appeals/Revocation Hearings

1. Quasi-judicial matters and appeals will be considered at a noticed public hearing and will follow the order stated in Section I, above, with the following time allocations:

   a. Applicant/Appellant – 15 minutes

   b. Individual Speakers – 3 minutes

   c. Rebuttal – 5 minutes

   d. In an appeal, if the appellant is not the applicant, the applicant shall also have 15 min and is entitled to make any concluding remarks prior to closure of the public hearing

   The time limits may be changed by the presiding officer to permit full and fair consideration of a particular matter depending on the number of items on the agenda and the number of persons desiring to speak on a matter.

2. If the Mayor or a Councilmember has spoken or met with a proponent or opponent of a quasi-judicial matter or has visited the site of a project which is the subject of a hearing, that contact, or visit should be acknowledged and described on the record prior to the opening of the hearing. Any facts that could influence the Mayor or a Councilmember's decision, must be included in the public record.

L. Items Considered after 11:00 p.m.

1. Unless a majority of the Council determines there is a need to act, no items shall continue, and no new items shall be heard after 11:00 p.m.

M. Conflict of Interest

1. The Political Reform Act (PRA) enforced by the Fair Political Practices Commission (FPPC), controls financial conflicts of interest.

2. In accordance with the Open Government Ordinance (MMC I-310-2.180), at the beginning of each City Council meeting or upon the arrival of the

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Mayor or Councilmember, the City Attorney shall ask the Mayor and each member of the City Council to disclose any financial or personal conflict with any item on the City Council's agenda. Pursuant to Government Code section 87105, if the Mayor or a Councilmember discloses that such a personal financial interest is present, he or she shall publicly identify the conflict or potential conflict in detail sufficient to be understood by the public and shall recuse him or herself from taking action on the item if required to do so by law and leave the meeting room.

3. The other applicable law is Government Code §1090, which applies only to contracts in which a public official has a financial interest.

4. Whenever it appears to a Councilmember that he or she may have a prohibited financial interest in any item that may be presented to the City Council, the Councilmember should consult with the City Attorney at the earliest opportunity for advice on whether a disqualifying conflict of interest exists.

5. With full consideration of the City Attorney's advice, it is up to each individual Councilmember to decide for him/herself whether there is a conflict of interest. When a Councilmember may be in doubt, the City Attorney can obtain more formal advice from the Fair Political Practices Commission (FPPC).

6. A member shall not vote upon any matter on which s/he has a conflict of interest.

7. A member shall openly state the reason for his/her conflict of interest, or work in consultation with the City Attorney to state something on the record.

8. A member who is disqualified by a conflict of interest shall recuse him/herself from the dais and leave the room unless it is during the Consent Calendar.

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CHAPTER V. Meeting Agendas and Minutes

A. Agenda Order

City Council agendas will be prepared by the City Clerk and presented to the City Council in the order described below. The presiding officer with the approval of a majority of the Council can change the order of hearing the items on the agenda.

1. Opening

   a. Call to Order by Mayor and Roll Call by City Clerk

   b. Adjourn to Closed Session

   c. Closed Session Announcement

   d. Pledge of Allegiance. If the Mayor and Vice Mayor are both absent, then the City Clerk calls the meeting to order and a temporary presiding officer is elected by a majority of those councilmembers present. Upon the arrival of the Mayor or Vice Mayor, the temporary presiding officer relinquishes the chair at the conclusion of the business then before the City Council.

   e. Invocation. In accordance with the policy adopted by City Council (SOP 1.2), the Mayor and Councilmembers shall invite a community member to give an invocation at the speaker podium.

2. Ceremonial matters. The presentation and receipt of proclamations and commendations not requiring formal legislative action.

3. Public Forum. Members of the public wishing to comment on any item not appearing on the agenda may address the City Council at this time. State law prevents Council from taking action on any matter not on the agenda. Comments may be referred to staff for follow up. Individuals are limited to 3 minutes. However, the presiding officer has discretion to reduce the speaking time in situations where there are a large number of persons who wish to speak.

4. Announcements and Future Agenda Items. The Mayor and Councilmembers shall report on any meetings or conferences attended and paid for by the City and may also report on various assignments or other events. The Mayor and Councilmembers shall be limited to the same amount of speaking time as members of the public during open public comment (3 minutes). The City Manager may also make brief announcements. This section will include special reports and any other requests for staff work by the Mayor and Council.

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5. Announcements of Conflict of Interests and Campaign Contributions. City Attorney shall ask the Mayor and Councilmembers to declare any conflicts of interest or campaign donations related to items on the agenda, in accordance with the Milpitas Open Government Ordinance (Municipal Code I-310)

6. Reading of the City Council Code of Conduct

7. Approval of Agenda

8. Consent Calendar. All matters listed under the Consent Calendar, including minutes, are considered by the Council to be routine and will be enacted by one motion without discussion (except for simple clarifying questions). If discussion is desired, that item may be removed and considered separately.

9. Public Hearing. Duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the Council.

10. Community Development. This section will cover the Community Development City Service Area and will include items related to Building, Housing, Economic Development, Engineering (Land Development), and Planning.

11. Community Services and Sustainable Infrastructure. This section will cover the Community Services and Sustainable Infrastructure City Service Area and will include items related to Engineering (Capital Projects and Solid Waste), Public Works, and Recreation and Community Services,

12. Public Safety. This section will cover the Public Safety City Service Area and will include items related to Fire/Emergency Preparedness and Police.

13. Leadership and Support Services. This section will cover the Leadership and Support Services City Service Area and will include items related to the City Clerk, City Council, City Manager, Finance, Human Resources, and Information Services.

14. Reports of Mayor and Councilmembers. Reports and work plans from Commissions will be presented in this section.

15. Adjournment

B. Agenda Item Submission

1. The City Manager has the primary responsibility for the development of the Council Agenda, ensuring all protocols are followed, and that management of the agenda is closely linked to organizational goals and work plans. Any item that is placed on the agenda shall be in accordance with the City's

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Open Government ordinance (MMC I-310) so that it can be clearly understood by members of the community.

2. Mayor or Councilmember:

   a. The Mayor or a Councilmember may request the City Manager to add an item to a Council agenda. No staff report or other staff work will occur until the item is discussed before the full City Council. Discussion and prioritization by the City Council will occur on a quarterly basis.

   b. Councilmembers may make this request verbally during a meeting or may submit a written request to the City Manager at other times.

   c. See Section 2.C.4 “Request for Staff Resources” for further details on any associated staff work related an agenda item request.

3. Members of the Public. A member of the public may request Council action in the following ways:

   a. Write a letter to the City Council

   b. Speak during the Public Comment period at a City Council meeting

   c. Attend annual Council goal setting meeting and provide input

   Upon agreement of a majority of the City Council, Council will determine whether to place on a future agenda an item requested by the public.

C. Meeting Minutes

1. The preparation of accurate minutes is the responsibility of the City Clerk

   a) In general, summary minutes are used to record proceedings. The record focuses on who spoke and the motions and votes. Video recordings are used in order to serve a number of administrative, legal and historical functions and to provide verbatim record of meetings. Failure to record does not affect the validity of any proceedings or action taken by the City Council.

   b) The City Clerk may be directed by the presiding officer, with the consent of the City Council, to enter in the minutes a synopsis of the discussion of any matter coming before the City Council. The synopsis should be in complete sentences.

   c) The Mayor or a Councilmember may request, through the presiding officer, the privilege of having a previously prepared written abstract summarizing the major points of his or her statement on any subject

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under consideration entered into the minutes. If the City Council consents, such an abstract is entered into the minutes.

d) Items such as letters which individuals request “to have entered into the record” are referred to in, but do not become a part of, the minutes.

e) Changes in substantive matters may be made only at the direction of a majority of the City Council. Clerical corrections are to be made when discovered in order to maintain accuracy.

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CHAPTER VI. City Council Actions

Several different types of action may be taken by the Mayor and/or City Council.

A. Proclamations.

Proclamations are issued by the Mayor without formal action by the City Council. Proclamations are public announcements directing attention to a person, organization or event, such as Citizen of the Year, Girl Scout Week, or International Year of the Child. Councilmembers need to make their requests to the Mayor, only the Mayor can issue proclamations.

B. Commendations.

Commendations are acknowledgments of the activities of a person or organization, issued by the Mayor or by all Councilmembers without formal action being taken. Commendations typically acknowledge exceptional endeavors or are given to retiring employees and departing board and commission members and are presented at an appropriate function or council meeting.

C. Ordinances.

Legislative acts of the City Council are known as ordinances. Subject to certain state law exceptions, most ordinances are introduced at one meeting and are adopted by majority vote at a subsequent meeting and go into effect 30 days after adoption.

An ordinance is necessary (1) when state law requires a regulation to be adopted by ordinance, (2) to amend or repeal provisions of the Municipal Code or any uncodified ordinances, and (3) to impose regulations on persons or property in the City.

Ordinances shall be prepared by the City Attorney. Ordinances are prepared for presentation to the City Council when ordered by a majority vote of the City Council, or when requested by the Mayor or the City Manager, or when prepared on the City Attorney's own initiative.

D. Resolutions.

Resolutions are City Council actions which become effective upon adoption and encompass the business not addressed through ordinances. They are typically used to handle routine business and administrative matters requiring some type of formal memorialization. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another agency, or where the frequency of future reference back to its contents warrants a separate documents to facilitate reference and research.

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E. Motions.

The least formal of City Council actions, motions typically are used for procedural matters (such as to continue items) or for administrative matters (such as to accept reports). An adopted motion is as legally effective and binding as an adopted resolution but generally is recorded simply as an item entry in the minutes.

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CHAPTER VII. Communication

A. California Public Records Act.

All letters, memoranda, and email and other electronic communications involving City Councilmembers and members of boards, commissions, committees and task forces, the subject of which relate to the conduct of government or the performance of any governmental function, with a few exceptions as outlined in the Public Records Act, are public records. Emails and texts with content that concerns City business with other City employees or officials or interested members of the public are likely public records even if they are sent to/from a personal account or device.

B. Ralph M. Brown Act

Each Councilmember should be mindful of all of the requirements of the Brown Act and the Open Government Ordinance contained at Milpitas Municipal Code I-310.1.00 in communicating with each other. A majority of the Council shall not use a series of telephone calls, a conference call, mass e-mailing or any other informal session to discuss or decide matters before the City Council. This type of communication would be considered a "serial meeting" in violation of the law.

Section 54952.2(b)(1) of the Brown Act prohibits a majority of members of a legislative body outside of a lawful meeting from directly or indirectly using a series of meetings to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body. Paragraph (b)(2) expressly provides that substantive briefings of members of a legislative body by staff are permissible, as long as staff does not communicate the comments or positions of members to any other members.

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (i.e., three council members) through either one or more persons acting as intermediaries or through use of a technological device (such as a telephone answering machine, or e-mail or voice mail), even though a majority of members never gather in a room at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority ("I've talked to Councilmembers A and B and they will vote 'yes.' Will you?") or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has reached a collective concurrence on a matter.

1. Contacts with staff

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Staff can inadvertently become a conduit among a majority of a legislative body in the course of providing briefings on items of local agency business. To avoid an illegal serial meeting through a staff briefing:

a. Individual briefings of a majority of members of a legislative body should be "unidirectional," in that information should flow from staff to the member and the member's participation should be limited to asking questions and acquiring information. Otherwise, multiple members could separately give staff direction thereby causing staff to shape or modify its ultimate recommendations in order to reconcile the views of the various members, resulting in an action outside a meeting.

b. Members should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.

c. Staff may present its viewpoint to the member, but should not ask for the member's views and the member should avoid providing his or her views unless it is absolutely clear that the staff member is not discussing the matter with a quorum of the legislative body.

2. Contacts with constituents, bargaining unit representatives, developers, and lobbyists

As with staff, a constituent, bargaining group representative, developer, or lobbyist can also inadvertently become an intermediary who causes an illegal serial meeting. Constituents' unfamiliarity with the requirements of the Act aggravates this potential problem because they may expect a member of a legislative body to be willing to commit to a position in a private conversation in advance of a meeting. To avoid serial meetings via constituent conversations:

a. First, state the ground rules "up front." Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.

b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: "State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind."

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c. Do more listening and asking questions than expressing opinions.

d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.

3. Contacts with fellow members of the same legislative body

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body, no "meeting" has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating an illegal serial meeting. Therefore, it is recommended you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

C. Mail Processing

1. Members of the City Council may receive mail and other materials through City Hall.

2. All mail received and specifically addressed to the Mayor or a Councilmember shall be placed in the mail drawer for that person without first being opened.

3. General correspondence addressed to Councilmembers as a whole may be opened and delivered to all Councilmembers if appropriate.

D. Correspondence

1. The City Manager or designee is authorized to receive and take administrative action on all correspondence directed to the City Council. The City Manager or designee may also respond to correspondence submitted to the full City Council on non-agenda items or authorize a staff member to respond. A courtesy copy is provided to each Councilmember.

2. Generally, correspondence relating to a specific City Council agenda item shall be distributed with the agenda report; correspondence received after the publication of agenda packets is to be compiled and distributed to the City Council prior to the City Council meeting.

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3. After the City Council has taken a position on an issue, official correspondence should reflect this position. While Councilmembers who may disagree with a position are free to prepare correspondence on such issues as private citizens, City letterhead, official City Council title, and staff support should not be utilized. In addition, City letterhead and staff support cannot be utilized for personal or political purposes.

E. City letterhead, logo, insignia and brand, as well as staff support cannot be utilized for personal or political purposes.

F. Council Communication to Planning Commission

1. The Mayor and Councilmembers should be mindful not to unduly influence the decision at the Planning Commission meeting so as not to get ahead of the process.

2. It is not appropriate for the Mayor or a Councilmember to make public comments at the Planning Commission meeting unless he/she is acting in his or her personal capacity. If/when the matter comes before the City Council, such member should recuse him or herself from the matter.

G. External Communication

1. The Mayor and Councilmember may communicate on behalf of the City through media interviews, letters, and newsletters. They may also be quoted in City issued press releases. Although the Mayor and Councilmember are able to express individual opinions, any communication made on behalf of the City shall be aligned with Council adopted policies, programs, priorities. City issued press releases will include a quote by Mayor and other quotes, if any, will be determined by the City Manager, based on related work by each Councilmember.

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CHAPTER VIII. Council Liaison Roles

The Mayor and Councilmembers serve on behalf of Milpitas as members of other governmental entities, committees and agencies.

A. City Council Liaison

1. All City Councilmembers shall serve as liaisons to other City Commissions which shall be approved by the full City Council. In serving as a liaison, a City Councilmember shall endeavor to attend all Commission meetings of the Commission to which he or she is assigned.

2. Statements made by the City Council liaison about the City's official position should reflect the majority opinion of the City Council, which is defined by current or past official City Council action via City Council vote or consensus.

3. If the Mayor or a Councilmember wishes to attend the meeting of a Board, Agency, Committee or Task Force to which he/she has not been appointed to serve on by the City Council, the Mayor or Councilmember, as a courtesy, should advise the City representative(s), if any, as well as the respective chair, and should be mindful of the influence of his/her presence. If the presence of the Mayor or Councilmember shall constitute a quorum of the City Council, the meeting should be noticed as that of the City Council and all Councilmembers invited. An exception to this rule is when the Mayor or Councilmember observes only and does not speak at the meeting.

B. Milpitas Public Financing Authority, Milpitas Municipal Financing Authority, and Housing Authority Commission**.**

The Mayor and Councilmembers serve as the members of the Milpitas Public Financing Authority. Milpitas Municipal Financing Authority, and Housing Authority Commission.

C. Regional Boards and Outside Agency Representatives.

1. The role of a Member on regional Boards will vary depending on the nature of the appointment.

2. Reporting. Council representatives to Regional Boards shall keep the Mayor and Councilmembers informed of ongoing business through short written reports to the Mayor and Councilmembers or update reports to the City Council during the "Mayor and Councilmember Reports" opportunity on the City Council meeting agenda.

3. In the event the primary assigned liaison is unable to attend a particular meeting, he or she should notify the chair of the board/agency, and the

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appointed alternate Council representative, or Mayor, should attend in the place of the primary.

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Link to Handbooks for other Cities

https://www.ci.milpitas.ca.gov/_pdfs/council/Handbook/VariousCityHandbooks.pdf

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt a Resolution Approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements on a 1.22-gross acre site located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court, in the Transit Area Specific Plan (TASP) planning area.**
Category:	Public Hearings-Community Development
Meeting Date:	12/7/2021
Staff Contact:	**Ned Thomas, Planning Director, 408-586-3273**
Recommendation:	1) Conduct a public hearing, receive public comment, and move to close the hearing. 2) Consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA. 3) Adopt a Resolution approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the findings and Conditions of Approval.

Background:

In June 2008, the City of Milpitas adopted the Transit Area Specific Plan (TASP) to facilitate the transformation of older industrial properties surrounding the future Milpitas Transit Center into high intensity, transit-oriented, mixed-use neighborhoods. The Project site is located within the Trade Zone/Montague Sub-District of the TASP. This sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Place. On the Tarob Court side of the sub-district, the TASP envisions a moderate-to-high density residential area, with ample green space in the form of a large park and trails along Penitencia Creek. The Capitol Avenue and Montague Expressway portions of the sub-district are to be lined by mid-rise and high-rise mixed-use buildings that buffer the adjacent residential uses from noise and traffic.

On November 2, 2018, The True Life Companies (TTLC) submitted an application for a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to develop a 40-unit condominium residential project at the project site. The Planning Commission recommended the City Council approve the above applications on July 31, 2019. On August 20, 2019, the City Council adopted Resolution No. 8899, approving the development application.

In March 2020, the City initiated an update to the TASP and rebranded this effort as the Milpitas Metro Specific Plan. The updated Plan will shape the continued transformation of neighborhoods surrounding the Milpitas Transit Center, which opened in June 2020, to create a vibrant transit-oriented community with a mix of housing, retail, entertainment, and employment uses and a safe and attractive network of parks and trails. Fu

development within the Tarob Court area is a primary component of the Milpitas Metro Specific Plan, with a vision for higher-density mixed-use development based on a future direct connection to the Milpitas Transit Center via an extension of South Milpitas Blvd into the neighborhood.

On March 24, 2021, TTLC submitted a new preliminary application pursuant to California Senate Bill 330 (SB 330) for a 32-unit townhome subdivision at the project site. On April 30, 2021, TTLC submitted a formal application for the revised townhome project, which is at the lower end of the density range for residential development in the R3-TOD zoning district.

On October 27, 2021, the Planning Commission reviewed the proposed Project and held a public hearing to receive public comment. Prior to the public hearing, staff received one comment letter, submitted by John Doll, a Milpitas resident, critiquing the proposed color scheme for buildings within the project. The Planning Commission received no other public comments during the public hearing.

The Planning Commission approved staff's recommendation for approval of the Project and forwarded the item to the City Council. The final vote was six "Ayes" votes and one absence (Chair Tao).

California Senate Bill 330 (Housing Crisis Act)

As noted above, TTLC submitted the proposed project pursuant to California Senate Bill 330 (SB 330), the Housing Crisis Act of 2019. This law went into effect on January 1, 2020 and declared a statewide housing emergency through January 1, 2030. The Housing Crisis Act allows an applicant to submit a preliminary application for any housing development project, as defined in Government Code Section 65589.5(h)(2). A housing development project includes the following: residential units only; mixed-use development consisting of residential and non-residential uses with at least two-thirds of the square footage of the project designated for residential use; transitional housing or supportive housing.

Under SB 330, eligible housing development projects are eligible for enhanced streamlining and vesting opportunities through a process initiated by the filing of a preliminary application. Once the preliminary application is deemed complete by the local jurisdiction, the housing development project is subject only to the ordinances, policies, and standards adopted and in effect at the time the preliminary application was submitted. In addition, housing development projects that meet all applicable objective general plan and zoning standards may only be subject to a total of five public hearings, including continuances and most appeal hearings.

Once a preliminary application is deemed complete, a complete project application must be submitted and accepted by the Planning Department within 180 days of submission of the preliminary application. The project must also commence construction within 30 months after the date of final approval. The preliminary application from TTLC met the qualifications for streamlined review by the City under SB 330, and they submitted a formal application on April 30, 2021.

Project Description:

The Project site at 2001 Tarob Court is currently occupied by a 16,200-square foot light industrial office building. The site was originally developed in the 1980s as part of the Tarob Court industrial park.

The Project includes a total of 32 townhome units, comprised of two multi-family buildings up to 50 feet in height, with tandem garages accessed from a central aisle. The scope of work includes associated landscaping and open space, parking and circulation, and infrastructure improvements.

The 32 townhome condominium units consist of four two-bedroom units and 28 three-bedroom units. The units will range in size from 1,854 to 2,354 square feet and all units will have a tandem two-car garage. The Project also provides nine guest parking spaces, ten public bicycle parking spaces, two electric vehicle charging spaces, and two ADA parking spaces. The Project will gain ingress and egress from both Tarob Court and Lundy Place via both existing driveway curb cuts.

Five of the 32 units, or fifteen percent (15%) of the base units, will be affordable to moderate-income households in conformance with the City's Affordable Housing Ordinance. By providing the required on-site affordable units, the Project is also eligible for certain waivers under the affordability provisions of the State Density Bonus Law (Gov. Code § 65915 et seq.) even though the Project is not asking for an increase in units or density. Specifically, Government Code Section 65915(p)(5) permits eligible housing projects under the State Density Bonus Law to provide onsite parking through tandem parking or uncovered parking. The analysis section of this staff report includes a full discussion of the State Density Bonus provisions related to this Project.

Location and Context:

The Project is located on a 1.22-acre site on the west side of Tarob Court, as shown in Figure 1 below.

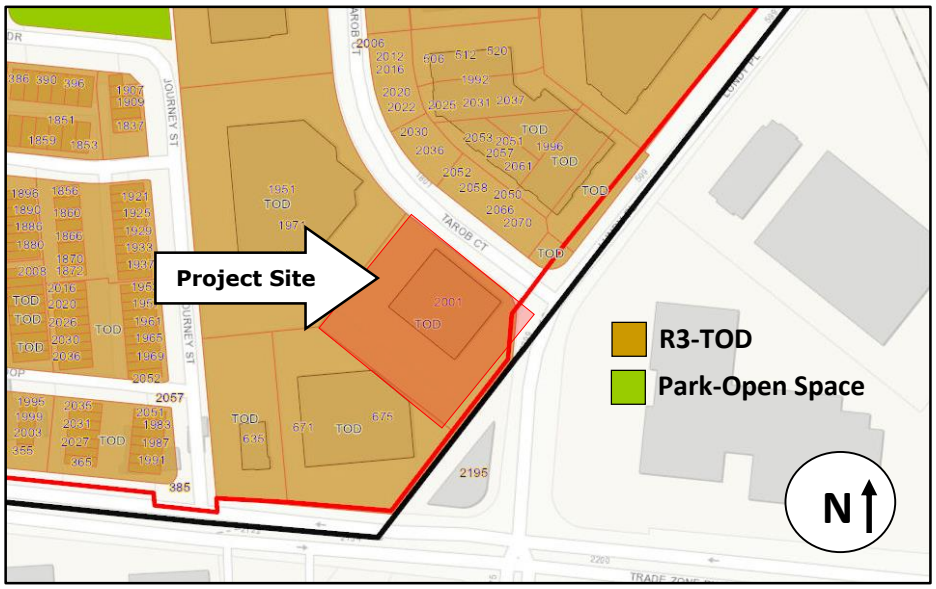
Figure 1: 2001 Tarob Ct. (Aerial Image)

The property located within the Transit Area Specific Plan (Milpitas Metro Specific Plan) area and zoned R3 Multi-Family High Density Residential with a Transit-Oriented Development (-TOD) overlay. Table 1 summarizes the Project site's General Plan land use designation, zoning, and surrounding uses. Figure 2 shows the proposed location and surrounding zoning.

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Milpitas Metro Specific Plan (MMSP)	Multi-family High-Density Residential (R3-TOD)	Vacant Light Industrial
West	Milpitas Metro Specific Plan (MMSP)	Multi-family High-Density Residential (R3-TOD)	Light Industrial
East	Milpitas Metro Specific Plan (MMSP)	Multi-family High-Density Residential (R3-TOD)	Future Multi-Family Residential
North	Milpitas Metro Specific Plan (MMSP)	Multi-family High-Density Residential (R3-TOD)	Light Industrial
South	City of San Jose	City of San Jose	Light Industrial

Figure 2: 2001 Tarob Ct. (Zoning Map)



Analysis:

The proposed Project requires approval of three entitlements, as follows:

1. Site Development Permit SD21-0004: To allow of two multi-family buildings, ranging from three to four stories in height, with up to 32 residential units on the 1.22-acre site; and
2. Conditional Use Permit UP21-0005: To allow the condominium use; and
3. Vesting Tentative Map MT21-0001: To establish 32 residential condominium spaces and related common areas and to record site easements; and
4. Environmental Assessment EA21-0002: To review and verify an exemption from further environmental review under CEQA.

Staff reviewed the entitlement applications listed above and found them to be in compliance with the policies, standards, and processes outlined in the City of Milpitas 2040 General Plan, Transit Area Specific Plan (Milpitas Metro Specific Plan), Zoning Ordinance, Milpitas Municipal Code (MMC), and the State Density Bonus Law. The remainder of this agenda report provides specific details regarding each of the requested entitlements.

General Plan Conformance

The General Plan designation for the project site is Milpitas Metro Specific Plan (MMSP), but since the City Council has not formally adopted the MMSP, the TASP development standards currently apply. The intent of both the MMSP and TASP standards is to facilitate development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and to encourage walking, biking, and the use of alternative modes of transportation.

As proposed, the Project is consistent with the goals, policies, and standards in the City's General Plan, as set forth in Table 2 below.

Table 2: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides an additional housing type to meet the needs of various families and residents of all income levels. The Project, as proposed, consists of 32 townhome residential units, ranging from two to three bedrooms. Five of the residential units will be reserved for moderate-income households. The City would prefer to see higher density development at this location.
Policy LU 5-1: *Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new large-scale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.*	**Consistent.** The Project, as proposed, is well integrated with the existing residential developments along Lundy Place and Tarob Court, as the project has a similar architectural style, building height, multi-family product, and site layout. Additionally, the project will gain ingress and egress from both Tarob Court and Lundy Place via existing driveway curb cuts, and as a result, the Project will blend seamlessly into the fabric of the existing community. The Project will also be compatible and complementary to future high-density residential development planned for other parcels on Tarob Court which are currently developed with light industrial uses but are zoned for redevelopment as similar high-density residential uses.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent**. The Project meets the height standards by proposing two three to four-story buildings, up to 50 feet in height, in a zoning district that allows a maximum height of 75 feet.

Transit Area / Metro Milpitas Specific Plan Conformance

The TASP/MMSP land use designation for the project site is High Density, Transit-Oriented Residential. This designation provides for medium-density residential uses within the Trade Zone/Montague Sub-District. As shown in Table 3 below, the Project is consistent with applicable TASP/MMSP land use policies.

Table 3: TASP/MMSP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.*	**Consistent**. The proposed Project will provide various housing types, including two and three-bedroom units for sale at market-rate and five of the 32 units will be for sale to moderate-income individuals or households, consistent with the City's goal of providing housing for various households and income levels. The City would prefer to see higher density development at this location.
Policy 3.17: *New streets shall be located as generally shown on the Street System Map, Figure 3-2 within the TASP*	**Consistent.** A portion of the Project's TASP fees will contribute to the new Tarob Court configuration, designed to replace the cul-de-sac with a local street and connection to Sango Court.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent.** The Project conforms to the City's Affordable Housing Ordinance and will designate five out of the 32 units, or fifteen percent (15%) of the base number of units, for moderate-income level individuals or households.
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent**. The Project will designate five residential units for sale to moderate-income individuals or households and the units will be dispersed throughout the project site.

Zoning Conformance

The zoning designation for the project site is Multiple-Family High Density Residential (R3) with a Transit-Oriented Development (-TOD) Overlay. As demonstrated in Tables 4 and 5 below, the Project is consistent with the development standards for the R3-TOD Zoning District and TASP/MMSP area. The affordability provisions of the State Density Bonus Law allow the project to deviate from certain standards. A detailed discussion of the State Density Bonus Law and a summary of the deviations are provided later in this report.

Table 4: Development Standards for the R3-TOD Zoning District

R3-TOD	Standard	Conformance
Density	21-40 dwelling unit/gross acre	**Compliant:** 25 du/acre
MXD3	**Standard**	**Conformance**
Setbacks		**Compliant**
Front (min / max)	8-15 ft. from the back of sidewalk	15 ft.
Right (South) Side	15 ft. / 20 ft. for over three stories when abutting residential	26 ft.
Left (North) Side	15 ft. / 20 ft. for over three stories when abutting residential	43 ft
Rear	15 ft. / 20 ft. for over three stories when abutting residential	20 ft.
Building Height	Up to 75 ft.	**Compliant:** 49 ft, 11 in.
Private Open Space	An average of 200 SF of usable open space shall be provided for each dwelling unit. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. At least thirty (30) percent of required open space shall be contiguous to and provide for private usable open space of the individual dwelling unit. 200 x 32 = 6,400 SF = 0.15 acres Each dwelling unit shall be provided with private open space as follows: - Balconies and porches (above ground level): minimum 60 SF; or - Patios (at ground level): minimum one hundred square feet.	**Compliant:** Private recreational area: 0.14 acres Private open space (balconies) = 1784 SF/building = 1784 x 2 = 3,568 SF = 0.08 acres Total private open space = 0.22 acres = 299.5 SF/unit Private balconies provided for every unit
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space, exclusive of parking and vehicular traffic area. 25% x 1.22 = 0.31 acres	**Compliant:** 0.46 acres (37.7%)

In addition, projects located in the TASP/MMSP area must comply with the additional development and design standards outlined in Table 5 below.

Table 5: Additional Development Standards Applicable in the TASP/MMSP

	Standard	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awnings may project up to six feet into setback.	**Compliant:** None proposed.
Building Orientation and Entrances	Building must face the street; and primary building entrances must be oriented toward the street.	**Compliant:** Buildings face Tarob Court, which is the project's primary street frontage.
Vehicle Parking	Two to Three Bedrooms: 1.6 covered (min), two (2) covered (max).	**Compliant:** 64 tandem spaces in 32 garages (two/unit)
Bicycle Parking	One space per four housing units, exempting those with private garages; on-street guest racks equivalent to five percent (5%) of parking requirement.	**Compliant**: 10 public spaces provided plus Project has 32 private garages.
Parking Structure and Parking Lot Location	Parking must be located so that it is not visible from the street.	**Compliant:** 32 private garage entrances face interior drive aisle.
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	**Compliant:** One curb cut along each street frontage.
Tandem Parking	May be allowed with a Conditional Use Permit pursuant to MMC Section 53; maximum 50% of parking required for residential uses may be tandem parking in projects with private individual garages.	**Compliant (Under Gov. Code, § 65915(p)(5) under State Density Bonus Law):** All residential unit parking is tandem (64 spaces).
Park Acreage Requirements	0.03 acres (after payment of TASP/MMSP fee)	**Compliant:** 0.14 acres proposed, which includes private recreation areas along the southern end of the site

Subdivision Ordinance

The Project's form, content and dedications of the proposed tract map are consistent with the provisions in Title XI, Chapter 1, Section 4 of the City's Municipal Code, as set forth in the Resolution. Vesting Tentative Maps require approval by the City Council.

Architectural Design

The Project's design concept arranges two multi-family buildings, three to four stories in height, that mirror one another across a central drive aisle. The arrangement preserves ground floor open space and creates a 26-foot wide drive aisle between the buildings. The Project's contemporary architectural design uses stucco, siding, stone tile veneer, and a variety of metal details. Variations in the building colors, materials and planes and protruding balconies provide architectural interest and avoid a boxy appearance.

The building massing is broken up through an alternating painted color blocking treatment of dark green (SW "Dried Thyme"), light grey (SW "Natural Choice"), and steel blue (SW "Needlepoint Navy"). At the ground level, stone tile veneer and metal awnings frame the entry to the units. The garage doors are face the interior drive aisle, while the grand raised entrances face Tarob Court to enhance the public realm of Tarob Court's streetscape. The ground level entrances and private open space areas on the southern end of the property also offers residents the opportunity for out-of-doors leisure, as well as community engagement.

The Project has a similar architectural style to the Parkside project and visually relates to the previously approved three-story townhouses across Tarob Court. Moreover, the Project conforms to the Transit Area design guidelines, which require orientation of the building to the street, well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors and integrated parking.

Figure 3 is a perspective view of the north and west building elevations.

Figure 3: Proposed Project Looking Southeast from Tarob Court

Landscaping (including Tree Removal and Replacement)

The Project includes removal of 34 existing trees, including 21 protected trees, from the project site. Pursuant to MMC Title X, Chapter 2 (*Tree Maintenance and Protection*), the Project will plant two replacement trees for every protected tree that is removed, or 128 new trees planted on the site. Tree species include Chinese Pistache, Magnolias, Lavender Crape Myrtle, and Crabapple. New perimeter landscaping will include various shrubs (Australian Fuchsia, Candy Stripe Bamboo, Fortnight Lily, Lavender, New Zealand Flax), grasses (Reed Grass, Deer Grass, Fountain Grass) and groundcovers (Peach Drift, California Fuchsia, Pink Groundcover Rose) as demonstrated in Figure 4. Vines will also be welded on a wire mesh fence on the southern end of the site.

Figure 4: Landscape Plan

Parkland and Open Space Requirements

TASP requires all new residential developments to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu, as required per MMC Section XI-10-6.04 (G) (Park and Open Space Requirements for Residential Uses). Based on the proposed 32 units at the site, the Project would be required to provide 0.28 acres of parkland, or the equivalent to approximately $777,472.82 in in-lieu fees.

All projects in the TASP are required to pay a Transit Area Development Impact Fee (TADIF), and portion of the TADIF is used for public park and recreation facilities within the TASP area. By paying the TADIF, the applicant receives a credit of $690,061.12, equivalent to 0.25 acres of parkland. The applicant is obligated to either provide an additional 0.03 acres of public or private recreational space or pay an additional $87,411.70.

To satisfy this requirement, the applicant proposes to provide 0.12 acres of on-site private recreation space. Each individual unit has a private balcony, totaling 3,568 square feet. The private recreation areas also include a bench, mailbox station, concrete paving and various landscaping, as shown on Sheet L002 of the Project plans (See Attachment 6: Project Plans). By designing these elements into the project, the parkland requirement is met without additional fees. Table 6 outlines this information.

Table 6: Summary of Adherence to Parkland Requirements

2001 Tarob Court Unit Count	32 units
2001 Tarob Court Population Estimate	80 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
Total Parkland Acreage or In-lieu Fee Required	**0.28 acres / $777,472.82**
Amount include in Payment of TASP Fees (Acreage/Dollars)	0.25 acres / $690,061.12
Remaining Parkland Acreage or In-lieu Fee Required	**0.03 acres / $87,441.70**
Private Recreation/Open Space Included in the Project	0.12 acres
Balance of Parkland Acreage or In-lieu Fees Due	**0.00 acres / $0**

Affordable Housing Ordinance

Pursuant to MMC Section XII-1-3.00, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to construct fifteen percent (15%) of the total number of dwelling units within the development as affordable units, unless subject to an exception set forth in XI-1-4.00. All exceptions require City Council approval.

The Project will reserve five units (or fifteen percent (15%)) as affordable to moderate income households. The Project has been conditioned to execute an agreement imposing appropriate ownership controls on the affordable units.

State Density Bonus Law

To encourage the production of affordable housing, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus of up to a 50% increase for most projects, depending on the amount of affordable housing provided, and an 80% increase in density for projects that are 100% affordable. The Density Bonus is a state mandate, and any developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. The City's local Density Bonus Ordinance (MMC Section XI-10-54.15 (F)) mirrors the State requirements.

By providing the required on-site affordable units pursuant to MMC Section XII-I-3.00, the Project is eligible to receive certain waivers under the affordability provisions of the State Density Bonus Law. While the Project is not requesting additional density, it is entitled to up to one concession, unlimited waivers of development standards, and parking standard reductions.

Parking Requirements

Under the TASP, a minimum of 51 and a maximum of 64 resident parking spaces are required for the proposed project, based on bedroom count (TASP Table 5-3: *Minimum Parking Requirements*). The applicant proposes to provide 64 resident spaces, the maximum required. Parking for residents would primarily be provided in individual tandem parking garages oriented towards the internal drive aisle. As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5) permits all onsite parking to be provided through tandem parking or uncovered parking.

The Project also requires ten guest parking spaces, and the applicant proposes to provide nine spaces. Under Government Code Section 65915(p)(1) and MMC Section XI-10-54.15(F)(5), the applicant may request reduced parking standards for the entire development. The reduced parking standards are inclusive of guest parking and handicapped parking and may be tandem or uncovered. The nine guest spaces will be provided as follows:

- Seven (7) along the private driveway;
- One (1) ADA guest spot along the private driveway; and
- One (1) electric vehicle charging spot along the private driveway.

To maintain a consistent streetscape along Tarob Court, the Project will be required to install decorative concrete paving to identify all on-street parking spaces.

Table 7 demonstrates the Project's compliance with the parking standards for the R3-TOD Zoning District:

Table 7: Parking Requirements

Number of Units	Number of Bedrooms/Unit	Min/Max Ratio Permitted/Unit	Min/Max No. of Spaces Req'd/Allowed	Spaces Provided	Conforms (Y/N)
32	2-3	1.6/2.0 per unit	51/64	64	Y
Guest	--	20% of total spaces required	10	9	Permitted under State Density Bonus Law
		Total	*61*	*73*	Y

Bicycle Parking – For residential uses within the TASP, one space of long-term bicycle parking per every four housing units is required, exempting units with a private garage. As the Project has 32 private garages, no long-term bicycle parking spaces are required.

For guests, the TASP requires short-term bicycle parking spaces equivalent to five percent (5%) of the total automobile spaces required. This equates to three (3) short-term bicycle spaces for guests, and the Project will provide ten bicycle spaces in compliance with the requirement.

Traffic and Access

Access to the Project site is provided by a driveway located at the northern corner off Tarob Court and at the southern corner off Lundy Place. The driveways provide access to an internal twenty-six (26)-foot access drive lane and fire lane, which includes a fire engine/garbage truck remote control gate along the southern corner of the site. There are 32 private residential garages along the central drive aisle. Nine guest parking spaces will be located along the access drive lane, including one accessible parking space and one electric vehicle

parking space. All traffic and access data has been reviewed by Transportation and Fire and is compliant with all applicable requirements.

Development Fees

The Project is subject to the following fees, payable at the time of building permit issuance:

TASP Impact Fee
The TASP/MMSP Impact fee is currently set at $44,009/unit for residential uses for Fiscal Year 2021-2022. Based on approval for development of 32 units, the estimated Transit Area Specific Plan Development Impact Fee for this project is $1,408,288 ($44,009/unit x 32 units). This fee is automatically adjusted each fiscal year in conjunction with the City's annual budget process. The proposed Project will pay the fee at the issuance of building permits.

Parkland Impact Fee
TASP requires all new development to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu. Per the parkland section, above, the project has satisfied this requirement. See Table 6 for more information.

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

Findings for Vesting Tentative Map, Site Development Permit and Conditional Use Permit

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

Vesting Tentative Map (Section XI-1-20.01)

To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. *The tentative subdivision map is consistent with the General Plan.*

   The General Plan designation for the project site is Milpitas Metro Specific Plan (MMSP), but since the City Council has not formally adopted the MMSP, the TASP development standards currently apply. The intent of both the MMSP and TASP standards is to facilitate development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and to encourage walking, biking, and the use of alternative modes of transportation.

   The TASP designates this project site as High Density, Transit Oriented Residential (HD-TOR). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this Project proposes 25 dwelling units/acre, it is consistent with both the intended land use of the General Plan and the relevant density requirement. The Project site was not identified as a potential site for yielding affordable housing units in the City's Housing Element, as the site was zoned for industrial uses prior to October 2017. Therefore, there is no net loss of affordable housing units.

   Further, the tentative subdivision map is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

As set forth in Finding 1 above, the map proposes the development of the site into 32 residential condominium units at a density of 25 dwelling units/acre. The General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) permits residential development at densities of 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan.

B. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 21-40 dwelling units per acre as permitted by the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan. The proposed density is 25 dwelling units per acre. The proposed Project is also consistent with the Milpitas Metro Specific Plan/Transit Area Specific Plan development standards, including height (maximum of 50 feet proposed, where 75 feet is the maximum allowed), number of vehicular parking spaces (64 vehicular spaces proposed, where a maximum of 64 is allowed), bicycle parking (10 spaces proposed, where 3 are required), building orientation (proposed buildings will face streets, where requirement provides building must face streets).

C. *That the site is not physically suitable for the type of development.*

The site is surrounded by property designated for high density, transit-oriented residential development under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and proposed infrastructure improvements.

D. *That the site is not physically suitable for the proposed density of development.*

The City Council, through adoption of Resolution No. 8702, has determined that the site is physically suitable for development at the proposed density of 25 dwelling units per acre, insomuch as it has amended the applicable general plan land use designation to High Density, Transit Oriented Residential (HD-TOR), and subsequently Milpitas Metro Specific Plan (MMSP), which currently allows densities of 21-40 dwelling units per acre. The site is also flat and has direct access to adjacent streets (Tarob Court and Lundy Place) to accommodate the proposed density of the development.

E. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memos (Attachments 2 and 3). The memo did not find that the Project would be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project is also located in an urbanized area and previously developed as an industrial building, and therefore, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The Project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memorandums (Attachment 2). The

memorandums did not find that the design of the subdivision or type of improvements is likely to cause serious public health problems.

G. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision does not involve the vacation of easements; however, the existing right-of-way will be abandoned and portions of the area will be retained for a Public Services Utility Easement (PSUE).

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

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

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

   The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The project consists of 32 condominium units and associated site amenities on a 1.22-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. The Project also features exterior horizontal blue and green-hued siding. The Project has a strong sense of identity, achieving compatibility and aesthetic harmony with surrounding developments.

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

   The Project site is zoned R3 (Multiple-Family, High Density Residential with a Transit Oriented Development (-TOD) Overlay). Residential uses are permitted in the zoning district. As demonstrated in Tables 4, 5 and 7, the Project substantially conforms to the zoning district and meets the intent for this type of project envisioned in this area.

   The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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

   The proposed Project and associated use are consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

4. *The project is consistent with the Transit Area Specific Plan*.

   The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated and outlined in Tables 3 and 5. As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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

To approve the Conditional Use Permit, 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 Project will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or general welfare. The Project is consistent with other high density residential projects within the TASP. The condominium Project creates housing opportunities and increases the diversity of housing types in the TASP area

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

   The Project is consistent with the Zoning Ordinance, as the condominium use is conditionally permitted per MMC Table XI-10-4.02-1. The Project substantially conforms to most of the development standards set forth by the Zoning Ordinance, as discussed in the Zoning Ordinance consistency discussion set out in support of issuing a Site Development Permit.

   Moreover, the Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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

   See General Plan consistency discussion set out above in support of issuing the Vesting Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

   See Transit Area Specific Plan consistency set out above in support of issuing the Site Development Permit.

Density Bonus (Section XI-10.54.15(D), (F))

1. *Determination of Maximum Allowable Densities. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

   Based on 15% affordability, with 5 units (15%) reserved for moderate-income households, the proposed Project is eligible for a 5% density bonus. The maximum allowable density in the R3-TOD Zoning District is 40 du/ac, which would yield 42 units on the subject 1.22-acre parcel. The proposed 32-unit development is less than the allowable 5% density bonus. Under the State Density Bonus Law, the applicant is entitled to receive the 5% density bonus as a matter of right.

2. *Unit Type and Location. All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Housing Authority modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   This standard is satisfied, as the Project proposes five units to be reserved for moderate-income households. These five three-bedroom units will be dispersed throughout the two multi-family buildings.

3. *Agreement. Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project will be conditioned to execute and record at the Santa Clara County Recorder’s Office the City’s Agreement Imposing Restrictions on Real Property.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. If the City does not grant at least one (1) additional concession or incentive, in addition to a density bonus as specified in Section XI-10-54.15(E), Density Bonus Conditions, of this Chapter, the developer shall agree to, and the City shall ensure continued affordability for a minimum of ten (10) years of all lower or very low-income housing units receiving a density bonus.*

   The designated affordable units will be required to remain in place for a minimum of 50 years as stated in the Conditions of Approval and will require a Regulatory Agreement to be recorded over the Project site.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

   This finding does not apply to the Project. The Project provides five for-sale units, or fifteen percent of the 32 units, to moderate-income households.

6. *Relation to State. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.*

   Any density bonus requirements not specified in the City's Municipal Code shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.

Waivers and Modifications of Development Standards

Pursuant to MMC Section XI-10.54.15(F)(6), the City must grant waivers of development standards if the applicant demonstrates the waiver is necessary to make the affordable housing units economically feasible and can only deny such waiver request if the City makes the findings specified in MMC Section XI-10.54.15(F)(3):

a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

If findings cannot be made, the proposed waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915.

The proposed deviations for this project (one less guest parking space and tandem parking in all residential garages) would result in actual and identifiable cost savings, and these savings are necessary to provide the level of affordability proposed. Further, none of the deviations would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources, so the City has no justification to deny the requested waivers.

<u>Policy Alternatives</u>:

Alternative 1: Deny the applicant's request for a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment.

Pros: Denial of the proposed Project would allow the site to be developed with a different project that meets the City's minimum parking and open space standards without the need for deviations from development standards. A higher density project with adequate parking would generate more impact fees to pay for needed infrastructure.

Cons: Denial of the proposed Project would deprive the City of a housing project and the opportunity to further support affordable housing needs within the region, including the City's Regional Housing Needs Allocation (RHNA). Denial of the Project would also be contrary to the goals and objectives of the State Density Bonus Law and applicable sections of the Milpitas Municipal Code, as well as Senate Bill 330.

Reason not recommended: The City Council has expressed strong support for the development of inclusionary housing. The Project meets most of the City's development regulations and complies with the affordability provisions of the State Density Bonus Law for the deviations requested by the applicant.

Fiscal Impact:
If approved, the applicant will pay the standard TADIF fee, which equals to $1,461,802.94 ($1,408,288 + 3.8% Permit Automation Fee). The applicant will be required to pay all building permit fees. The applicant will also pay the Public Art In-lieu fee set at one-half of one percent of building development costs.

California Environmental Quality Act:
This Project is located within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report (TASP-EIR) (SCH#2006032091) certified by the City Council on June 3, 2008. An earlier environmental assessment (EA19-0002) for a higher density version of the Project was conducted by LSA, on behalf of the City, in accordance with the California Environmental Quality Act (CEQA), as amended, and state and local guidelines implementing CEQA. The environmental assessment conducted by LSA concluded that none of the circumstances necessitating preparation of a subsequent or supplemental EIR are associated with the Project.

The environmental assessment conducted by LSA also concluded that an Addendum to the TASP EIR was the appropriate document to address these modifications rather than a subsequent or supplemental EIR. The Addendum fully addressed all potential impacts associated with this project, and no material changes have been made to the project that would alter the conclusions of the Addendum. The analysis contained in the Environmental Checklist confirmed that the modified project was within the scope of the TASP-EIR and would have no new or more severe significant effects and no new mitigation measures were required.

As a part of this Project application, the applicant submitted a peer reviewed memorandum, dated April 28, 2021, conducted by First Carbon Solutions. The memorandum confirms that the proposed Project is still within the scope of the TASP EIR and will have no new significant or more severe impacts beyond those identified in the 2019 Environmental Checklist and the TASP EIR.

The City conducted an environmental assessment (in the form of a memorandum, dated August 4, 2021) for the proposed Project. LSA prepared a peer review memorandum on behalf of the City. The memorandum found that the Consistency Analysis generally meets the requirements of CEQA and employs sound methods and analysis to develop its conclusions. The proposed Project is still within the scope of the TASP FEIR and the subsequently prepared Categorical Exemptions prepared for a previous version of the Project in 2019 and would not have any new significant or more severe environmental impacts beyond those that have been previously identified. Both memorandums acknowledging the entitlements and consistency with CEQA are attached as Attachments 2 and 3 to the Resolution.

As a separate and independent basis, the Project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183, which applies to projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. As a separate and independent basis, the Project is also exempt from further CEQA review pursuant to CEQA Guidelines Section 15182, because the Project is a residential project that is consistent with the Transit Area Specific Plan. Lastly, the Project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15168, as the Project is within the scope of the TASP program EIR. Moreover, the Project complies with the City's existing zoning, specific plan, community plan, and general plan. Therefore, no further environmental review is required.

Recommendation:

1. Conduct a public hearing, receive public comment, and move to close the hearing;
2. Consider the consistency memorandums to the Addendum to the Transit Area Specific Plan Environmental Impact Report (TASP EIR) and the exemptions in accordance with CEQA; and
3. Adopt a Resolution approving Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 to allow the development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the findings and Conditions of Approval.

Attachments:

: 1. City Council Resolution
2. Addendum to the Transit Area Specific Plan Environmental Impact Report
3. Consistency Memorandums by First Carbon Solutions, TJKM, and LAS
4. Planning Commission Staff report (dated October 27, 2021)
5. Planning Commission Meeting Minutes for October 27, 2021
6. Project Plans
7. Applicant Response to CEQA Memorandums
8. Public Comment Correspondence

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD21-0004, CONDITIONAL USE PERMIT NO. UP21-0005, VESTING TENTATIVE MAP NO. MT21-0001, AND ENVIRONMENTAL ASSESSMENT NO. EA21-0002 TO ALLOW DEVELOPMENT OF A 32-UNIT TOWNHOME SUBDIVISION COMPRISED OF TWO MULTI-FAMILY BUILDINGS, UP TO 50 FEET IN HEIGHT (THREE TO FOUR STORIES), WITH TANDEM GARAGES ACCESSED FROM A CENTRAL DRIVE AISLE, AND ASSOCIATED SITE IMPROVEMENTS ON A 1.22-GROSS ACRE SITE LOCATED IN THE MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R3) ZONING DISTRICT AT 2001 TAROB COURT AND MAKING FINDINGS 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 June 3, 2008, the City Council of the City of Milpitas certified an Environmental Impact Report ("EIR") prepared to analyze the environmental impacts associated with the proposed Transit Area Specific Plan (the "TASP EIR," State Clearinghouse No. 2006032091), and subsequently adopted the Transit Area Specific Plan (the "TASP"); and

WHEREAS, the TASP EIR reviewed the potential environmental impacts associated with the implementation of the TASP, which 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; and

WHEREAS, 2001 Tarob Court is located within the TASP planning area; specifically, within the Trade Zone/Montague subdistrict of the TASP; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified has been adopted, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code § 21166 and State CEQA Guidelines § 15162 require additional environmental review; and

WHEREAS, on March 24, 2021, The True Life Companies (the "Applicant") submitted a preliminary application to the City of Milpitas, invoking California Senate Bill 330 (SB 330), for the approvals necessary to develop a 32-unit condominium residential project at 2001 Tarob Court; and

WHEREAS, on April 30, 2021, the Applicant submitted a formal application for the project (the "Project"). The Project consists of and requires:

a. Site Development Permit (SD21-0004) to allow the development of two multi-family buildings, ranging from three to four stories in height, with up to 32 residential units on a 1.22-acre site; and

b. Conditional Use Permit (UP21-0005) to allow the condominium use; and

c. Vesting Tentative Map (MT21-0001) to establish 32 residential condominium spaces and related common areas and to record site easements; and

d. Environmental Assessment (EA21-0002) to review and verify an exemption from further environmental review under CEQA.

WHEREAS, the Planning Department completed Environmental Assessment No. EA21-0002 for the Project in accordance with CEQA and recommends that the City Council determine this Project is covered under the program of activities identified in the Transit Area Specific Plan EIR, SCH#2006032091, certified by the City Council on June 3, 2008, based on the CEQA findings included in this Resolution (the "Addendum" and "Memorandums," true and correct copies of which are attached hereto and incorporated herein as **Exhibits 2 and 3**); and

WHEREAS, per 14 C.C.R (CEQA Guidelines) Section 15164(b), the Addendum demonstrated and concluded that none of the circumstances necessitating preparation of a supplemental or subsequent EIR, as specified in CEQA Guidelines Sections 15162 or 15163, are present in that: (a) no substantial changes are proposed in the Project which will require major revisions of the TASP EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (b) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the TASP EIR due to new or substantially more severe significant effects; and (c) no new information of substantial importance, as defined in CEQA Guidelines Section 15162, which was not known and could not have been known at the time the TASP EIR was certified has become available; and

WHEREAS, on August 20, 2019, the City Council approved the Addendum to the TASP EIR; and

WHEREAS, the City Council hereby adopts the Memorandums and makes and accepts as its own the findings set forth in **Exhibits 2 and 3** attached hereto; and

WHEREAS, as separate and independent bases, the City Council hereby finds and determines that the Project is exempt from further CEQA review pursuant to (1) CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning; (2) CEQA Guidelines Section 15182 (Projects Pursuant to a Specific Plan); and (3) CEQA Guidelines Section 15168 (Program EIR); and

WHEREAS, the Planning Commission is an advisory body to the City Council pursuant to Milpitas Municipal Code Section XI-10-64.03 (Consideration of Concurrent Applications), where, as here, due to the application for a vesting tentative map pursuant to Milpitas Municipal Code Section XI-1-20.01, the City Council is the highest review authority for the Project, and, accordingly, all review by other bodies with approval authority over the application shall be in the form of a recommendation to the City Council; and

WHEREAS, on October 27, 2021, the Planning Commission held a duly-noticed public hearing, during which meeting the Planning Commission considered the Environmental Assessment No. EA21-0002, as well as the requested Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, and Vesting Tentative Map No. MT21-0001 for 2001 Tarob Court, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, by adoption of Resolution No. 21-022, the Planning Commission recommended the City Council approve Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002 for 2001 Tarob Court; and

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases the findings contained within this Resolution are available and may be reviewed at Milpitas City Hall, located at 455 E. Calaveras Boulevard, Milpitas, California 95035; and

WHEREAS, on December 7, 2021, the City Council held a duly-noticed public hearing, during which meeting the City Council considered the Environmental Assessment No. EA21-0002, as well as the requested Site Development Permit No. SD21-0004 and Vesting Tentative Map No. MT21-0001 for 2001 Tarob Court, heard a presentation from staff, and had the opportunity hear from members of the public; and

WHEREAS, the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

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

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

SECTION 1. Recitals

The City Council has considered the full record before it, which may include, but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and incorporated herein by reference.

SECTION 2. California Environmental Quality Act Findings

The proposed Project is covered under the scope of activities approved under the TASP EIR, SCH#2006032091, which was certified by the Milpitas City Council on June 3, 2008. The EIR included a program of activities including construction of up to 7,109 residential units within the TASP area. The proposed 32 residential units fall within this scope of development activity contemplated in the TASP EIR. An earlier environmental assessment for a higher density version of the Project was prepared by LSA Associates. The environmental assessment confirmed that the earlier version of the Project was within the scope of the TASP EIR. The analysis found that the earlier Project was consistent with the TASP EIR and confirmed that the earlier Project was within the scope of development density considered under the TASP EIR. As part of this Project, a subsequent peer review memorandum (Exhibit 3 to the Resolution), prepared by First Carbon Solutions, confirmed that the Project is still within the scope of the TASP EIR and will have no new significant or more severe impacts beyond those identified in the 2019 Environmental Checklist and TASP EIR. LSA prepared a subsequent environmental assessment, in the form of a memorandum (Exhibit 3 to the Resolution), and found that the Consistency Analysis generally meets the requirements of CEQA. The Project is still within the scope of the TASP FEIR and the subsequently prepared Categorical Exemptions prepared for the previous version of the Project in 2019 and would not have any new significant or more severe environmental impacts beyond those that have been previously identified. Policies and/or mitigation measures required of projects covered under the TASP EIR are included as Conditions of Approval. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15168, 15182, and 15183, the Project is exempt from further review under CEQA.

SECTION 3. Vesting Tentative Map Findings (Section XI-1-20.01)

The City Council makes the following findings based on the evidence in the administrative record in support of Vesting Tentative Map No. MT21-0001:

A. The tentative subdivision map is consistent with the General Plan.

The General Plan designation for the Project site is Milpitas Metro Specific Plan (MMSP), but since the City Council has not formally adopted the MMSP, the TASP development standards currently apply. The intent of both the MMSP and TASP standards is to facilitate development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and to encourage walking, biking, and the use of alternative modes of transportation.

The TASP designates this project site as High Density, Transit Oriented Residential (HD-TOR). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this Project proposes 25 dwelling units/acre, it is consistent with both the intended land use of the General Plan and the relevant density requirement. The Project site was not identified as a potential site for yielding affordable housing units in the City's Housing Element, as the site was zoned for industrial uses prior to October 2017. Therefore, there is no net loss of affordable housing units.

Further, the tentative subdivision map is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 1 below.

Table 1: General Plan Consistency

Policy	Conformance
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The Project provides an additional housing type to meet the needs of various families and residents of all income levels. The Project, as proposed, consists of 32 townhome residential units, ranging from two to three bedrooms. Five of the residential units will be made affordable to moderate-income households. The City would prefer to see higher density development at this location.
Policy LU 5-1: *Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new large-scale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.*	**Consistent.** The Project, as proposed, is well integrated with the existing residential developments along Lundy Place and Tarob Court, as the Project has a similar architectural style, building height, multi-family product, and site layout. Additionally, the Project will gain ingress and egress from both Tarob Court and Lundy Place via existing driveway curb cuts, and as a result, the Project will blend seamlessly into the fabric of the existing community. The project will also be compatible and complementary to future high-density residential development planned for other parcels on Tarob Court which are currently developed with light industrial uses but are zoned for redevelopment as similar high-density residential uses.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City.*	**Consistent.** The Project meets the height standards by proposing two three to four-story buildings, up to 50 feet in height, in a zoning district that allows a maximum height of 75 feet.

B. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

1. *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

   As set forth in Section 3(A) above, the map proposes the development of the site into 32 residential condominium units at a density of 25 dwelling units/acre. The General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) permits residential development at densities of 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan.

2. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

   The design and improvement of the subdivision is consistent with the density range of 21-40 dwelling units per acre as permitted by the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan. The

proposed density is 25 dwelling units per acre. The proposed project is also consistent with the Milpitas Metro Specific Plan/Transit Area Specific Plan development standards, including height (maximum of 50 feet proposed, where 75 feet is the maximum allowed), number of vehicular parking spaces (64 vehicular spaces proposed, where a maximum of 64 is allowed), bicycle parking (10 spaces proposed, where 3 are required), building orientation (proposed buildings will face streets, where requirement provides building must face streets).

3. *That the site is not physically suitable for the type of development.*

   The site is surrounded by property designated for high density, transit-oriented residential development under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and proposed infrastructure improvements.

4. *That the site is not physically suitable for the proposed density of development.*

   The City Council, through adoption of Resolution No. 8702, has determined that the site is physically suitable for development at the proposed density of 25 dwelling units per acre, insomuch as it has amended the applicable general plan land use designation to High Density, Transit Oriented Residential (HD-TOR), and subsequently Milpitas Metro Specific Plan (MMSP), which currently allows densities of 21-40 dwelling units per acre. The site is also flat and has direct access to adjacent streets (Tarob Court and Lundy Place) to accommodate the proposed density of the development.

5. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

   The Project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memorandums (Exhibits 2 and 3 to the Resolution). The Memorandums did not find that the Project would be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Project is also located in an urbanized area and previously developed as an industrial building, and therefore, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

   The Project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memorandums (Exhibits 2 and 3 to the Resolution). The Memorandums did not find that the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

   Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision does not involve the vacation of easements; however, the existing right-of-way will be abandoned and portions of the area will be retained for a Public Services Utility Easement (PSUE).

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

The City Council makes the following findings based on the evidence in the public record in support of Site Development Permit No. SD21-0004:

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

The Project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The Project consists of 32 condominium units and associated site amenities on a 1.22-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. The Project also features exterior horizontal blue and green-hued siding. The Project has a strong sense of identity, achieving compatibility and aesthetic harmony with surrounding developments.

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

The Project site is zoned R3 (Multiple-Family, High Density Residential with a Transit Oriented Development (-TOD) Overlay). Residential uses are permitted in the zoning district. The proposed residential uses are permitted in the zoning district.

The Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard. As demonstrated in the Table 2, the Project substantially conforms to the zoning district and meets the intent for this type of project envisioned in this area.

Table 2:
Summary of TASP R3-TOD Development Standards

Standard (R3-TOD)	Requirement	Proposed	Compliance (Y/N)
Density	21-40 du/ac	25 du/ac	Y
Setbacks **Front (min/max)** **Side** **Rear**	 8 foot-15 foot (max.) from back of sidewalk 15 foot (min.), 20 foot over three stories when abutting residential 15 foot (min.), 20 foot over three stories when abutting residential	 15 feet 26 – 47 feet 20-28 feet	Y
Height	Up to 75 feet	49-feet-11-inches	Y
Private Open Space	An average of 200 SF of usable open space shall be provided for each dwelling unit. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. At least thirty (30) percent of required	Private recreational area: 0.14 acres Private open space (balconies) = 1784 SF/building = 1784 x 2 = 3,568 SF = 0.08 acres Total private open space = 0.22 acres = 299.5 SF/unit	Y

	open space shall be contiguous to and provide for private usable open space of the individual dwelling unit. 200 x 32 = 6,400 SF = 0.15 acres Each dwelling unit shall be provided with private open space as follows: - Balconies and porches (above ground level): minimum 60 SF; or Patios (at ground level): minimum one hundred square feet.	Private balconies provided for every unit	Y
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space, exclusive of parking and vehicular traffic area. 25% x 1.22 = 0.31 acres	0.46 acres (37.7%)	Y
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awning may project up to six feet into required setbacks.	None	Y
Building Orientation and Entrances	Building must face the street; and primary building entrances must be oriented toward the street.	Buildings face Tarob Court, which is the project's primary street frontage.	Y
Vehicle Parking	Two to Three Bedrooms: 1.6 covered (min), two (2) covered (max) Guest: 20% of the total spaces required = 10	64 tandem spaces in 32 garages (2 per unit) 9 guest spaces	This is permitted under Gov. Code, § 65915(p)(1) under State Density Bonus Law
Bicycle Parking	One space per four housing units, exempting those with private garages; on-street guest racks equivalent to five percent (5%) of parking requirement.	10 public spaces provided plus project has 32 private garages	Y
Parking Structure and Parking Lot Location	Parking must be located so that it is not visible from the street.	32 private garage entrances face interior drive aisle	Y
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	One curb cut along each street frontage	Y
Tandem Parking	May be allowed with a Conditional Use Permit pursuant to MMC Section 53, Off-Street Parking Regulations of City's Zoning Ordinance; maximum of fifty percent (50%) of parking required for residential uses may be tandem parking in projects with private individual garages.	All residential unit parking is tandem (64 spaces).	This is permitted under Gov. Code, § 65915(p)(5) under State Density Bonus Law

Park Acreage Requirements	0.03 acres (after payment of TASP/MMSP fee)	0.12 acres proposed, which includes private recreation areas along the southern end of the site	Y

C. The Project is consistent with the Milpitas General Plan.

The Project is consistent with the Milpitas General Plan in that the project, as proposed and conditioned, conforms to the density and land use envisioned by the Plan. In addition, see the general plan consistency findings set forth in Section 3 above in support of issuance of the Vesting Tentative Map.

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D. The Project is consistent with the Transit Area Specific Plan.

The proposed Project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated and outlined in Tables 2 and 3. As the Project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

Table 3: TASP/MMSP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different lifestyles.*	**Consistent**. The proposed project will provide various housing types, including two and three-bedroom units for sale at market-rate and five of the 32 units will be for sale to moderate-income individuals or households, consistent with the City's goal of providing housing for various households and income levels. The City would prefer to see higher density development at this location.
Policy 3.17*: New streets shall be located as generally shown on the Street System Map, Figure 3-2 within the TASP*	**Consistent.** A portion of the project's TASP fees will contribute to the new Tarob Court configuration, designed to replace the cul-de-sac with a local street and connection to Sango Court.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent**. The project conforms to the City's Affordable Housing Ordinance and will designate five out of the 32 units, or fifteen percent (15%) of the base number of units, for moderate-income level individuals or households.
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent.** The project will designate five residential units for sale to moderate-income individuals or households and the units will be dispersed throughout the project site.

SECTION 5. Conditional Use Permit Findings (Section XI-10-57.04(F))

The City Council makes the following findings based on the evidence in the public record in support of Conditional Use Permit No. UP21-0005:

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 Project will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or general welfare. The project is consistent with other high density residential projects within the TASP. The condominium project creates housing opportunities and increases the diversity of housing types in the TASP area.

B. The Project is consistent with the Milpitas Zoning Ordinance.

The Project is consistent with the Zoning Ordinance, as the condominium use is conditionally permitted per MMC Table XI-10-4.02-1. The project substantially conforms to most of the development standards set forth by the Zoning Ordinance, as discussed in the Zoning Ordinance consistency discussion set out in support of issuing a Site Development Permit.

Moreover, the Project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the Project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

C. The Project is consistent with the Milpitas General Plan.

As stated in the Site Development Permit discussion above, the Project implements the range of uses and the density of development set forth in the Milpitas General Plan.

D. The Project is consistent with the Transit Area Specific Plan.

As stated in the Site Development Permit discussion above, the Project implements the range of uses, the density of development and the development standards as set forth in the TASP.

SECTION 6: Density Bonus (Section XI-10-54.15(D), (F))

The City Council hereby finds that the Project complies with the requirements necessary to qualify for the requested deviations under the State Density Bonus Law and Milpitas Municipal Code Section XI-10-54.15, and, as such, the City Council hereby makes the following findings based on the evidence in the public record:

1. Determination of Maximum Allowable Densities. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.

Based on 15% affordability, with 5 units (15%) reserved for moderate-income households, the proposed Project is eligible for a 5% density bonus. The maximum allowable density in the R3-TOD Zoning District is 40 du/ac, which would yield 42 units on the subject 1.22-acre parcel. The proposed 32-unit development is less than the allowable 5% density bonus. Under the State Density Bonus Law, the applicant is entitled to receive the 5% density bonus as a matter of right.

2. Unit Type and Location. All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Housing Authority modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.

This standard is satisfied, as the Project proposes five units to be reserved for moderate-income households. These five three-bedroom units will be dispersed throughout the two multi-family buildings.

3. *Agreement. Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project will be conditioned to execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. If the City does not grant at least one (1) additional concession or incentive, in addition to a density bonus as specified in Section XI-10-54.15(E), Density Bonus Conditions, of this Chapter, the developer shall agree to, and the City shall ensure continued affordability for a minimum of ten (10) years of all lower or very low-income housing units receiving a density bonus.*

   The designated affordable units will be required to remain for a minimum of 50 years as stated in the Conditions of Approval and will require a Regulatory Agreement to be recorded over the Project site.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

   This finding does not apply to the Project. The Project provides five for-sale units, or fifteen percent of the 32 units, to moderate-income households.

6. *Relation to State. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.*

   Any density bonus requirements not specified in the City's Municipal Code shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.

<u>Waivers and Modifications of Development Standards</u>

In accordance with Government Code Section 65915 and MMC Section XI-10.54.15(F)(6), the City must grant waivers of development standards if the applicant demonstrates the waiver is necessary to make the affordable housing units economically feasible and can only deny such waiver request if the City makes the findings specified in MMC Section XI10.54.15(F)(3) based on substantial evidence:

a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10- 54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

If findings cannot be made, the requested waivers must be granted, based on the requirements of the Municipal Code and California Government Code Section 65915.

The City does not have substantial evidence to demonstrate that the proposed modifications to the development standards as described in the Table 2 above would fail to result in actual and identifiable cost savings, and/or that these savings are unnecessary to provide the level of affordability proposed. Moreover, the City has no substantial evidence that any of the requested concessions or waivers would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources. Accordingly, the City Council hereby approves such requested waivers.

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 8. City Council Approval

The City Council hereby approves Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map No. MT21-0001, and Environmental Assessment No. EA21-0002, based on the above findings and subject to the Conditions of Approval attached hereto and incorporated herein as **Exhibit 1**.

PASSED AND ADOPTED this 7th day of December 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

_____
Wendy Wood, City Clerk

_____
Rich Tran, Mayor

APPROVED AS TO FORM:

_____
Christopher J. Diaz, City Attorney

EXHIBIT '1'

CONDITIONS OF APPROVAL
2001 TAROB COURT RESIDENTIAL DEVELOPMENT

SITE DEVELOPMENT PERMIT NO. SD21-0004
CONDITIONAL USE PERMIT NO. UP21-0005
VESTING TENTATIVE MAP NO. MT21-0001
ENVIRONMENTAL ASSESSMENT NO. EA21-0002

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. This **SITE DEVELOPMENT PERMIT SD21-0004, CONDITIONAL USE PERMIT UP21-0005, VESTING TENTATIVE MAP MT21-0001, and ENVIRONMENTAL ASSESSMENT EA21-0002** and associated permits noted above (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.

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. 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)**

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 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. **(ALL)**

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 or consultant time, including City Attorney time, the review of permits will not be initiated until the balance is paid in full. **(P/E)**.

10. 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). **(ALL)**

11. 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)**

12. 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)**

13. 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)**

14. Indemnification: The project applicant, and its heirs, successors, and assigns, shall indemnify, defend with counsel of the City's reasonable choosing, and hold harmless City and its City Council, its boards and commissions, officials, officers, employees, and agents (the "Indemnified Parties") from and against any 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 the Project, including adoption of Site Development Permit No. SD21-0004 and Vesting Tentative Map MT21-0001, and 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 applicant 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 project applicant 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 project applicant, or if City fails to engage in reasonable efforts to cooperate in the defense, then the project applicant's indemnification obligations as set forth in this condition of approval shall thereafter terminate. The project applicant shall not be required to pay or perform any settlement unless the settlement is approved by the project applicant. **(CA)**

15. Certificate of Insurance: Permittee shall provide certificate of insurance and name City as an additional insured in its insurance policies for the Project.

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

17. 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.

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 and stated per Fire Memorandum, dated August 4, 2021. Changes to the site plan and/or buildings requires review and approval by the Fire Department. **(F)**

19. Compliance with Building Department and California Building Code. The Project shall comply with the requirements of the Building, Safety and Housing Department and the California Building Code (CBC) as adopted by the City and stated per Building Memorandum, dated May 13, 2021. Changes to the site plan and/or building(s) requires review and approval by the Building, Safety and Housing Department. **(B)**

20. Development in Conformance with Approved Plans: Permittee shall develop the approved Project in conformance with the plans dated September 10, 2021 and approved by the City Council on December 7, 2021, in accordance with these Conditions of Approval. Any deviation from the approved site plan, elevations, materials, colors, landscape plan or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified

plans and any other applicable materials as required by the City for review, and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

PLANNING AND HOUSING CONDITIONS

21. 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. **(P)**

22. Street Lights: Permittee shall provide street lighting along all street frontages subject to the review and approval of the Planning Division. Permittee shall likewise install pedestrian scale lights along all public and private street frontages. The Permittee shall submit a photometric plan to determine appropriate light levels with submittal of on-site improvement plans. **(P)**

23. Parking: Parking shall be provided as depicted on the Site Plan approved by the City Council and shall consist of the following:

    a. RESIDENT: 32 individual tandem garages to provide a total 64 parking spaces.
    b. GUEST: A total of 9 guest spaces are to be provided in the internal driveway. **(P)**

24. Bicycle Racks: A minimum of ten (10) short-term bicycle parking spaces shall be installed on the site. **(P)**

25. Trees: The project will remove 34 trees and replace with 128 trees, in conformance with the plans approved by City Council on December 7, 2021. **(P)**

26. 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. **(P)**

27. Affordable Housing Requirement: Permittee shall comply with the City's Affordable Housing Ordinance, as set forth in Milpitas Municipal Code Section XI-1-3.00. All new residential development projects of ten units or more designed and intended for permanent occupancy shall construct 15 percent of the total number of dwelling units within the development as affordable units, unless otherwise remedied by the City Council. **(H)**

28. Agreement. Prior to final building inspection and occupancy for a project containing affordable units, the Permittee shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation. **(H)**

29. Density Bonus: Permittee shall provide 32 residential units, with 5 of the units designated as affordable. The Project may have the following deviations as permitted under Gov. Code, § 65915(p)(1):
    a. Allow tandem parking for all 32 private individual garages.
    b. Reduction of 1 required guest parking space. **(P)**

PLANNING & BUILDING PROJECT-RELATED TASP MITIGATION MEASURES & REQUIRED PROJECT DESIGN FEATURES

Biological Resources (TASP Policy 5.26)

30. Nesting Birds: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Services (USFWS)

and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required. **(P)**

Noise (TASP Policy 5.10))

31. Noise Insulation: Prior to issuance of any building permit, Permittee shall demonstrate that the Project will meet the required 45 dBA maximum interior noise standard.

Air Quality (TASP Policy 5.16)

32. Dust Control Emissions: During the construction of the Project, Permittee shall comply with all of the following:
    a. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved roads) shall be watered two times per day.
    b. All haul trucks transporting soil, sand or other loose material off the site shall be covered.
    c. 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 or more often if determined necessary by City Engineer or designee. The use of dry power sweeping is prohibited.
    d. All vehicle speeds on unpaved roads shall be limited to 15 MPH.
    e. 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.
    f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
    g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
    h. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. **(B)**

33. ROG Emissions: Prior to issuance of any building permit, Permittee shall develop, submit and obtain approval from the City of a plan to reduce ROG emissions by 17 percent or greater during the architectural coating phase of the construction. Acceptable measures to achieve this goal include, but are not limited to, using paint that contains 125 grams per liter of VOC or less, the use of pre-fabricated building materials, or a combination of both. The plan shall be implemented as approved by the City. **(B)**

Cultural Resources (TASP Policies 5.34 and 5.35)

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

35. Paleontological Monitoring: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, work in the area shall be halted and the City of Milpitas Department of Planning and Department of Building shall be immediately contacted to determine the nature of the remains and related appropriate mitigation plan. A qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. **(P/B)**

ENGINEERING CONDITIONS

PRIOR TO CONSTRUCTION PLAN SUBMITTALS

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

36. Modifications: The Site Development Plan dated September 10, 2021 is subject to change during the plan check stage based upon City's previous comments and conditions stated herein.

37. Solid Waste and Recycling Handling Plan: Permittee shall submit final Solid Waste and Recycling Handling Plan based upon City's previous comments for City's review and approval by the Engineering Department. The subject Plan shall show calculations of waste generation volumes and how materials will be transferred from the waste generation areas to the trash enclosure/external collection point; demonstrate how recycling shall have a separately maintained process from garbage handling; demonstrate how compost shall have a separately maintained process from garbage handling; address other requirements such as waste generation and property management responsibility for bin management and litter control; and procure sufficient service frequency.

38. 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.

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

40. 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 public improvement cost estimates as prepared by the Permittee's engineer.

PRIOR TO FINAL MAP APPROVAL/RECORDATION

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

41. Dedication on the Final Map: Permittee shall dedicate necessary emergency vehicle access easements, public service utility easements, street easements, public access easement and other public easements deemed necessary for the project.

42. Abandonment/Quitclaim Easements: Permittee shall abandon/quit claim existing easements that are in conflict with or unnecessary for the project.

43. Partial Street Vacation: This project is subject to and contingent upon partial vacation on Tarob Court.

44. Easements on the Final Map: Permittee shall depict all existing easements to remain based upon current preliminary title report and depict new easements on the final map.

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

46. Street Name Approval: Permittee shall obtain approval from the City Council for all new street names based upon recommendation from the Planning Commission and City guidelines.

47. Utility Company Approval: Permittee shall obtain approval documentation from utility companies (PG&E, AT&T, Comcast) for abandonment of existing and dedication of new public service utilities easements.

48. Covenant, Conditions & Restrictions (CC&Rs): Permittee shall provide CC&Rs for City's review and approval for perpetual maintenance of private roadways, private utilities, stormwater management facilities in accordance with a separately recorded Stormwater Management Facilities Operation and Maintenance Agreement. There shall be provisions in the CC&Rs to retain a recycled water site supervisor with annual re-certification report to the City's Public Works Department.

49. Subdivision Improvement Agreement and Securities: Permittee shall execute a Subdivision Improvement Agreement and provide improvement securities in accordance with MMC Title XI, Section 17, and submit all other supplemental documents as stipulated in the Improvement Agreement (such as certificate of insurance).

50. Annexation to the Community Facilities District: Permittee shall submit an executed petition affirmatively consenting to annex the subject property to the Community Facilities District (CFD) 2008-1, and agree to pay the special taxes levied by the CFD 2008-1 for the purpose of maintaining the public services. The CFD annexation process shall be completed prior to final map approval. Permittee shall comply with all rules, regulations, policies and practices established by the State Law and/or by the City with respect to the CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents. This condition of approval is nonseverable from the Permit and invalidation or limitation of this condition invalidates the Permit, condition 14 notwithstanding.

51. Easement Acquisition for Pedestrian Path: Permittee shall acquire a Public Sidewalk and Service Utility Easement (PSSUE) where proposed sidewalks or walkways encroach onto private properties, or present an alternative path that doesn't encroach onto private property will be required prior to the issuance of the building site improvement permit

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)***

52. Coordination with other Projects: Permittee shall coordinate with City of San Jose obtain encroachment permits for any work within their jurisdiction.

53. 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.

54. 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.

55. 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.

56. 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.

57. Specific Improvements: In addition to standard public improvements required under Milpitas Municipal Code (MMC) Title XI, Chapter 1, Section 7, Permittee shall install other specific improvements listed below including incidental improvements as required by the City as part of the encroachment permit.
    a) Installation of separate water service tap and meter for each of the following services: residential and irrigation.
    b) Installation of separate utility service lines (domestic water, fire service, sanitary sewer) for residential and 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 grind and overlay with as needed base repair along the project street frontage on Tarob Court and Lundy Avenue to the City Engineer's satisfaction.
    e) Installation of new street trees along the project frontage. The locations, spacing of trees and tree species shall be in compliance with applicable City standards and details.

58. 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.

59. 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.

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

61. Wet Utility Separation Requirements: A minimum one (1) foot vertical separation, and 10 foot horizontal separation is required between water and sewer/storm. Please ensure all horizontal and vertical separations meet the CCR title 22 requirements.

62. Recycled Water: Per the TASP Area Specific Plan, new developments shall include recycled water lines for irrigation.

63. 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.

64. Pothole Encroachment Permit: Due to multiple new utility service connections on Tarob Court, Lundy Place and any other public place where work will take place. 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)***

65. Final Map Recordation: Permittee shall record the final map.

66. 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.

67. 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).

68. 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.

69. 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.

70. Recycle Water Approval: Permittee shall use recycled water for landscape irrigation purpose. 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.

71. 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.

72. Solid Waste, Compost, and Recycling Facility Design: Permittee shall comply with all applicable City and CA State SB1383 design guidelines/details associated with haul route, turning radius, vertical and horizontal clearance, staging area, storage area, etc.

73. 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.

74. 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.

75. 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.

76. Mailboxes: The Permittee shall coordinate with US Postal Services regarding placement of required mailboxes. Mailbox location shall not be on public street frontages and shall be approved by City and US Postal Services prior to building permit issuance. Mailbox locations shall be shown on the improvement plans and Permittee shall submit a letter to the City's Land Development Engineering Section from the Post Master approving the location of the mailbox. Structures to protect mailboxes may require Building, Engineering and Planning Department review.

77. 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.

78. Photometric Analysis: Permittee shall submit streetlight photometric analysis for City's review and approval by the Engineering Department along Tarob Court and Lundy Place, that meet the Illuminating Engineering Society of North America (IESNA), RP8, for roadway and sidewalk lighting standards and City standard design guidelines.

79. Development Fees: Permittee shall pay the following development fees. The following fees, listed in items "a" through "g" shall be paid at the fee rate in effect as of March 25, 2021, apart from those fees subject to increase resulting from an automatic annual adjustment based on an independently public cost index that is referenced in the ordinance or resolution establishing the fee. The exact fee amount shall be determined at the time of building permit fee payment.
    a. Transit Area Specific Plan fee at $44,009/unit for residential uses. Based on approval for development of 32 units, the estimated Transit Area Specific Plan Development Impact Fee for this project is $1,408,288 ($44,009/unit x 40 units). TASP fees shall be paid prior to building permit issuance.
    b. Parkland:
        1. The project is required to dedicate 0.28 acres of parkland, equivalent to $777,472.82 fees-in-lieu.
        2. The park portion of the TASP fee is valued at $690,061.12, equivalent to 0.25 acres. This will be applied to the project parkland requirement.
        3. The applicant will receive credit for 0.12 acres of private recreation space on site. Upon demonstration of provision of this private recreation space to the satisfaction of the Director of Planning or his/her designee, no additional parkland fees will be due, per table below.

2001 Tarob Court Unit Count	32

2001 Tarob Court Population Estimate	80 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
PARKLAND ACREAGE DUE/FEE EQUIVALENT	**0.28 acres/$777,472.82**
Amount Satisfied Through TASP Fees (Acreage/Dollars)	**0.25 acres/$690,061.12**
REMAINING DELTA TO BE SATISFIED (Acreage/Dollars)	**0.03 acres/$87,411.70**
Private Recreation Acreage Approved by City	0.12 acres
TOTAL ACREAGE/FEES PROVIDED	**0.28 acres**
REMAINING ACREAGE/FEE REQUIREMENT TO BE MET	**0.0 acres/$0**
BALANCE OF PARKLAND ACREAGE/FEES DUE	**0.0 acres/$0**

c. Storm water connection fee at $16,771/acre for residential and $21,562/acre for commercial.
d. Water connection fee at $1,164/unit for residential and $5.97/gpd for commercial, based upon increased water usage.
e. Sewer connection fee at $1,406/unit for residential and $8.52/gpd for commercial, based upon increased average wastewater flow.
f. 3.8% of applicable fees in accordance with City Resolution No. 8969 as Permitting Automation Fee.
g. FEMA Flood Zone Designation Letter fee in the amount of $100.00 each. (If needed)

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)***

80. 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.

81. 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.

82. 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.

83. 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.

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

PRIOR TO FIRST OCCUPANCY

*The following conditions shall be met **prior to** first building occupancy on either lot, unless otherwise approved the Director of Engineering/City Engineer.*

85. Completion of Public Improvements: Permittee shall complete all public improvements, including but not limited to improvements along Tarob Court and Lundy Place as shown on City approved plans.

86. 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.

87. 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.

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

89. 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.

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

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

LEGEND
P = Planning Department
B = Building Department
E = Engineering Department
F = Fire Department
CAO = City Attorney's Office
ALL = All Reviewing Departments

NOTICE OF RIGHT TO PROTEST

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

AGREEMENT

Permittee/Property Owner

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

Dated: _____ _____

Signature of Permittee

EXHIBIT 2

ADDENDUM TO THE TRANSIT AREA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

EXHIBIT 3

CONSISTENCY MEMORANDUMS BY FIRST CARBON SOLUTIONS, TJKM, AND LSA

LSA

CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: June 14, 2019

TO: Lillian Hua, Associate Planner, City of Milpitas

FROM: Theresa Wallace, AICP, Principal
Matthew Wiswell, Project Manager

SUBJECT: California Environmental Quality Act (CEQA) Exemption Memo for the 2001 Tarob Court Project, Milpitas, California

This memorandum and attachments provide a description of the proposed 2001 Tarob Court Project (project) and substantial evidence to confirm that the project is exempt from further environmental analysis per Section 15168(c) of the California Environmental Quality Act (CEQA). The approximately 1.22-acre project site is located at 2001 Tarob Court in Milpitas, Santa Clara County. The proposed project would involve demolition of the existing building and concrete pavements on the site and construction of 40 residential units and associated parking, open space, and landscaping.

Attachment A provides a description of the proposed project. This attachment includes a description of the project location, existing site characteristics, the proposed project, and required approvals and entitlements. The City of Milpitas (City) is the CEQA lead agency for the proposed project.

The responses in the environmental checklist (included in Attachment B to this memo) prepared for the project demonstrate for each CEQA topic that because the proposed project was evaluated and impacts were mitigated to the degree possible as part of the Transit Area Specific Plan Final Environmental Impact Report (TASP FEIR), no additional CEQA review is required. CEQA Guidelines Section 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. The responses contained in the checklist confirm that the project was considered within the scope of the evaluation within the TASP FEIR and no new impacts were identified and no new mitigation measures are required.

The City can approve the 2001 Tarob Court Project as being within the scope of the Transit Area Specific Plan covered by the TASP FEIR and no new environmental document for the purposes of CEQA clearance is required. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15168, the 2001 Tarob Court Project is exempt from further review under CEQA. This analysis finds that a Notice of Exemption may be prepared for the project and filed with the Santa Clara County Clerk.

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ATTACHMENT A

PROJECT DESCRIPTION

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ATTACHMENT A
PROJECT DESCRIPTION

The following describes the proposed 2001 Tarob Court Project (project) that would include construction of a four-story building with a total of 40 residential units. The project site is located within the planning area for the Milpitas Transit Area Specific Plan (TASP).[1] In addition to the description of the proposed project itself, this section includes a summary description of the proposed project's location and existing site characteristics and required approvals and entitlements. The City of Milpitas (City) is the lead agency for review of the proposed project under the California Environmental Quality Act (CEQA). As demonstrated in Attachment B, the proposed project is Categorically Exempt from further environmental review pursuant to section 15168(c) of the CEQA Guidelines and is within the scope of the certified Milpitas Transit Area Specific Plan Project Final Environmental Impact Report[2] (TASP FEIR).

PROJECT SITE

The following section describes the location and site characteristics for the project site and provides a brief overview of the existing land uses within and in the vicinity of the site.

Location and Surrounding Land Uses

The project site is located in the southern portion of the City of Milpitas, just north of the border with the City of San José. The approximately 1.22-acre project site is located at 2001 Tarob Court (Assessor's Parcel Number [APN] 086-036-034). The project site is located within a light industrial area of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial and commercial uses. The project site is bordered to the north by Tarob Court, to the east by Lundy Place, and to the west and south by commercial and light industrial uses. The project site is in close proximity to the Great Mall shopping center in Milpitas, approximately 0.5 miles north of the project site.

Regional vehicular access to the project site is provided by Interstate 880 (I-880) located to the west and Interstate 680 (I-680) located east of the project site. The future Bay Area Rapid Transit (BART) Milpitas station is currently under construction and will be co-located with the Montague Valley Transportation Authority (VTA) light rail station, approximately 0.1 mile northeast of the project site. Figure 1 shows the site's regional and local context. Figure 2 shows an aerial of the existing site and surrounding land uses.

Site Characteristics and Current Site Conditions

The project site is currently developed with an approximately 16,463-square-foot, free standing office/light-industrial building. The project site includes a public utility easement that wraps around the project site from the southern corner along Lundy Place, where it is 40 feet in width, to the

1 Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan.* June. Amended December 2011.
2 Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report.* May.

northern corner along Tarob Court, where it tapers down and varies from 4 feet to 10 feet in width. According to the Federal Emergency Management Agency (FEMA), the project site is located in a Zone AO Special Flood Hazard Area due to the proximity of East Penitencia Creek.[3] Pedestrian and vehicular access to the project site is via Lundy Avenue and Tarob Court.

Existing General Plan and Zoning

The project site is designated Multi-Family Residential High Density (MFH) within the City's General Plan.[4] The project site is located within the TASP Planning Area, and is within the Multi-Family Residential High Density with a Transit-Oriented Development (TOD) Overlay (R3-TOD) TASP zoning district.

MILPITAS TRANSIT AREA SPECIFIC PLAN

In 2008, the City of Milpitas adopted the Milpitas TASP as a guide for development and redevelopment of its light industrial corridor near the future Milpitas BART and current VTA station. The goals of the TASP are to create an attractive and livable neighborhood within walking distance of the future Milpitas BART and VTA light rail transit stations and to transform the older, light industrial area into a residential and commercial area that would meet demand for housing, offices, and shopping in the Bay Area. Milpitas designated the TASP to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region.

The TASP identifies subdistricts within the planning area, each having its own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within the Trade Zone/Montague subdistrict. The Trade Zone/Montague subdistrict is identified as being an attractive residential district with ample green space that would serve transit users as it is located directly adjacent to the BART station and VTA light rail.

Environmental impacts associated with implementation of the TASP were evaluated in the Final Environmental Impact Report (TASP FEIR). The TASP FEIR, certified in 2008, evaluates the environmental impacts of approximately: 1) 7,100 units of residential development; 2) 18,000 new residents; 3) 4,200 new jobs; 4) 1.0 million square feet of office space; 5) 285,000 square feet of retail space; and 6) 175,000 square feet of hotels.

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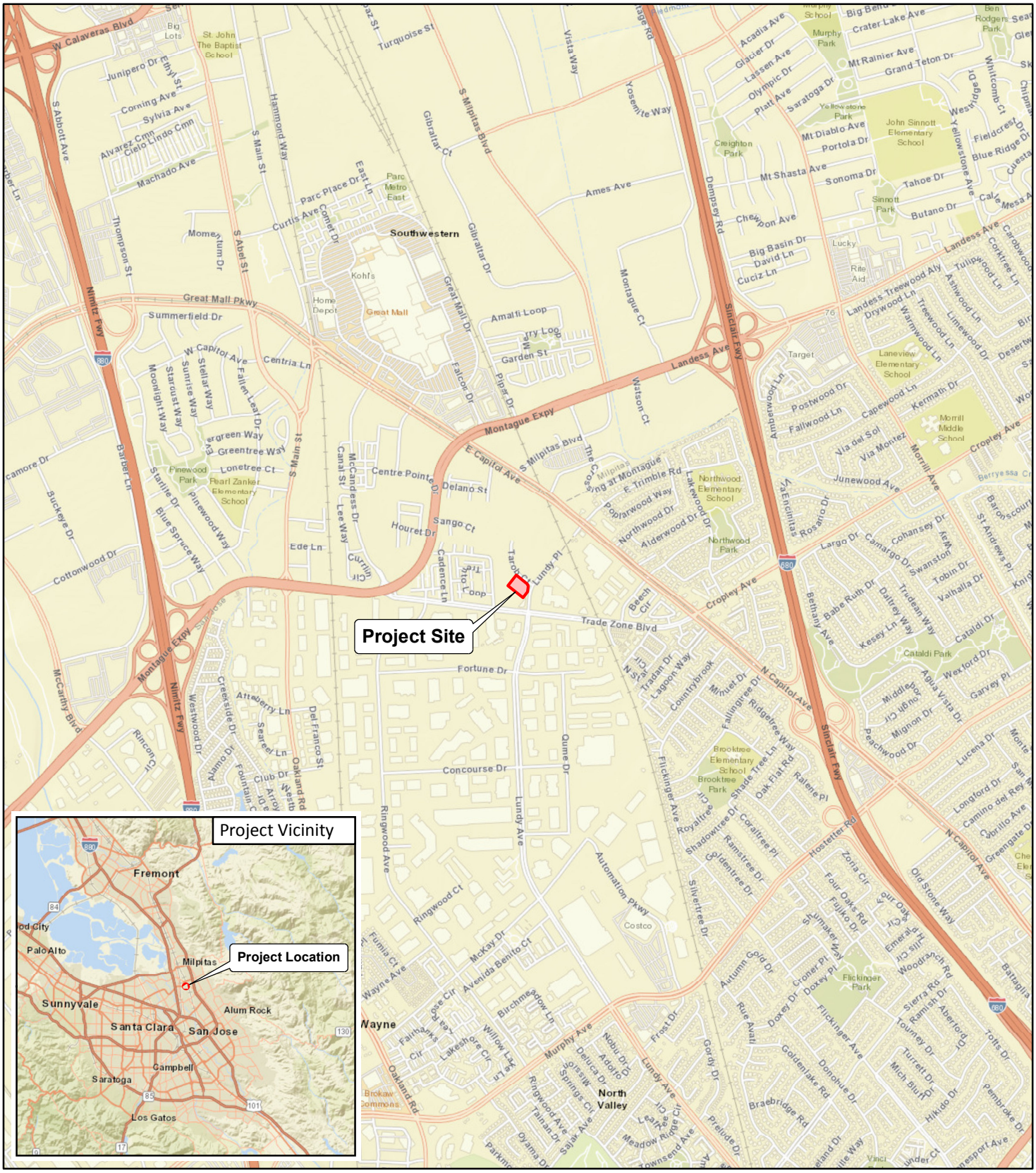
3 Federal Emergency Management Agency, 2009. FEMA Flood Map Service Center (map). Website: msc.fema.gov/portal/search?AddressQuery=2001%20Tarob%20Court%2C%20Milpitas#searchresultsanchor (accessed June 14, 2019).

4 Milpitas, City of, 1994. *City of Milpitas General Plan*. December.



LSA

FIGURE 1

N

0 1000 2000
Feet

SOURCE: Esri World Street Map (c)2019.

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2001 Tarob Court Project

Project Location and Regional Vicinity Map

LSA

FIGURE 2

0 250 500
FEET

N

Project Site

2001 Tarob Court Project

Aerial Photograph of Project Site and Surrounding Land U

SOURCES: GOOGLE EARTH, 8/9/18; LSA, 2019.

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PROPOSED PROJECT

This section provides a description of the residential development project proposed for the project site as identified in the materials provided by the True Life Companies (the project applicant) dated May 2019. The project applicant proposes to demolish the existing building and pavements on the site, and construct a four-story building with a total of 40 residential units as well as associated landscaping and open space, parking and circulation, and infrastructure improvements. Figure 3 depicts the proposed site plan for the project.

The TASP FEIR evaluated the environmental impacts associated with implementation of the TASP within which the proposed project would be located. Table AA shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units and under construction units and inclusion of the proposed project. As shown, the development associated with the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR.

Table AA: Existing and Proposed Housing Units and Population within the TASP Area

	Evaluated Within the TASP FEIR	Approved	Proposed Project	Remaining Development Available
Housing Units	7,109[a]	6,875[b]	40	234
Population	17,915[a]	17,325[b]	100[b]	590[b]

Source: Lillian Hua, Associate Planner, City of Milpitas (April 2019).

[a] Milpitas, City of, 2008. Final Transit Area Specific Plan EIR.

[b] Estimated population associated with approved units, under construction units, and the proposed project was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).

Residential Development

The proposed project would result in the construction of 40 residential apartment units within three stories above a single-story parking garage, at a density of 32.8 dwelling units per acre. The unit mix would consist of 18 two-bedroom units ranging in size from 1,277 to 1,470 square feet, and 22 three-bedroom units ranging in size from 1,482 to 1,520 square feet. Six of the units would be designated as below market rate units. Figures 4 through 6 depict conceptual floor plans for the proposed project.

The proposed project would consist of a single building with residential units surrounding an open-air courtyard located above a ground floor parking garage. As shown in Figure 4, the ground floor would include an approximately 180-square-foot residential lobby at the northern corner of the courtyard in the center of the project site. As shown on Figure 5, an approximately 1,704-square-foot terrace would be located on the second floor at the northern end of the building. In addition, each of the residential floors would include private storage units. As noted above, the proposed building would consist of four floors and would be approximately 55 feet in height. Conceptual building elevations are shown in Figures 7 and 8.

Open Space and Landscaping

The proposed project would include a total of 0.44 acres of common open space and landscaped areas. A total of approximately 0.30 acres would consist of private common open area space for use by project residents. As shown in Figure 3, private open space would consist of the interior courtyard on the ground level of the proposed building and a walking path and landscaping along the southern portion of the building, including within the existing public utility easement. The interior courtyard would include seating areas and landscaping that would be screened from the parking garage by a dense row of columnar bamboo around each side. A designated walkway would connect the interior courtyard with the walking path and landscaping mentioned above. The remaining 0.14 acres of open space on the project site would consist of landscaped areas generally located in the northern portion of the site. A conceptual landscape plan is shown in Figure 9.

Access, Circulation, and Parking

Access to the project site would be provided by a driveway from Tarob Court at the northern corner of the project site. The driveway would provide access to an internal 26-foot access drive lane and fire lane, which would include a fire engine/garbage truck turnaround that would connect to the ground-level internal parking garage. The parking garage would provide 60 automobile parking spaces, including 27 compact parking spaces and one accessible parking space. An additional 14 automobile parking spaces would be provided along the access drive lane, including two compact spaces, one accessible parking space, and one electric vehicle parking space.

Utilities and Infrastructure

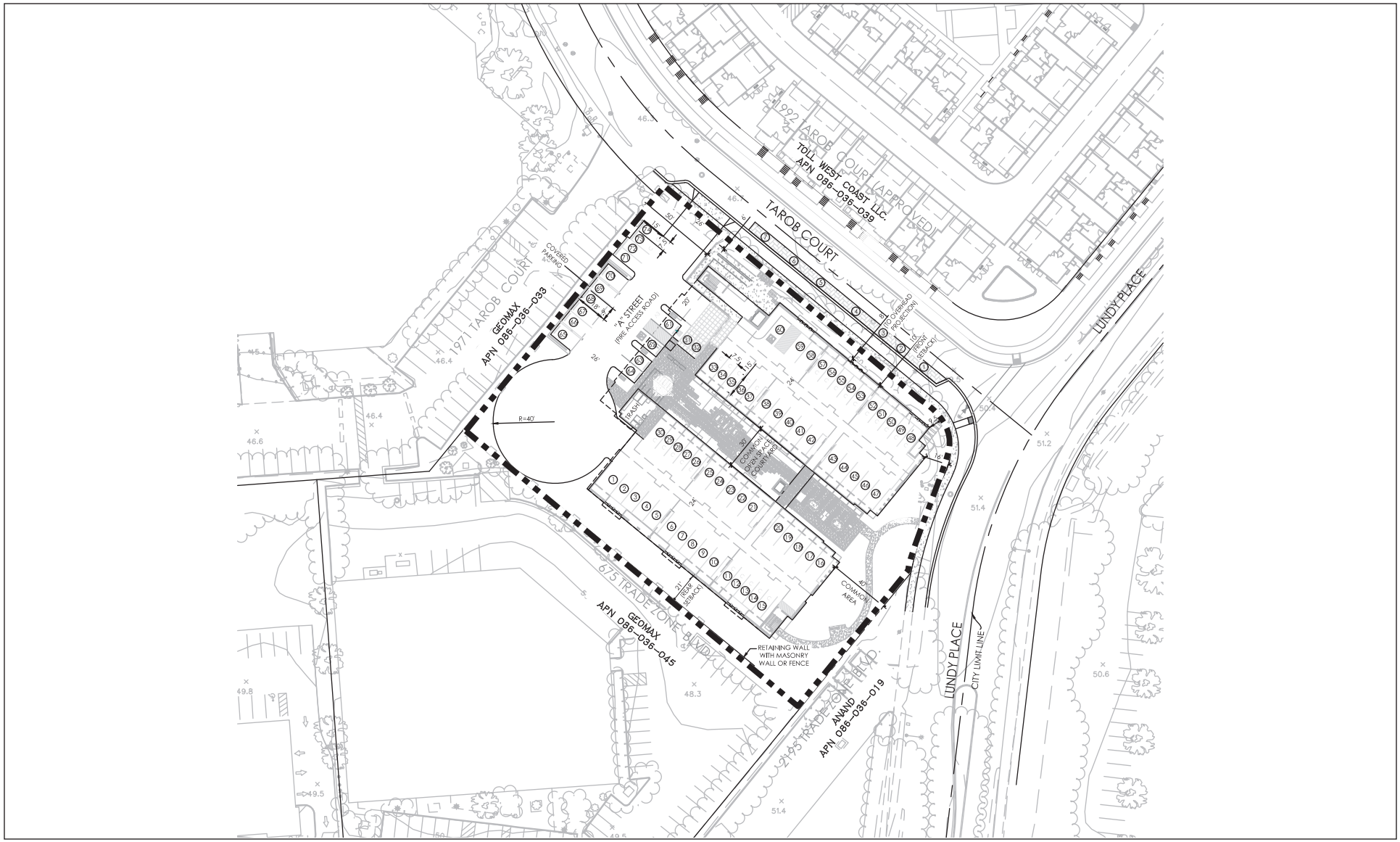
The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The majority of existing utilities within the boundary of the project site would be removed. Existing and proposed utility connections are discussed below.

Water

Water service in the City of Milpitas is provided by the Santa Clara Valley Water District (SCVWD). The proposed project includes the removal of all existing utilities within the project site. New water 8-inch lines within the project site would connect to existing service connections and the existing 12-inch main located within Tarob Court.

Wastewater

The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line located along Tarob Court. The proposed project includes the installation of a new on-site 8-inch wastewater line that would connect to the City's existing line.



LSA

FIGURE 3

0 60 120
FEET

N

Project Site

2001 Tarob Court Project

Conceptual Site P

SOURCES: TRUE LIFE, WOOD RODGERS, MARCH 2019,

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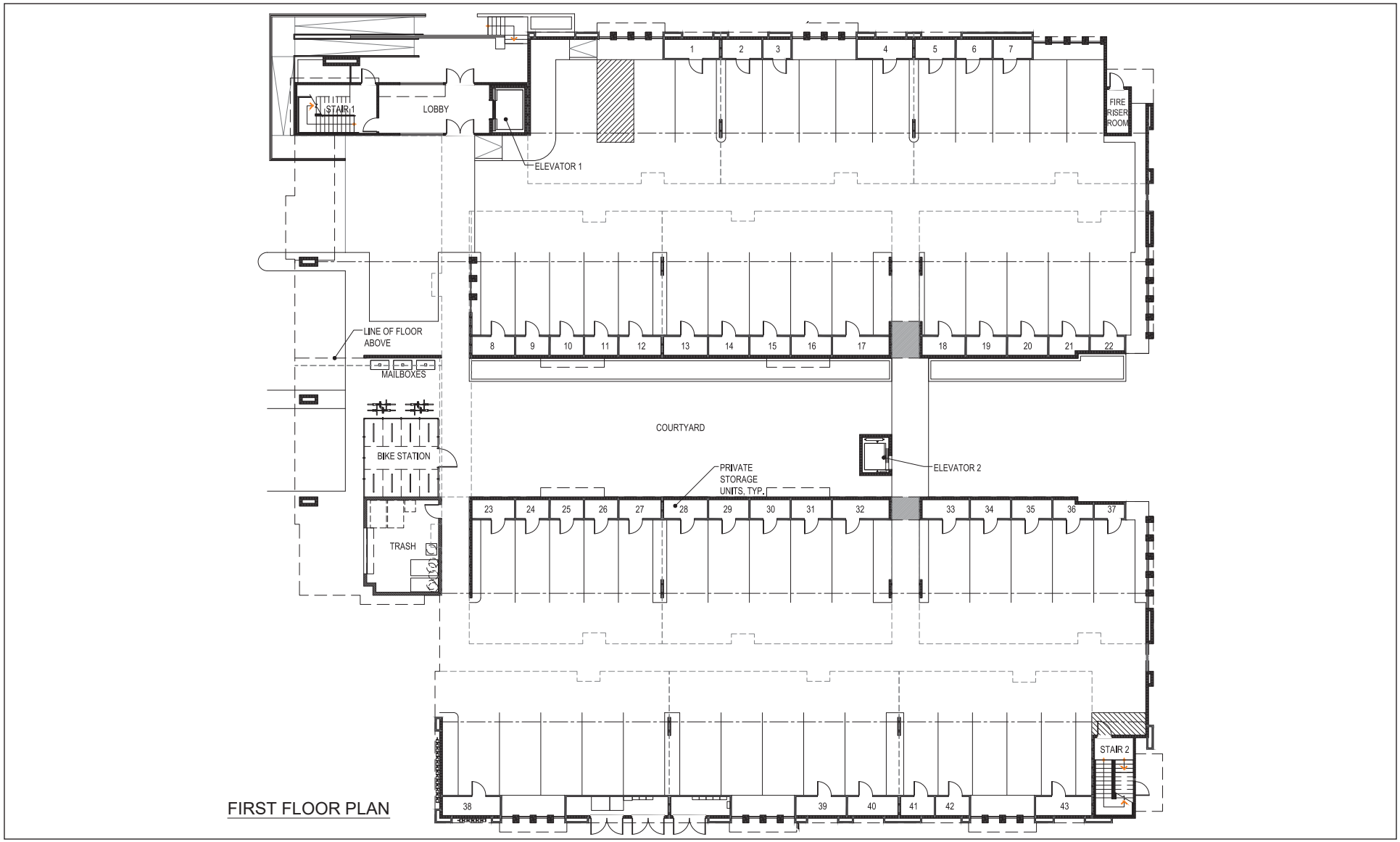

LSA

FIGURE 4

0 16 32
FEET

2001 Tarob Court Project
Conceptual First Floor P

SOURCES: TRUE LIFE; SDG ARCHITECTS, MARCH 2019,

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SECOND FLOOR PLAN

LSA

FIGURE 5

0 16 32
FEET

2001 Tarob Court Project
Conceptual Second Floor P

SOURCES: TRUE LIFE; SDG ARCHITECTS, MARCH 2019,

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THIRD FLOOR PLAN

LSA

FIGURE 6

0 16 32
FEET

2001 Tarob Court Project

Conceptual Third and Fourth Floor P

SOURCES: TRUE LIFE; SDG ARCHITECTS, MARCH 2019,

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North Elevation

West Elevation

LSA

FIGURE 7

NOT TO SCALE

2001 Tarob Court Project

Conceptual Elevations - North and W

SOURCES: TRUE LIFE; SDG ARCHITECTS, MARCH 2019.

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South Elevation

East Elevation

LSA

FIGURE 8

NOT TO SCALE

2001 Tarob Court Project

Conceptual Elevations - South and E

SOURCES: TRUE LIFE; SDG ARCHITECTS, MARCH 2019.

P:\MLP1903 2001 Tarob Court\Graphics\Figures\Fig_8.ai (5/17/19)

LSA

FIGURE 9

0 20 40
FEET

N

TREE MATRIX
TOTAL EXISTING TREES ON SITE: 34
TOTAL EXISTING TREES TO BE REMOVED: 34
TOTAL PROPOSED NEW TREES: 40

2001 Tarob Court Project

Conceptual Landscape P

SOURCES: TRUE LIFE; R3 STUDIOS; SDG ARCHITECTS, MARCH 2019.

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Stormwater

The proposed project would connect to the existing 12-inch municipal storm drain located at the northwest corner of the project site. The proposed project would include pervious pavers throughout the interior access driveway.

Electricity and Natural Gas

Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The project includes removal of all existing utilities and would require the construction of new electricity and gas connections to serve the project. New electrical lines (servicing the project only) would be installed underground and connect to the existing joint trench box in the northern corner of the project site.

Demolition, Grading, and Construction

Development of the project would result in the demolition of the existing structure and pavement. A total of approximately 1,410 cubic yards of soils would be excavated and exported from the project site, and approximately 5,600 cubic yards would be filled on the project site to raise the site by approximately 4.5 feet to comply with the City's Flood Ordinance and create a level pad.

Construction of the proposed project is anticipated to occur over approximately 16 months, starting in April 2020 and ending in August 2021.

AMENDMENTS AND PERMITS

The following approvals and permits would be required for development of the proposed project:

- Site Development Permit
- Demolition Permit
- Building Permit
- Tentative Map

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ATTACHMENT B

ENVIRONMENTAL CHECKLIST
PURSUANT TO CEQA GUIDELINES SECTION 15168

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ATTACHMENT B
ENVIRONMENTAL CHECKLIST
PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the 2001 Tarob Court Project is within the scope of the Transit Area Specific Plan[1] Final Environmental Impact Report[2] (TASP FEIR) and will have no effects and no new mitigations are required, and as such, the City can approve the 2001 Tarob Court Project as being within the scope of the TASP and covered by its FEIR and no new environmental document is required. Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15168, the 2001 Tarob Court Project is exempt from further review under CEQA.

1. AESTHETICS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Except as provided in Public Resources Code Section 21099, would the project:				
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. 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?	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion

Scenic Vistas

The project site is not located within a scenic viewshed or along a State Scenic Highway or other scenic highway. Flat topography and existing urban development constrain scenic vistas in the vicinity of the project site. Intermittent views of the Milpitas foothills to the northeast are available from the project site only when viewed from the northern edge of the project site. No on-site parks, open space lands or public lands adjacent to or in the vicinity of the proposed project have views of the foothills.

[1] Milpitas, City of, 2008a. *Milpitas Transit Area Specific Plan*. June. Amended December 2011.
[2] Milpitas, City of, 2008b. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

Furthermore, as described in the TASP FEIR, the City's visual resources are outside of the TASP Area. Additionally, the proposed project would be required to comply with TASP policies and design standards related to scenic vistas. Therefore, the impacts associated with the proposed project would not result in new impacts to scenic vistas or substantially increase the severity of the less-than-significant impacts to scenic vistas identified in the TASP FEIR.

Scenic Resources

The only scenic resources located within the TASP Area are street trees located on McCandless Drive, approximately 0.5 miles west of the project site. There are no scenic resources located on the project site. Additionally, the City's Tree and Planting Ordinance (Ord. 201.1) protects significant trees and heritage trees throughout the City. Therefore, the impacts associated with the proposed project would not result in new impacts to scenic resources or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Visual Character

The TASP aims at improving the existing aesthetic value of the TASP Area and calls for new parks, trails, landscape buffers, and other design policies that would result in the enhancement of the visual character of the TASP Area. The TASP includes specific design standards to create a unified appearance to the TASP Area, consistent setbacks, landscaped buffers, street trees, and parks, which the TASP FEIR analyzed. The proposed project would conform to these design standards by providing street landscaping and landscaped setback areas.

The TASP allows buildings in the R3-TOD district up to 75 feet in height and requires a density of 21-40 dwelling units per acre. The proposed project would include construction of a four-story building that would be approximately 55 feet in height with a density of approximately 33 dwelling units per acre. Therefore, the proposed project would meet the building height limits and density standards set for in the TASP design standards, and would not conflict with zoning or other regulations governing scenic quality.

Light and Glare

Redevelopment of the TASP Area would result in the introduction of new sources of light and glare on the project site. As discussed in the TASP FEIR, development standards and policies would limit new sources of light and glare in the TASP Area. To minimize potential light and glare impacts, the proposed project would implement and be consistent with TASP development standards that address street and outdoor lighting. Therefore, the proposed project would not create impacts related to light and glare that would be new or more significant than those analyzed in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- Development Standard: Utilities shall be underground or in subsurface conduits and accessible.

Conclusion

The TASP FEIR adequately evaluated the potential aesthetic impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

2. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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 and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

The TASP FEIR did not analyze impacts to agricultural resources as the TASP Area is urban without any agricultural or forest land uses in the area or vicinity. The project site, located within the TASP Area, is also not used for agriculture. The Santa Clara County Important Farmland 2012 map designates lands within the TASP Area, including the project site, as "Urban and Built-Up Land." Thus, the TASP and the proposed project would have no impacts on agriculture or forestry resources.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The TASP FEIR adequately evaluated the agriculture and forestry impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	New Potentially Significant Impact	New Mitigation Required	Less Than Significant Impact	No New Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Discussion

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP FEIR was the 2005 Bay Area Ozone Strategy.[3] In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG. The BAAQMD based its 2005 Bay Area Ozone Strategy on population projections in the 2003 ABAG Projections.[4] The TASP FEIR found that population increases in the City are anticipated to exceed population increases accounted for by the 2003 ABAG Projections, thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable federal Environmental Protection Agency (EPA) Clean Air Plan.

[3] Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.
[4] Association of Bay Area Governments, 2003. *Projections 2003*.

The BAAQMD's current Clean Air Plan is the 2017 Clean Air Plan, which was adopted on April 19, 2017. The 2017 Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The 2017 Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest heath risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project does the following: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use that are consistent with the Clean Air Plan. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the Clean Air Plan. The proposed project would develop high-intensity, transit oriented residential development and would result in a building density at the project site that is similar to what was evaluated in the TASP FEIR. In addition, the population and housing units included in the proposed project would fall within the total development anticipated by the TASP FEIR, as mentioned in Section 10, Land Use and Planning. Therefore, implementation of the proposed project would not substantially increase population, vehicle trips, or VMT.

The TASP FEIR identified measures to reduce air emissions such as encouraging the use of pedestrian walkways and bikes, and designing streets for slower speeds, but concluded that air quality impacts would be significant and unavoidable. The project would implement the TASP measures and would not increase the previously-identified impacts. Thus conclusions about compliance with the Clean Air Plan in the TASP FEIR remain applicable to the project.

Regional Air Pollutant Emissions

The TASP FEIR indicates that the development of projects under the TASP could further contribute to non-attainment of air quality standards. The TASP FEIR also identified that buildout of the TASP could place sensitive land uses (land uses that could house sensitive receptors) near local intersections or roadways associated with air pollutant emissions that exceed (worsen) State or federal ambient air quality standards.

The 2001 Tarob Court Project would result in redevelopment of the site with new residential uses, similar to what the TASP envisioned. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the project site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Emission estimates for operation of the project were calculated using CalEEMod. Model results are shown in Table BA.

The results shown in Table BA indicate that the proposed project would not exceed the significance criteria for annual ROG, NO_2, PM_{10} or $PM_{2.5}$ emissions; therefore, implementation of the proposed project would not have a significant effect on regional air quality and mitigation would not be

required. Therefore, the proposed project would not result in any new or more significant regional or local air quality impacts than described and evaluated in the TASP FEIR.

Table BA: Project Operational Emissions

	ROG	NO_x	PM_{10}	$PM_{2.5}$
Pounds Per Day				
Area Source Emissions	1.1	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.1	<0.1	<0.1
Mobile Source Emissions	0.3	1.2	0.5	0.1
Total Emissions	**1.5**	**1.3**	**0.5**	**0.2**
BAAQMD Thresholds	54.0	54.0	82.0	54.0
Exceed Threshold?	**No**	**No**	**No**	**No**
Tons Per Year				
Area Source Emissions	0.2	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	<0.1	<0.1	<0.1
Mobile Source Emissions	0.1	0.2	0.1	<0.1
Total Emissions	**0.3**	**0.2**	**0.1**	<0.1
BAAQMD Thresholds	10.0	10.0	15.0	10.0
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: LSA (April 2019).

Construction-Related Impacts

Construction activities would cause temporary adverse effects on local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases immediately after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

The TASP FEIR determined that construction of projects associated with the TASP would be less than significant with compliance with the BAAQMD's basic construction mitigation measures and TASP policies.

Construction emissions were estimated for the project using the California Emissions Estimator Model (CalEEMod) version 2016.3.2, consistent with BAAQMD recommendations. Construction of the proposed project is anticipated to occur over approximately 16 months, starting in April 2020 and ending in August 2021. Construction-related emissions are presented in Table BB. CalEEMod output sheets are included in Appendix A.

Table BB: Project Construction Emissions in Pounds Per Day

Project Construction	ROG	NO_x	Exhaust PM_{10}	Fugitive Dust PM_{10}	Exhaust $PM_{2.5}$	Fugitive Dust $PM_{2.5}$
Average Daily Emissions	2.5	10.8	0.5	0.7	0.5	0.3
BAAQMD Thresholds	54.0	54.0	54.0	BMP	82.0	BMP
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: LSA (April 2019).

As shown in Table BB, construction emissions associated with the project would be less than significant for ROG, NO_x, $PM_{2.5}$, and PM_{10} exhaust emissions. Therefore, construction of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. The BAAQMD requires the implementation of the BAAQMD's Basic Construction Mitigation Measures to reduce construction fugitive dust impacts to a less-than-significant level. These recommendations will be included in the conditions of approval for the proposed project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly-visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With implementation of these project conditions of approval, construction of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. In addition, implementation of TASP Policy 5.16 would reduce construction-related air quality impacts; therefore, the proposed project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the TASP FEIR. This impact would remain less than significant.

Localized Carbon Monoxide Impacts

The TASP FEIR identified that implementation of the TASP would have the potential to affect carbon monoxide concentrations along surface streets and near stagnation points such as major highways and heavily traveled and congested roadways. This increase in traffic would not only add more vehicles on the road but the increased congestion would cause existing non-project traffic to travel at slower, more polluting speeds. The TASP FEIR evaluated CO concentrations based on the BAAQMD's methodology for manual calculation of CO concentrations to estimate the impact of project traffic on existing and future carbon monoxide concentrations at intersections in and around the TASP Area.

The TASP FEIR found that background carbon monoxide levels are projected to be significantly lower in 2030 due to improvements in the automobile fleet, attrition of older, high-polluting vehicles, and improved fuel mixtures. Despite the addition of project and cumulative traffic, carbon monoxide concentrations at the intersections would decrease from existing to TASP buildout conditions (2030). This would be due to the beneficial effects of ongoing State and federal vehicle emissions reductions programs, which are expected to continue to generate reductions in average vehicle emissions of carbon monoxide per vehicle-mile-traveled for the foreseeable future. Therefore, the TASP FEIR determined that long-term increase in traffic due to development pursuant to the TASP would not violate any air quality standard or contribute to an existing or projected air quality violation in the vicinity of the planning area.

As discussed above, the proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. The proposed project would develop high-intensity, transit oriented residential development and would result in a building density at the project site that is similar to what was evaluated in the TASP FEIR. In addition, the population and housing units included in the proposed project would fall within the total development anticipated by the TASP FEIR, as mentioned in Section 11, Land Use and Planning. Therefore, implementation of the proposed project would not substantially increase vehicle trips and would not generate more vehicle trips than evaluated in the TASP FEIR. Therefore, impacts related to localized carbon monoxide would remain less than significant.

Local Community Risk and Hazard Impacts to Sensitive Receptors

The TASP FEIR identified a variety of pollutant or toxic air emissions, such as diesel exhaust and those from dry cleaning facilities, in addition to emissions that could be released from construction projects and operations associated with proposed projects. TASP Policy 5.23 requires project sponsors to inform future and/or existing sensitive receptors of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot

reduce these impacts. As identified in the TASP FEIR, this information could be disseminated through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners; and would include, but would not be limited to: location of dry cleaners, proximity to diesel emission from trucks and passenger vehicles, and light duty industrial operations.

Policy 5.25 requires an analysis of the impact on future sensitive receptors located within 500 feet of active rail lines or roadways if traffic exceeds 100,000 vehicles per day. The future Bay Area Rapid Transit (BART) and Montague Valley Transportation Authority (VTA) light rail is located approximately 750 feet northeast of the project site and would not generate harmful emissions at this distance. The roadways within 500 feet of the proposed project are Tarob Court, Lundy Place, and Trade Zone Boulevard; traffic on these roadways would not exceed 100,000 vehicles per day and therefore no further analysis is required. The proposed project does not include additional TAC sources in the project site; therefore implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

Objectionable Odors

The TASP FEIR did not address potential odor impacts for the proposed project. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not create objectionable odors affecting a substantial number of people. The proposed project would not increase impacts beyond those evaluated in the TASP FEIR and would have a less-than-significant impact related to odors.

Applicable Mitigation

Construction of the project would result in the temporary generation of fugitive dust emissions. Implementation of the project conditions of approval would ensure that construction of the proposed project would result in a less-than-significant impact. No new mitigation measures would be required.

Applicable Policies

General Plan Policies

- *Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.*
- *Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.*
- *Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.*

- *Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.*

- *Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.*

- *Policy 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.*

TASP Policies

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the Specific Plan]. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*

- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*

- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*

- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy3.16.*

- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*

- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*

- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement. This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional"*

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

- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.*

Conclusion

With implementation of the project conditions of approval, the proposed project would not result in significant air quality impacts. In addition, with implementation of the applicable TASP and General Plan Policies, the 2001 Tarob Court project would not create any new or worsening air quality impacts.

4. BIOLOGICAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Less Than Significant Impact	No New Impact
Would the project:				
e. 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?	☐	☐	☐	☒
f. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
g. 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?	☐	☐	☐	☒
h. 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?	☐	☐	☐	☒
i. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
j. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

Protected Plants and Wildlife

As described in the TASP FEIR, the area covered by the TASP consists of land previously altered by development. The majority of the TASP Area is covered in vacant industrial lots that have been previously developed and abandoned with structures that are partially or entirely dismantled, resulting in lots with compacted soils and ruderal (plants growing among refuse) habitats. With the exception of burrowing owls, the TASP FEIR determined that there is minimal potential for special-status species to occur due to the history of development in the TASP Area.

The only record of special-status species occurring in the area is for burrowing owls. The TASP FEIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests. According to the TASP FEIR, TASP Policy 5.26 would reduce potential impacts to burrowing owls to a less-than-significant level. This policy would require preconstruction surveys, buffers during breeding season, and relocation by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) during the non-breeding season in conformance with all

necessary State and federal permits. With implementation of this polices, the proposed project would not result in impacts related to protected plants and wildlife that are new or more significant than those analyzed in the TASP FEIR.

Riparian Habitat

As described in the TASP FEIR, the project site is located in proximity to two drainages: Lower Penitencia Creek and east channel of Penitencia Creek. While these drainages lack high-quality riparian habitat, patches of riparian habitat exist. New development in the TASP Area could result in loss or degradation of this habitat. However, as noted in Attachment A, Project Description, the project site is not located directly adjacent to either drainage and vegetation is limited to ornamental trees, shrubs, and grasses and does not contain any riparian habitat. Therefore, the project site does not support State or federal jurisdictional habitat areas or other sensitive natural communities. Therefore, the proposed project would not create impacts related to riparian habitat that are new or more significant than those analyzed in the TASP FEIR.

Federally Protected Wetlands

As the TASP FEIR states, Penitencia Creek and the east channel of Penitencia Creek and their tributaries receive protection under Section 404 of the Clean Water Act. Wetlands associated with these drainage features also potentially receive protection under Section 404.

The TASP has specific design guidelines, including setbacks that would reduce direct impacts on creeks within the TASP Area. TASP Policy 5.29 requires setbacks from creeks to be a minimum 25 feet from top of bank or from a maintenance road, if one exists. However, as noted above, the project site is not located directly adjacent to either of the drainages within the proximity of the site. The proposed project would conform to the setback requirements and other design standards provided in the TASP, and therefore would not create impacts related to wetlands that are new or more significant than those analyzed in the TASP FEIR.

Wildlife Movement Corridors

As the TASP FEIR states, nesting habitat for non-listed special-status raptor species occurs in and near the TASP Area. Many bird species use the existing ornamental trees for cover, nesting, or stop-over locations during migration, especially with the availability of water from the drainages within the TASP Area. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect loss to avian species. Raptors also could potentially use large and/or mature trees in the TASP Area for nesting. Raptors and other common birds and their nests and eggs are protected under California Department of Fish and Game Code 3503.5. The proposed project would implement TASP Policy 5.27 which would require a qualified biologist to conduct a survey that would be considered by the U.S. Fish and Wildlife Service (USFWS) and CDFW as appropriate, on a case-by-case basis in certain conditions, to determine whether a project would require avoidance procedures. Implementation of General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.27 would reduce potential impacts to nesting raptors and other birds to less-than-significant levels. The proposed project would conform to the above policies and therefore would not create impacts related to migrating wildlife that are new or more significant than those analyzed in the TASP FEIR.

Mature Trees

The TASP FEIR does not contain a comprehensive tree survey. The TASP FEIR recognizes that the impacts of the high intensity, transit-oriented redevelopment of the area would require removal of many trees. The loss of protected trees would be a significant impact (Impact 3.8-3) that would require compensation per the City ordinances. There are 34 trees located on the project site, none of which are protected or qualify for Heritage or Specimen status. The proposed project would result in the removal of all of the trees on the project site and the planting of approximately 40 new trees. Therefore, the proposed project would not create impacts related to mature trees that are new or more significant than those analyzed in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.*

- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*

- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the Specific Plan], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*

Conclusion

The TASP FEIR adequately evaluated the biological resources impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

5. CULTURAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

Historic Resources

The project site is fully developed with a light-industrial building. The existing structure is not considered a significant historic resource under the State or federal standards for historic resources. The only historic resource in the TASP Area that is listed in the City's Register of Cultural Resources is the Old Ford Motor Assembly Plant now known as the Great Mall, which is located approximately 0.6 miles north of the project site. Therefore, the proposed project would not result in impacts to buildings that are historic resources.

Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site. However, as noted in the TASP FEIR, the TASP Area is considered sensitive for archaeological resources. One Native American archaeological resource, CA-SCL-593, and a prehistoric archaeological site are located adjacent to the TASP Area. Previous archaeological studies suggest that there could be an archeological complex in and around these sites that might extend into the TASP Area. The TASP FEIR also determined that there is a moderate to high likelihood that unrecorded Native American cultural resources exist on sites within the TASP Area due to early settlements along Penitencia Creek.

While subsurface cultural resources are not anticipated to be encountered with demolition and grading of the site, there is a chance that construction activities could affect previously-unidentified

archaeological resources on the project site. The TASP FEIR identifies Policy 5.34 to reduce the impacts to previously unidentified archeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This measure applies to the project site, the same as it applies to the TASP.

Implementation of Policy 5.34 from the TASP would reduce impacts to previously unidentified archeological resources to a less-than-significant level. Implementing the proposed project would not lead to new or more severe impacts to archaeological resources that would occur beyond those already identified in the TASP FEIR.

Disturbance of Human Remains

All development within the TASP Area must conform to State laws pertaining to the discovery of human remains. If human remains of Native American origin are discovered during project construction, the developer and/or Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission.

Sections 21083.2 and 21084.1 of the Public Resources Code state that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until required conditions are met. This requirement would be applicable and would reduce impacts to potential human remains to a less-than-significant level. These potential impacts would not exceed those already identified in the TASP FEIR, and the project would not result in any new or more significant impacts to cultural resources beyond those identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA

standards of significance, construction shall proceed. However, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the TASP Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
    - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
    - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

TASP Policies

- *Policy 5.32: See this policy in Section 4, Biological Resources.*
- *Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA § 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.*

Conclusion

The TASP FEIR adequately evaluated the potential cultural resources impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

6. ENERGY

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☐	☒
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Discussion

The TASP evaluated energy in Section 3.12 Greenhouse Gases and Climate Change.

The TASP FEIR determined that buildout under the TASP would increase the total demand for electrical energy in the Transit Area. If current trends continue, total consumption of electrical energy would increase from 10 million to 169 million kilowatt hours (kWh), an increase of 159 million kWh of electrical power. The TASP FEIR found that reductions in GHG emissions associated with on-going energy efficient building standards are expected to achieve a reduction of 3 million metric tons of carbon dioxide equivalents Statewide by 2020. The TASP EIR indicated that emission reductions associated with existing energy efficient appliance standards are expected to result in a reduction of an additional 7 million metric tons of carbon dioxide equivalent emissions by 2020.

The TASP FEIR found that implementation of the TASP polices and other State requirements at the local level would reduce projected GHG emissions from electrical generation, which would ensure that the additional energy that homes and businesses consume will not impede achievement of the statewide reduction in emissions mandated by the California Climate Solutions Act of 2006. Therefore, the impact of increased energy consumption in the TASP was considered to be less than significant.

Construction-Period Energy Use

The anticipated construction schedule assumes that the proposed project would be built over 16 months. The proposed project would require demolition, grading, site preparation, and building activities during construction.

Construction of the proposed project would require energy for the manufacture and transportation of building materials, preparation of the site for demolition and grading activities, and building construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for

these activities. In order to increase energy efficiency on the site during project construction, the project would restrict equipment idling times to 5 minutes or less and would require construction workers to shut off idle equipment, as required by the BAAQMD Basic Construction Mitigation Measures. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be less than significant, and no mitigation would be required.

Operational Energy Use

Energy use consumed by the proposed project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. Energy and natural gas consumption was estimated using default energy intensities by building type in CalEEMod. In addition, the proposed buildings would be constructed to CALGreen standards, which was included in CalEEMod. Electricity and natural gas usage estimates associated with the proposed project are shown in Table BC.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in approximately 236,657 vehicle miles traveled (VMT) per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.0 mpg in 2015.[5] Therefore, using the USEPA fuel economy estimates for 2015, the proposed project would result in the consumption of approximately 10,757 gallons of gasoline per year. Table BC, below, shows the estimated potential increased electricity and natural gas demand associated with the proposed project.

Table BC: Estimated Annual Energy Use of Proposed Project

Land Use	Electricity Use (kWh per year)	Natural Gas Use (therms per year)	Gasoline (gallons per year)
Residential	164,960	346	**10,575**
Parking Structure	46,560	0	0
Parking Lot	1,960	0	0
Open Space/Landscaping	0	0	0
Total	**213,480**	**346**	**10,575**

Source: LSA (May 2019).

As shown in Table BC, the estimated potential increased electricity demand associated with the proposed project is 213,480 kWh per year. In 2017, California consumed approximately 288,614 gigawatt-hours (GWh) or 288,614,000,000 kWh.[6] Of this total, Santa Clara County consumed 17,189

[5] U.S. Department of Transportation, 2017. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: www.bts.gov/archive/publications/national_transportation_statistics/table_04_23 (accessed June 14, 2019).

[6] California Energy Commission, 2017. Energy Consumption Data Management Service. Electricity Consumption by County. Website: www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed June 14, 2019).

GWh or 17,189,540,000 kWh.[7] Therefore, electricity demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total electricity demand.

In addition, as shown in Table BC, the estimated potential increased natural gas demand associated with the proposed project is 346 therms per year. In 2017, California consumed approximately 12,571 million therms or 12,571,000,000 therms, while Santa Clara County consumed approximately 445 million therms or approximately 445,979,800 therms.[8] Therefore, natural gas demand associated with the proposed project would be less than 0.01 percent of Santa Clara County's total natural gas demand.

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. As shown above in Table 3, vehicle trips associated with the proposed project would consume approximately 44,369 gallons of gasoline per year. In 2015, vehicles in California consumed approximately 15.1 billion gallons of gasoline.[9] Therefore, gasoline demand generated by vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in California.

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit. The proposed project would develop high-intensity, transit oriented residential development. Therefore, the proposed project would support the ability to use alternative modes of transportation, would promote initiatives to reduce vehicle trips and vehicle miles traveled, and would increase the use of alternate means of transportation, which would allow for a decreased dependence on nonrenewable energy resources.

In addition, the proposed project would be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Impacts would be less than significant.

Conflict or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

In 2002, the Legislature passed Senate Bill 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every two years for electricity, natural gas, and transportation fuels, for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and

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7 Ibid.

8 California Energy Commission, 2017. Energy Consumption Data Management Service. Gas Consumption by County. Website: www.ecdms.energy.ca.gov/gasbycounty.aspx (accessed June 14, 2019).

9 California Energy Commission, 2017. California Gasoline Data, Facts, and Statistics. Website: www.energy.ca.gov/almanac/transportation_data/gasoline (accessed June 14, 2019).

increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission (ZE) vehicles and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The CEC recently adopted the 2017 Integrated Energy Policy Report.[10] The 2017 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2017 Integrated Energy Policy Report covers a broad range of topics, including implementation of Senate Bill 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to Senate Bill 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC's 2017 Integrated Energy Policy Report. Thus, as shown above, the project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and not result in any irreversible or irretrievable commitments of energy. Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant. Therefore, the proposed project would not result in new or more severe impacts related to energy efficiency than were identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

[10] California Energy Commission, 2017. *2017 Integrated Energy Policy Report*. California Energy Commission. Publication Number: CEC-100-2017-001-CMF.

Applicable Policies

TASP Policies

- *Policy 5.4: New commercial or institutional buildings, or tenant improvements to commercial, industrial or institutional buildings shall follow the provisions of the City's future Green Building Ordinance. In the absence of any ordinance, all new projects should be encouraged to incorporate green building measures.*

- *Policy 5.5: Coordinate with Santa Clara County and other regional agencies to establish and implement new local regulations and standards related to greenhouse gas emissions simultaneously across the region.*

  By working together at the regional level, no one jurisdiction would bear the burden of being the first to adopt new regulations.

- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*

- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*

- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*

  - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*

  - *Automatic lighting systems in public buildings and offices; and*

  - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

- *Policy 5.9: Establish a program to support energy efficiency in new private development and facilitate environmentally sensitive construction practices by:*

  - *Establishing an incentive program for projects with energy-efficient design, such as expedited permit processing;*

  - *Promoting use of products that are durable and allow efficient end-of-life disposal (recyclable);*

  - *Requiring demolition permits for structures and/or pavement exceeding 7,500 square feet to submit a report on recycled materials;*

- *Promoting the purchase of locally or regionally available materials; and*
- *Promoting the use of cost-effective design.*

Conclusion

The TASP FEIR adequately evaluated the potential impacts related to energy resulting from the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

7. GEOLOGY AND SOILS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
c. 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.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
d. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
e. 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?	☐	☐	☐	☒
f. 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?	☐	☐	☐	☒
g. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
h. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Discussion

The information presented in this section is based on data and findings provided in the Geotechnical Investigation[11] prepared for the proposed project and geologic reports and maps by the United States Geological Survey (USGS), California Geological Survey (CGS), and others, as available.

[11] Cornerstone Earth Group, 2017. *Preliminary Geotechnical Investigation for the Tarob Court Residential Development*. November 13.

Seismicity and Seismic Hazards

Fault Rupture. Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the past 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of development within the delineated area. The project site is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone. The nearest Alquist-Priolo Earthquake Fault Zone to the project site is the Crosley Fault, which is located approximately 2 miles northeast of the project site.[12,13] No known active or potentially active faults exist on the project site.[14] Therefore, the impacts associated with the proposed project would not result in new impacts related to fault rupture or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Ground Shaking. There are multiple active faults that have the potential to generate very strong ground shaking at the project site. These faults include the Monte-Vista Shannon Fault, located 1.9 miles southwest; Hayward Fault, the southeast extension of which is located approximately 2.2 miles northeast; the Calaveras Fault, located about 5.8 miles northeast; and the San Andreas Fault, located about 15 miles southwest.[15]

The Working Group on California Earthquake Probabilities and the USGS have predicted a 63 percent probability of a 6.7 magnitude (M_w, or Moment Magnitude)[16] or greater earthquake in the Bay Area region between 2007 and 2036, and a 7 percent chance California will experience an 8.0 magnitude earthquake in the next 30 years. The risk of ground shaking impacts is reduced through adherence to the design and materials standards set forth in building codes.

The City of Milpitas requires projects to comply with the 2016 California Building Code (Title 24, California Code of Regulations),[17] which provides for stringent construction requirements on projects in areas of high seismic risk based on numerous inter-related factors. It is acknowledged that seismic hazards cannot be completely eliminated, even with implementation of advanced building practices. However, the seismic design standards of the California Building Code are intended to prevent catastrophic building failure in the most severe earthquakes currently anticipated. Therefore, consistent with the findings of the TASP FEIR, compliance with the 2016 California Building Code (CBC), which is required by both the City and the State, the proposed

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12 California Geological Survey, 2004. Earthquake Zones of Required Investigation, Milpitas Quadrangle. Available online at: gmw.conservation.ca.gov/SHP/EZRIM/Maps/MILPITAS_EZRIM.pdf (accessed June 14, 2019).

13 California Geological Survey, 2010. Fault Activity Map of California, 2010. Website: maps.conservation.ca.gov/cgs/fam (accessed March May 14, 2019).

14 Cornerstone Earth Group, 2017, op. cit.

15 Ibid.

16 Moment magnitude (M_W) is now commonly used to characterize seismic events as opposed to Richter Magnitude. Moment magnitude is determined from the physical size (area) of the rupture of the fault plane, the amount of horizontal and/or vertical displacement along the fault plane, and the resistance to rupture of the rock type along the fault.

17 Milpitas, City of. Code of Ordinances, Title II, Chapter 3.

project would not result in new impacts related to ground shaking or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Seismic-Related Ground Failure and Liquefaction. The potential for different types of ground failure to occur during a seismic event is discussed below.

Liquefaction Potential. Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. These soils lose strength during ground shaking. Due to the loss of strength, the soil may move both horizontally and vertically. In areas where sloping ground or open slope faces are present, this mobility can result in lateral spreading. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that are relatively close to the ground surface. However, loose sands that contain a significant amount of fines (silt and clay) may also liquefy.

The project site is located in an area that has been identified by the CGS as being susceptible to seismically-induced liquefaction.[18] The intent of the CGS mapping of areas susceptible to earthquake-induced liquefaction is to ensure that geotechnical consultants consider possible liquefaction hazards and perform appropriate site-specific characterization and mitigation of liquefaction hazards as outlined in the State's guiding document for seismic hazard analysis, Special Publication 117A (SP117A).[19] The Geotechnical Investigation prepared for the project, as required by the Seismic Hazard Mapping Act and CBC, addresses potential liquefaction related hazards. The Geotechnical Investigation indicates the potential for liquefaction triggering at the project site is low to very low, and that the potential liquefaction induced settlement of thin, discontinuous sand layers could result in ground surface settlement less than 0.25 inches. As discussed in SP117A, different movement for level ground sites over deep soil sites will be up to about two-thirds of the total settlement between independent foundation elements. Therefore, the Geotechnical Investigation concluded that different settlement beneath a typical residential foundation is likely to be negligible.

In addition, the Geotechnical Investigation provides site preparation (e.g., grading and fill placement) and foundation design recommendations that account for potential liquefaction induced settlement. During the design review process, the City would ensure that geotechnical recommendations are incorporated into the project designs, which would reduce potential impacts related to liquefaction. Therefore, the proposed project would not create impacts related to liquefaction that would be new or more significant than those analyzed in the TASP FEIR.

Lateral Spreading. Lateral spreading, the horizontal/lateral ground movement of relatively flat-lying soil deposits towards a free face, is typically associated with liquefaction of subsurface layer(s) near the bottom of an exposed slope. The project site is approximately 770 feet southwest of a man-made, unlined drainage channel for Penitencia Creek. Due to the distance to the site and the fact that soils encountered during explorations are mostly clays and not susceptible to liquefaction, and

18 Cornerstone Earth Group, 2017, op. cit.

19 California Geological Survey, 2008. *Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards in California*. Revised and Re-adopted September 11.

therefore, the potential for lateral spreading would be low.[20] As a result, the proposed project would not create impacts related to lateral spreading that would be new or more significant than those analyzed in the TASP FEIR.

Seismic Settlement. Seismic settlement (also referred to as cyclic densification) can occur when non-saturated, cohesionless sand or gravel soil is densified by earthquake vibrations. A medium dense sand layer (likely undocumented fill) that is potentially susceptible to cyclic densification was encountered above the groundwater table in one boring location at the project site. The soil encountered at the other exploration locations is sufficiently clayey to resist cyclic densification. The anticipated total and differential ground settlement due to cyclic densification is on the order of half-an-inch, and would be less where the sand is removed or reworked for foundation construction.[21] The Geotechnical Investigation provides site preparation (e.g., grading and fill placement) and foundation design recommendations that account for potential liquefaction induced settlement.[22] During the design review process, the City would ensure that geotechnical recommendations are incorporated into the project designs, which would reduce potential impacts related to cyclic densification. Therefore, the proposed project would not create impacts related to seismic settlement that would be new or more significant than those analyzed in the TASP FEIR.

Landslides. The proposed project is located in a relatively flat area and is therefore not likely to be affected by landslides. In addition, the project site is not located in an area mapped by CGS as being susceptible to earthquake-induced landslides.[23] Therefore, the proposed project would not create impacts related to landslides that would be new or more significant than those analyzed in the TASP FEIR.

Erosion/Loss of Top Soil

The redevelopment of the project site would involve construction activities such as grading and excavation, which could result in temporary soil erosion when the disturbed soils are exposed to wind or rainfall. Because the proposed project would involve over an acre of land disturbance, it would be required to comply with the State Water Resources Control Board's Construction General Permit, which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). Policy 5.33 of the TASP also requires construction projects that disturb 1 or more acres to prepare a SWPPP. The SWPPP would include erosion control best management practices that would minimize erosion during construction. Upon completion of construction, the project site would be covered with structures, pavement, and landscaping and would not include areas of exposed soil. Therefore, the proposed project would not create impacts related to erosion that would be new or more significant than those analyzed in the TASP FEIR.

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20 Cornerstone Earth Group, 2017, op. cit.
21 Ibid.
22 Ibid.
23 California Geological Survey, 2004, op. cit.

Unstable and Expansive Soils

Unstable Soil. As previously discussed above, the project site would not be subject to liquefaction, lateral spreading, or landslides. In addition, the design and construction of the project in accordance with geotechnical recommendations would ensure these impacts would be less than significant. The proposed project would not create impacts related to unstable soil that would be new or more significant than those analyzed in the TASP FEIR.

Subsidence/Soil Collapse. Subsidence can result from the removal of subsurface water resulting in either gradual depression or catastrophic collapse of the ground surface. The proposed project would not utilize groundwater at the project site. Dewatering may be required in isolated areas of the project site during construction. Construction-related dewatering would not be expected to result in subsidence or soil collapse as the dewatering would be temporary, localized, and affect only the uppermost water-bearing zone. Therefore, the proposed project would not create impacts related to subsidence or soil collapse that would be new or more significant than those analyzed in the TASP FEIR.

Expansive Soils. Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. The changes in soils volume can result in substantial cosmetic and structural damage to buildings and hardscape developed over expansive soils. These effects can be mitigated by moisture conditioning the expansive soil, placing non-expansive fill below slabs and foundations, designing foundations and slabs to resist ground movements associated with volume changes, supporting foundations below the zone of severe moisture change, and/or limiting moisture changes in the surficial soils by using positive drainage away from the building as well as limiting landscape watering.

The Geotechnical Investigation found that highly expansive surficial clays blanket the project site. To reduce the potential for damage to the planned structures and pavement, the Geotechnical Investigation recommends that slabs-on-grade should be supported on a layer of non-expansive fill and shallow footings should extend below the zone of seasonal moisture fluctuation. In addition, geotechnical recommendations were provided for site preparation, grading, selection/placement of engineered fill, and the design of concrete pavement, flexible asphalt pavement, drainage and landscaping, and foundation systems which account for the presence of highly expansive soil.[24] During the design review process, the City would ensure that geotechnical recommendations are incorporated into the project designs, which would reduce potential impacts related to expansive soils. Therefore, the proposed project would not create impacts related to expansive soils that would be new or more significant than those analyzed in the TASP FEIR.

Septic Tanks/Wastewater Disposal

Development of the proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would have no impact related to septic tanks or alternative waste water disposal systems.

[24] Cornerstone Earth Group, 2017, op. cit.

Paleontological Resources

There is the potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resource could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is generally 6 feet deep. The TASP FEIR determined that project-specific evaluation, monitoring during construction, temporary suspension of grading, fossil recovery in the event fossils are discovered, as identified in TASP Policy 5.35 would reduce the potential impact to such resources to less-than-significant levels. Implementing the proposed project would not lead to new or more severe impacts to paleontological resources that would occur beyond those already identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

General Plan Policies

- *Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual.*

TASP Policies

- *Policy 5.33: Require construction projects that disturb one or more acres to prepare a SWPPP that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*

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

Conclusion

The TASP FEIR adequately evaluated the potential impacts related to geology and soils resulting from the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

8. GREENHOUSE GAS EMISSIONS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
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?	☐	☐	☐	☒

Discussion

The TASP FEIR found that the primary sources of greenhouse gas (GHG) emissions related to urban development in the TASP Area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that would occur during the implementation of the TASP. Since the GHG emission rate is related to growth, the TASP promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that would reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less-than-significant levels.

The TASP FEIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the TASP. The TASP FEIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP FEIR also found that the increase in VMT will not prevent the reduction of Statewide GHG emissions to 1990 levels.

Individual projects incrementally contribute toward the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

The TASP FEIR analyzed the potential GHG emissions that would result from buildout of the TASP. The TASP was designed to provide residential uses in proximity to retail and commercial uses and to transit, such as the BART station, to minimize the use of vehicles and generation of VMT. TASP policies also encourage the development of pedestrian friendly streets and bikeways to promote alternative forms of transportation. The proposed project would incorporate the TASP policies by: providing continuous pedestrian sidewalks and safe bike travel routes, consistent with Policy 3.21; providing direct walking routes to schools and major destinations such as retail developments consistent with Policy 3.22; encouraging children to walk to school by providing safe routes consistent with Policy 3.23; and providing bikeways and bike storage and providing parking areas

that encourage carpooling and use of low emission vehicles consistent with TASP Policies 3.28, 3.31, 3.33 and 3.34. The TASP FEIR concluded that implementation of these measures would reduce impacts from GHG emissions for the TASP to less-than-significant levels. As the proposed project would remain in compliance with these policies, the project's impact on GHG emissions would also be less than significant.

Regarding electricity consumption, the TASP FEIR found that the increase in total demand for electrical energy as a result of the TASP would be reduced to less-than-significant levels by requiring compliance with State, local, and TASP energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume would not impede achievement of the Statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the TASP Area would be less than significant. Additionally, the proposed project would encourage and support energy efficiency and green building techniques that would reduce energy-related GHG emissions, similar to the previously approved TASP FEIR.

GHG emissions estimates for the proposed project were calculated using CalEEMod and the results are shown in Table BD below.

Table BD: Operational GHG Emissions

Emissions Source Category	Operational Emissions (Metric Tons per Year)				
	CO_2	CH_4	N_2O	CO_2e	Percent of Total Project Emissions
Area	0.5	<0.1	0.0	0.5	0
Energy	50.3	<0.1	<0.1	50.6	30
Mobile	105.7	<0.1	0.0	105.8	62
Waste	3.7	0.2	0.0	9.3	5
Water	3.4	0.1	<0.1	5.6	3
Total Operational				**171.8**	**100**
BAAQMD Threshold				**1,100**	**-**
Exceed?				**No**	**-**

Source: LSA (May 2019).

As shown in Table BD above, the proposed project would not exceed BAAQMD thresholds. Therefore, implementation of the proposed project would not result in an increase in GHG emissions beyond those analyzed in the TASP FEIR and impacts would remain less than significant.

The TASP FEIR did not include an evaluation of the project's compliance with the City's 2013 Climate Action Plan which was not in place at the time the EIR was certified. The Climate Action Plan includes GHG reduction goals, policies, and actions for new and existing development projects. The proposed project includes transit oriented development in addition to the TASP policies listed below, which are consistent with the Climate Action Plan's transportation and land use goals. Therefore, the project would be in conformance with the City's Climate Action Plan.

The 2001 Tarob Court Project adheres to the building guidelines of the TASP, is consistent with the Milpitas Climate Action Plan, and promotes reductions in GHG emissions through high-density development in close proximity to transit. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen standard building measures for residential buildings and Title 24 requirements. Additionally, the proposed project would include a total of 0.44 acres of common open space and landscaped areas, following the City's standards, which would help offset GHG emissions. The proposed project would result in no new or more severe impacts related to GHG emissions than analyzed in the TASP FEIR and further analysis is not required.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*

- *Policy 3.21: See this policy in Section III, Air Quality.*

- *Policy 3.22: See this policy in Section III, Air Quality.*

- *Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.*

- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan].*

- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*

- *Policy 3.33: See this policy in Section III, Air Quality.*

- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*

- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
    - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
    - *Automatic lighting systems in public buildings and offices; and*
    - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

Conclusion

The TASP FEIR adequately evaluated the potential impacts associated with greenhouse gas resulting from the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

9. HAZARDS AND HAZARDOUS MATERIALS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
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 it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Transport, Use, Storage, and Disposal of Hazardous Materials

The proposed project would result in demolition of the existing structure on the project site and construction of a new residential apartment building. The proposed land use would not involve transport, use, or disposal of significant quantities of hazardous materials. Generally, small quantities of hazardous materials such as paints and cleaning products would be used for routine maintenance. Therefore, a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials would not occur and potential impacts related to operational use of hazardous materials would be less than significant.

During project construction, hazardous materials such as fuel, lubricants, paint, sealants, and adhesives would be transported and used at the project site. Consistent with the findings of the TASP FEIR, due to mandatory compliance with federal, State, and local regulations, potential impacts associated with future hazardous material use, transport, and disposal are considered less than significant and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Release of Hazardous Materials and Risk of Upset

The public and/or the environment could be affected by the release of hazardous materials from the project site into the environment, by 1) exposing workers and/or the public to potentially contaminated soil, groundwater, and vapors during construction and/or operation of the project; or 2) exposing workers and/or the public to hazardous building materials (e.g., polychlorinated biphenyls [PCBs], lead paint, asbestos) during demolition of the existing structure.

A Preliminary Soil, Soil Vapor, and Ground Water Quality Evaluation (Soil Evaluation) involving sampling and analysis of soil, groundwater, and soil vapor was performed for the project site to evaluate potential environmental concerns identified at the site, including the potential presence of residual pesticides from past agricultural land use, past use and storage of hazardous materials at the project site, and potential presence of naturally occurring asbestos and elevated metal concentrations. [25]

The soil quality data does not indicate the previous on-site activities significantly impacted soil quality at the locations sampled. Arsenic was detected at a concentration above its typical background concentration in one sample. However, this sample was collected at a depth of approximately 9 ½ to 10 feet and from what appeared to be undisturbed native soil. This arsenic detection likely reflects natural background variations.

Slightly elevated cobalt, chromium, and nickel concentrations were detected; however, these detected concentrations were below their respective residential screening criteria. Therefore, these do not appear to pose a significant human health risk concern for future commercial redevelopment. In addition, naturally occurring asbestos was not detected above laboratory reporting limits. Total chromium concentrations that were 10 times above its Soluble Threshold Limit Concentration (STLC) regulatory value. Disposal facilities typically require STLC testing for soil with total concentrations that exceed 10 times the STLC value. If this soil will require off-site disposal at a landfill or other facility during development, further testing may be required to properly determine its waste classification prior to landfill acceptance.

Total DDT was detected in one sample at a concentration exceeding its Total Threshold Limit Concentration (TTLC) regulatory value. This detection appears isolated as the other Total DDT concentrations were detected below the TTLC. Additional sampling would be conducted to determine if the excavation and stockpiling activities effect the Total DDT concentration. In addition, the detected DDD, DDE, and DDT concentrations were below their respective residential screening levels, and therefore are not expected to pose a significant health risk.

Policy 5.20 of the TASP was developed to address potential hazardous materials that could impact human health and require remediation of contaminated sites, and Policy 5.22 of the TASP requires a Risk Management Plan (RMP) to be developed for sites with known contamination issues (see the applicable TASP Policies listed below). In accordance with the requirements of Policy 5.20 of the TASP, the project applicant would be required to work with the appropriate agencies to ensure the

[25] Cornerstone Earth Group, 2018. *Preliminary Soil, Soil Vapor, and Ground Water Quality Evaluation for 2001 Tarob Court, Milpitas, California.* January 9.

project site to resolve issues related to contamination that could potentially impact future land uses in the project area. Because there is known contamination on the project site, compliance with Policy 5.22 of the TASP would require preparation of an RMP for the project to protect the health and safety of construction workers and the public.

Based on the age of the structure on the project site (constructed in 1982 after the 1978 ban on lead-based paint), the presence of lead-based paint is considered unlikely; however, it is possible that hazardous building materials such as asbestos-containing materials (ACMs) could be present in the structure. As indicated in the Code of Federal Regulations Title 16, Chapter II, Section 1303.3, the use of lead paint on industrial and commercial buildings is exempt from the ban on lead paint; therefore, lead paint may be present on the structure on the project site. Other hazardous building materials that could be present include PCB-containing materials and equipment, and mercury containing devices (e.g., fluorescent light bulbs and mercury switches).

Policy 5.21 of the TASP addresses hazardous materials that may be present in existing buildings such as asbestos, PCB's, or lead. The project would also be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. Also required is full compliance with Title 17 and Title 8 of the California Code of Regulations, which includes work practice standards related to the evaluation and abatement of lead.

Consistent with the findings of the TASP FEIR, continued compliance with applicable local, State, and federal regulations and TASP policies, as provided below, would reduce potential exposure of people and the environment to hazardous materials associated with development of a contaminated property and demolition of older structures to a less-than significant level and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Emission of Hazardous Materials within 0.25 miles of a School

Stratford School, a private elementary school, is located at 341 Great Mall Parkway, approximately 1,500 feet north of the project site.[26] According to the TASP FEIR, it is possible that an elementary or K-8 school would be constructed in the vicinity of Houret Drive and McCandless Drive, which is approximately a quarter mile west of the project site. No other schools were identified within a quarter mile of the project site.[27]

The project would not involve the handling of acutely hazardous materials. As discussed above, the project would not handle significant quantities of hazardous materials during operation. Consistent with the findings of the TASP FEIR, due to mandatory compliance with federal, State, and local regulations, potential impacts associated with routine hazardous material use, transport, and disposal during construction are considered less than significant. Compliance with TASP policies, as provided below, and cleanup of the hazardous materials releases at the project site under the

[26] California Department of Education, 2019. California School Directory. Website: www.cde.ca.gov/schooldirectory (accessed on June 14, 2019).

[27] Ibid.

oversight of the Regional Water Board, as discussed above, would ensure that potential impacts related to hazardous emissions from demolition of the existing building and development of a contaminated property would be a less-than significant and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Hazardous Materials Site Pursuant to Government Code Section 65962.5

Although the project site is known to be impacted by releases of hazardous materials, the project site is not included on a list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5. Compliance with TASP policies, as provided below, and cleanup of the hazardous materials releases at the project site under the oversight of the Regional Water Board, as discussed above, would ensure that potential impacts related to development of a contaminated property would be a less than significant, and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Aviation Hazards

The project site is located approximately 3 miles northeast of the San Jose International Airport. The project site is not located within the Airport Safety Zones or Airport Influence Area of the San Jose International Airport,[28] and is not located in the vicinity of a private air strip. Therefore, the project would not result in aviation-related hazards due to proximity to an airport and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Emergency Response or Evacuation Plan

The proposed project would comply with standard City regulations related to the provision of adequate access for emergency vehicles and secure evacuation routes. The project would not alter the existing street network; therefore, consistent with the findings of the TSP FEIR, the project would not impact the implementation of established emergency response/evacuation plans and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Wild Fire

The project site is located within a highly urbanized area that is not susceptible to wildfires. Therefore, the project would not result in impacts related to wildfires and the proposed project would not result in any new or more severe impacts than those analyzed in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

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[28] Santa Clara County Airport Land Use Commission, 2016. *Comprehensive Land Use Plan, Santa Clara County, Norma Y. Mineta San Jose International Airport*. May 25.

Applicable Policies

TASP Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

- *For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings.*

- *For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.*

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead-based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.*

- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.*

Conclusion

The TASP FEIR adequately evaluated the potential hazards and hazardous materials impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

10. HYDROLOGY AND WATER QUALITY

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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;	☐	☐	☐	☒
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
iv. Impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Water Quality Standards

Construction. Construction and demolition activities of the proposed project would involve site disturbance, grading, and excavation of soil, which could result in temporary erosion and movement of sediments into the storm drain system, particularly during precipitation events. The potential for chemical releases is present at most construction sites due to the use of paints, solvents, fuels, lubricants, and other hazardous materials associated with heavy construction equipment. Once released, these hazardous materials could be transported to nearby surface waterways in stormwater runoff, wash water, and dust control water, potentially reducing the quality of the receiving waters. The release of sediments and other pollutants during construction and demolition could adversely affect water quality in receiving waters.

The proposed project would disturb greater than 1 acre of land, and therefore would be required to obtain coverage under the Construction General Permit (State Water Board Order 2009-0009-DW).[29]

[29] State Water Resources Control Board Division of Water Quality, 2009. *Construction General Permit Fact Sheet.* 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ.

On-site construction activities subject to the Construction General Permit include clearing, grading, excavation, and soil stockpiling. The Construction General Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. A SWPPP identifies all potential pollutants and their sources, including erosion, sediments, and constructions materials and must include a list of Best Management Practices (BMPs) to reduce the discharge of construction-related stormwater pollutants. A SWPPP must include a detailed description of controls to reduce pollutants and outline maintenance and inspection procedures. Typical sediment and erosion BMPs include protecting storm drain inlets, establishing and maintaining construction exits and perimeter controls to avoid tracking sediment off-site onto adjacent roadways. A SWPPP also defines proper building material staging and storage areas, paint and concrete washout areas, describes proper equipment/vehicle fueling and maintenance practices, measures to control equipment/vehicle washing and allowable non-stormwater discharges, and includes a spill prevention and response plan. Policy 5.33 of the TASP also requires construction projects that disturb 1r more acres to prepare a SWPPP.

Temporary dewatering may be required during construction activities involving excavation. Dewatering effluent may have high turbidity and could contain contaminants. Turbid and/or contaminated groundwater could cause degradation of the receiving water quality if discharged directly to storm drains or surface water without treatment. The discharge of dewatering effluent would be subject to permits from the City of San Jose (which manages and operates the San Jose-Santa Clara Regional Wastewater Facility which treats wastewater from the project site) or the Regional Water Board, depending if the discharge were to the sanitary sewer or storm drain system, respectively. The Construction General Permit allows the discharge of dewatering effluent if the water is properly filtered or treated, using appropriate technology. If the dewatering activity is deemed by the Regional Water Board not to be covered by the Construction General Permit, then the discharger could potentially prepare a Report of Waste Discharge, and if approved by the Regional Water Board, be issued site-specific Waste Discharge Requirements (WDRs) under National Pollutant Discharge Elimination System (NPDES) regulations. If it is infeasible to meet the requirements of the Construction General Permit, acquire site-specific WDRs, or meet the City of San Jose's sewer discharge requirements, the construction contractor would be required to transport the dewatering effluent off-site for treatment and disposal.

Required compliance with State and local regulations regarding stormwater and dewatering during construction would not result in new impacts and would not substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Operation. Because the project would replace over 10,000 square feet of existing impervious surface area, the project would be required to comply with Provision C.3 requirements of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP).[30] The project would result in alteration of over 50 percent of the existing impervious surface of the project site, and therefore all new and replaced impervious surfaces would require treatment under the MRP. Provision C.3 of the MRP requires implementation of low impact development (LID) source control,

[30] San Francisco Bay Regional Water Quality Control Board, 2015. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008, November 19.

site design, and stormwater treatment for regulated projects. LID employs principles such as preserving and recreating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. Policy 5.34 of the TASP also requires construction projects that disturb 1 or more acres to prepare a Stormwater Control Plan.

The LID stormwater controls for the proposed project would include permeable pavement, bio-retention areas, self-treating landscape areas, mechanical treatment (filtration) of runoff from asphalt pavement, and treatment of runoff using flow through planters.

Consistent with the findings of the TASP FEIR, continued compliance with applicable regulations, as described above, and TASP policies, as provided below, would not result in new impacts or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Deplete Groundwater Supplies

Dewatering may be performed during construction activities involving excavation. If performed, construction-related dewatering would be temporary and limited to areas of excavation on the project site and would not substantially contribute to depletion of groundwater supplies.

Operation of the proposed project would not involve dewatering or the use of groundwater as potable water, because potable water would be supplied to the project site by the City. The project would decrease the amount of impervious surfaces compared to the existing condition; however, as discussed in Section 7. Geology and Soils, above, impermeable membranes and sub-drains would be required to be installed below much of the proposed impervious surfaces due to the highly expansive and low permeability clay which is present throughout the project site. While the installation of impermeable membranes and sub-drains below much of the proposed impervious surfaces would prevent rainwater from infiltrating the subsurface and recharging groundwater, the majority of the project site is currently covered by impermeable surfaces; therefore the proposed project would not impede the recharge of groundwater compared to the existing condition. As a result, the proposed project would not result in new impacts to groundwater resources or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Drainage Pattern and Surface Run-Off

The project would not alter the course of a stream or river. Consistent with the findings of the TASP FEIR, compliance with applicable regulations and TASP policies, as described above and listed below, would ensure that changes to drainage patterns would result in less-than-significant impacts related to erosion and siltation.

The TASP FEIR determined that stormwater runoff would decrease with the buildout of the TASP Area, including the project site. The addition of more landscaped areas and parks would allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete

coverage of impervious pavement. The TASP FEIR determined that none of the existing stormwater drainage pipelines would require expansion.

Developers are required to fund a Storm Drainage Plan for each subdistrict within the TASP Area that includes measures to reduce runoff pollutants and control pollutant sources to the maximum extent practical. Full compliance with the Santa Clara County National Pollution Discharge Elimination System (NPDES) permit guidelines for stormwater discharges and General Plan Policy 4.d.-G-1 would ensure that long-term water quality impacts would not be significant.

Flooding and Dam Failure Inundation

The project site is not located within a dam failure inundation area.[31] The project site is located in an area protected from flooding by a levee along Berryessa Creek to the northeast of the project site; however, this levee does not provide protection from a 100-year flood.[32] The project would not alter levees or dams, therefore the project would not result in flooding impacts related to dam failure or increase the likelihood of levee failure. Potential impacts of the project related to redirecting flood flows from potential levee failure along Berryessa Creek are discussed below.

The project site is located in an area designated as "Special Flood Hazard Areas Subject to Inundation By the 1 percent Annual Chance Flood" Zone AO on the current Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA).[33] The Zone AO designation indicates areas that are subject to inundation by the 1-percent-annual-chance flood (also known as a 100-year flood) event with an established base flood elevation[34] or depth, and the flood depth at project site is indicated to be 1-foot.

TASP Policy 6.1 requires projects to minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program. TASP Policy 6.2 requires new development within a FEMA-designated flood hazard zone to follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.

As noted in Attachment A, Project Description, the proposed project would raise the site by approximately 4.5 feet to comply with FEMA requirements to remove the project from the floodplain. The project would be required to apply for a Conditional Letter of Map Revision (CLOMR-F) and Letter of Map Revision (LOMR-F) based on area removal or structure removal from the effective FEMA floodplain and subsequently comply with all City floodplain ordinances.

Consistent with the findings of the TASP FEIR, the project would be required to comply with the TASP policies, which include compliance with FEMA requirements and the City of Milpitas Municipal

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31 Milpitas, City of, 1994. *General Plan, Chapter 5 – Seismic and Safety Element*.

32 Federal Emergency Management Agency, 2009. FEMA Flood Map Service Center (map). Website: msc.fema.gov/portal/search?AddressQuery=2001%20Tarob%20Court%2C%20Milpitas#searchresultsanchor (accessed June 14, 2019).

33 Ibid.

34 Base flood elevation is the regulatory requirement for the elevation or flood proofing of structures.

Code. Therefore, the proposed project would not result in new impacts related to flooding or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Inundation by Seiche, Tsunami, or Mudflow

The project site is not located in an area mapped by the California Emergency Management Agency as susceptible to tsunami inundation.[35] The project site is not located near or downgradient from water bodies (e.g., lakes or reservoirs) that could produce seiches. Seiches are not considered a hazard in the San Francisco Bay based on the basin geometry and dimensions.[36] The project site and surrounding topography is relatively flat and therefore the proposed project would not result in impacts related to mudflows (a type of landslide that occurs on slopes). Therefore, the proposed project would not result in new impacts related to inundation by tsunami, seiche, or mudflow or substantially increase the severity of impacts than those analyzed in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

General Plan Policies

- *4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.*
- *4.d-I-1: Continue implementing the NPDES requirements of the Regional Water Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.*

TASP Policies

- *Policy 5.33: Require construction projects that disturb one or more acres to prepare a SWPPP that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.34: Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County NPDES permit for stormwater discharges.*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*

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35 California Emergency Management Agency, 2009. Tsunami Inundation Map for Emergency Planning, Milpitas Quadrangle, July 31.

36 Borrero, et al., 2006. *Numerical Modeling of Tsunami Effects at Marine Oil Terminals in San Francisco Bay*. Report prepared for: Marine Facilities Division of the California State Lands Commission. June 8.

- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*

- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk.*

- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*

- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing BMPs in new developments within the Transit Area.*

Conclusion

The TASP FEIR adequately evaluated the potential hydrology and water quality impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

11. LAND USE AND PLANNING

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
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?	☐	☐	☐	☒

Discussion

Divide an Established Community

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The proposed project would develop a new residential use on the project site within the TASP Area that currently contains a light-industrial use and surface parking. The proposed project would provide public access by including public sidewalks throughout the project site that connect with the existing sidewalks along Tarob Court and Lundy Place. Bicycle and vehicle access would be provided by via Tarob Court as well. Therefore, the proposed project would not inhibit public connectivity, and would not physically divide a community. This impact would be less than significant and would be no more severe than analyzed in the TASP FEIR.

Conformance with Land Use Plans

The purpose of the TASP is to transition former industrial sites to primarily residential and commercial uses adjacent to nearby transit. Upon certification of the TASP FEIR, the City of Milpitas adopted amendments to the General Plan and Zoning Ordinance to ensure consistency between the planning documents. The TASP FEIR evaluated these new land use designations and associated policies and determined that impacts of the land use classifications and density of development conceived under the TASP would be less than significant. As described in the Project Description (Attachment A), the proposed project would be consistent with the existing land use and zoning designations for the project site.

The TASP requires that all projects proposed within the TASP Area are subject to a Site and Architectural Review in accordance with Chapter 42 of the City's Zoning Ordinance. Projects must demonstrate compliance with the TASP, including the Development Standards and Design Guidelines. In order to approve a project or variance, the City must find that "The proposed project conforms to the intent and the specific requirements of the TASP, including the Development Standards and Design Guidelines." As stated above, the proposed project would be consistent with the existing land use and zoning designations of the project site. The development associated with the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR and is compatible with existing and future residential uses in the vicinity of the project site. Therefore, the density and intensity of the proposed project would not result in any new or more significant impacts regarding conformance with land use plans than those already identified in the TASP FEIR.

Land Use Compatibility

At buildout, the TASP assumes the overall urban design and development standards associated with changes to land use and zoning would contribute to fewer incompatible land uses in the TASP Area. Land uses proposed by the TASP are more compatible with the existing and proposed adjacent residential and commercial uses. In addition, the heights and densities of higher density residential and commercial uses will provide a transition toward lower density housing. Over the planning horizon, residential uses will be built in an existing industrial area. Therefore incompatible uses may be temporarily adjacent to each other until complete buildout. The TASP also includes a number of development standards to minimize potential impacts of incompatible land uses, such as setbacks, and building location and placement policies and standards. The full set of development standards can be found in Chapter 5 of the TASP. With implementation of these self-mitigating policies and standards in the TASP, the TASP FEIR concluded that no mitigation measures would be required to address potential land use impacts.

The proposed project would conform to the TASP policies as well as the development standards provided in Chapter 5 of the TASP. The proposed project would include land uses addressed by the TASP and would not result in any land use compatibility impacts that would be more severe than those analyzed in the TASP FEIR. Therefore, the proposed project would not conflict with established or planned land uses.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*
- *Policy 3.9: Maintain the Midtown Plan's gross floor area policy, which excludes all areas of a building devoted to parking from FAR calculations.*
- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.2.4) shall apply to the entire area of the Transit Area Specific Plan.*
- *Policy 5.16: See policy in Section 3, Air Quality.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing home, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks and additional exit routs over and above minimum code requirements.*
- *Policy 5.19: Require the installation of temporary buffers-fences, walls or vegetation-when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when the adjacent site is redeveloped as a non-industrial use.*

Conclusion

The TASP FEIR adequately evaluated the potential land use impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

12. MINERAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

The entire TASP Area, including the project site, is located in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. In addition, the TASP Area is not designated as containing mineral resource deposits of regional importance. As such the proposed project as well as the TASP would have no impacts on mineral resources.

13. NOISE

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
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 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

Construction-Period Impacts

The proposed project would be consistent with the buildout projected for the TASP, and would implement the policies identified in the TASP FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per

Policy 5.17, and requiring temporary buffers if residents are placed next to existing industrial uses per Policy 5.19.

As described in the TASP FEIR, construction noise impacts would vary depending on proximity to sensitive receptors, the presence of intervening barriers, and the number, types, and duration of construction equipment used. Compliance with the General Plan and TASP policies would ensure that construction noise impacts would be less than significant.

The City's Noise Abatement Ordinance would restrict construction hours to between 7:00 a.m. and 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, TASP Policy 5.15 requires that construction noise be mitigated to the extent feasible to reduce exposure of sensitive receptors.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the TASP FEIR. Implementation of the Noise Ordinance, the City of Milpitas General Plan, and the TASP, as included in the TASP FEIR, would reduce construction noise impacts to a less-than-significant level.

Groundborne Vibration Impacts

Construction activities are known sources of groundborne vibration. Vibration impacts could occur during construction of the proposed project, which would require the use of heavy excavation equipment, and the possible use of pile-driving equipment. To determine potential construction vibration impacts, an impact evaluation is described below.

When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. Vibration levels, different from noise levels, are written as vibration velocity decibels (VdB). However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). Therefore, for purposes of this analysis, project-related impacts are expressed in terms of PPV.

Typical groundborne vibration levels measured at a distance of 25 feet from heavy construction equipment in full operation, such as vibratory rollers, range up to approximately 0.210 PPV. Based on the Federal Transit Administration (FTA) data, large bulldozers generate 0.089 PPV at 25 feet and small bulldozers generate 0.003 PPV at 25 feet. Loaded trucks generate 0.076 PPV at 25 feet, an impact pile driver generates 0.644 PPV at 25 feet, and a sonic pile driver generates 0.170 PPV at 25 feet. Except for the impact driver, these vibration levels would not be expected to cause damage to residential buildings of typical northern California construction.

As stated in the TASP FEIR, the proposed project would develop residential uses and therefore could expose sensitive receptors to unacceptable levels of groundborne vibration, specifically from operation of the VTA light rail line and BART trains along the proposed BART expansion into the TASP Area. The nearest proposed residential uses would be approximately 750 feet from the future BART/VTA light rail line.

The Santa Clara Valley Transit Authority's BART Expansion SEIR indicated that vibration impacts at existing receptors in the Planning Area and within 100 feet of the proposed tracks would be mitigated to a less-than-significant level (less than the 72 VdB significance threshold for frequent events affecting Category 2 land uses) by either using a floating slab track or by using tire derived aggregate under ballasted track.[37] As this mitigation would reduce vibration at the source, future residential uses proposed along the BART alignment would also experience less than significant vibration impacts. In addition, TASP Policies 5.13 and 5.14 would ensure that vibration levels within buildings would be less than the FTA criteria.

Therefore, the proposed project would not result in any new or more significant groundborne vibration impacts than were described in the TASP FEIR. In addition, implementation of TASP policies would reduce potential groundborne vibration impacts on future or existing sensitive receptors to less-than-significant levels.

Land Use Compatibility

The TASP FEIR requires implementation of TASP Policy 5.10 which requires new development in the TASP Area to adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels, which would include implementation of General Plan Policies 6-I-2 through 6-I-16. Policy 6-1-2 requires an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area and require mitigation measures to reduce noise to acceptable levels.

The proposed project would result in an increase in people living close to transit stations which could expose sensitive receptors to higher noise levels from train and future BART activity. The noise environment at the project site is dominated by vehicle traffic noise on Trade Zone Boulevard and rail noise associated with the future BART/VTA light rail and Union Pacific Railroad. Figure 3.7-3 of the TASP FEIR shows the projected noise levels at plan buildout. Based on Figure 3.7-3, the project site is not within the 60 dB noise contours for BART or roadway noise and is within the 60 dB noise contours for the Union Pacific Railroad noise.

Based on the City's noise and land use compatibility standards, as shown in Figure 3.7-2 of the TASP FEIR, this noise level would be considered normally acceptable for multi-family residential land uses, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements. Therefore, the proposed project would meet the City's land use compatibility standards for multi-family residential land uses. The proposed project would be required to install mechanical ventilation under General Plan Policy 6-I-5 so that windows can remain closed, which would ensure the project would comply with interior noise standards. Based on standard exterior to interior noise attenuation rates, with windows closed the interior noise level of 45 dBA DNL would be met. Therefore, the proposed project would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

[37] Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report.* November.

Stationary Noise Source Impacts

The City of Milpitas prohibits disturbing noise that increases the noise exposure level by three dB over the local daytime 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. At night, the City of Milpitas prohibits any disturbing noise that is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or from a distance of 100 feet from any nonstationary noise source. It shall also be prima facie violation 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.

The intent of the Code is to regulate noise produced by noise-generating land uses on noise-sensitive land uses, not to regulate sounds produced by one noise-sensitive residential property upon another noise-sensitive residential property. The project site is currently developed with an office/light-industrial building. Residential land uses typically generate lower noise levels than industrial and commercial land uses. The proposed project is a residential land use and would not be considered as a significant source of noise within the community that could adversely affect other nearby residential land uses. Intermittent audible sounds produced by the proposed residential project would primarily be associated with human voices, vehicles, and mechanical ventilation equipment. Such intermittent sounds would be expected in a residential area and would result in a less-than-significant impact. Therefore, the proposed project would not increase stationary source noise impacts above those analyzed in the TASP FEIR.

Aircraft Noise Source Impacts

According to the City's current and projected noise contours for San José International Airport, the project site is not within an area exposed to aircraft noise levels greater than 60 dB CNEL. Therefore, per TASP FEIR analysis, aircraft noise would have no impact on the project site.

Traffic Noise Impacts

A significant noise impact would occur if traffic generated by the project would substantially increase noise levels at sensitive receptors in the project vicinity. A substantial increase would occur if the DNL exposure at residential land uses increases by more than 3 dB or exceeds 65 dB at the residential property line, whichever is more restrictive.

Impact 3.7-1 of the Milpitas Transit Area Specific Plan identified a less-than-significant traffic noise impact upon existing and future residential land uses assuming the buildout of the Specific Plan project. The proposed project is a small subset of the Specific Plan project; therefore, the proposed project would also result in a less-than-significant impact with regard to traffic noise increases in the community. The project would not result in a doubling of traffic volumes, which would be required for existing noise levels to increase by more than 3 dBA DNL. Further, the relatively low number of project trips would not be expected to produce traffic noise levels exceeding 65 dBA DNL at nearby residential receptors; therefore, the impact is considered less than significant.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

General Plan Policies

- *Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*
- *Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.*
- *Policy 6-I-2: Require an acoustical analysis for projects located within a conditionally acceptable or normally unacceptable exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*
- *Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered clearly unacceptable for the use proposed.*
- *Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the normally acceptable levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*
- *Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*
- *Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.*
- *Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*
- *Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.*

TASP Policies

- *Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels. The particular policies of note are Policies 6-I-1 through 6-I-16.*

- *Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks. These walls will be constructed by residential developers. They may be located within the landscaped buffer along the tracks*

- *Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*

- *Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measure to reduce vibration to acceptable levels.*

- *Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance. Mitigation may include a combination of techniques that reduce noise generated at the source, increase the noise insulation of the receptor or increase the noise attenuation rate as noise travels from the source to the receptor.*

- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*

- *Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.*

- *Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.*

Conclusion

The TASP FEIR adequately evaluated the potential noise impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

14. POPULATION AND HOUSING

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

The proposed land use changes and policy revisions under the TASP (which includes the project site) were initiated in order to develop high-intensity, transit-oriented residential and commercial redevelopment on under-utilized industrial land around existing light rail stations and the future BART station in Milpitas. Promoting such high intensity development around transit stations is a key transportation goal for the Bay Area and would meet regional objectives.

The TASP FEIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP Area. The TASP FEIR assumes that the population growth is concentrated in this area and that the TASP would increase the City's housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.[38]

The proposed project would include the development of the project site with a high-density residential building with up to 40 residential apartment units. The proposed project would directly generate a permanent population increase in the area. The proposed project would not displace a residential population or existing housing, as the existing structure on the project site contains light-industrial uses. Similarly, the proposed project would not result in an expansion of urban services, nor would it open additional undeveloped land for future growth. The proposed project would facilitate the reuse of underutilized land in an existing urban setting that is well served by transit facilities and services. In addition, the population and housing units included in the proposed project would fall within the total development anticipated by the TASP FEIR, as mentioned in Section 10, Land Use and Planning. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts than were analyzed and described in the TASP FEIR.

[38] Milpitas, City of, 2008b, op. cit.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The TASP FEIR adequately evaluated the potential population and housing impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

15. PUBLIC SERVICES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Discussion

Fire and Police Protection

The project applicant would construct the proposed project in conformance with current building codes, which require features to reduce potential fire hazards. The Milpitas Police Department would also review project design to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the TASP FEIR, full buildout of the development approved in the TASP Area, including the proposed project, would incrementally increase the need for fire and police protection services, which would create the need for additional staffing or resources, and a new fire station in the TASP Area. The TASP FEIR states that given that the TASP Area anticipated population of 18,000 new residents, there would be a need for at least one and possibly two new fire companies. Future development of new fire or police facilities in the TASP Area would require supplemental project-specific environmental review.

The TASP presents unique operational issues for the Milpitas Fire Department due to its high density residential and mixed-use structures. The increase in population, business, and vehicular traffic resulting from the buildout of the TASP Area will increase the demand in service levels and has the potential to impact response times, as well as presenting challenges to Fire Department vehicle access and firefighting operations. To maintain current levels of service, an increase in staffing and equipment will be necessary. A "standards-of-cover" analysis should be conducted to determine the precise impact on the Fire Department's staffing, equipment, and any required facility enhancements. In addition, the Milpitas Fire Department would need to write an addendum to the City's emergency management plan to address the development of the TASP Area.

As the TASP FEIR states, the buildout of the TASP Area, including the project site would require an increase in Police Department staffing to maintain current levels of service. The City currently provides a ratio of 0.9 police officers per 1,000 residents. The City estimates that an additional 0.5 police officers would be needed to maintain service levels.

The proposed project would follow policies that would reduce Fire and Police Department impacts due to TASP development to less-than-significant levels. The proposed project would not result in any new or more significant impacts to fire or police protection service beyond those identified in the TASP FEIR.

Schools

The proposed project would develop 40 residential units within the TASP Area, which would directly increase the demand for school facilities. The closest schools to the project site are Northwood Elementary and Morrill Middle School within the Berryessa Union School District and Independence High School within the East Side Union High School District. The TASP FEIR determined that buildout of the TASP, including the project site, would contribute significantly to an exceedance of school district capacity for Milpitas Unified School District and East Side Union High School District, but that Berryessa Union School District has adequate capacity for future students generated as a result of the TASP. As such, the TASP FEIR determined that the impacts of the TASP Area buildout on school facilities would be significant and unavoidable.

Polices in the General Plan and TASP would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joining use agreements for potential shared facilities. The proposed project would conform to the above policies, including TASP Policy 4.76. Impacts to schools are significant and unavoidable and the proposed project would not affect this conclusion as the number of proposed residential units and resulting students is within the amount evaluated in the TASP FEIR. The proposed project would not result in any new or more significant school impacts beyond those identified in the TASP FEIR.

Parks

Given that the TASP Area is transitioning from industrial to residential and that there are no public parks located nearby, new parks would need to be developed in the TASP Area. Since Milpitas is largely built out, no large new parks are likely to be established. Public parks in the TASP Area come

in three forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The City has previously adopted a public park ratio of 2.0 acres per 1,000 residents for the Midtown Specific Plan. The TASP FEIR states that while this ratio already applies to all but 12 percent of the TASP Area, the application of this ratio can be considered to provide an adequate level of parks and open space for its residents. This policy would require approximately 35.8 acres of public park space in the TASP Area.

The TASP FEIR identifies several policies and standards that require parks to be built as designated – thereby ensuring that impacts on parkland and facilities would be less than significant.

The proposed project would conform to the TASP policies. The proposed project would provide a total of 0.44 acres of private common open space for use by project residents. As described in Attachment A, Project Description, a total of approximately 0.30 acres of private common open space for use by project residents would be provided. This would consist of the interior courtyard on the ground level of the proposed building and a walking path and landscaping along the southern portion of the building, including within the existing public utility easement. The interior courtyard would include seating areas and landscaping that would be screened from the parking garage by a dense row of columnar bamboo around each side. A designated walkway would connect the interior courtyard with the walking path and landscaping mentioned above. The remaining 0.14 acres of open space on the project site would consist of landscaped areas generally located in the northern portion of the site. Therefore, the proposed project would not result in any new or more significant impacts to park facilities beyond those identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

General Plan Policies

- *Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.*

- *Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.*

- *Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.*

TASP Policies

- *Policy 3.38: See policy in Section 10, Land Use and Planning.*
- *Policy 3.41: Park land dedication and in-lieu fees required of new development.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half streets if bordering an adjacent development site).*
- *Policy 3.55: Complete a Trail Loop connecting the whole Transit area.*
- *Policy 3.56: Connections shall be created along Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.*
- *Policy 5.3: All streets (private and public) shall be consistent with the street sections in Chapter 5 of the TASP and shall meet any additional Milpitas Fire Department fire apparatus design requirement for access and firefighting operations.*
- *Policy 6.43: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.46: The City and the school districts located in the Specific Plan area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the TASP's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.50: The Fire Department shall conduct a 'standards of cover" analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased and facilities built to provide an adequate level of service – as determined by City Council – for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.*
- *Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development and future traffic levels, into account.*

- *Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service – as determined by City Council – for residents, workers and visitors of the of the Transit Area. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*

Conclusion

The TASP FEIR adequately evaluated the potential public services impacts of the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

16. RECREATION

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New 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?	☐	☐	☐	☒

Discussion

As discussed above in Section 15, Public Services, the proposed project would provide a total of 0.44 acres of private common open space for use by project residents. These spaces would consist of consist of the interior courtyard on the ground level of the proposed building and a walking path and landscaping along the southern portion of the building, including within the existing public utility easement. The interior courtyard would include seating areas and landscaping that would be screened from the parking garage by a dense row of columnar bamboo around each side. A designated walkway would connect the interior courtyard with the walking path and landscaping mentioned above. The remaining 0.14 acres of open space on the project site would consist of landscaped areas generally located in the northern portion of the site. Therefore, the proposed project would not result in any new or more significant impacts to existing neighborhood or regional park facilities beyond those identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.*
- *Policy 3.41 and 3.43: See policies in Section 15, Public Services.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policies 3.55 and 3.56: See policies in Section 15, Public Services.*

Conclusion

The TASP FEIR adequately evaluated the potential recreation impacts of the proposed project. Therefore, potential impacts would be less-than-significant and additional mitigation is not required.

17. TRANSPORTATION/TRAFFIC

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☐	☒
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d. Result in inadequate emergency access?	☐	☐	☐	☒

Discussion

This section compares traffic impacts from the proposed project with impacts identified in the TASP FEIR. A Traffic Operations Report (Traffic Study) was conducted for the proposed project, and is

included in Appendix B.[39] Unless otherwise noted, the analysis in this section is based on the findings of the Traffic Study.

Trip Generation

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: 1) trip generation; 2) trip distribution; and 3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to specific streets and intersections in the study area.

Through empirical research, data has been collected that correlate to common land uses and their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The trip generation estimates for the proposed project are based on rates obtained from the Institute of Transportation Engineers' (ITE) publication Trip Generation, 10th Edition.[40]

As stated previously, the project site is occupied by an office/industrial building that is currently in operation. Trips generated by existing uses on site can be credited against the proposed residential development. Based on AM and PM peak hour driveway counts conducted in May 2019, the existing land uses generate 11 AM peak hour trips and 12 PM peak hour trips. After applying these existing trip credits, the proposed project would generate 9 net AM peak hour trips and 14 net PM peak hour trips, as shown in Table BE.

Table BE: Project Trip Generation Estimates

	Size	Unit [a]	AM Peak Hour				PM Peak Hour			
			Rate	In	Out	Total	Rate	In	Out	Total
Proposed Use										
Multi-Family Housing [b]	40	DU	0.50	5	15	20	0.65	17	9	26
Existing Use										
Office/Light-Industrial [c]	16	ksf	–	9	2	11	–	3	9	12
Overall Net Project Trips				**-4**	**13**	**9**	**–**	**14**	**0**	**14**

Source: Hexagon Transportation Consultants, Inc. (2019).
[a] DU = dwelling units; ksf = 1,000 square feet
[b] Based on Fitted Curved Equations for Multifamily Housing (Low-Rise, Land Use Code 220), ITE, Trip Generation, 10th Edition.
[c] Based on AM and PM peak hour driveway counts conducted on May 2, 2019.

The trip distribution pattern for the proposed project was estimated based on the TASP, of which the proposed development would be a part of. Trips were assigned to the roadway network in

[39] Hexagon Transportation Consultants, Inc., 2019. *Traffic Operations Report for 2001 Tarob Court, Milpitas, CA*. May 28.
[40] Institute of Transportation Engineers, 2017. *Trip Generation Manual, 10th Edition.*

accordance with the TASP trip distribution for residential uses. Existing Plus Project traffic conditions are represented by existing traffic volumes plus project trips on the existing roadway network.

Background condition traffic volumes were estimated based on a list of approved and pending developments obtained from the City of Milpitas and the City of San Jose. Approved and pending project-generated traffic volumes were added to existing traffic volumes to estimate background conditions. Project trips from the site were added to background traffic volumes to estimate background plus project conditions.

Intersection Level of Service Impacts

The Traffic Study includes an analysis of AM and PM peak hour traffic conditions at the following study intersections and site driveway:

1. Lundy Avenue and Trade Zone Boulevard;
2. Lundy Avenue and Tarob Court (unsignalized); and
3. Project Driveway and Tarob Court.

Traffic conditions at the study intersections were evaluated using level of service (LOS). LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The signalized intersection of Lundy Avenue and Trade Zone Boulevard is under the jurisdiction of City of San Jose. The City of San Jose utilizes TRAFFIX software and the Highway Capacity Manual (HCM) 2000 methodology to evaluate intersection operations. The HCM methodology evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. This average delay can then be correlated to a level of service. In San Jose, the minimum acceptable level of service is LOS D, and project impacts at signalized intersections occur when:

1. The level of service at an intersection drops below its LOS standard when project traffic is added; or

2. An intersection that is operating worse than its level of service standard under no project conditions has an increase in critical delay of four or more seconds AND the demand-to-capacity ratio (V/C) is increased by more than 0.01 when project traffic is added.

The exception to this threshold is when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold is when the project increases the V/C value by 0.01 or more.

A significant impact at a signalized intersection is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of service to an acceptable LOS or restore the intersection to operating levels that are better than no project conditions.

The Traffic Study calculated intersection LOS with net new traffic generated by the proposed project. The result of the intersection LOS calculations for Existing Conditions and Existing Plus

Project are shown in Table BF, and the results of the Background No Project, and Background Plus Project conditions are presented in Table BG.

Table BF: Existing Plus Project Intersection Level of Service Summary

Intersection	Control	Peak Hour	Count Date	LOS Standard	Existing		Existing Plus Project			
					Avg Delay[a] (sec/veh)	LOS	Avg Delay[a] (sec/veh)	LOS	Increase in	
									Delay [c]	V/C
1. Lundy Ave and Trade Zone Blvd	Signal	AM	5/2/19	D	30.3	C	32.2	C	3.5	0.045
		PM	5/2/19	D	41.8	D	44.0	D	4.10	0.048
2. Lundy Ave and Tarob Ct	SSSC [b]	AM	5/2/19	N/A	4.8/8.9	A	5.2/8.7	A	N/A	N/A
		PM	5/2/19	N/A	6.2/8.6	A	6.4/8.6	A	N/A	N/A
3. Project Driveway and Tarob Ct	SSSC [b]	AM	5/2/19	N/A	1.2/8.4	A	2.1/8.4	A	N/A	N/A
		PM	5/2/19	N/A	1.3/8.5	A	2.3/8.5	A	N/A	N/A

Source: Hexagon Transportation Consultants, Inc. (2019).

[a] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.

[b] Side Street Stop Controlled intersection. Delays are reported for both the overall average delay/the approach with highest delay.

[c] For the signalized intersection at Lundy Ave and Trade Zone Boulevard, the increase in delay shown here represents increase in critical delay

Table BG: Background Plus Project Intersection Level of Service Summary

Intersection	Control	Peak Hour	Count Date	LOS Standard	Background		Background Plus Project			
					Avg Delay[a] (sec/veh)	LOS	Avg Delay[a] (sec/veh)	LOS	Increase in	
									Delay [c]	V/C
1. Lundy Ave and Trade Zone Blvd	Signal	AM	5/2/19	D	35.4	D	35.6	D	0.0	0.001
		PM	5/2/19	D	44.7	D	44.7	D	0.0	0.000
2. Lundy Ave and Tarob Ct	SSSC [b]	AM	5/2/19	N/A	4.9/8.9	A	5.1/8.9	A	N/A	N/A
		PM	5/2/19	N/A	57/8.8	A	5.9/8.8	A	N/A	N/A
3. Project Driveway and Tarob Ct	SSSC [b]	AM	5/2/19	N/A	0.7/8.6	A	1.3/8.6	A	N/A	N/A
		PM	5/2/19	N/A	0.8/8.7	A	1.4/8.7	A	N/A	N/A

Source: Hexagon Transportation Consultants, Inc. (2019).

[a] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.

[b] Side Street Stop Controlled intersection. Delays are reported for both the overall average delay/the approach with highest delay.

[c] For the signalized intersection at Lundy Ave and Trade Zone Boulevard, the increase in delay shown here represents increase in critical delay

As shown in Tables BE and BG above, the results of the LOS analysis show that the signalized intersection at Trade Zone Boulevard and Lundy Avenue would operate at LOS D or better under existing and background conditions with or without the proposed project. According to the City of San Jose LOS standards, the proposed project would therefore have no impacts on intersection LOS.

The study intersections of Lundy Avenue/Tarob Court and Project Driveway/Tarob Court are unsignalized and under the jurisdiction of City of Milpitas. Unlike signalized intersections, which

typically represent constraint points for the roadway network, unsignalized intersections rarely limit the potential capacity of a roadway. The determination of appropriate improvements to unsignalized intersections typically includes a qualitative and quantitative analysis of movement delay, traffic signal warrants, movement traffic volumes, availability of alternate routes, and intersection safety. For this reason, improvements to unsignalized intersections are frequently determined on the basis of professional judgment. The City of Milpitas does not apply significance thresholds to unsignalized intersections. Both unsignalized study intersections are projected to operate at LOS A under existing and background conditions, with or without the proposed project.

An assessment was conducted to determine whether the traffic volumes at the Lundy Avenue/Tarob Court intersection would warrant the installation of a traffic signal. This assessment was based on the Peak Hour Volume Signal Warrant (Warrant #3) described in the California Manual on Uniform Traffic Control Devices (CA MUTCD). This method makes no evaluation of intersection level of service, but simply provides an indication whether peak hour traffic volumes would be sufficient to justify installation of a traffic signal. The signal warrant analysis sheets are included in the Appendix to the Traffic Study. The analysis showed that the peak hour volume warrant would not be satisfied at the Lundy Avenue/Tarob Court intersection under any study scenarios during the AM and PM peak hours.

Vehicle Queuing

A vehicle queuing analysis was conducted for the eastbound left-turn movement at the Trade Zone Boulevard/Lundy Avenue intersection and the northbound left-turn at the Tarob Court/Lundy Avenue intersection. The queuing analysis was conducted for both background and background plus project conditions. Vehicle queues were estimated using a Poisson probability distribution. The basis of the analysis is as follows: 1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles per signal cycle for a particular movement; 2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and 3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future storage requirements at intersections. The analysis, which is summarized in Table 3 in the Traffic Study, indicates that, with the addition of project traffic, the 95th percentile vehicle queues could be accommodated by the storage provided at the subject locations.

Site Circulation and Access

The project site would be accessed by one driveway on Tarob Court on the west end of the site, about 200 feet west of the intersection at Lundy Place and Tarob Court. The proposed driveway would be located at approximately the same location as the existing driveway on Tarob Court for the existing building at the project site. The width of the driveway entry would be 22 feet, which meets the minimum City standard for driveways. Under project conditions, it is anticipated that this driveway would serve approximately 20 AM peak hour project trips and 26 PM peak hour project trips.

There are existing driveways serving other parcels on Tarob Court adjacent to and opposite of the project frontage. The site driveway does not align with the existing driveway on the opposite side of

Tarob Court, but is offset about 25 feet. There is also another existing driveway beside the site driveway on Tarob Court about 50 feet to the west. The spacing of the site driveway, and its location relative to existing driveways, would be acceptable given the relatively low traffic volumes at the nearby driveways and Tarob Court.

According to the LOS and queuing calculations, the site driveway would operate at LOS A with queues rarely exceeding one or two vehicles during the AM and PM peak hours. The vehicle queues at the site driveway could be accommodated in the storage space provided, and the onsite queues would generally not interfere with traffic operations on Tarob Court and Lundy Avenue.

Pedestrian access to the project site is provided at locations along the frontage on Tarob Court and Lundy Place. Primary pedestrian access is provided via the main entry facing the sidewalks on Tarob Court. Besides the primary access on Tarob Court, there would be walking paths connecting the parking garage with the existing sidewalks on Lundy Place on the east side of the property. New sidewalks with curb extensions would also be installed on the project frontage on Tarob Court, providing a continuous pedestrian pathway to existing sidewalks on Trade Zone Boulevard via Lundy Place. Overall, the network of pedestrian paths and the sidewalk improvements on the project frontages would provide adequate access to the existing sidewalk network in the project vicinity.

In order to accommodate pedestrians, the following would be incorporated into the project via conditions of approval:

- One new ADA-compliant curb ramp should be added at the existing northwest curb return at Tarob Court and Lundy Place (along the project frontage). A striped crosswalk should also be provided when the opposite side of the curb return is upgraded along with the redevelopment of the parcel at 1996 Tarob Court.

The sight distance at the project driveway on Tarob Court was checked and determined to be adequate. Because the project would install a curb extension, which includes adding sidewalks on the Tarob Court frontage, the site driveway would be shifted closer to the centerline of Tarob Court, thereby further improving the sight distance for vehicles exiting the site driveway. As part of the project improvements, the radius of the existing curb return along the project frontage at the Lundy Place/Tarob Court intersection would be reduced. This improvement would help reduce vehicle speeds on Tarob Court, and therefore, improve the sight distance required for vehicles entering and exiting the driveways.

Circulation on-site would consist of an open parking lot and a parking garage on the ground level. Onsite parking areas would be accessed by one site driveway on Tarob Court. Both the open parking lot and parking garage follow a standard 90-degree parking layout. The main parking aisle and the two east-west feeder parking aisles inside the garage would be 26 and 24 feet wide, respectively, which meets the City's standard for 90-degree parking. However, the north-south parking aisle connecting the two east-west parking aisle is not dimensioned. The dimensions of the regular and compact parking spaces are 9 feet by 18 feet and 8 feet by 15 feet, respectively. Both parking space dimensions meet the minimum City standards. However, the widths of the parking garage entrances are not dimensioned.

Upon entering the garage, vehicles would follow the main drive aisle through the open parking lot and arrive at a roundabout at the southern end of the aisle. The two feeder drive aisles, which are connected at right angles to the main drive aisle, would provide access to the parking garage east of the main drive aisle. The ends of the two feeder drive aisles are connected by another drive aisle, forming a U-shape circulation pattern which makes a complete loop around of the parking garage. The layout shows no dead-end aisles.

The last two parking spaces (numbered 67 and 68) in the open parking lot located off the main drive aisle are approximately 20 feet south of the sidewalk on Tarob Court, and approximately 30 feet south of the beginning of the site driveway. Vehicles parked in these spaces would have to back out directly into the main site access aisle, potentially into the line of incoming traffic on the aisle just turning into the site driveway. However, given the low traffic volumes at the site driveway and on Tarob Court, the design would be acceptable.

The site plan shows one elevator at the front lobby that would provide residents access to the parking garage. The sidewalk on Tarob Court would be accessed directly from the front lobby while the sidewalk on Lundy Avenue would be accessed from pedestrian pathways connecting with the parking garage.

A trash collection room would be located adjacent to the roundabout at the southern entrance of the parking garage. The roundabout would have an 80-foot outside diameter and a 26-foot wide lane that would allow turnaround maneuvers of garbage trucks as noted on the site plan. Therefore, garbage trucks would perform their operations onsite within the development.

Given the above, the proposed project would not result in any new or more significant impacts beyond those identified in the TASP FEIR.

Pedestrian, Bicycle, and Transit Facilities

According to the Valley Transit Authority (who administers the Santa Clara County Congestion Management Plan) Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: 1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; 2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan, or the plans of other agencies such as the Countywide Bicycle Plan or adjacent Cities' bicycle/pedestrian plans; or 3) it would cause a change to existing bike paths such as alignment, width of the trail right of way, or length of the trail.

The project site is located within the TASP. The TASP facilitates the redevelopment of the southern portion of the City that transforms a low-density industrial area to an urban residential and mixed-use district with an emphasis on walkability and bicycling. The plan includes a new street system that promotes walking and biking as the dominant modes for short internal trips, especially with the future Milpitas BART station and VTA light rail system within close proximity to the project site. As part of the Milpitas TASP, a future street connection and pedestrian bridge across Capitol Avenue are planned to connect Tarob Court to Milpitas Boulevard and the new BART station. A proposed

Class III bike route is also planned on Tarob Court to serve this new bicycle access route to the transit center.

As part of project improvements, curb extensions with new sidewalks would be installed along the Tarob Court and Lundy Place project frontages. In addition, the two existing driveways at the project site would be reduced into one new site driveway on Tarob Court, which would reduce the number of potential vehicle-pedestrian conflict points.

The proposed project would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. Overall, the volume of pedestrian trips generated by the project is expected to be relatively low and not exceed the carrying capacity of the sidewalks and crosswalks nearby. U.S. Census data indicate that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to approximately one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities.

The addition of the project would not remove any existing bike/pedestrian facilities, nor would it preclude any future planned improvements. Because most intersections around the project site are signalized and have very few bike/pedestrian activities, the addition of project traffic would have a negligible effect on walking and biking in the project vicinity. Therefore, the proposed project would not create an adverse impact to bike/pedestrian circulation in the area.

According to the VTA TIA Technical Guidelines, a project would create an impact on transit if: 1) it would generate a demand for additional transit services; or 2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users, e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit.

According to the TASP, transit trips would comprise approximately 9 percent of all peak hour trips. For the proposed project, assuming 9 percent of total commute trips would be transit trips, this would generate approximately one new transit trip during the AM peak hour and two new transit trips during the PM peak hour. In addition to commute trips, there would be additional transit trips to nearby schools, parks, and shopping areas. The volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site.

The addition of the project would not remove any existing transit facilities, nor would it preclude any future planned improvements. As shown in the LOS calculations, the addition of project traffic would have a negligible effect on bus delays the project vicinity. Therefore, based on the VTA Technical Guidelines, the proposed project would not create an adverse impact to transit operations in the area and no improvements to existing transit service frequencies would be necessary in conjunction with the proposed project. Therefore, the proposed project would not result in any new or more significant impacts beyond those identified in the TASP FEIR.

CEQA Guidelines §15064.3

Effective December 28, 2018, the CEQA Guidelines were updated and require the evaluation of vehicle miles transportation (VMT) as the criteria for analyzing transportation impacts for land use projects. As noted in CEQA Guidelines Section 15064.3(c), the provisions of CEQA Guidelines Section 15064.3 shall apply prospectively as described in CEQA Guidelines Section 15007. A lead agency may elect to be governed by the provisions of CEQA Guidelines Section 15064.3 immediately; however, beginning on July 1, 2020, the provisions of this section shall apply Statewide. The City of Milpitas, as lead agency, has not yet elected to be governed by the provisions of CEQA Guidelines Section 15064.3. Therefore, the proposed project would neither conflict nor be inconsistent with CEQA Guidelines Section 15064.3, and there would be no new impact.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate future regional roadway improvements. Final dimensions of right-of-way acquisition are not yet known. The detailed street sections in Chapter 5 [of the Specific Plan] include notes about right-of-way acquisition, to the extent that information is currently available.*

- *Policy 3.15: Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5 [of the Specific Plan].*

- *Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.*

- *Policy 3.17: New streets shall be located as generally shown on the Street System Map, Figure 3-2.*

- *Policy 3.18: New development must dedicate land for new public streets and pay for their construction.*

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.*

- *Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*

- *Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the Specific Plan]. Gaps exist on Capitol Avenue between Montague Expressway and Trimble Road, and on Trade Zone Boulevard between Montague Expressway and Lundy Place. Capitol Avenue only needs to be re-striped to add a bike lane. Trade Zone Boulevard generally contains sufficient width to accommodate two travel lanes and bike lanes in each direction; however, the westbound lanes on Trade Zone jog south slightly, so right-of-way acquisition will likely be required to push the curb further north to maintain a consistent section and to add bike lanes. Bike routes should be upgraded to bike lanes as part of any Montague widening project.*

- *Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street, as indicated on Figure 3-5 [of the Specific Plan].*

- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*

- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements.*

- *Policy 6.33: The City shall establish and assess a transportation impact fee program to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*

- *Policy 6.34: The new traffic impact fee program should include fair-share payments toward the following improvement: At the West Calaveras Boulevard/I-880 northbound ramps, convert the northbound center left turn lane to a shared left-turn/right-turn lane. The City of Milpitas will coordinate with Caltrans to implement this improvement.*

- *Policy 6.35: The new traffic impact fee program should include fair-share payments toward the following improvement: At the intersection of Tasman Drive/McCarthy Boulevard, the southbound (McCarthy Boulevard) shared through/right-turn lane will be converted to an exclusive right-turn lane with overlap signal phasing. The southbound right-turn will have a green arrow and enter the intersection at the same time as the eastbound left-turn movement. Eastbound left-turns will be prohibited. The City of Milpitas will implement this improvement.*

- *Policy 6.36: The new traffic impact fee program should include fair-share payments toward the following improvement: Coordinate the traffic signals at the Tasman Drive / I-880 southbound ramps and the Great Mall Parkway/I-880 northbound ramps with one another as well as adjacent intersections, particularly Tasman Drive/Alder Drive, in order to improve operations in the Great Mall Parkway/Tasman Drive corridor north of the Transit Area. The City of Milpitas will coordinate with Caltrans to implement this improvement.*

Conclusion

The TASP FEIR adequately evaluated the transportation impacts of the proposed project. The proposed project would be required to comply with TASP policies related to transportation including traffic impact fees and City of Milpitas 2008 CFD (TASP Area) tax rates. Therefore, the proposed project would not create any new impacts related to transportation and additional mitigation is not required.

18. TRIBAL CULTURAL RESOURCES

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion

The only site within the TASP Area that the TASP FEIR identified as potentially eligible for the California Register of Historic Resources is the Great Mall, which is not located within the project site. General Plan Policy 4.f-G-1 would reduce any potential impact to historical and cultural resources to a less-than-significant level. As previously discussed in Section 5, Cultural Resources of this checklist, the TASP FEIR determined that impacts to cultural and historic resources would be reduced to less-than-significant levels with implementation of Policy 5.34 to reduce potential impacts to previously unidentified archeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This finding applies to tribal cultural resources. Therefore, the proposed project would not result in any new or more severe impacts to tribal cultural resources than were identified in the TASP FEIR.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

General Plan Policies

- *Policy 4.f-G-1: Preserve existing historical and cultural resources, especially those site where an Historical Park may prove feasible.*

Conclusion

The TASP FEIR adequately evaluated the potential tribal cultural resources impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

19. UTILITIES AND SERVICE SYSTEMS

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Wastewater Treatment Requirements

As the TASP FEIR describes, the City's Main Pump Station has a wet weather capacity between 42 and 45 million gallons per day (mgd) and the City does not expect buildout of the TASP, including the project site, to cause the City's overall wet weather flow to exceed this capacity (TASP Impact 3.11-3).[41] The City plans to make improvements to the Main Sewage Pump Station, not as a result of the buildout of the TASP, but as a result of overdue maintenance and seismic deficiencies. The TASP

[41] Milpitas, City of, 2008b, op. cit.

FEIR determined that the buildout of the TASP would result in an increase in wastewater flow and several new improvement projects to sewer pipelines would be required.

The TASP FEIR also determined buildout of the TASP would create sewer flows that when combined with other cumulative growth and development within the City would exceed the City's contracted capacity at the Water Pollution Control Plant. However, because the proposed project is within the level of development evaluated in the TASP FEIR, it would not result in any new or more severe impacts related to wastewater capacity and infrastructure than those previously analyzed.

Stormwater Drainage Facilities

The TASP would require the development of new storm drainage infrastructure as outlined in the 2001 Storm Drain Master Plan.[42] The majority of existing utilities within the boundary of the project site, aside from those within the public utility easement, would be removed. The proposed project would include the installation of new storm drain lines on the project site and would connect to the existing 12-inch municipal storm drain located at the northwest corner of the project site. The potential impacts associated with storm drainage facilities from the proposed project would not be greater or more severe than those identified in the TASP FEIR.

Water Supply

The TASP FEIR determined that the buildout of the TASP, including the project site, would increase water demand at buildout by 1.1 mgd. The buildout of the TASP would exceed capacity of the existing turnout delivering water from the SCVWD system during the peak hour demand period. This increase in demand would require improvements to the existing water infrastructure both within the TASP Area and affected pressure zones.

TASP Policy 6.22 would ensure that less-than-significant impacts associated with water supply would occur. The TASP FEIR concluded that this water demand will be adequately served by water supplies from current sources in addition to offsets by the supplies available from the SCVWD, the ability to run emergency wells, and an increased use of recycled water. The TASP provides policies which require the use of recycled water.

The proposed project would conform to TASP policies that would reduce the impact to a less-than-significant level and would not result in greater growth on the project site than anticipated by the TASP FEIR. Impacts of the proposed project would not result in any greater impacts than those identified by the TASP FEIR.

Solid Waste

Buildout of the TASP Area would result in an increase in the amount of solid waste due mainly to the increase in residential uses. The TASP FEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving the TASP Area, including the project site, for at least 30 more years. The proposed project would conform to TASP policies and would not result in any new or more severe impacts beyond those identified in the TASP FEIR.

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[42] Milpitas, City of, 2001. *Storm Drain Master Plan*. July.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Applicable Policies

TASP Policies

- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.13: Provide water supply for the Specific Plan area from the Santa Clara Valley Water District.*
- *Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.*
- *Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*
- *Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas. The City shall also require, where reasonable and feasible, that commercial uses, schools and non-residential mixed use developments be provided with dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible.*
- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*

Conclusion

The TASP FEIR adequately evaluated the potential utilities impacts for the proposed project. Therefore, potential impacts would be less than significant and additional mitigation is not required.

20. WILDFIRE

	New Potentially Significant Impact	New Mitigation Required	Reduced Impact	No New 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?	☐	☐	☐	☒

Discussion

Since certification of the TASP FEIR, Appendix G of the CEQA Guidelines has been revised to include a separate section for Wildfire. Effective December 28, 2018, CEQA requires the evaluation of wildfire hazards, among other changes. Because the TASP FEIR was certified prior to December 28, 2018, a separate evaluation of wildfire impacts was not included.

However, the Hazards and Hazardous Materials section of the TASP FEIR did determine that there were no Very High Fire Hazard Severity Zones within the TASP Area. In addition, the project site is not located in or near any State responsibility areas. Therefore, the proposed project would not result in any new impacts related to wildfire hazards.

Applicable Mitigation

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

Conclusion

The TASP FEIR adequately evaluated the potential impacts related to hazards (and by extension, wildfire) of the proposed project and no new impacts would result.

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APPENDIX A

CALEEMOD OUTPUT SHEETS

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2001 Tarob Court

Bay Area AQMD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Mid Rise	40.00	Dwelling Unit	0.77	40,000.00	114
Unenclosed Parking with Elevator	60.00	Space	0.00	24,000.00	0
Parking Lot	14.00	Space	0.10	5,600.00	0
City Park	0.44	Acre	0.44	19,166.40	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	64
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	328.8	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity based on 5-year average, PG&E, 2015

Land Use - The project would include 40 residential units, a parking garage with 60 spaces, an additional 14 onstreet parking spaces, and 0.44 acres of open space/landscaped areas.

Construction Phase - Construction of the proposed project is anticipated to occur over approximately 16 months, starting in April 2020 and ending in August 2021.

Grading - approximately 1,410 cubic yards of soils would be excavated and exported

Demolition - The project would demolish the existing 16,463-square-foot office/light-industrial building

Vehicle Trips - Based on ITE Trip Generation Rates for land use code 220 and 9% transit trip rediction per VTA's Transportation Impact Analysis Guidelines

Water Mitigation -

Energy Mitigation -

Mobile Land Use Mitigation -

Area Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	200.00	250.00
tblConstructionPhase	NumDays	4.00	20.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	PhaseEndDate	3/15/2021	8/6/2021
tblConstructionPhase	PhaseEndDate	2/15/2021	6/11/2021
tblConstructionPhase	PhaseEndDate	5/11/2020	6/26/2020
tblConstructionPhase	PhaseEndDate	3/1/2021	7/9/2021
tblConstructionPhase	PhaseEndDate	5/5/2020	5/29/2020
tblConstructionPhase	PhaseStartDate	3/2/2021	7/12/2021
tblConstructionPhase	PhaseStartDate	5/12/2020	6/29/2020
tblConstructionPhase	PhaseStartDate	5/6/2020	6/1/2020
tblConstructionPhase	PhaseStartDate	2/16/2021	6/14/2021

tblGrading	AcresOfGrading	7.50	1.22
tblGrading	AcresOfGrading	10.00	1.22
tblGrading	MaterialExported	0.00	1,410.00
tblLandUse	LotAcreage	1.05	0.77
tblLandUse	LotAcreage	0.54	0.00
tblLandUse	LotAcreage	0.13	0.10
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	6.39	6.05
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	SU_TR	5.86	6.05
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	WD_TR	6.65	6.05
tblVehicleTrips	WD_TR	1.89	0.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2020	0.2031	1.6725	1.2903	2.6200e-003	0.1430	0.0807	0.2236	0.0648	0.0768	0.1416	0.0000	225.6204	225.6204	0.0391	0.0000	226.5973
2021	0.4146	0.9628	0.9420	1.8600e-003	0.0288	0.0451	0.0739	7.7800e-003	0.0434	0.0512	0.0000	158.1868	158.1868	0.0241	0.0000	158.7881
Maximum	**0.4146**	**1.6725**	**1.2903**	**2.6200e-003**	**0.1430**	**0.0807**	**0.2236**	**0.0648**	**0.0768**	**0.1416**	**0.0000**	**225.6204**	**225.6204**	**0.0391**	**0.0000**	**226.5973**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2020	0.2031	1.6725	1.2903	2.6200e-003	0.1430	0.0807	0.2236	0.0648	0.0768	0.1416	0.0000	225.6202	225.6202	0.0391	0.0000	226.5971
2021	0.4146	0.9628	0.9420	1.8600e-003	0.0288	0.0451	0.0739	7.7800e-003	0.0434	0.0512	0.0000	158.1867	158.1867	0.0241	0.0000	158.7880
Maximum	**0.4146**	**1.6725**	**1.2903**	**2.6200e-003**	**0.1430**	**0.0807**	**0.2236**	**0.0648**	**0.0768**	**0.1416**	**0.0000**	**225.6202**	**225.6202**	**0.0391**	**0.0000**	**226.5971**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**4-6-2020**	**7-5-2020**	0.6488	0.6488
2	**7-6-2020**	**10-5-2020**	0.6081	0.6081
3	**10-6-2020**	**1-5-2021**	0.6070	0.6070
4	**1-6-2021**	**4-5-2021**	0.5470	0.5470
5	**4-6-2021**	**7-5-2021**	0.4737	0.4737
6	**7-6-2021**	**9-30-2021**	0.2962	0.2962
		Highest	0.6488	0.6488

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.2885	5.5700e-003	0.4254	2.7000e-004		0.0198	0.0198		0.0198	0.0198	1.8236	1.2355	3.0591	3.4000e-003	1.2000e-004	3.1799
Energy	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	50.3060	50.3060	3.1600e-003	9.2000e-004	50.6591
Mobile	0.0646	0.3124	0.7294	2.4800e-003	0.2080	2.3100e-003	0.2103	0.0558	2.1600e-003	0.0580	0.0000	227.1256	227.1256	8.6500e-003	0.0000	227.3418
Waste						0.0000	0.0000		0.0000	0.0000	3.7432	0.0000	3.7432	0.2212	0.0000	9.2735
Water						0.0000	0.0000		0.0000	0.0000	0.8268	3.2345	4.0613	0.0852	2.0600e-003	6.8066
Total	**0.3550**	**0.3339**	**1.1616**	**2.8500e-003**	**0.2080**	**0.0234**	**0.2314**	**0.0558**	**0.0233**	**0.0791**	**6.3936**	**281.9016**	**288.2951**	**0.3216**	**3.1000e-003**	**297.2609**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1962	3.4400e-003	0.2983	2.0000e-005		1.6400e-003	1.6400e-003		1.6400e-003	1.6400e-003	0.0000	0.4865	0.4865	4.7000e-004	0.0000	0.4983
Energy	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	50.2800	50.2800	3.1600e-003	9.2000e-004	50.6329
Mobile	0.0514	0.2139	0.4253	1.1500e-003	0.0881	1.1400e-003	0.0892	0.0236	1.0600e-003	0.0247	0.0000	105.6893	105.6893	5.1700e-003	0.0000	105.8186
Waste						0.0000	0.0000		0.0000	0.0000	3.7432	0.0000	3.7432	0.2212	0.0000	9.2735
Water						0.0000	0.0000		0.0000	0.0000	0.6615	2.7023	3.3638	0.0682	1.6500e-003	5.5609
Total	**0.2495**	**0.2333**	**0.7304**	**1.2700e-003**	**0.0881**	**4.0700e-003**	**0.0922**	**0.0236**	**3.9900e-003**	**0.0276**	**4.4046**	**159.1581**	**163.5627**	**0.2982**	**2.5700e-003**	**171.7843**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**29.72**	**30.13**	**37.12**	**55.44**	**57.66**	**82.61**	**60.18**	**57.66**	**82.85**	**65.06**	**31.11**	**43.54**	**43.27**	**7.29**	**17.10**	**42.21**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/6/2020	5/1/2020	5	20	
2	Site Preparation	Site Preparation	5/2/2020	5/29/2020	5	20	
3	Grading	Grading	6/1/2020	6/26/2020	5	20	
4	Building Construction	Building Construction	6/29/2020	6/11/2021	5	250	
5	Paving	Paving	6/14/2021	7/9/2021	5	20	
6	Architectural Coating	Architectural Coating	7/12/2021	8/6/2021	5	20	

Acres of Grading (Site Preparation Phase): 1.22

Acres of Grading (Grading Phase): 1.22

Acres of Paving: 0.1

Residential Indoor: 81,000; Residential Outdoor: 27,000; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 1,776 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Cranes	1	6.00	231	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	6.00	130	0.42
Paving	Rollers	1	7.00	80	0.38
Demolition	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Rubber Tired Dozers	1	6.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	187	0.41
Paving	Paving Equipment	1	8.00	132	0.36
Site Preparation	Rubber Tired Dozers	1	7.00	247	0.40
Building Construction	Welders	3	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	75.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	176.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	49.00	12.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					8.1000e-003	0.0000	8.1000e-003	1.2300e-003	0.0000	1.2300e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0213	0.2095	0.1466	2.4000e-004		0.0115	0.0115		0.0108	0.0108	0.0000	21.0677	21.0677	5.4200e-003	0.0000	21.2031
Total	**0.0213**	**0.2095**	**0.1466**	**2.4000e-004**	**8.1000e-003**	**0.0115**	**0.0196**	**1.2300e-003**	**0.0108**	**0.0120**	**0.0000**	**21.0677**	**21.0677**	**5.4200e-003**	**0.0000**	**21.2031**

3.2 Demolition - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.1000e-004	0.0110	2.2000e-003	3.0000e-005	6.3000e-004	4.0000e-005	6.7000e-004	1.7000e-004	3.0000e-005	2.1000e-004	0.0000	2.8739	2.8739	1.5000e-004	0.0000	2.8776
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.3000e-004	3.1000e-004	3.1900e-003	1.0000e-005	1.0300e-003	1.0000e-005	1.0300e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.9000	0.9000	2.0000e-005	0.0000	0.9005
Total	**7.4000e-004**	**0.0113**	**5.3900e-003**	**4.0000e-005**	**1.6600e-003**	**5.0000e-005**	**1.7000e-003**	**4.4000e-004**	**4.0000e-005**	**4.9000e-004**	**0.0000**	**3.7739**	**3.7739**	**1.7000e-004**	**0.0000**	**3.7781**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					8.1000e-003	0.0000	8.1000e-003	1.2300e-003	0.0000	1.2300e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0213	0.2095	0.1466	2.4000e-004		0.0115	0.0115		0.0108	0.0108	0.0000	21.0676	21.0676	5.4200e-003	0.0000	21.2030
Total	**0.0213**	**0.2095**	**0.1466**	**2.4000e-004**	**8.1000e-003**	**0.0115**	**0.0196**	**1.2300e-003**	**0.0108**	**0.0120**	**0.0000**	**21.0676**	**21.0676**	**5.4200e-003**	**0.0000**	**21.2030**

3.2 Demolition - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.1000e-004	0.0110	2.2000e-003	3.0000e-005	6.3000e-004	4.0000e-005	6.7000e-004	1.7000e-004	3.0000e-005	2.1000e-004	0.0000	2.8739	2.8739	1.5000e-004	0.0000	2.8776
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.3000e-004	3.1000e-004	3.1900e-003	1.0000e-005	1.0300e-003	1.0000e-005	1.0300e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.9000	0.9000	2.0000e-005	0.0000	0.9005
Total	**7.4000e-004**	**0.0113**	**5.3900e-003**	**4.0000e-005**	**1.6600e-003**	**5.0000e-005**	**1.7000e-003**	**4.4000e-004**	**4.0000e-005**	**4.9000e-004**	**0.0000**	**3.7739**	**3.7739**	**1.7000e-004**	**0.0000**	**3.7781**

3.3 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0533	0.0000	0.0533	0.0290	0.0000	0.0290	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0163	0.1835	0.0771	1.7000e-004		8.2100e-003	8.2100e-003		7.5500e-003	7.5500e-003	0.0000	15.1265	15.1265	4.8900e-003	0.0000	15.2488
Total	**0.0163**	**0.1835**	**0.0771**	**1.7000e-004**	**0.0533**	**8.2100e-003**	**0.0616**	**0.0290**	**7.5500e-003**	**0.0366**	**0.0000**	**15.1265**	**15.1265**	**4.8900e-003**	**0.0000**	**15.2488**

3.3 Site Preparation - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.7000e-004	1.9000e-004	1.9600e-003	1.0000e-005	6.3000e-004	0.0000	6.4000e-004	1.7000e-004	0.0000	1.7000e-004	0.0000	0.5538	0.5538	1.0000e-005	0.0000	0.5542
Total	**2.7000e-004**	**1.9000e-004**	**1.9600e-003**	**1.0000e-005**	**6.3000e-004**	**0.0000**	**6.4000e-004**	**1.7000e-004**	**0.0000**	**1.7000e-004**	**0.0000**	**0.5538**	**0.5538**	**1.0000e-005**	**0.0000**	**0.5542**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0533	0.0000	0.0533	0.0290	0.0000	0.0290	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0163	0.1835	0.0771	1.7000e-004		8.2100e-003	8.2100e-003		7.5500e-003	7.5500e-003	0.0000	15.1265	15.1265	4.8900e-003	0.0000	15.2488
Total	**0.0163**	**0.1835**	**0.0771**	**1.7000e-004**	**0.0533**	**8.2100e-003**	**0.0616**	**0.0290**	**7.5500e-003**	**0.0366**	**0.0000**	**15.1265**	**15.1265**	**4.8900e-003**	**0.0000**	**15.2488**

3.3 Site Preparation - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.7000e-004	1.9000e-004	1.9600e-003	1.0000e-005	6.3000e-004	0.0000	6.4000e-004	1.7000e-004	0.0000	1.7000e-004	0.0000	0.5538	0.5538	1.0000e-005	0.0000	0.5542
Total	**2.7000e-004**	**1.9000e-004**	**1.9600e-003**	**1.0000e-005**	**6.3000e-004**	**0.0000**	**6.4000e-004**	**1.7000e-004**	**0.0000**	**1.7000e-004**	**0.0000**	**0.5538**	**0.5538**	**1.0000e-005**	**0.0000**	**0.5542**

3.4 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0459	0.0000	0.0459	0.0249	0.0000	0.0249	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0135	0.1509	0.0645	1.4000e-004		6.8400e-003	6.8400e-003		6.3000e-003	6.3000e-003	0.0000	12.3896	12.3896	4.0100e-003	0.0000	12.4898
Total	**0.0135**	**0.1509**	**0.0645**	**1.4000e-004**	**0.0459**	**6.8400e-003**	**0.0527**	**0.0249**	**6.3000e-003**	**0.0312**	**0.0000**	**12.3896**	**12.3896**	**4.0100e-003**	**0.0000**	**12.4898**

3.4 Grading - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	7.3000e-004	0.0257	5.1700e-003	7.0000e-005	1.4900e-003	8.0000e-005	1.5700e-003	4.1000e-004	8.0000e-005	4.9000e-004	0.0000	6.7441	6.7441	3.5000e-004	0.0000	6.7528
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.7000e-004	1.9000e-004	1.9600e-003	1.0000e-005	6.3000e-004	0.0000	6.4000e-004	1.7000e-004	0.0000	1.7000e-004	0.0000	0.5538	0.5538	1.0000e-005	0.0000	0.5542
Total	**1.0000e-003**	**0.0259**	**7.1300e-003**	**8.0000e-005**	**2.1200e-003**	**8.0000e-005**	**2.2100e-003**	**5.8000e-004**	**8.0000e-005**	**6.6000e-004**	**0.0000**	**7.2979**	**7.2979**	**3.6000e-004**	**0.0000**	**7.3069**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0459	0.0000	0.0459	0.0249	0.0000	0.0249	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0135	0.1509	0.0645	1.4000e-004		6.8400e-003	6.8400e-003		6.3000e-003	6.3000e-003	0.0000	12.3896	12.3896	4.0100e-003	0.0000	12.4898
Total	**0.0135**	**0.1509**	**0.0645**	**1.4000e-004**	**0.0459**	**6.8400e-003**	**0.0527**	**0.0249**	**6.3000e-003**	**0.0312**	**0.0000**	**12.3896**	**12.3896**	**4.0100e-003**	**0.0000**	**12.4898**

3.4 Grading - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	7.3000e-004	0.0257	5.1700e-003	7.0000e-005	1.4900e-003	8.0000e-005	1.5700e-003	4.1000e-004	8.0000e-005	4.9000e-004	0.0000	6.7441	6.7441	3.5000e-004	0.0000	6.7528
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.7000e-004	1.9000e-004	1.9600e-003	1.0000e-005	6.3000e-004	0.0000	6.4000e-004	1.7000e-004	0.0000	1.7000e-004	0.0000	0.5538	0.5538	1.0000e-005	0.0000	0.5542
Total	**1.0000e-003**	**0.0259**	**7.1300e-003**	**8.0000e-005**	**2.1200e-003**	**8.0000e-005**	**2.2100e-003**	**5.8000e-004**	**8.0000e-005**	**6.6000e-004**	**0.0000**	**7.2979**	**7.2979**	**3.6000e-004**	**0.0000**	**7.3069**

3.5 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1360	0.9908	0.8836	1.4800e-003		0.0533	0.0533		0.0515	0.0515	0.0000	121.6332	121.6332	0.0226	0.0000	122.1977
Total	**0.1360**	**0.9908**	**0.8836**	**1.4800e-003**		**0.0533**	**0.0533**		**0.0515**	**0.0515**	**0.0000**	**121.6332**	**121.6332**	**0.0226**	**0.0000**	**122.1977**

3.5 Building Construction - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1100e-003	0.0928	0.0233	2.2000e-004	5.2700e-003	4.5000e-004	5.7200e-003	1.5200e-003	4.3000e-004	1.9600e-003	0.0000	21.0503	21.0503	1.0900e-003	0.0000	21.0774
Worker	0.0109	7.7900e-003	0.0806	2.5000e-004	0.0259	1.7000e-004	0.0261	6.9000e-003	1.6000e-004	7.0600e-003	0.0000	22.7276	22.7276	5.5000e-004	0.0000	22.7413
Total	**0.0140**	**0.1006**	**0.1040**	**4.7000e-004**	**0.0312**	**6.2000e-004**	**0.0318**	**8.4200e-003**	**5.9000e-004**	**9.0200e-003**	**0.0000**	**43.7779**	**43.7779**	**1.6400e-003**	**0.0000**	**43.8188**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1360	0.9908	0.8836	1.4800e-003		0.0533	0.0533		0.0515	0.0515	0.0000	121.6331	121.6331	0.0226	0.0000	122.1976
Total	**0.1360**	**0.9908**	**0.8836**	**1.4800e-003**		**0.0533**	**0.0533**		**0.0515**	**0.0515**	**0.0000**	**121.6331**	**121.6331**	**0.0226**	**0.0000**	**122.1976**

3.5 Building Construction - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1100e-003	0.0928	0.0233	2.2000e-004	5.2700e-003	4.5000e-004	5.7200e-003	1.5200e-003	4.3000e-004	1.9600e-003	0.0000	21.0503	21.0503	1.0900e-003	0.0000	21.0774
Worker	0.0109	7.7900e-003	0.0806	2.5000e-004	0.0259	1.7000e-004	0.0261	6.9000e-003	1.6000e-004	7.0600e-003	0.0000	22.7276	22.7276	5.5000e-004	0.0000	22.7413
Total	**0.0140**	**0.1006**	**0.1040**	**4.7000e-004**	**0.0312**	**6.2000e-004**	**0.0318**	**8.4200e-003**	**5.9000e-004**	**9.0200e-003**	**0.0000**	**43.7779**	**43.7779**	**1.6400e-003**	**0.0000**	**43.8188**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1051	0.7909	0.7482	1.2800e-003		0.0397	0.0397		0.0383	0.0383	0.0000	105.2976	105.2976	0.0188	0.0000	105.7676
Total	**0.1051**	**0.7909**	**0.7482**	**1.2800e-003**		**0.0397**	**0.0397**		**0.0383**	**0.0383**	**0.0000**	**105.2976**	**105.2976**	**0.0188**	**0.0000**	**105.7676**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.2100e-003	0.0727	0.0182	1.9000e-004	4.5600e-003	1.6000e-004	4.7200e-003	1.3200e-003	1.5000e-004	1.4700e-003	0.0000	18.0503	18.0503	8.9000e-004	0.0000	18.0725
Worker	8.7200e-003	6.0200e-003	0.0637	2.1000e-004	0.0225	1.5000e-004	0.0226	5.9700e-003	1.4000e-004	6.1100e-003	0.0000	18.9843	18.9843	4.3000e-004	0.0000	18.9949
Total	**0.0109**	**0.0787**	**0.0819**	**4.0000e-004**	**0.0270**	**3.1000e-004**	**0.0273**	**7.2900e-003**	**2.9000e-004**	**7.5800e-003**	**0.0000**	**37.0346**	**37.0346**	**1.3200e-003**	**0.0000**	**37.0674**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1051	0.7909	0.7482	1.2800e-003		0.0397	0.0397		0.0383	0.0383	0.0000	105.2975	105.2975	0.0188	0.0000	105.7675
Total	**0.1051**	**0.7909**	**0.7482**	**1.2800e-003**		**0.0397**	**0.0397**		**0.0383**	**0.0383**	**0.0000**	**105.2975**	**105.2975**	**0.0188**	**0.0000**	**105.7675**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.2100e-003	0.0727	0.0182	1.9000e-004	4.5600e-003	1.6000e-004	4.7200e-003	1.3200e-003	1.5000e-004	1.4700e-003	0.0000	18.0503	18.0503	8.9000e-004	0.0000	18.0725
Worker	8.7200e-003	6.0200e-003	0.0637	2.1000e-004	0.0225	1.5000e-004	0.0226	5.9700e-003	1.4000e-004	6.1100e-003	0.0000	18.9843	18.9843	4.3000e-004	0.0000	18.9949
Total	**0.0109**	**0.0787**	**0.0819**	**4.0000e-004**	**0.0270**	**3.1000e-004**	**0.0273**	**7.2900e-003**	**2.9000e-004**	**7.5800e-003**	**0.0000**	**37.0346**	**37.0346**	**1.3200e-003**	**0.0000**	**37.0674**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.7400e-003	0.0774	0.0886	1.4000e-004		4.1500e-003	4.1500e-003		3.8300e-003	3.8300e-003	0.0000	11.7650	11.7650	3.7300e-003	0.0000	11.8582
Paving	1.3000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**7.8700e-003**	**0.0774**	**0.0886**	**1.4000e-004**		**4.1500e-003**	**4.1500e-003**		**3.8300e-003**	**3.8300e-003**	**0.0000**	**11.7650**	**11.7650**	**3.7300e-003**	**0.0000**	**11.8582**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.0000e-004	2.8000e-004	2.9200e-003	1.0000e-005	1.0300e-003	1.0000e-005	1.0300e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.8684	0.8684	2.0000e-005	0.0000	0.8689
Total	**4.0000e-004**	**2.8000e-004**	**2.9200e-003**	**1.0000e-005**	**1.0300e-003**	**1.0000e-005**	**1.0300e-003**	**2.7000e-004**	**1.0000e-005**	**2.8000e-004**	**0.0000**	**0.8684**	**0.8684**	**2.0000e-005**	**0.0000**	**0.8689**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.7400e-003	0.0774	0.0886	1.4000e-004		4.1500e-003	4.1500e-003		3.8300e-003	3.8300e-003	0.0000	11.7650	11.7650	3.7300e-003	0.0000	11.8582
Paving	1.3000e-004					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**7.8700e-003**	**0.0774**	**0.0886**	**1.4000e-004**		**4.1500e-003**	**4.1500e-003**		**3.8300e-003**	**3.8300e-003**	**0.0000**	**11.7650**	**11.7650**	**3.7300e-003**	**0.0000**	**11.8582**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.0000e-004	2.8000e-004	2.9200e-003	1.0000e-005	1.0300e-003	1.0000e-005	1.0300e-003	2.7000e-004	1.0000e-005	2.8000e-004	0.0000	0.8684	0.8684	2.0000e-005	0.0000	0.8689
Total	**4.0000e-004**	**2.8000e-004**	**2.9200e-003**	**1.0000e-005**	**1.0300e-003**	**1.0000e-005**	**1.0300e-003**	**2.7000e-004**	**1.0000e-005**	**2.8000e-004**	**0.0000**	**0.8684**	**0.8684**	**2.0000e-005**	**0.0000**	**0.8689**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.2878					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.1900e-003	0.0153	0.0182	3.0000e-005		9.4000e-004	9.4000e-004		9.4000e-004	9.4000e-004	0.0000	2.5533	2.5533	1.8000e-004	0.0000	2.5576
Total	**0.2899**	**0.0153**	**0.0182**	**3.0000e-005**		**9.4000e-004**	**9.4000e-004**		**9.4000e-004**	**9.4000e-004**	**0.0000**	**2.5533**	**2.5533**	**1.8000e-004**	**0.0000**	**2.5576**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	2.1000e-004	2.2400e-003	1.0000e-005	7.9000e-004	1.0000e-005	8.0000e-004	2.1000e-004	0.0000	2.1000e-004	0.0000	0.6680	0.6680	1.0000e-005	0.0000	0.6684
Total	**3.1000e-004**	**2.1000e-004**	**2.2400e-003**	**1.0000e-005**	**7.9000e-004**	**1.0000e-005**	**8.0000e-004**	**2.1000e-004**	**0.0000**	**2.1000e-004**	**0.0000**	**0.6680**	**0.6680**	**1.0000e-005**	**0.0000**	**0.6684**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.2878					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.1900e-003	0.0153	0.0182	3.0000e-005		9.4000e-004	9.4000e-004		9.4000e-004	9.4000e-004	0.0000	2.5533	2.5533	1.8000e-004	0.0000	2.5576
Total	**0.2899**	**0.0153**	**0.0182**	**3.0000e-005**		**9.4000e-004**	**9.4000e-004**		**9.4000e-004**	**9.4000e-004**	**0.0000**	**2.5533**	**2.5533**	**1.8000e-004**	**0.0000**	**2.5576**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	2.1000e-004	2.2400e-003	1.0000e-005	7.9000e-004	1.0000e-005	8.0000e-004	2.1000e-004	0.0000	2.1000e-004	0.0000	0.6680	0.6680	1.0000e-005	0.0000	0.6684
Total	**3.1000e-004**	**2.1000e-004**	**2.2400e-003**	**1.0000e-005**	**7.9000e-004**	**1.0000e-005**	**8.0000e-004**	**2.1000e-004**	**0.0000**	**2.1000e-004**	**0.0000**	**0.6680**	**0.6680**	**1.0000e-005**	**0.0000**	**0.6684**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Walkability Design

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0514	0.2139	0.4253	1.1500e-003	0.0881	1.1400e-003	0.0892	0.0236	1.0600e-003	0.0247	0.0000	105.6893	105.6893	5.1700e-003	0.0000	105.8186
Unmitigated	0.0646	0.3124	0.7294	2.4800e-003	0.2080	2.3100e-003	0.2103	0.0558	2.1600e-003	0.0580	0.0000	227.1256	227.1256	8.6500e-003	0.0000	227.3418

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Mid Rise	242.00	242.00	242.00	558,925	236,657
City Park	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking with Elevator	0.00	0.00	0.00		
Total	242.00	242.00	242.00	558,925	236,657

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Mid Rise	10.80	4.80	5.70	31.00	15.00	54.00	86	11	3
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking with	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Mid Rise	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
City Park	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Parking Lot	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Unenclosed Parking with Elevator	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Install Energy Efficient Appliances

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	31.8387	31.8387	2.8100e-003	5.8000e-004	32.0820
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	31.8646	31.8646	2.8100e-003	5.8000e-004	32.1082
NaturalGas Mitigated	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	18.4414	18.4414	3.5000e-004	3.4000e-004	18.5510
NaturalGas Unmitigated	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	18.4414	18.4414	3.5000e-004	3.4000e-004	18.5510

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Mid Rise	345578	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	18.4414	18.4414	3.5000e-004	3.4000e-004	18.5510
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**1.8600e-003**	**0.0159**	**6.7800e-003**	**1.0000e-004**		**1.2900e-003**	**1.2900e-003**		**1.2900e-003**	**1.2900e-003**	**0.0000**	**18.4414**	**18.4414**	**3.5000e-004**	**3.4000e-004**	**18.5510**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Mid Rise	345578	1.8600e-003	0.0159	6.7800e-003	1.0000e-004		1.2900e-003	1.2900e-003		1.2900e-003	1.2900e-003	0.0000	18.4414	18.4414	3.5000e-004	3.4000e-004	18.5510
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**1.8600e-003**	**0.0159**	**6.7800e-003**	**1.0000e-004**		**1.2900e-003**	**1.2900e-003**		**1.2900e-003**	**1.2900e-003**	**0.0000**	**18.4414**	**18.4414**	**3.5000e-004**	**3.4000e-004**	**18.5510**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Mid Rise	165134	24.6283	2.1700e-003	4.5000e-004	24.8165
City Park	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	1960	0.2923	3.0000e-005	1.0000e-005	0.2946
Unenclosed Parking with Elevator	46560	6.9440	6.1000e-004	1.3000e-004	6.9971
Total		**31.8646**	**2.8100e-003**	**5.9000e-004**	**32.1082**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Mid Rise	164960	24.6023	2.1700e-003	4.5000e-004	24.7904
City Park	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	1960	0.2923	3.0000e-005	1.0000e-005	0.2946
Unenclosed Parking with Elevator	46560	6.9440	6.1000e-004	1.3000e-004	6.9971
Total		**31.8387**	**2.8100e-003**	**5.9000e-004**	**32.0820**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.1962	3.4400e-003	0.2983	2.0000e-005		1.6400e-003	1.6400e-003		1.6400e-003	1.6400e-003	0.0000	0.4865	0.4865	4.7000e-004	0.0000	0.4983
Unmitigated	0.2885	5.5700e-003	0.4254	2.7000e-004		0.0198	0.0198		0.0198	0.0198	1.8236	1.2355	3.0591	3.4000e-003	1.2000e-004	3.1799

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0288					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1583					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0923	2.1200e-003	0.1271	2.5000e-004		0.0182	0.0182		0.0182	0.0182	1.8236	0.7490	2.5726	2.9300e-003	1.2000e-004	2.6815
Landscaping	9.0800e-003	3.4400e-003	0.2983	2.0000e-005		1.6400e-003	1.6400e-003		1.6400e-003	1.6400e-003	0.0000	0.4865	0.4865	4.7000e-004	0.0000	0.4983
Total	**0.2885**	**5.5600e-003**	**0.4254**	**2.7000e-004**		**0.0198**	**0.0198**		**0.0198**	**0.0198**	**1.8236**	**1.2355**	**3.0591**	**3.4000e-003**	**1.2000e-004**	**3.1799**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0288					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1583					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	9.0800e-003	3.4400e-003	0.2983	2.0000e-005		1.6400e-003	1.6400e-003		1.6400e-003	1.6400e-003	0.0000	0.4865	0.4865	4.7000e-004	0.0000	0.4983
Total	**0.1962**	**3.4400e-003**	**0.2983**	**2.0000e-005**		**1.6400e-003**	**1.6400e-003**		**1.6400e-003**	**1.6400e-003**	**0.0000**	**0.4865**	**0.4865**	**4.7000e-004**	**0.0000**	**0.4983**

7.0 Water Detail

7.1 Mitigation Measures Water

Use Reclaimed Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Turf Reduction

Use Water Efficient Irrigation System

Use Water Efficient Landscaping

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	3.3638	0.0682	1.6500e-003	5.5609
Unmitigated	4.0613	0.0852	2.0600e-003	6.8066

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Mid Rise	2.60616 / 1.64301	3.7876	0.0852	2.0600e-003	6.5309
City Park	0 / 0.524252	0.2737	2.0000e-005	0.0000	0.2758
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**4.0613**	**0.0852**	**2.0600e-003**	**6.8066**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Mid Rise	2.08493 / 1.48108	3.1171	0.0682	1.6500e-003	5.3124
City Park	0 / 0.472582	0.2467	2.0000e-005	0.0000	0.2486
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**3.3638**	**0.0682**	**1.6500e-003**	**5.5609**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	3.7432	0.2212	0.0000	9.2735
Unmitigated	3.7432	0.2212	0.0000	9.2735

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Mid Rise	18.4	3.7350	0.2207	0.0000	9.2534
City Park	0.04	8.1200e-003	4.8000e-004	0.0000	0.0201
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
Total		**3.7432**	**0.2212**	**0.0000**	**9.2735**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Mid Rise	18.4	3.7350	0.2207	0.0000	9.2534
City Park	0.04	8.1200e-003	4.8000e-004	0.0000	0.0201
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000
Total		**3.7432**	**0.2212**	**0.0000**	**9.2735**

9.0 Operational Offroad

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

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

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

Boilers

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

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

2001 Tarob Court

Bay Area AQMD Air District, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Mid Rise	40.00	Dwelling Unit	0.77	40,000.00	114
Unenclosed Parking with Elevator	60.00	Space	0.00	24,000.00	0
Parking Lot	14.00	Space	0.10	5,600.00	0
City Park	0.44	Acre	0.44	19,166.40	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	64
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	328.8	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity based on 5-year average, PG&E, 2015

Land Use - The project would include 40 residential units, a parking garage with 60 spaces, an additional 14 onstreet parking spaces, and 0.44 acres of open space/landscaped areas.

Construction Phase - Construction of the proposed project is anticipated to occur over approximately 16 months, starting in April 2020 and ending in August 2021.

Grading - approximately 1,410 cubic yards of soils would be excavated and exported

Demolition - The project would demolish the existing 16,463-square-foot office/light-industrial building

Vehicle Trips - Based on ITE Trip Generation Rates for land use code 220 and 9% transit trip rediction per VTA's Transportation Impact Analysis Guidelines

Water Mitigation -

Energy Mitigation -

Mobile Land Use Mitigation -

Area Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	200.00	250.00
tblConstructionPhase	NumDays	4.00	20.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	PhaseEndDate	3/15/2021	8/6/2021
tblConstructionPhase	PhaseEndDate	2/15/2021	6/11/2021
tblConstructionPhase	PhaseEndDate	5/11/2020	6/26/2020
tblConstructionPhase	PhaseEndDate	3/1/2021	7/9/2021
tblConstructionPhase	PhaseEndDate	5/5/2020	5/29/2020
tblConstructionPhase	PhaseStartDate	3/2/2021	7/12/2021
tblConstructionPhase	PhaseStartDate	5/12/2020	6/29/2020
tblConstructionPhase	PhaseStartDate	5/6/2020	6/1/2020
tblConstructionPhase	PhaseStartDate	2/16/2021	6/14/2021

tblGrading	AcresOfGrading	7.50	1.22
tblGrading	AcresOfGrading	10.00	1.22
tblGrading	MaterialExported	0.00	1,410.00
tblLandUse	LotAcreage	1.05	0.77
tblLandUse	LotAcreage	0.54	0.00
tblLandUse	LotAcreage	0.13	0.10
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	6.39	6.05
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	SU_TR	5.86	6.05
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	WD_TR	6.65	6.05
tblVehicleTrips	WD_TR	1.89	0.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	2.2463	22.0478	15.2195	0.0294	5.3997	1.1567	6.2211	2.9209	1.0801	3.6765	0.0000	2,753.3897	2,753.3897	0.6155	0.0000	2,763.4444
2021	29.0261	14.9682	14.3954	0.0292	0.4838	0.6896	1.1733	0.1302	0.6657	0.7959	0.0000	2,736.0304	2,736.0304	0.4134	0.0000	2,745.5858
Maximum	**29.0261**	**22.0478**	**15.2195**	**0.0294**	**5.3997**	**1.1567**	**6.2211**	**2.9209**	**1.0801**	**3.6765**	**0.0000**	**2,753.3897**	**2,753.3897**	**0.6155**	**0.0000**	**2,763.4444**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	2.2463	22.0478	15.2195	0.0294	5.3997	1.1567	6.2211	2.9209	1.0801	3.6765	0.0000	2,753.3897	2,753.3897	0.6155	0.0000	2,763.4444
2021	29.0261	14.9682	14.3954	0.0292	0.4838	0.6896	1.1733	0.1302	0.6657	0.7959	0.0000	2,736.0304	2,736.0304	0.4134	0.0000	2,745.5858
Maximum	**29.0261**	**22.0478**	**15.2195**	**0.0294**	**5.3997**	**1.1567**	**6.2211**	**2.9209**	**1.0801**	**3.6765**	**0.0000**	**2,753.3897**	**2,753.3897**	**0.6155**	**0.0000**	**2,763.4444**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	17.5765	0.4019	25.0491	0.0421		3.1038	3.1038		3.1038	3.1038	334.8339	154.1937	489.0275	0.4640	0.0237	507.6804
Energy	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
Mobile	0.4063	1.6623	4.1560	0.0144	1.1875	0.0127	1.2002	0.3177	0.0119	0.3296		1,456.2190	1,456.2190	0.0527		1,457.5362
Total	**17.9930**	**2.1515**	**29.2422**	**0.0570**	**1.1875**	**3.1235**	**4.3110**	**0.3177**	**3.1227**	**3.4404**	**334.8339**	**1,721.7997**	**2,056.6335**	**0.5188**	**0.0257**	**2,077.2654**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	1.1261	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183	0.0000	5.9584	5.9584	5.8000e-003	0.0000	6.1034
Energy	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
Mobile	0.3321	1.1530	2.2721	6.6800e-003	0.5028	6.2000e-003	0.5090	0.1345	5.8000e-003	0.1403		676.4867	676.4867	0.0306		677.2518
Total	**1.4683**	**1.2785**	**5.6241**	**7.4100e-003**	**0.5028**	**0.0315**	**0.5343**	**0.1345**	**0.0311**	**0.1657**	**0.0000**	**793.8320**	**793.8320**	**0.0385**	**2.0400e-003**	**795.4041**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**91.84**	**40.58**	**80.77**	**87.00**	**57.66**	**98.99**	**87.61**	**57.66**	**99.00**	**95.19**	**100.00**	**53.90**	**61.40**	**92.57**	**92.07**	**61.71**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/6/2020	5/1/2020	5	20	
2	Site Preparation	Site Preparation	5/2/2020	5/29/2020	5	20	
3	Grading	Grading	6/1/2020	6/26/2020	5	20	
4	Building Construction	Building Construction	6/29/2020	6/11/2021	5	250	
5	Paving	Paving	6/14/2021	7/9/2021	5	20	
6	Architectural Coating	Architectural Coating	7/12/2021	8/6/2021	5	20	

Acres of Grading (Site Preparation Phase): 1.22

Acres of Grading (Grading Phase): 1.22

Acres of Paving: 0.1

Residential Indoor: 81,000; Residential Outdoor: 27,000; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 1,776 (Architectural Coating – sqft)

OffRoad Equipment

2001 Tarob Court - Bay Area AQMD Air District, Summer

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Cranes	1	6.00	231	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	6.00	130	0.42
Paving	Rollers	1	7.00	80	0.38
Demolition	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Rubber Tired Dozers	1	6.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	187	0.41
Paving	Paving Equipment	1	8.00	132	0.36
Site Preparation	Rubber Tired Dozers	1	7.00	247	0.40
Building Construction	Welders	3	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	75.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	176.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	49.00	12.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.8103	0.0000	0.8103	0.1227	0.0000	0.1227			0.0000			0.0000
Off-Road	2.1262	20.9463	14.6573	0.0241		1.1525	1.1525		1.0761	1.0761		2,322.3127	2,322.3127	0.5970		2,337.2363
Total	**2.1262**	**20.9463**	**14.6573**	**0.0241**	**0.8103**	**1.1525**	**1.9628**	**0.1227**	**1.0761**	**1.1988**		**2,322.3127**	**2,322.3127**	**0.5970**		**2,337.2363**

3.2 Demolition - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0309	1.0742	0.2135	2.9800e-003	0.0655	3.5100e-003	0.0690	0.0180	3.3600e-003	0.0213		319.0438	319.0438	0.0160		319.4428
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0274	0.3488	1.0700e-003	0.1068	6.9000e-004	0.1075	0.0283	6.4000e-004	0.0290		106.7010	106.7010	2.5700e-003		106.7652
Total	**0.0761**	**1.1015**	**0.5623**	**4.0500e-003**	**0.1723**	**4.2000e-003**	**0.1765**	**0.0463**	**4.0000e-003**	**0.0503**		**425.7448**	**425.7448**	**0.0185**		**426.2081**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.8103	0.0000	0.8103	0.1227	0.0000	0.1227			0.0000			0.0000
Off-Road	2.1262	20.9463	14.6573	0.0241		1.1525	1.1525		1.0761	1.0761	0.0000	2,322.3127	2,322.3127	0.5970		2,337.2363
Total	**2.1262**	**20.9463**	**14.6573**	**0.0241**	**0.8103**	**1.1525**	**1.9628**	**0.1227**	**1.0761**	**1.1988**	**0.0000**	**2,322.3127**	**2,322.3127**	**0.5970**		**2,337.2363**

3.2 Demolition - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0309	1.0742	0.2135	2.9800e-003	0.0655	3.5100e-003	0.0690	0.0180	3.3600e-003	0.0213		319.0438	319.0438	0.0160		319.4428
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0274	0.3488	1.0700e-003	0.1068	6.9000e-004	0.1075	0.0283	6.4000e-004	0.0290		106.7010	106.7010	2.5700e-003		106.7652
Total	**0.0761**	**1.1015**	**0.5623**	**4.0500e-003**	**0.1723**	**4.2000e-003**	**0.1765**	**0.0463**	**4.0000e-003**	**0.0503**		**425.7448**	**425.7448**	**0.0185**		**426.2081**

3.3 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.3340	0.0000	5.3340	2.9034	0.0000	2.9034			0.0000			0.0000
Off-Road	1.6299	18.3464	7.7093	0.0172		0.8210	0.8210		0.7553	0.7553		1,667.4119	1,667.4119	0.5393		1,680.8937
Total	**1.6299**	**18.3464**	**7.7093**	**0.0172**	**5.3340**	**0.8210**	**6.1550**	**2.9034**	**0.7553**	**3.6587**		**1,667.4119**	**1,667.4119**	**0.5393**		**1,680.8937**

3.3 Site Preparation - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0278	0.0168	0.2146	6.6000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		65.6621	65.6621	1.5800e-003		65.7017
Total	**0.0278**	**0.0168**	**0.2146**	**6.6000e-004**	**0.0657**	**4.3000e-004**	**0.0661**	**0.0174**	**3.9000e-004**	**0.0178**		**65.6621**	**65.6621**	**1.5800e-003**		**65.7017**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.3340	0.0000	5.3340	2.9034	0.0000	2.9034			0.0000			0.0000
Off-Road	1.6299	18.3464	7.7093	0.0172		0.8210	0.8210		0.7553	0.7553	0.0000	1,667.4119	1,667.4119	0.5393		1,680.8937
Total	**1.6299**	**18.3464**	**7.7093**	**0.0172**	**5.3340**	**0.8210**	**6.1550**	**2.9034**	**0.7553**	**3.6587**	**0.0000**	**1,667.4119**	**1,667.4119**	**0.5393**		**1,680.8937**

3.3 Site Preparation - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0278	0.0168	0.2146	6.6000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		65.6621	65.6621	1.5800e-003		65.7017
Total	**0.0278**	**0.0168**	**0.2146**	**6.6000e-004**	**0.0657**	**4.3000e-004**	**0.0661**	**0.0174**	**3.9000e-004**	**0.0178**		**65.6621**	**65.6621**	**1.5800e-003**		**65.7017**

3.4 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					4.5892	0.0000	4.5892	2.4909	0.0000	2.4909			0.0000			0.0000
Off-Road	1.3498	15.0854	6.4543	0.0141		0.6844	0.6844		0.6296	0.6296		1,365.7183	1,365.7183	0.4417		1,376.7609
Total	**1.3498**	**15.0854**	**6.4543**	**0.0141**	**4.5892**	**0.6844**	**5.2736**	**2.4909**	**0.6296**	**3.1205**		**1,365.7183**	**1,365.7183**	**0.4417**		**1,376.7609**

3.4 Grading - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0726	2.5207	0.5010	7.0000e-003	0.1537	8.2400e-003	0.1620	0.0421	7.8800e-003	0.0500		748.6895	748.6895	0.0375		749.6259
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0278	0.0168	0.2146	6.6000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		65.6621	65.6621	1.5800e-003		65.7017
Total	**0.1004**	**2.5375**	**0.7156**	**7.6600e-003**	**0.2195**	**8.6700e-003**	**0.2281**	**0.0596**	**8.2700e-003**	**0.0678**		**814.3516**	**814.3516**	**0.0390**		**815.3275**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					4.5892	0.0000	4.5892	2.4909	0.0000	2.4909			0.0000			0.0000
Off-Road	1.3498	15.0854	6.4543	0.0141		0.6844	0.6844		0.6296	0.6296	0.0000	1,365.7183	1,365.7183	0.4417		1,376.7609
Total	**1.3498**	**15.0854**	**6.4543**	**0.0141**	**4.5892**	**0.6844**	**5.2736**	**2.4909**	**0.6296**	**3.1205**	**0.0000**	**1,365.7183**	**1,365.7183**	**0.4417**		**1,376.7609**

3.4 Grading - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0726	2.5207	0.5010	7.0000e-003	0.1537	8.2400e-003	0.1620	0.0421	7.8800e-003	0.0500		748.6895	748.6895	0.0375		749.6259
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0278	0.0168	0.2146	6.6000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		65.6621	65.6621	1.5800e-003		65.7017
Total	**0.1004**	**2.5375**	**0.7156**	**7.6600e-003**	**0.2195**	**8.6700e-003**	**0.2281**	**0.0596**	**8.2700e-003**	**0.0678**		**814.3516**	**814.3516**	**0.0390**		**815.3275**

3.5 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0305	14.7882	13.1881	0.0220		0.7960	0.7960		0.7688	0.7688		2,001.1595	2,001.1595	0.3715		2,010.4467
Total	**2.0305**	**14.7882**	**13.1881**	**0.0220**		**0.7960**	**0.7960**		**0.7688**	**0.7688**		**2,001.1595**	**2,001.1595**	**0.3715**		**2,010.4467**

3.5 Building Construction - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0455	1.3676	0.3262	3.3100e-003	0.0812	6.7000e-003	0.0879	0.0234	6.4100e-003	0.0298		350.0497	350.0497	0.0172		350.4806
Worker	0.1703	0.1031	1.3147	4.0400e-003	0.4025	2.6100e-003	0.4051	0.1068	2.4000e-003	0.1092		402.1805	402.1805	9.6900e-003		402.4228
Total	**0.2158**	**1.4707**	**1.6409**	**7.3500e-003**	**0.4838**	**9.3100e-003**	**0.4931**	**0.1302**	**8.8100e-003**	**0.1390**		**752.2302**	**752.2302**	**0.0269**		**752.9034**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0305	14.7882	13.1881	0.0220		0.7960	0.7960		0.7688	0.7688	0.0000	2,001.1595	2,001.1595	0.3715		2,010.4467
Total	**2.0305**	**14.7882**	**13.1881**	**0.0220**		**0.7960**	**0.7960**		**0.7688**	**0.7688**	**0.0000**	**2,001.1595**	**2,001.1595**	**0.3715**		**2,010.4467**

3.5 Building Construction - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0455	1.3676	0.3262	3.3100e-003	0.0812	6.7000e-003	0.0879	0.0234	6.4100e-003	0.0298		350.0497	350.0497	0.0172		350.4806
Worker	0.1703	0.1031	1.3147	4.0400e-003	0.4025	2.6100e-003	0.4051	0.1068	2.4000e-003	0.1092		402.1805	402.1805	9.6900e-003		402.4228
Total	**0.2158**	**1.4707**	**1.6409**	**7.3500e-003**	**0.4838**	**9.3100e-003**	**0.4931**	**0.1302**	**8.8100e-003**	**0.1390**		**752.2302**	**752.2302**	**0.0269**		**752.9034**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8125	13.6361	12.8994	0.0221		0.6843	0.6843		0.6608	0.6608		2,001.2200	2,001.2200	0.3573		2,010.1517
Total	**1.8125**	**13.6361**	**12.8994**	**0.0221**		**0.6843**	**0.6843**		**0.6608**	**0.6608**		**2,001.2200**	**2,001.2200**	**0.3573**		**2,010.1517**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0372	1.2401	0.2924	3.2700e-003	0.0812	2.6900e-003	0.0839	0.0234	2.5700e-003	0.0260		346.7503	346.7503	0.0163		347.1571
Worker	0.1576	0.0921	1.2036	3.8900e-003	0.4025	2.5300e-003	0.4051	0.1068	2.3300e-003	0.1091		388.0602	388.0602	8.6700e-003		388.2770
Total	**0.1948**	**1.3322**	**1.4960**	**7.1600e-003**	**0.4838**	**5.2200e-003**	**0.4890**	**0.1302**	**4.9000e-003**	**0.1351**		**734.8104**	**734.8104**	**0.0249**		**735.4341**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8125	13.6361	12.8994	0.0221		0.6843	0.6843		0.6608	0.6608	0.0000	2,001.2200	2,001.2200	0.3573		2,010.1517
Total	**1.8125**	**13.6361**	**12.8994**	**0.0221**		**0.6843**	**0.6843**		**0.6608**	**0.6608**	**0.0000**	**2,001.2200**	**2,001.2200**	**0.3573**		**2,010.1517**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0372	1.2401	0.2924	3.2700e-003	0.0812	2.6900e-003	0.0839	0.0234	2.5700e-003	0.0260		346.7503	346.7503	0.0163		347.1571
Worker	0.1576	0.0921	1.2036	3.8900e-003	0.4025	2.5300e-003	0.4051	0.1068	2.3300e-003	0.1091		388.0602	388.0602	8.6700e-003		388.2770
Total	**0.1948**	**1.3322**	**1.4960**	**7.1600e-003**	**0.4838**	**5.2200e-003**	**0.4890**	**0.1302**	**4.9000e-003**	**0.1351**		**734.8104**	**734.8104**	**0.0249**		**735.4341**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7739	7.7422	8.8569	0.0135		0.4153	0.4153		0.3830	0.3830		1,296.8664	1,296.8664	0.4111		1,307.1442
Paving	0.0131					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7870**	**7.7422**	**8.8569**	**0.0135**		**0.4153**	**0.4153**		**0.3830**	**0.3830**		**1,296.8664**	**1,296.8664**	**0.4111**		**1,307.1442**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0418	0.0244	0.3193	1.0300e-003	0.1068	6.7000e-004	0.1075	0.0283	6.2000e-004	0.0290		102.9547	102.9547	2.3000e-003		103.0123
Total	**0.0418**	**0.0244**	**0.3193**	**1.0300e-003**	**0.1068**	**6.7000e-004**	**0.1075**	**0.0283**	**6.2000e-004**	**0.0290**		**102.9547**	**102.9547**	**2.3000e-003**		**103.0123**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7739	7.7422	8.8569	0.0135		0.4153	0.4153		0.3830	0.3830	0.0000	1,296.8664	1,296.8664	0.4111		1,307.1442
Paving	0.0131					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7870**	**7.7422**	**8.8569**	**0.0135**		**0.4153**	**0.4153**		**0.3830**	**0.3830**	**0.0000**	**1,296.8664**	**1,296.8664**	**0.4111**		**1,307.1442**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0418	0.0244	0.3193	1.0300e-003	0.1068	6.7000e-004	0.1075	0.0283	6.2000e-004	0.0290		102.9547	102.9547	2.3000e-003		103.0123
Total	**0.0418**	**0.0244**	**0.3193**	**1.0300e-003**	**0.1068**	**6.7000e-004**	**0.1075**	**0.0283**	**6.2000e-004**	**0.0290**		**102.9547**	**102.9547**	**2.3000e-003**		**103.0123**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	28.7750					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941		281.4481	281.4481	0.0193		281.9309
Total	**28.9939**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**		**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0322	0.0188	0.2456	7.9000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		79.1960	79.1960	1.7700e-003		79.2402
Total	**0.0322**	**0.0188**	**0.2456**	**7.9000e-004**	**0.0822**	**5.2000e-004**	**0.0827**	**0.0218**	**4.8000e-004**	**0.0223**		**79.1960**	**79.1960**	**1.7700e-003**		**79.2402**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	28.7750					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941	0.0000	281.4481	281.4481	0.0193		281.9309
Total	**28.9939**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**	**0.0000**	**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0322	0.0188	0.2456	7.9000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		79.1960	79.1960	1.7700e-003		79.2402
Total	**0.0322**	**0.0188**	**0.2456**	**7.9000e-004**	**0.0822**	**5.2000e-004**	**0.0827**	**0.0218**	**4.8000e-004**	**0.0223**		**79.1960**	**79.1960**	**1.7700e-003**		**79.2402**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Walkability Design

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.3321	1.1530	2.2721	6.6800e-003	0.5028	6.2000e-003	0.5090	0.1345	5.8000e-003	0.1403		676.4867	676.4867	0.0306		677.2518
Unmitigated	0.4063	1.6623	4.1560	0.0144	1.1875	0.0127	1.2002	0.3177	0.0119	0.3296		1,456.2190	1,456.2190	0.0527		1,457.5362

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Mid Rise	242.00	242.00	242.00	558,925	236,657
City Park	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking with Elevator	0.00	0.00	0.00		
Total	242.00	242.00	242.00	558,925	236,657

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Mid Rise	10.80	4.80	5.70	31.00	15.00	54.00	86	11	3
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking with	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Mid Rise	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
City Park	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Parking Lot	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Unenclosed Parking with Elevator	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Install Energy Efficient Appliances

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
NaturalGas Unmitigated	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Mid Rise	946.789	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0102**	**0.0873**	**0.0371**	**5.6000e-004**		**7.0500e-003**	**7.0500e-003**		**7.0500e-003**	**7.0500e-003**		**111.3870**	**111.3870**	**2.1300e-003**	**2.0400e-003**	**112.0489**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Mid Rise	0.946789	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0102**	**0.0873**	**0.0371**	**5.6000e-004**		**7.0500e-003**	**7.0500e-003**		**7.0500e-003**	**7.0500e-003**		**111.3870**	**111.3870**	**2.1300e-003**	**2.0400e-003**	**112.0489**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.1261	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183	0.0000	5.9584	5.9584	5.8000e-003	0.0000	6.1034
Unmitigated	17.5765	0.4019	25.0491	0.0421		3.1038	3.1038		3.1038	3.1038	334.8339	154.1937	489.0275	0.4640	0.0237	507.6804

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1577					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.8675					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	16.4504	0.3637	21.7342	0.0419		3.0855	3.0855		3.0855	3.0855	334.8339	148.2353	483.0691	0.4582	0.0237	501.5770
Landscaping	0.1009	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183		5.9584	5.9584	5.8000e-003		6.1034
Total	**17.5765**	**0.4019**	**25.0491**	**0.0420**		**3.1038**	**3.1038**		**3.1038**	**3.1038**	**334.8339**	**154.1937**	**489.0275**	**0.4640**	**0.0237**	**507.6804**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1577					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.8675					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1009	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183		5.9584	5.9584	5.8000e-003		6.1034
Total	**1.1261**	**0.0383**	**3.3149**	**1.7000e-004**		**0.0183**	**0.0183**		**0.0183**	**0.0183**	**0.0000**	**5.9584**	**5.9584**	**5.8000e-003**	**0.0000**	**6.1034**

7.0 Water Detail

7.1 Mitigation Measures Water

Use Reclaimed Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Turf Reduction

Use Water Efficient Irrigation System

Use Water Efficient Landscaping

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

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

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

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

Boilers

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

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

2001 Tarob Court

Bay Area AQMD Air District, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Mid Rise	40.00	Dwelling Unit	0.77	40,000.00	114
Unenclosed Parking with Elevator	60.00	Space	0.00	24,000.00	0
Parking Lot	14.00	Space	0.10	5,600.00	0
City Park	0.44	Acre	0.44	19,166.40	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	64
Climate Zone	4			**Operational Year**	2021
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	328.8	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 intensity based on 5-year average, PG&E, 2015

Land Use - The project would include 40 residential units, a parking garage with 60 spaces, an additional 14 onstreet parking spaces, and 0.44 acres of open space/landscaped areas.

Construction Phase - Construction of the proposed project is anticipated to occur over approximately 16 months, starting in April 2020 and ending in August 2021.

Grading - approximately 1,410 cubic yards of soils would be excavated and exported

Demolition - The project would demolish the existing 16,463-square-foot office/light-industrial building

Vehicle Trips - Based on ITE Trip Generation Rates for land use code 220 and 9% transit trip rediction per VTA's Transportation Impact Analysis Guidelines

Water Mitigation -

Energy Mitigation -

Mobile Land Use Mitigation -

Area Mitigation -

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	200.00	250.00
tblConstructionPhase	NumDays	4.00	20.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	2.00	20.00
tblConstructionPhase	PhaseEndDate	3/15/2021	8/6/2021
tblConstructionPhase	PhaseEndDate	2/15/2021	6/11/2021
tblConstructionPhase	PhaseEndDate	5/11/2020	6/26/2020
tblConstructionPhase	PhaseEndDate	3/1/2021	7/9/2021
tblConstructionPhase	PhaseEndDate	5/5/2020	5/29/2020
tblConstructionPhase	PhaseStartDate	3/2/2021	7/12/2021
tblConstructionPhase	PhaseStartDate	5/12/2020	6/29/2020
tblConstructionPhase	PhaseStartDate	5/6/2020	6/1/2020
tblConstructionPhase	PhaseStartDate	2/16/2021	6/14/2021

tblGrading	AcresOfGrading	7.50	1.22
tblGrading	AcresOfGrading	10.00	1.22
tblGrading	MaterialExported	0.00	1,410.00
tblLandUse	LotAcreage	1.05	0.77
tblLandUse	LotAcreage	0.54	0.00
tblLandUse	LotAcreage	0.13	0.10
tblProjectCharacteristics	CO2IntensityFactor	641.35	328.8
tblVehicleTrips	ST_TR	6.39	6.05
tblVehicleTrips	ST_TR	22.75	0.00
tblVehicleTrips	SU_TR	5.86	6.05
tblVehicleTrips	SU_TR	16.74	0.00
tblVehicleTrips	WD_TR	6.65	6.05
tblVehicleTrips	WD_TR	1.89	0.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	2.2585	22.0806	15.2147	0.0290	5.3997	1.1568	6.2211	2.9209	1.0802	3.6765	0.0000	2,734.2863	2,734.2863	0.6161	0.0000	2,749.6891
2021	29.0280	15.0006	14.3616	0.0288	0.4838	0.6897	1.1734	0.1302	0.6658	0.7959	0.0000	2,696.6455	2,696.6455	0.4133	0.0000	2,706.2196
Maximum	**29.0280**	**22.0806**	**15.2147**	**0.0290**	**5.3997**	**1.1568**	**6.2211**	**2.9209**	**1.0802**	**3.6765**	**0.0000**	**2,734.2863**	**2,734.2863**	**0.6161**	**0.0000**	**2,749.6891**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	2.2585	22.0806	15.2147	0.0290	5.3997	1.1568	6.2211	2.9209	1.0802	3.6765	0.0000	2,734.2863	2,734.2863	0.6161	0.0000	2,749.6891
2021	29.0280	15.0006	14.3616	0.0288	0.4838	0.6897	1.1734	0.1302	0.6658	0.7959	0.0000	2,696.6455	2,696.6455	0.4133	0.0000	2,706.2196
Maximum	**29.0280**	**22.0806**	**15.2147**	**0.0290**	**5.3997**	**1.1568**	**6.2211**	**2.9209**	**1.0802**	**3.6765**	**0.0000**	**2,734.2863**	**2,734.2863**	**0.6161**	**0.0000**	**2,749.6891**

	ROG	**NOx**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**PM10 Total**	**Fugitive PM2.5**	**Exhaust PM2.5**	**PM2.5 Total**	**Bio- CO2**	**NBio-CO2**	**Total CO2**	**CH4**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	17.5765	0.4019	25.0491	0.0421		3.1038	3.1038		3.1038	3.1038	334.8339	154.1937	489.0275	0.4640	0.0237	507.6804
Energy	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
Mobile	0.3529	1.7486	4.2060	0.0135	1.1875	0.0128	1.2003	0.3177	0.0120	0.3297		1,362.8204	1,362.8204	0.0538		1,364.1653
Total	**17.9396**	**2.2377**	**29.2922**	**0.0561**	**1.1875**	**3.1236**	**4.3111**	**0.3177**	**3.1228**	**3.4405**	**334.8339**	**1,628.4010**	**1,963.2349**	**0.5199**	**0.0257**	**1,983.8945**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	1.1261	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183	0.0000	5.9584	5.9584	5.8000e-003	0.0000	6.1034
Energy	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
Mobile	0.2798	1.1859	2.5269	6.2500e-003	0.5028	6.3000e-003	0.5091	0.1345	5.9000e-003	0.1404		631.7799	631.7799	0.0328		632.5994
Total	**1.4160**	**1.3114**	**5.8788**	**6.9800e-003**	**0.5028**	**0.0316**	**0.5344**	**0.1345**	**0.0312**	**0.1657**	**0.0000**	**749.1252**	**749.1252**	**0.0407**	**2.0400e-003**	**750.7517**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**92.11**	**41.40**	**79.93**	**87.56**	**57.66**	**98.99**	**87.60**	**57.66**	**99.00**	**95.18**	**100.00**	**54.00**	**61.84**	**92.17**	**92.07**	**62.16**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	4/6/2020	5/1/2020	5	20	
2	Site Preparation	Site Preparation	5/2/2020	5/29/2020	5	20	
3	Grading	Grading	6/1/2020	6/26/2020	5	20	
4	Building Construction	Building Construction	6/29/2020	6/11/2021	5	250	
5	Paving	Paving	6/14/2021	7/9/2021	5	20	
6	Architectural Coating	Architectural Coating	7/12/2021	8/6/2021	5	20	

Acres of Grading (Site Preparation Phase): 1.22

Acres of Grading (Grading Phase): 1.22

Acres of Paving: 0.1

Residential Indoor: 81,000; Residential Outdoor: 27,000; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 1,776 (Architectural Coating – sqft)

OffRoad Equipment

2001 Tarob Court - Bay Area AQMD Air District, Winter

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Cranes	1	6.00	231	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	6.00	130	0.42
Paving	Rollers	1	7.00	80	0.38
Demolition	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Rubber Tired Dozers	1	6.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	187	0.41
Paving	Paving Equipment	1	8.00	132	0.36
Site Preparation	Rubber Tired Dozers	1	7.00	247	0.40
Building Construction	Welders	3	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	75.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	176.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	49.00	12.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.8103	0.0000	0.8103	0.1227	0.0000	0.1227			0.0000			0.0000
Off-Road	2.1262	20.9463	14.6573	0.0241		1.1525	1.1525		1.0761	1.0761		2,322.3127	2,322.3127	0.5970		2,337.2363
Total	**2.1262**	**20.9463**	**14.6573**	**0.0241**	**0.8103**	**1.1525**	**1.9628**	**0.1227**	**1.0761**	**1.1988**		**2,322.3127**	**2,322.3127**	**0.5970**		**2,337.2363**

3.2 Demolition - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0318	1.1005	0.2298	2.9300e-003	0.0655	3.5700e-003	0.0691	0.0180	3.4200e-003	0.0214		313.6851	313.6851	0.0168		314.1042
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0478	0.0338	0.3276	9.9000e-004	0.1068	6.9000e-004	0.1075	0.0283	6.4000e-004	0.0290		98.2885	98.2885	2.4000e-003		98.3486
Total	**0.0796**	**1.1343**	**0.5574**	**3.9200e-003**	**0.1723**	**4.2600e-003**	**0.1766**	**0.0463**	**4.0600e-003**	**0.0503**		**411.9736**	**411.9736**	**0.0192**		**412.4528**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.8103	0.0000	0.8103	0.1227	0.0000	0.1227			0.0000			0.0000
Off-Road	2.1262	20.9463	14.6573	0.0241		1.1525	1.1525		1.0761	1.0761	0.0000	2,322.3127	2,322.3127	0.5970		2,337.2363
Total	**2.1262**	**20.9463**	**14.6573**	**0.0241**	**0.8103**	**1.1525**	**1.9628**	**0.1227**	**1.0761**	**1.1988**	**0.0000**	**2,322.3127**	**2,322.3127**	**0.5970**		**2,337.2363**

3.2 Demolition - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0318	1.1005	0.2298	2.9300e-003	0.0655	3.5700e-003	0.0691	0.0180	3.4200e-003	0.0214		313.6851	313.6851	0.0168		314.1042
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0478	0.0338	0.3276	9.9000e-004	0.1068	6.9000e-004	0.1075	0.0283	6.4000e-004	0.0290		98.2885	98.2885	2.4000e-003		98.3486
Total	**0.0796**	**1.1343**	**0.5574**	**3.9200e-003**	**0.1723**	**4.2600e-003**	**0.1766**	**0.0463**	**4.0600e-003**	**0.0503**		**411.9736**	**411.9736**	**0.0192**		**412.4528**

3.3 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.3340	0.0000	5.3340	2.9034	0.0000	2.9034			0.0000			0.0000
Off-Road	1.6299	18.3464	7.7093	0.0172		0.8210	0.8210		0.7553	0.7553		1,667.4119	1,667.4119	0.5393		1,680.8937
Total	**1.6299**	**18.3464**	**7.7093**	**0.0172**	**5.3340**	**0.8210**	**6.1550**	**2.9034**	**0.7553**	**3.6587**		**1,667.4119**	**1,667.4119**	**0.5393**		**1,680.8937**

3.3 Site Preparation - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0294	0.0208	0.2016	6.1000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		60.4852	60.4852	1.4800e-003		60.5222
Total	**0.0294**	**0.0208**	**0.2016**	**6.1000e-004**	**0.0657**	**4.3000e-004**	**0.0661**	**0.0174**	**3.9000e-004**	**0.0178**		**60.4852**	**60.4852**	**1.4800e-003**		**60.5222**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					5.3340	0.0000	5.3340	2.9034	0.0000	2.9034			0.0000			0.0000
Off-Road	1.6299	18.3464	7.7093	0.0172		0.8210	0.8210		0.7553	0.7553	0.0000	1,667.4119	1,667.4119	0.5393		1,680.8937
Total	**1.6299**	**18.3464**	**7.7093**	**0.0172**	**5.3340**	**0.8210**	**6.1550**	**2.9034**	**0.7553**	**3.6587**	**0.0000**	**1,667.4119**	**1,667.4119**	**0.5393**		**1,680.8937**

3.3 Site Preparation - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0294	0.0208	0.2016	6.1000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		60.4852	60.4852	1.4800e-003		60.5222
Total	**0.0294**	**0.0208**	**0.2016**	**6.1000e-004**	**0.0657**	**4.3000e-004**	**0.0661**	**0.0174**	**3.9000e-004**	**0.0178**		**60.4852**	**60.4852**	**1.4800e-003**		**60.5222**

3.4 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					4.5892	0.0000	4.5892	2.4909	0.0000	2.4909			0.0000			0.0000
Off-Road	1.3498	15.0854	6.4543	0.0141		0.6844	0.6844		0.6296	0.6296		1,365.7183	1,365.7183	0.4417		1,376.7609
Total	**1.3498**	**15.0854**	**6.4543**	**0.0141**	**4.5892**	**0.6844**	**5.2736**	**2.4909**	**0.6296**	**3.1205**		**1,365.7183**	**1,365.7183**	**0.4417**		**1,376.7609**

3.4 Grading - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0746	2.5826	0.5393	6.8800e-003	0.1537	8.3800e-003	0.1621	0.0421	8.0200e-003	0.0502		736.1144	736.1144	0.0393		737.0978
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0294	0.0208	0.2016	6.1000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		60.4852	60.4852	1.4800e-003		60.5222
Total	**0.1040**	**2.6034**	**0.7409**	**7.4900e-003**	**0.2195**	**8.8100e-003**	**0.2283**	**0.0596**	**8.4100e-003**	**0.0680**		**796.5996**	**796.5996**	**0.0408**		**797.6200**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					4.5892	0.0000	4.5892	2.4909	0.0000	2.4909			0.0000			0.0000
Off-Road	1.3498	15.0854	6.4543	0.0141		0.6844	0.6844		0.6296	0.6296	0.0000	1,365.7183	1,365.7183	0.4417		1,376.7609
Total	**1.3498**	**15.0854**	**6.4543**	**0.0141**	**4.5892**	**0.6844**	**5.2736**	**2.4909**	**0.6296**	**3.1205**	**0.0000**	**1,365.7183**	**1,365.7183**	**0.4417**		**1,376.7609**

3.4 Grading - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0746	2.5826	0.5393	6.8800e-003	0.1537	8.3800e-003	0.1621	0.0421	8.0200e-003	0.0502		736.1144	736.1144	0.0393		737.0978
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0294	0.0208	0.2016	6.1000e-004	0.0657	4.3000e-004	0.0661	0.0174	3.9000e-004	0.0178		60.4852	60.4852	1.4800e-003		60.5222
Total	**0.1040**	**2.6034**	**0.7409**	**7.4900e-003**	**0.2195**	**8.8100e-003**	**0.2283**	**0.0596**	**8.4100e-003**	**0.0680**		**796.5996**	**796.5996**	**0.0408**		**797.6200**

3.5 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0305	14.7882	13.1881	0.0220		0.7960	0.7960		0.7688	0.7688		2,001.1595	2,001.1595	0.3715		2,010.4467
Total	**2.0305**	**14.7882**	**13.1881**	**0.0220**		**0.7960**	**0.7960**		**0.7688**	**0.7688**		**2,001.1595**	**2,001.1595**	**0.3715**		**2,010.4467**

3.5 Building Construction - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0479	1.3829	0.3732	3.2200e-003	0.0812	6.8200e-003	0.0880	0.0234	6.5200e-003	0.0299		341.1927	341.1927	0.0187		341.6588
Worker	0.1802	0.1274	1.2347	3.7200e-003	0.4025	2.6100e-003	0.4051	0.1068	2.4000e-003	0.1092		370.4721	370.4721	9.0600e-003		370.6986
Total	**0.2280**	**1.5103**	**1.6079**	**6.9400e-003**	**0.4838**	**9.4300e-003**	**0.4932**	**0.1302**	**8.9200e-003**	**0.1391**		**711.6647**	**711.6647**	**0.0277**		**712.3574**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.0305	14.7882	13.1881	0.0220		0.7960	0.7960		0.7688	0.7688	0.0000	2,001.1595	2,001.1595	0.3715		2,010.4467
Total	**2.0305**	**14.7882**	**13.1881**	**0.0220**		**0.7960**	**0.7960**		**0.7688**	**0.7688**	**0.0000**	**2,001.1595**	**2,001.1595**	**0.3715**		**2,010.4467**

3.5 Building Construction - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0479	1.3829	0.3732	3.2200e-003	0.0812	6.8200e-003	0.0880	0.0234	6.5200e-003	0.0299		341.1927	341.1927	0.0187		341.6588
Worker	0.1802	0.1274	1.2347	3.7200e-003	0.4025	2.6100e-003	0.4051	0.1068	2.4000e-003	0.1092		370.4721	370.4721	9.0600e-003		370.6986
Total	**0.2280**	**1.5103**	**1.6079**	**6.9400e-003**	**0.4838**	**9.4300e-003**	**0.4932**	**0.1302**	**8.9200e-003**	**0.1391**		**711.6647**	**711.6647**	**0.0277**		**712.3574**

3.5 Building Construction - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8125	13.6361	12.8994	0.0221		0.6843	0.6843		0.6608	0.6608		2,001.2200	2,001.2200	0.3573		2,010.1517
Total	**1.8125**	**13.6361**	**12.8994**	**0.0221**		**0.6843**	**0.6843**		**0.6608**	**0.6608**		**2,001.2200**	**2,001.2200**	**0.3573**		**2,010.1517**

3.5 Building Construction - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0394	1.2508	0.3361	3.1900e-003	0.0812	2.7800e-003	0.0840	0.0234	2.6600e-003	0.0260		337.9526	337.9526	0.0176		338.3928
Worker	0.1669	0.1137	1.1261	3.5900e-003	0.4025	2.5300e-003	0.4051	0.1068	2.3300e-003	0.1091		357.4730	357.4730	8.0900e-003		357.6752
Total	**0.2063**	**1.3645**	**1.4622**	**6.7800e-003**	**0.4838**	**5.3100e-003**	**0.4891**	**0.1302**	**4.9900e-003**	**0.1351**		**695.4255**	**695.4255**	**0.0257**		**696.0679**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.8125	13.6361	12.8994	0.0221		0.6843	0.6843		0.6608	0.6608	0.0000	2,001.2200	2,001.2200	0.3573		2,010.1517
Total	**1.8125**	**13.6361**	**12.8994**	**0.0221**		**0.6843**	**0.6843**		**0.6608**	**0.6608**	**0.0000**	**2,001.2200**	**2,001.2200**	**0.3573**		**2,010.1517**

3.5 Building Construction - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0394	1.2508	0.3361	3.1900e-003	0.0812	2.7800e-003	0.0840	0.0234	2.6600e-003	0.0260		337.9526	337.9526	0.0176		338.3928
Worker	0.1669	0.1137	1.1261	3.5900e-003	0.4025	2.5300e-003	0.4051	0.1068	2.3300e-003	0.1091		357.4730	357.4730	8.0900e-003		357.6752
Total	**0.2063**	**1.3645**	**1.4622**	**6.7800e-003**	**0.4838**	**5.3100e-003**	**0.4891**	**0.1302**	**4.9900e-003**	**0.1351**		**695.4255**	**695.4255**	**0.0257**		**696.0679**

3.6 Paving - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7739	7.7422	8.8569	0.0135		0.4153	0.4153		0.3830	0.3830		1,296.8664	1,296.8664	0.4111		1,307.1442
Paving	0.0131					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7870**	**7.7422**	**8.8569**	**0.0135**		**0.4153**	**0.4153**		**0.3830**	**0.3830**		**1,296.8664**	**1,296.8664**	**0.4111**		**1,307.1442**

3.6 Paving - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0443	0.0302	0.2988	9.5000e-004	0.1068	6.7000e-004	0.1075	0.0283	6.2000e-004	0.0290		94.8398	94.8398	2.1500e-003		94.8934
Total	**0.0443**	**0.0302**	**0.2988**	**9.5000e-004**	**0.1068**	**6.7000e-004**	**0.1075**	**0.0283**	**6.2000e-004**	**0.0290**		**94.8398**	**94.8398**	**2.1500e-003**		**94.8934**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7739	7.7422	8.8569	0.0135		0.4153	0.4153		0.3830	0.3830	0.0000	1,296.8664	1,296.8664	0.4111		1,307.1442
Paving	0.0131					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7870**	**7.7422**	**8.8569**	**0.0135**		**0.4153**	**0.4153**		**0.3830**	**0.3830**	**0.0000**	**1,296.8664**	**1,296.8664**	**0.4111**		**1,307.1442**

3.6 Paving - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0443	0.0302	0.2988	9.5000e-004	0.1068	6.7000e-004	0.1075	0.0283	6.2000e-004	0.0290		94.8398	94.8398	2.1500e-003		94.8934
Total	**0.0443**	**0.0302**	**0.2988**	**9.5000e-004**	**0.1068**	**6.7000e-004**	**0.1075**	**0.0283**	**6.2000e-004**	**0.0290**		**94.8398**	**94.8398**	**2.1500e-003**		**94.8934**

3.7 Architectural Coating - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	28.7750					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941		281.4481	281.4481	0.0193		281.9309
Total	**28.9939**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**		**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0341	0.0232	0.2298	7.3000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		72.9537	72.9537	1.6500e-003		72.9949
Total	**0.0341**	**0.0232**	**0.2298**	**7.3000e-004**	**0.0822**	**5.2000e-004**	**0.0827**	**0.0218**	**4.8000e-004**	**0.0223**		**72.9537**	**72.9537**	**1.6500e-003**		**72.9949**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	28.7750					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2189	1.5268	1.8176	2.9700e-003		0.0941	0.0941		0.0941	0.0941	0.0000	281.4481	281.4481	0.0193		281.9309
Total	**28.9939**	**1.5268**	**1.8176**	**2.9700e-003**		**0.0941**	**0.0941**		**0.0941**	**0.0941**	**0.0000**	**281.4481**	**281.4481**	**0.0193**		**281.9309**

3.7 Architectural Coating - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0341	0.0232	0.2298	7.3000e-004	0.0822	5.2000e-004	0.0827	0.0218	4.8000e-004	0.0223		72.9537	72.9537	1.6500e-003		72.9949
Total	**0.0341**	**0.0232**	**0.2298**	**7.3000e-004**	**0.0822**	**5.2000e-004**	**0.0827**	**0.0218**	**4.8000e-004**	**0.0223**		**72.9537**	**72.9537**	**1.6500e-003**		**72.9949**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Increase Density

Increase Diversity

Improve Walkability Design

Improve Destination Accessibility

Increase Transit Accessibility

Improve Pedestrian Network

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.2798	1.1859	2.5269	6.2500e-003	0.5028	6.3000e-003	0.5091	0.1345	5.9000e-003	0.1404		631.7799	631.7799	0.0328		632.5994
Unmitigated	0.3529	1.7486	4.2060	0.0135	1.1875	0.0128	1.2003	0.3177	0.0120	0.3297		1,362.8204	1,362.8204	0.0538		1,364.1653

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Mid Rise	242.00	242.00	242.00	558,925	236,657
City Park	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Unenclosed Parking with Elevator	0.00	0.00	0.00		
Total	242.00	242.00	242.00	558,925	236,657

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Mid Rise	10.80	4.80	5.70	31.00	15.00	54.00	86	11	3
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Unenclosed Parking with	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Mid Rise	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
City Park	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Parking Lot	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789
Unenclosed Parking with Elevator	0.575198	0.040076	0.193827	0.113296	0.016988	0.005361	0.017552	0.025197	0.002581	0.002349	0.005904	0.000881	0.000789

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Install Energy Efficient Appliances

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
NaturalGas Unmitigated	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Mid Rise	946.789	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0102**	**0.0873**	**0.0371**	**5.6000e-004**		**7.0500e-003**	**7.0500e-003**		**7.0500e-003**	**7.0500e-003**		**111.3870**	**111.3870**	**2.1300e-003**	**2.0400e-003**	**112.0489**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Mid Rise	0.946789	0.0102	0.0873	0.0371	5.6000e-004		7.0500e-003	7.0500e-003		7.0500e-003	7.0500e-003		111.3870	111.3870	2.1300e-003	2.0400e-003	112.0489
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unenclosed Parking with Elevator	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0102**	**0.0873**	**0.0371**	**5.6000e-004**		**7.0500e-003**	**7.0500e-003**		**7.0500e-003**	**7.0500e-003**		**111.3870**	**111.3870**	**2.1300e-003**	**2.0400e-003**	**112.0489**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.1261	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183	0.0000	5.9584	5.9584	5.8000e-003	0.0000	6.1034
Unmitigated	17.5765	0.4019	25.0491	0.0421		3.1038	3.1038		3.1038	3.1038	334.8339	154.1937	489.0275	0.4640	0.0237	507.6804

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1577					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.8675					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	16.4504	0.3637	21.7342	0.0419		3.0855	3.0855		3.0855	3.0855	334.8339	148.2353	483.0691	0.4582	0.0237	501.5770
Landscaping	0.1009	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183		5.9584	5.9584	5.8000e-003		6.1034
Total	**17.5765**	**0.4019**	**25.0491**	**0.0420**		**3.1038**	**3.1038**		**3.1038**	**3.1038**	**334.8339**	**154.1937**	**489.0275**	**0.4640**	**0.0237**	**507.6804**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1577					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.8675					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1009	0.0383	3.3149	1.7000e-004		0.0183	0.0183		0.0183	0.0183		5.9584	5.9584	5.8000e-003		6.1034
Total	**1.1261**	**0.0383**	**3.3149**	**1.7000e-004**		**0.0183**	**0.0183**		**0.0183**	**0.0183**	**0.0000**	**5.9584**	**5.9584**	**5.8000e-003**	**0.0000**	**6.1034**

7.0 Water Detail

7.1 Mitigation Measures Water

Use Reclaimed Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Turf Reduction

Use Water Efficient Irrigation System

Use Water Efficient Landscaping

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

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

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

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

Boilers

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

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

APPENDIX B

TRAFFIC OPERATIONS REPORT

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Memorandum

Date: May 28, 2019

To: Mr. Steve Chan, P.E.

From: Brett Walinski, T.E.
Eric Tse, P.E.

Subject: Traffic Operations Report for 2001 Tarob Court, Milpitas, CA

Hexagon Transportation Consultants, Inc. has completed this traffic operations report for the proposed residential development located at 2001 Tarob Court in Milpitas, California. The site location is shown on Figure 1. The existing site is occupied by a 16,463 sq. ft. office/industrial building. The project proposes to demolish the existing building and construct 40 condominium units. Primary access to the site would be provided via a single driveway on the northern portion of the site on Tarob Court. The site plan is shown on Figure 2.

Scope of Study

The purpose of this study is to evaluate the operations at the site driveway and at key intersections near the site. The traffic study includes an analysis of AM and PM peak hour traffic conditions at the following study intersections and site driveway (See Figure 1).

1. Lundy Avenue and Trade Zone Boulevard
2. Lundy Avenue and Tarob Court (unsignalized)
3. Project Driveway and Tarob Court (unsignalized)

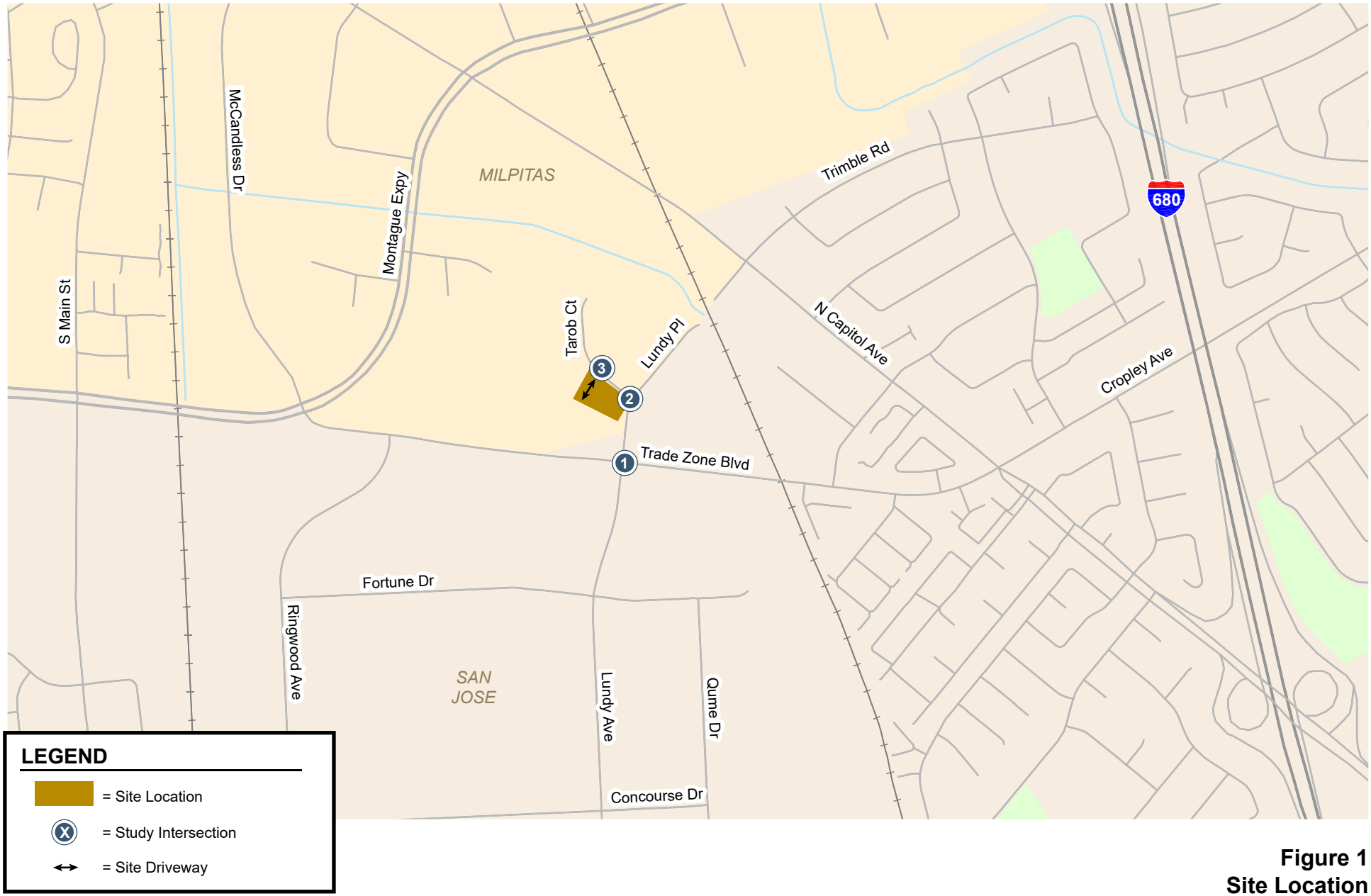
The impacts of the project were evaluated during the weekday AM and PM peak hours. The AM peak hour of traffic is typically between 7:00 AM and 9:00 AM and the PM peak hour is typically between 4:00 PM and 6:00 PM. It is during these periods that the most congested traffic conditions occur on an average weekday. Traffic conditions were evaluated for the following scenarios:

Scenario 1: *Existing Conditions.* Existing conditions are represented by existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts conducted in May 2019.

Scenario 2: *Existing Plus Project Conditions*. Project trips from the site were added to existing traffic volumes to estimate existing plus project conditions. Existing plus project conditions were evaluated relative to existing conditions in order to determine potential project impacts.

Scenario 3: *Background Conditions.* A list of approved and pending developments was obtained from the Cities of Milpitas and San Jose (described in greater detail in the subsequent *Intersection Level of Service Analysis* section). Approved and pending project-generated traffic volumes were added to existing traffic volumes to estimate background conditions. The roadway network was assumed to be unchanged from existing conditions for this scenario.

Scenario 4: *Background Plus Project Conditions*. Project trips from the site were added to background traffic volumes to estimate background plus project conditions. Background plus project conditions were evaluated relative to background conditions in order to determine potential project impacts.



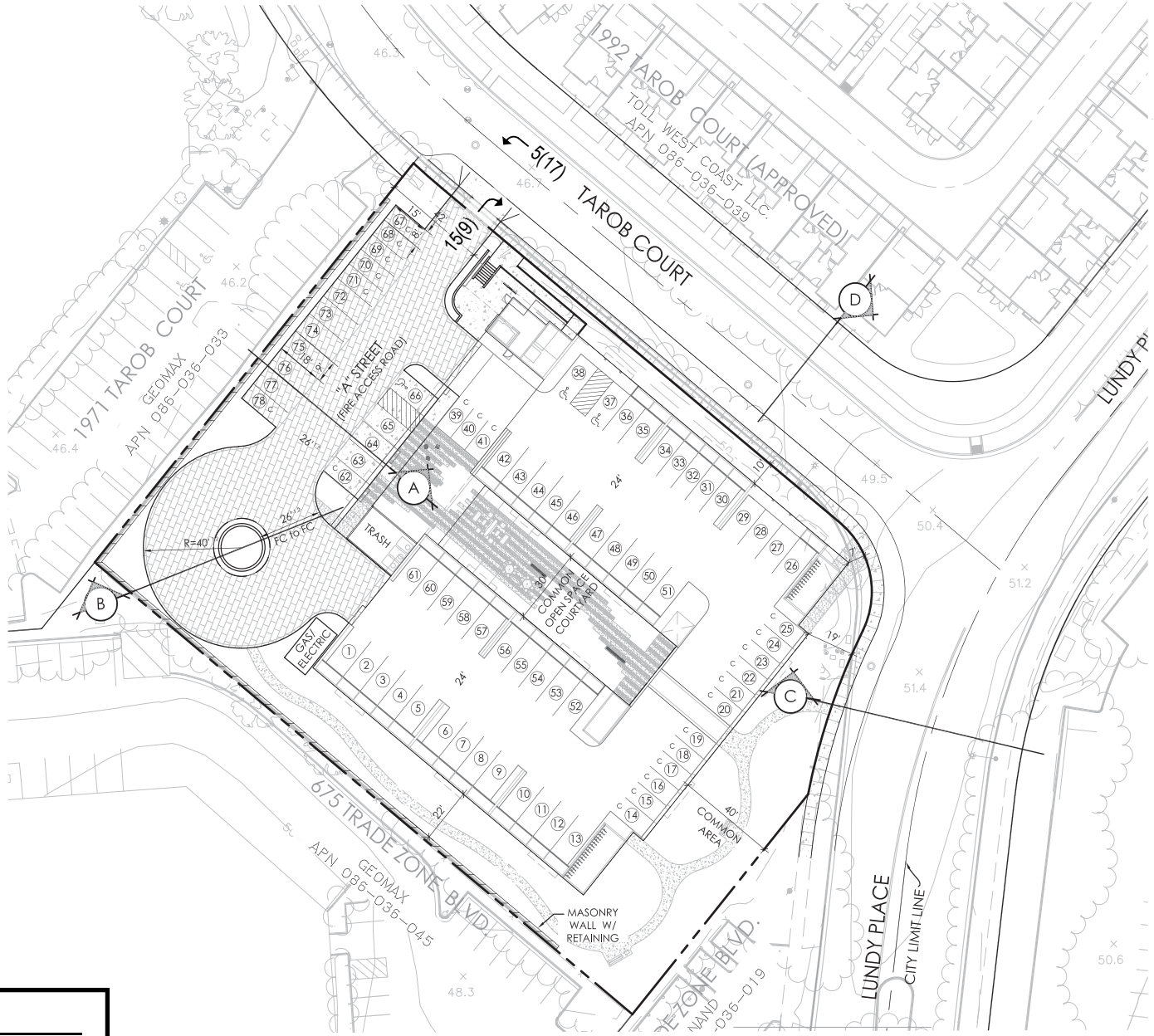
LEGEND

= Site Location

= Study Intersection

= Site Driveway

Figure 1
Site Location



LEGEND

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

Figure 2
Site Plan

HEXAGON

NO
Not to Scale

A Congestion Management Program (CMP) analysis was not required because the project is estimated to generate fewer than 100 peak-hour trips. This report also includes the following analyses:

- Vehicle queuing analysis at high demand turn movements
- Project site access and circulation evaluation
- Impacts to transit, bikes, and pedestrians

Intersection operations were evaluated using the Highway Capacity Manual (HCM) level of service methodology during the peak hours.

Existing Transportation Setting

Regional access to the project site is provided via Montague Expressway and North Capitol Avenue. Local acces to the project site is provided by Lundy Place, Trade Zone Boulevard, and Tarob Court. These roadways are described below.

> *Lundy Place* is a north-south, two-lane roadway extending from the Union Pacific Railroad tracks in the north to Trade Zone Avenue in the south, where it becomes Lundy Avenue. Lundy Place terminates in a cul-de-sac approximately 650 feet north of Tarob Court.
>
> *Trade Zone Boulevard* is an east-west, four-lane collector street extending from Montague Expressway in the west to Capitol Avenue in the east.
>
> *Tarob Court* is a two-lane roadway extending west from Lundy Place. It provides access to the office/industrial buildings located to the west of Lundy Place and terminates in a cul-de-sac approximately 800 feet west of Lundy Place. Tarob Court provides direct access to the project site via a single driveway.

Existing bicycle access to the project vicinity is provided primarily via a network of nearby Class II bike lanes and Class III bike routes which are shared with vehicular traffic. Buffered Class II bike lanes are provided along Trade Zone Boulevard from Ringwood Avenue to Lundy Avenue. Conventional Class II bike lanes are present on Lundy Avenue south of Trade Zone Boulevard, McCandless Drive, and East Capitol Avenue. Currently, there are no bike facilities on Lundy Place or on Trade Zone Boulevard between Lundy Avenue and East Capitol Avenue. Existing Class III bike routes are present on Montague Expressway and Trade Zone Boulevard between Montague Expressway and Lundy Avenue.

Majority of the streets in the project vicinity have sidewalks, except the following street sections:

- South side of Trade Zone Boulevard between Montague Expressway and Ringwood Avenue
- Both sides of Trade Zone Boulevard between Lundy Avenue and Autumnvale Drive
- West side of Lundy Place
- Both sides of Tarob Court

The signalized intersection of Trade zone Boulevard and Lundy Avenue has crosswalks on all approaches. There are no crosswalks at the unsignalized intersection of Lundy Place and Tarob Court.

Existing transit service in the area includes VTA buses and VTA light rail. One VTA bus stop is located about 500 feet south of the project site at the intersection of Trade Zone Boulevard and Lundy Avenue and is currently served by two bus routes: Route 77 and Route 831.

Route 77 is a VTA bus line that provides service between Eastridge Transit Center and Great Mall/Main Transit Center via King Road. Route 77 operates between 6:00 AM and 9:00 PM on weekdays, with headways between 15 and 20 minutes. Route 77 also provides weekend service.

Route 831 is an ACE line that provides service between the Great America ACE station and the Lundy Avenue/Commerce Drive intersection. Eastbound service is provided during weekday mornings between 6:00 AM and 9:00 AM with 45 to 60 minutes headways. Westbound service is provided during weekday afternoons between 3:00 PM and 6:00 PM with 45 to 60 minutes headways. No service is provided during weekends.

VTA light-rail runs in the median of Great Mall Parkway/North Capitol Avenue. The closest light rail station (Cropley Station) is located near the Trade Zone Boulevard and North Capitol Avenue intersection, which is only 0.6 miles east of the project site.

In the future, BART service will be provided to the study area. As part of the BART extension to the South Bay, BART will pass through Milpitas, with the Milpitas Station located at the southeast corner of the Great Mall Parkway and Montague Expressway intersection. The station will be located approximately one-half mile north of the project site.

Observed Existing Traffic Conditions

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field. The field observations revealed that the level of service analysis generally reflects actual existing traffic conditions. A summary of the observations is provided below.

Intersection at Lundy Avenue and Trade Zone Boulevard. During the AM peak hour, field observations showed that the queues for the westbound left-turn movement extended past the left-turn lane into the adjacent through lane on Trade Zone Boulevard. However, the long vehicular queues were able to clear in a single cycle. During the PM peak hour, long vehicular queues were observed on eastbound Trade Zone Boulevard. However, the eastbound through movement received adequate green time and all traffic was able to clear in one cycle. It should be noted that the proposed project would not add any trips to either of these movements.

Project Traffic Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the AM and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to specific streets and intersections in the study area. These procedures are described further in the following paragraphs.

Through empirical research, data has been collected that correlate to common land uses their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The trip generation estimates for the proposed project are based on rates obtained from the Institute of Transportation Engineers' (ITE) publication *Trip Generation*, 10th Edition. Based on trip generation rates for low-rise multi-family housing, the project would generate 20 trips during the AM peak hour and 26 trips during the PM peak hour. The project trip generation estimates are presented in Table 1.

As stated previously, the existing site is occupied by an office/industrial building that is currently in operation. Trips generated by existing uses on site can be credited against the proposed residential development. Based on AM and PM peak hour driveway counts conducted by Hexagon in May 2019, the existing land uses generate 11 AM peak hour trips and 12 PM peak hour trips. After applying these existing trip credits, the proposed project would generate 9 net AM peak hour trips and 14 net PM peak hour trips.

Table 1
Project Trip Generation Estimates

			AM Peak Hour				PM Peak Hour			
Land Use	**Size**	**Unit**	**Rate**	**In**	**Out**	**Total**	**Rate**	**In**	**Out**	**Total**
Proposed Uses										
Multi-Family Housing[1]	40	DU	0.50	5	15	20	0.65	17	9	26
Existing Use										
Office/Light-Industrial [2]	16	ksf		9	2	11		3	9	12
Overall Net Project Trips				**-4**	**13**	**9**		**14**	**0**	**14**

Notes:
DU - Dwelling Units; ksf - 1,000 square feet
1. Based on Fitted Curved Equations for Multifamily Housing (Low-Rise, Land Use Code 220), Institute of Transportation Engineers, Trip Generation, 10th Edition.
2. Based on AM and PM peak hour driveway counts conducted on May 2, 2019.

The trip distribution pattern for the proposed project was estimated based on the City of Milpitas Transit Area Specific Plan (TASP), of which the proposed development would be a part of. Trips were assigned to the roadway network in accordance with the TASP trip distribution for residential uses. The project trip distribution and net project trip assignment are shown on Figure 3.

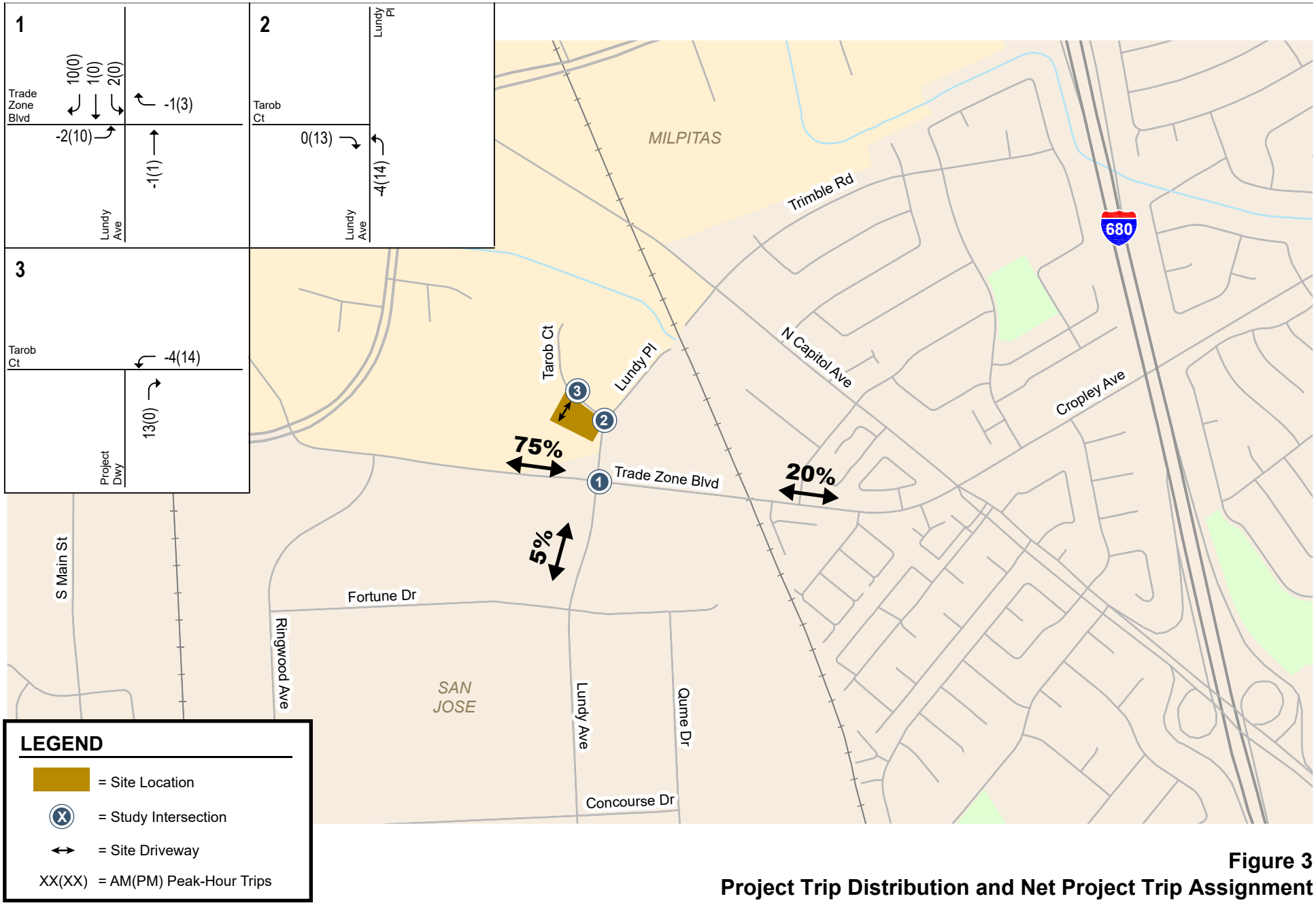


Figure 3
Project Trip Distribution and Net Project Trip Assignment

Intersection Level of Service Analysis

Traffic volumes for existing conditions were determined from existing traffic counts conducted in May 2019. Traffic volumes for background conditions were estimated by adding to the existing traffic volumes the trips generated by approved and pending developments, which were estimated using the following three components:

1. Background growth traffic volumes used in the Tarob Master Plan[1],
2. Nearby development projects, and
3. City of San Jose Approved Trips Inventory.

The traffic volumes for the study scenarios are shown in Figures 4 through 7. The roadway geometries and traffic control at the study intersections were assumed to remain unchanged under all study scenarios.

Traffic conditions at the study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The signalized intersection of Lundy Avenue and Trade Zone Boulevard is under the jurisdiction of City of San Jose. The City of San Jose utilizes TRAFFIX software and the Highway Capacity Manual (HCM) 2000 methodology to evaluate intersection operations. The HCM methodology evaluates intersection operations on the basis of average delay time for all vehicles at the intersection. This average delay can then be correlated to a level of service. In San Jose, the minimum acceptable level of service is LOS D, and project impacts at signalized intersections occur when:

1. The level of service at an intersection drops below its LOS standard when project traffic is added; or

2. An intersection that is operating worse than its level of service standard under no project conditions has an increase in critical delay of four or more seconds AND the demand-to-capacity ratio (V/C) is increased by more than 0.01 when project traffic is added.

The exception to this threshold is when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold is when the project increases the V/C value by 0.01 or more.

A significant impact at a signalized intersection is said to be satisfactorily mitigated when measures are implemented that would restore intersection levels of service to an acceptable LOS or restore the intersection to operating levels that are better than no project conditions

The results of the intersection level of service analysis are summarized in Table 2. The level of service calculation sheets are included in Appendix B. The results show that the signalized intersection at Trade Zone Boulevard and Lundy Avenue would operate at LOS D or better under existing and background conditions with or without the proposed project. According to City of San Jose level of service standards, the project would therefore have no impacts on intersection level of service.

[1] Focused Transportation Impact Analysis for the Tarob Master Plan in Milpitas, California, dated December 16, 2016 by Fehr and Peers.

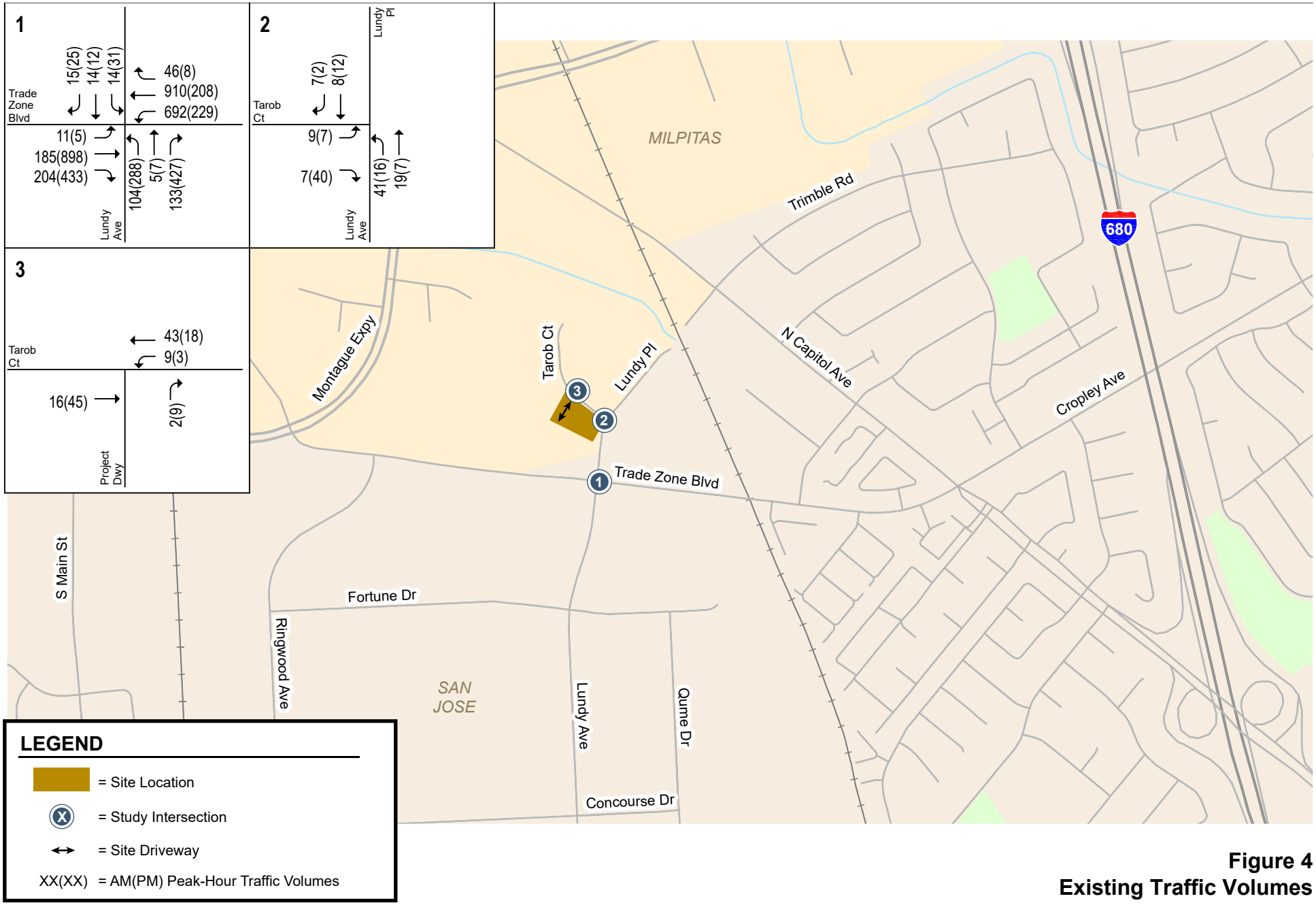


Figure 4
Existing Traffic Volumes

HEXAGON

NO
Not to Scale

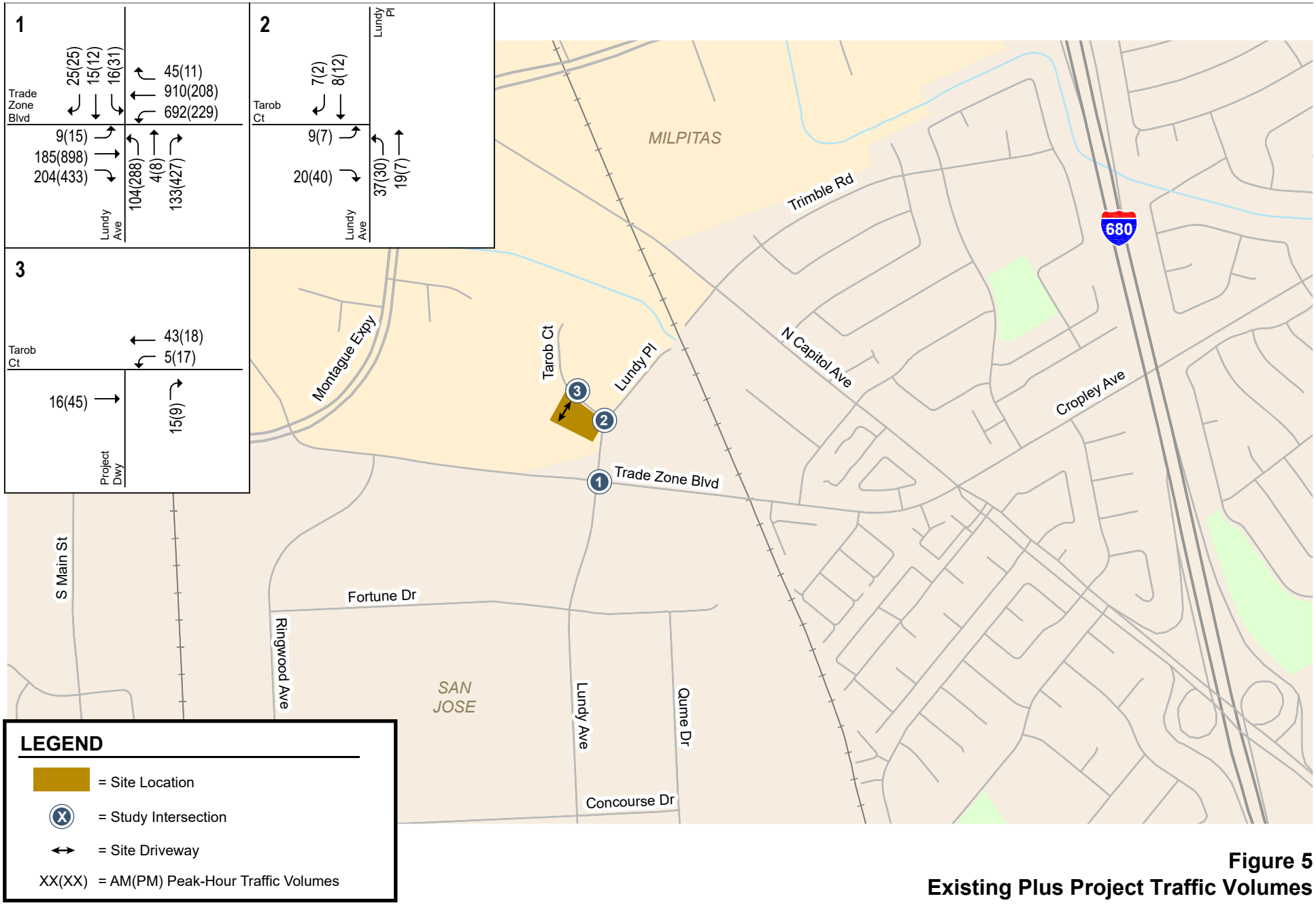


Figure 5
Existing Plus Project Traffic Volumes

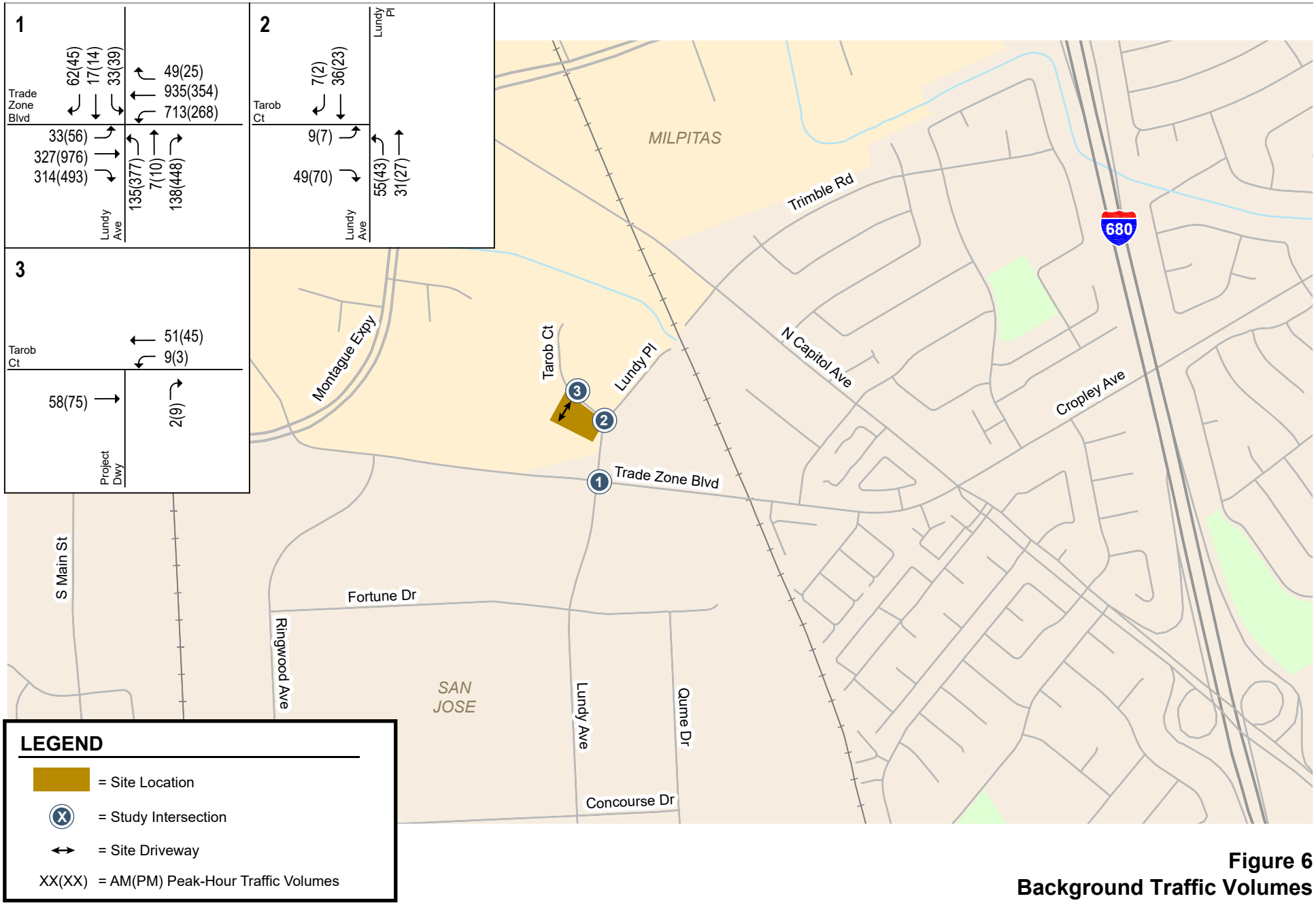


Figure 6
Background Traffic Volumes

HEXAGON

NO
Not to Scale

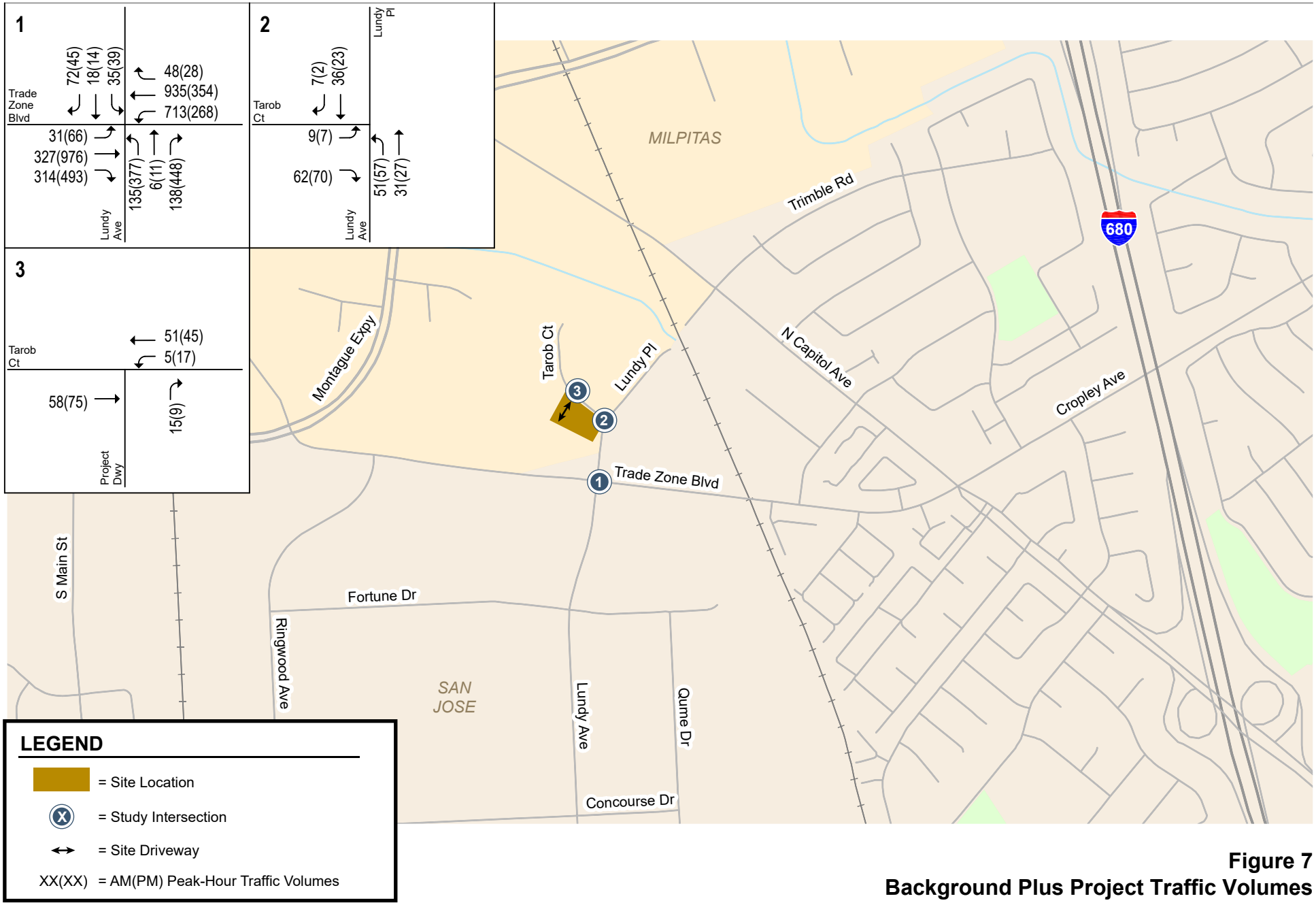


Figure 7
Background Plus Project Traffic Volumes

Table 2
Intersection Level of Service Summary

Intersection	Control	Peak Hour	Count Date	LOS Standard	Existing Avg Delay[1] (sec/veh)	Existing LOS	Existing + Project Avg Delay[1] (sec/veh)	Existing + Project LOS	Existing + Project Increase in Delay[3]	Existing + Project Increase in V/C	Background Avg Delay[1] (sec/veh)	Background LOS	Background + Project Avg Delay[1] (sec/veh)	Background + Project LOS	Background + Project Increase in Delay[3]	Background + Project Increase in V/C
1. Lundy Ave and Trade Zone Blvd	Signal	AM	05/02/19	D	30.3	C	32.2	C	3.50	0.045	35.4	D	35.6	D	0.0	0.001
		PM	05/02/19	D	41.8	D	44.0	D	4.10	0.048	44.7	D	44.7	D	0.0	0.000
2. Lundy Ave and Tarob Ct	SSSC [2]	AM	05/02/19	N/A	4.8/8.9	A	5.2/8.7	A	N/A	N/A	4.9/8.9	A	5.1/8.9	A	N/A	N/A
		PM	05/02/19	N/A	6.2/8.6	A	6.4/8.6	A	N/A	N/A	5.7/8.8	A	5.9/8.8	A	N/A	N/A
3. Project Driveway and Tarob Ct	SSSC [2]	AM	05/02/19	N/A	1.2/8.4	A	2.1/8.4	A	N/A	N/A	0.7/8.6	A	1.3/8.6	A	N/A	N/A
		PM	05/02/19	N/A	1.3/8.5	A	2.3/8.5	A	N/A	N/A	0.8/8.7	A	1.4/8.7	A	N/A	N/A

[1] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.
[2] Side Street Stop Controlled intersection. Delays are reported for both the overall average delay / the approach with highest delay.
[3] For the signalized intersection at Lundy Ave. and Trade Zone Blvd., the increase in delay shown here represents increase in critical delay.

The study intersections of Lundy Avenue/Tarob Court and Project Driveway/Tarob Court are unsignalized and under the jurisdiction of City of Milpitas. Unlike signalized intersections, which typically represent constraint points for the roadway network, unsignalized intersections rarely limit the potential capacity of a roadway. The determination of appropriate improvements to unsignalized intersections typically includes a qualitative and quantitative analysis of movement delay, traffic signal warrants, movement traffic volumes, availability of alternate routes, and intersection safety. For this reason, improvements to unsignalized intersections are frequently determined on the basis of professional judgment. The City of Milpitas does not apply significance thresholds to unsignalized intersections. Both unsignalized study intersections are projected to operate at LOS A under existing and background conditions, with or without the proposed project.

An assessment was conducted to determine whether the traffic volumes at the Lundy Avenue/Tarob Court intersection would warrant the installation of a traffic signal. This assessment was based on the Peak Hour Volume Signal Warrant (Warrant #3) described in the *California Manual on Uniform Traffic Control Devices (CA MUTCD)*. This method makes no evaluation of intersection level of service, but simply provides an indication whether peak hour traffic volumes would be sufficient to justify installation of a traffic signal. The signal warrant analysis sheets are included in the Appendix. The analysis showed that the peak hour volume warrant would not be satisfied at the Lundy Avenue/Tarob Court intersection under any study scenarios during the AM and PM peak hours.

Vehicle Queuing Analysis

A vehicle queuing analysis was conducted for the eastbound left-turn movement at the Trade Zone Boulevard/Lundy Avenue intersection and the northbound left-turn at the Tarob Court/Lundy Avenue intersection. The queuing analysis was conducted for both background and background plus project conditions. Vehicle queues were estimated using a Poisson probability distribution. The basis of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95th percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement. This analysis thus provides a basis for estimating future storage requirements at intersections. The results of this analysis are summarized below and in Table 3 for the AM and PM peak hours. The analysis indicates that, with the addition of project traffic, the 95th percentile vehicle queues could be accommodated by the storage provided at the subject locations.

Table 3
Vehicle Queuing Analysis

Measurement	Trade Zone Blvd and Lundy Ave EB Left Turn	Lundy Place and Tarob Ct NB Left Turn
Background (AM)		
Cycle/Delay[1] (sec)	116	7.4
Volume (vph)	33	55
Avg. Queue (veh)	1.1	0.1
Avg. Queue (ft.) [2]	27	3
95th %. Queue (veh)	3	1
95th %. Queue (ft.) [2]	75	25
Storage	130	125
Adequate (Y/N)	Y	Y
Background (PM)		
Cycle/Delay[1] (sec)	116	7.3
Volume (vph)	56	43
Avg. Queue (veh)	1.8	0.1
Avg. Queue (ft.) [2]	45	2
95th %. Queue (veh)	4	1
95th %. Queue (ft.) [2]	100	25
Storage	130	125
Adequate (Y/N)	Y	Y
Background + Project (AM)		
Cycle/Delay[1] (sec)	116	7.4
Volume (vph)	31	51
Avg. Queue (veh)	1.0	0.1
Avg. Queue (ft.) [2]	25	3
95th %. Queue (veh)	3	1
95th %. Queue (ft.) [2]	75	25
Storage	130	125
Adequate (Y/N)	Y	Y
Background + Project (PM)		
Cycle/Delay[1] (sec)	116	7.3
Volume (vph)	66	57
Avg. Queue (veh)	2.1	0.1
Avg. Queue (ft.) [2]	53	3
95th %. Queue (veh)	5	1
95th %. Queue (ft.) [2]	125	25
Storage	130	125
Adequate (Y/N)	Y	Y

[1] Vehicle queue calculations based on signal cycle length for signalized intersections and average movement delay for unsignalized intersections.
[2] Assumes 25 feet per vehicle queued

Impacts to Transit, Bikes, and Pedestrians

According to the VTA (Santa Clara County CMP) Transportation Impact Analysis Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in the Lead Agency's adopted bicycle/pedestrian plan, or the plans of other agencies such as the Countywide Bicycle Plan or adjacent Cities' bicycle/pedestrian plans; or (3) it would cause a change to existing bike paths such as alignment, width of the trail ROW, or length of the trail.

The project site is located within the City of Milpitas Transit Area Specific Plan (TASP). The plan oversees the redevelopment of the southern portion of the City that transforms a low-density industrial area to an urban residential and mixed-use district with an emphasis on walkability and bicycling. The plan includes a new street system that promotes walking and biking as the dominant modes for short internal trips, especially with the future Milpitas BART station and VTA light rail system within close proximity to the project site. As part of the Milpitas TASP, a future street connection and pedestrian bridge across Capitol Avenue are planned to connect Tarob Court to Milpitas Boulevard and the new BART station. A proposed Class III bike route is also planned on Tarob Court to serve this new bicycle access route to the transit center.

As part of project improvements, curb extensions with new sidewalks would be installed along the Tarob Court and Lundy Place project frontages. In addition, the two existing driveways at the project site will be reduced into one new site driveway on Tarob Court, which would reduce the number of potential vehicle-pedestrian conflict points.

The proposed project would generate pedestrian trips to/from transit stops, recreation areas, and employment centers. Overall, the volume of pedestrian trips generated by the project is expected to be relatively low and not exceed the carrying capacity of the sidewalks and crosswalks nearby. U.S. Census data indicate that bicycle trips comprise less than one percent of the total commute mode share in the City of Milpitas. For the proposed project, this would equate to approximately one new bike trip during each of the AM and PM peak hours. The low volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of streets surrounding the site, and the increase in bicycle trips would not by itself require new off-site bicycle facilities.

The addition of the project would not remove any existing bike/pedestrian facilities, nor would it preclude any future planned improvements. Because most intersections around the project site are signalized and have very few bike/pedestrian activities, the addition of project traffic would have a negligible effect on walking and biking in the project vicinity. Therefore, the proposed project would not create an adverse impact to bike/pedestrian circulation in the area.

According to the VTA TIA Technical Guidelines, a project would create an impact on transit if: (1) it would generate a demand for additional transit services; or (2) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users, e.g., relocation/closure of a transit stop or vacation of a roadway utilized by transit.

According to the Milpitas TASP, transit trips would comprise approximately 9% of all peak hour trips. For the proposed project, assuming 9 percent of total commute trips would be transit trips, this would generate approximately 1 new transit trip during the AM peak hour and 2 new transit trips during the PM peak hour. In addition to commute trips, there will be additional transit trips to nearby schools, parks, and shopping areas. The volume of transit trips generated by the project would not exceed the carrying capacity of the existing transit service to the site.

The addition of the project would not remove any existing transit facilities, nor would it preclude any future planned improvements. As shown in the LOS calculations, the addition of project traffic would have a negligible effect on bus delays the project vicinity. Therefore, based on the VTA Technical Guidelines, the proposed project would not create an adverse impact to transit operations in the area and no

improvements to existing transit service frequencies would be necessary in conjunction with the proposed project.

Site Access

This site access and circulation review is based on the site plan (dated October 2018) provided to Hexagon (see Figure 2). The site would be accessed by one driveway on Tarob Court on the west end of the property, about 200 feet west of the intersection at Lundy Place and Tarob Court. The proposed site driveway would be located at approximately the same location as the existing driveway on Tarob Court for the existing building at the project site. The width of the site driveway entry is 22 feet, which meets the minimum City standard for driveways. Under project conditions, it is anticipated that this driveway would serve approximately 20 AM peak hour project trips and 26 PM peak hour project trips. The project condition traffic volumes at the site driveway are shown on Figure 2.

There are existing driveways serving other parcels on Tarob Court adjacent to and opposite of the project frontage. The site driveway does not align with the existing driveway on the opposite side of Tarob Court, but is offset about 25 feet. There is also another existing driveway beside the site driveway on Tarob Court about 50 feet to the west. The spacing of the site driveway, and its location relative to existing driveways, are acceptable given the relatively low traffic volumes at the nearby driveways and Tarob Court.

According to the level of service and queuing calculations, the site driveway would operate at LOS A with queues rarely exceed one or two vehicles during the AM and PM peak hours. The vehicle queues at the site driveway could be accommodated in the storage space provided, and the onsite queues would generally not interfere with traffic operations on Tarob Court and Lundy Avenue.

Pedestrian access to the project site is provided at locations along the frontage on Tarob Court and Lundy Place. Primary pedestrian access is provided via the main entry facing the sidewalks on Tarob Court. Besides the primary access on Tarob Court, there would be walking paths connecting the parking garage with the existing sidewalks on Lundy Place on the east side of the property. As mentioned previously, new sidewalks with curb extensions will also be installed on the project frontage on Tarob Court, providing a continuous pedestrian pathway to existing sidewalks on Trade Zone Boulevard via Lundy Place. Overall, the network of pedestrian paths and the sidewalk improvements on the project frontages provide adequate access to the existing sidewalk network in the project vicinity.

> **Recommendation 1:** To accommodate pedestrians, the project should consider adding one new ADA-compliant curb ramp at the existing northwest curb return at Tarob Court and Lundy Place (along the project frontage). A striped crosswalk is also recommended when the opposite side of the curb return would be upgraded with a new curb ramp along with the redevelopment of the parcel at 1996 Tarob Court.

Currently, the Tarob Court approach at the Tarob Court/Lundy Place intersection is yield controlled. If the striped crosswalk described above were to be added, the Tarob Court approach should also be converted to a stop-controlled approach in order to improve safety for crossing pedestrians.

The sight distance at the project driveway on Tarob Court was checked and determined to be adequate. Because the project would install a curb extension, which includes adding sidewalks on the Tarob Court frontage, the site driveway would be shifted closer to the centerline of Tarob Court, thereby further improving the sight distance for vehicles exiting the site driveway. As part of the project improvements, the radius of the existing curb return along the project frontage at the Lundy Place/Tarob Court intersection would be reduced. This improvement would help reduce vehicle speeds on Tarob Court, and therefore, improve the sight distance required for vehicles entering and exiting the driveways.

> **Recommendation 2:** Prior to final design, the placement of any landscaping, monuments, and signs within the sight triangles of the site driveway should be reviewed by Public Works staff to ensure adequate corner sight distance.

Recommendation 3: As a result of the proposed curb extensions on Tarob Court and Lundy Avenue, the cross-section widths for both streets would be reduced and on-street parking would not be able to be accommodated. Therefore, on-street parking along the project frontages on Tarob Court and Lundy Avenue should be restricted.

Site Circulation

The project site includes an open parking lot and a parking garage on the ground level. Onsite parking areas would be accessed by one site driveway on Tarob Court. Both the open parking lot and parking garage follow a standard 90-degree parking layout. The main parking aisle and the two east-west feeder parking aisles inside the garage are 26 and 24 feet wide, respectively, which meets the City's standard for 90-degree parking. However, the north-south parking aisle connecting the two east-west parking aisle is not dimensioned. The dimensions of the regular and compact parking spaces are 9 feet by 18 feet and 8 feet by 15 feet, respectively. Both parking space dimensions meet the minimum City standards. However, the widths of the parking garage entrances are not dimensioned.

Upon entering the garage, vehicles would follow the main drive aisle through the open parking lot and arrive at a roundabout at the southern end of the aisle. The two feeder drive aisles, which are connected at right angles to the main drive aisle, would provide access to the parking garage east of the main drive aisle. The ends of the two feeder drive aisles are connected by another drive aisle, forming a U-shape circulation pattern which makes a complete loop around of the parking garage. The layout shows no dead-end aisles.

Recommendation 4: Because the proposed site plan is conceptual, prior to final design, the design and layout of the parking garage, drive aisles and driveways, should be reviewed by Public Works staff.

The last two parking spaces (numbered 67 and 68) in the open parking lot located off the main drive aisle are approximately 20 feet south of the sidewalk on Tarob Court, and approximately 30 feet south of the beginning of the site driveway. Vehicles parked in these spaces would have to back out directly into the main site access aisle, potentially into the line of incoming traffic on the aisle just turning into the site driveway. However, given the low traffic volumes at the site driveway and on Tarob Court, the design is acceptable.

The site plan shows one elevator at the front lobby that would provide residents access to the parking garage. The sidewalk on Tarob Court would be accessed directly from the front lobby while the sidewalk on Lundy Avenue would be accessed from pedestrian pathways connecting with the parking garage. No bicycle parking facilities are shown on the site plan.

Recommendation 5: The project applicant should demonstrate that adequate short term and long term bicycle parking is provided in accordance with City of Milpitas parking code requirements.

A trash collection room is located adjacent to the roundabout at the southern entrance of the parking garage. The roundabout has a 80-foot outside diameter and a 26 feet wide lane that would allow turnaround maneuvers of garbage trucks as noted on the site plan. Therefore, garbage trucks would perform their operations onsite within the development. The site plan does not show a designated loading area for delivery trucks.

Recommendation 6: The project should indicate on the site plan loading locations for delivery trucks.

Conclusions & Recommendations

The impacts of the proposed project were evaluated in accordance with the procedures and guidelines specified by the City of Milpitas. The analysis resulted in the following key findings:

- The proposed project would not result in any level of service impacts to the study intersections.
- The proposed project would not result in any queuing storage deficiencies at the study intersections.
- The project would not create any impacts on pedestrian, bike, or transit facilities.

The analysis also produced the following recommendations:

- To accommodate pedestrians, the project should consider adding one new ADA-compliant curb ramp along the project frontage curb return at the Tarob Court and Lundy Place intersection. A striped crosswalk is also recommended when the opposite side of the curb return would be upgraded with a new curb ramp along with the redevelopment of the parcel at 1996 Tarob Court.

- Prior to final design, the placement of any landscaping, monuments, and signs within the sight triangles of the site driveway should be reviewed by Public Works staff to ensure adequate corner sight distance.

- As a result of the proposed curb extensions on Tarob Court and Lundy Place, the cross-section widths for both streets would be reduced and on-street parking would not be able to be accommodated. Therefore, on-street parking along the project frontages on Tarob Court and Lundy Place should be restricted.

- Because the proposed site plan is conceptual, prior to final design, the design and layout of the parking garage, drive aisles and driveways, should be reviewed by Public Works staff.

- The project applicant should demonstrate that adequate short term and long term bicycle parking is provided in accordance with City of Milpitas parking code requirements.

- The project should indicate on the site plan loading locations for delivery trucks.

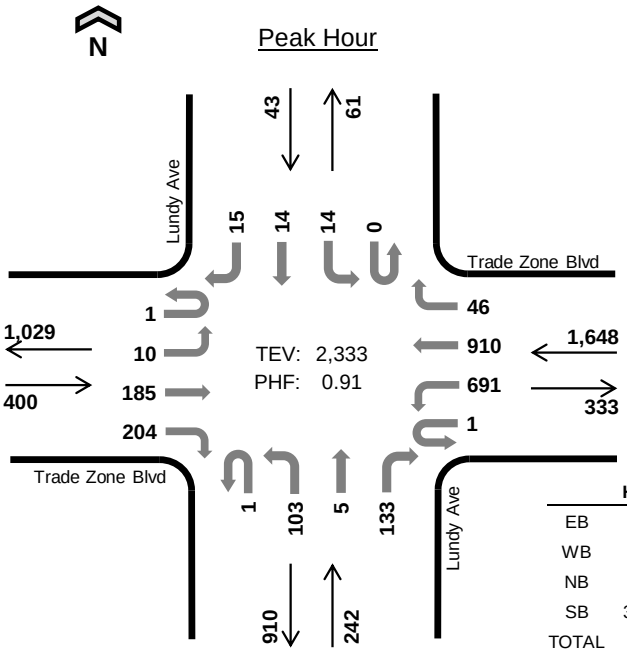
APPENDIX

Traffic Counts

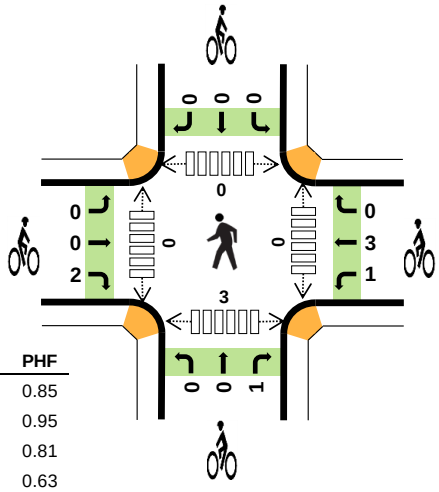
Lundy Ave
Trade Zone Blvd

Date: 05-02-2019
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 8:00 AM to 9:00 AM

Peak Hour



	HV %:	PHF
EB	4.0%	0.85
WB	1.5%	0.95
NB	5.0%	0.81
SB	34.9%	0.63
TOTAL	2.9%	0.91



Two-Hour Count Summaries

Interval Start		Trade Zone Blvd Eastbound UT	LT	TH	RT	Trade Zone Blvd Westbound UT	LT	TH	RT	Lundy Ave Northbound UT	LT	TH	RT	Lundy Ave Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM		1	2	43	27	0	46	207	9	0	27	3	29	0	1	1	3	399	0
7:15 AM		0	7	36	40	0	76	216	13	0	15	1	25	0	0	0	3	432	0
7:30 AM		0	5	46	39	0	102	207	7	0	36	0	34	0	0	0	3	479	0
7:45 AM		0	1	43	54	0	135	214	14	0	22	2	33	0	4	0	2	524	1,834
8:00 AM		**0**	**3**	**40**	**44**	**0**	**140**	**225**	**13**	**0**	**27**	**2**	**42**	**0**	**2**	**2**	**3**	**543**	1,978
8:15 AM		**0**	**2**	**41**	**45**	**1**	**176**	**249**	**9**	**1**	**21**	**0**	**25**	**0**	**3**	**3**	**3**	**579**	2,125
8:30 AM		**0**	**2**	**48**	**57**	**0**	**184**	**217**	**6**	**0**	**21**	**2**	**26**	**0**	**3**	**2**	**5**	**573**	2,219
8:45 AM		**1**	**3**	**56**	**58**	**0**	**191**	**219**	**18**	**0**	**34**	**1**	**40**	**0**	**6**	**7**	**4**	**638**	**2,333**
Count Total		2	25	353	364	1	1,050	1,754	89	1	203	11	254	0	19	15	26	4,167	0
Peak Hour	**All**	**1**	**10**	**185**	**204**	**1**	**691**	**910**	**46**	**1**	**103**	**5**	**133**	**0**	**14**	**14**	**15**	**2,333**	**0**
	HV	**0**	**2**	**2**	**12**	**0**	**4**	**10**	**11**	**0**	**8**	**1**	**3**	**0**	**7**	**1**	**7**	**68**	**0**
	HV%	**0%**	**20%**	**1%**	**6%**	**0%**	**1%**	**1%**	**24%**	**0%**	**8%**	**20%**	**2%**	**-**	**50%**	**7%**	**47%**	**3%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	4	2	3	1	*10*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	3	2	3	1	*9*	0	0	0	0	*0*	1	0	0	2	*3*
7:30 AM	4	5	5	1	*15*	1	0	0	0	*1*	0	1	1	0	*2*
7:45 AM	4	8	3	2	*17*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	**4**	**7**	**1**	**2**	***14***	**0**	**1**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	*0*
8:15 AM	**3**	**4**	**3**	**3**	***13***	**0**	**2**	**0**	**0**	***2***	**0**	**0**	**0**	**1**	*1*
8:30 AM	**5**	**6**	**3**	**5**	***19***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**2**	*2*
8:45 AM	**4**	**8**	**5**	**5**	***22***	**2**	**1**	**1**	**0**	***4***	**0**	**0**	**0**	**0**	***0***
Count Total	31	42	26	20	*119*	3	4	1	0	*8*	1	1	1	5	*8*
Peak Hour	**16**	**25**	**12**	**15**	***68***	**2**	**4**	**1**	**0**	***7***	**0**	**0**	**0**	**3**	***3***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Trade Zone Blvd				Trade Zone Blvd				Lundy Ave				Lundy Ave				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	1	2	1	0	0	2	0	0	1	0	2	0	0	0	1	10	0
7:15 AM	0	2	0	1	0	0	1	1	0	1	0	2	0	0	0	1	9	0
7:30 AM	0	0	1	3	0	1	3	1	0	5	0	0	0	0	0	1	15	0
7:45 AM	0	0	3	1	0	1	3	4	0	1	0	2	0	2	0	0	17	51
8:00 AM	**0**	**0**	**1**	**3**	**0**	**2**	**1**	**4**	**0**	**1**	**0**	**0**	**0**	**2**	**0**	**0**	**14**	55
8:15 AM	**0**	**1**	**1**	**1**	**0**	**0**	**3**	**1**	**0**	**2**	**0**	**1**	**0**	**1**	**1**	**1**	**13**	59
8:30 AM	**0**	**1**	**0**	**4**	**0**	**1**	**3**	**2**	**0**	**1**	**1**	**1**	**0**	**2**	**0**	**3**	**19**	63
8:45 AM	**0**	**0**	**0**	**4**	**0**	**1**	**3**	**4**	**0**	**4**	**0**	**1**	**0**	**2**	**0**	**3**	**22**	**68**
Count Total	0	5	8	18	0	6	19	17	0	16	1	9	0	9	1	10	119	0
Peak Hour	**0**	**2**	**2**	**12**	**0**	**4**	**10**	**11**	**0**	**8**	**1**	**3**	**0**	**7**	**1**	**7**	**68**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	Trade Zone Blvd			Trade Zone Blvd			Lundy Ave			Lundy Ave			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	1	0	0	0	0	0	0	0	0	0	1	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:00 AM	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	2
8:15 AM	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	4
8:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	3
8:45 AM	**0**	**0**	**2**	**1**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**4**	**7**
Count Total	0	0	3	1	3	0	0	0	1	0	0	0	8	0
Peak Hour	**0**	**0**	**2**	**1**	**3**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**7**	**0**

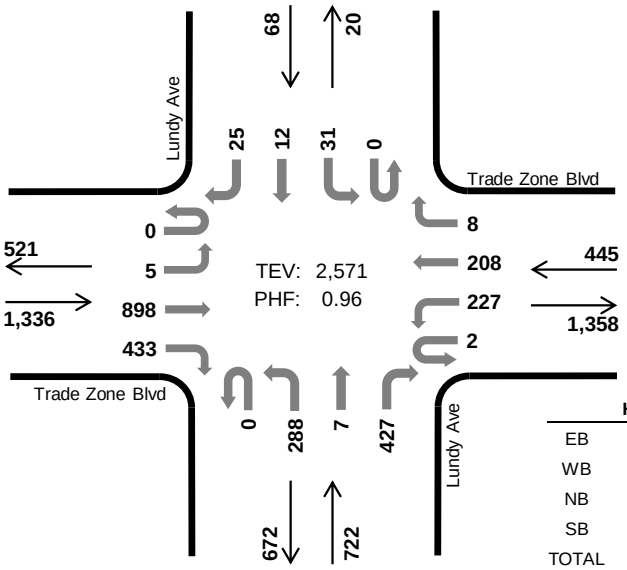
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Lundy Ave
Trade Zone Blvd

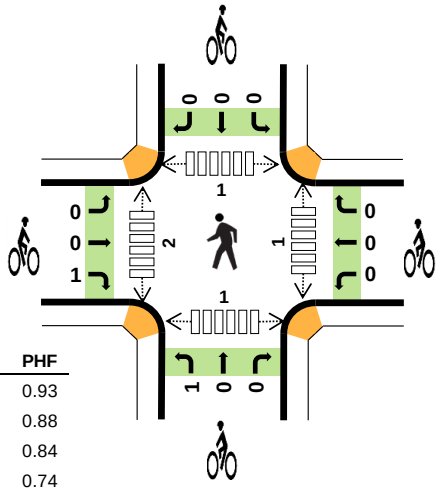
Date: 05-02-2019
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 5:00 PM to 6:00 PM

N

Peak Hour



	HV %:	PHF
EB	1.2%	0.93
WB	0.9%	0.88
NB	1.2%	0.84
SB	2.9%	0.74
TOTAL	1.2%	0.96



Two-Hour Count Summaries

Interval Start		Trade Zone Blvd Eastbound				Trade Zone Blvd Westbound				Lundy Ave Northbound				Lundy Ave Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	4	176	93	0	47	36	3	0	51	1	89	0	6	5	8	519	0
4:15 PM		0	4	214	100	0	49	42	2	0	63	3	91	0	4	4	8	584	0
4:30 PM		1	2	248	102	0	60	47	2	0	65	0	102	0	7	1	2	639	0
4:45 PM		1	4	230	106	0	41	58	1	1	64	0	102	0	6	1	4	619	2,361
5:00 PM		**0**	**1**	**186**	**105**	**0**	**54**	**47**	**3**	**0**	**97**	**2**	**117**	**0**	**15**	**3**	**4**	**634**	2,476
5:15 PM		**0**	**2**	**241**	**116**	**1**	**45**	**46**	**1**	**0**	**51**	**0**	**95**	**0**	**10**	**5**	**8**	**621**	2,513
5:30 PM		**0**	**0**	**226**	**118**	**0**	**63**	**62**	**1**	**0**	**80**	**2**	**104**	**0**	**4**	**2**	**7**	**669**	2,543
5:45 PM		**0**	**2**	**245**	**94**	**1**	**65**	**53**	**3**	**0**	**60**	**3**	**111**	**0**	**2**	**2**	**6**	**647**	**2,571**
Count Total		2	19	1,766	834	2	424	391	16	1	531	11	811	0	54	23	47	4,932	0
Peak Hour	**All**	**0**	**5**	**898**	**433**	**2**	**227**	**208**	**8**	**0**	**288**	**7**	**427**	**0**	**31**	**12**	**25**	**2,571**	**0**
	HV	**0**	**1**	**4**	**11**	**0**	**2**	**2**	**0**	**0**	**8**	**0**	**1**	**0**	**0**	**0**	**2**	**31**	**0**
	HV%	**-**	**20%**	**0%**	**3%**	**0%**	**1%**	**1%**	**0%**	**-**	**3%**	**0%**	**0%**	**-**	**0%**	**0%**	**8%**	**1%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	4	1	7	1	*13*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	5	2	3	2	*12*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	7	4	2	0	*13*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	2	3	4	1	*10*	0	0	0	0	*0*	0	0	0	0	*0*
5:00 PM	**6**	**2**	**2**	**0**	***10***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**5**	**2**	**3**	**0**	***10***	**1**	**0**	**0**	**0**	***1***	**1**	**1**	**0**	**0**	*2*
5:30 PM	**0**	**0**	**1**	**1**	***2***	**0**	**0**	**1**	**0**	***1***	**0**	**1**	**0**	**1**	*2*
5:45 PM	**5**	**0**	**3**	**1**	***9***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**1**	**0**	***1***
Count Total	34	14	25	6	*79*	1	0	1	0	*2*	1	2	1	1	*5*
Peak Hour	**16**	**4**	**9**	**2**	***31***	**1**	**0**	**1**	**0**	***2***	**1**	**2**	**1**	**1**	***5***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Trade Zone Blvd				Trade Zone Blvd				Lundy Ave				Lundy Ave				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	4	0	0	0	1	0	6	0	1	0	0	0	1	13	0
4:15 PM	0	0	2	3	0	0	2	0	0	2	0	1	0	0	0	2	12	0
4:30 PM	0	1	2	4	0	3	0	1	0	1	0	1	0	0	0	0	13	0
4:45 PM	0	0	0	2	0	0	3	0	0	4	0	0	0	0	0	1	10	48
5:00 PM	**0**	**0**	**2**	**4**	**0**	**1**	**1**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**10**	45
5:15 PM	**0**	**0**	**1**	**4**	**0**	**1**	**1**	**0**	**0**	**2**	**0**	**1**	**0**	**0**	**0**	**0**	**10**	43
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**2**	32
5:45 PM	**0**	**1**	**1**	**3**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**1**	**9**	**31**
Count Total	0	2	8	24	0	5	7	2	0	21	0	4	0	0	0	6	79	0
Peak Hour	**0**	**1**	**4**	**11**	**0**	**2**	**2**	**0**	**0**	**8**	**0**	**1**	**0**	**0**	**0**	**2**	**31**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	Trade Zone Blvd			Trade Zone Blvd			Lundy Ave			Lundy Ave			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	1
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	2
5:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**
Count Total	0	0	1	0	0	0	1	0	0	0	0	0	2	0
Peak Hour	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**2**	**0**

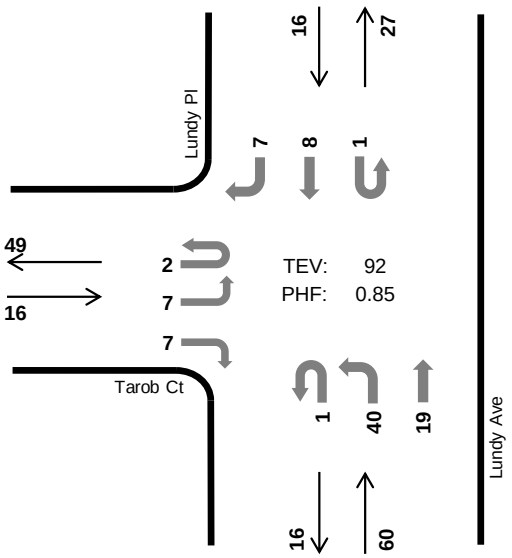
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Lundy Ave
Tarob Ct

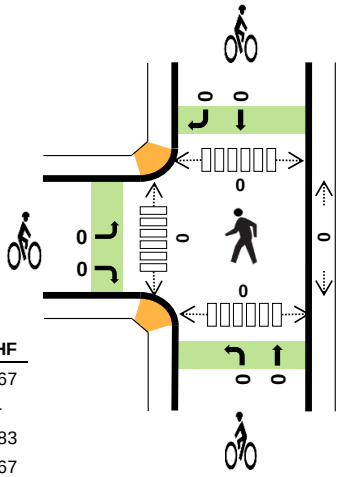
Date: 05-02-2019
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:15 AM to 8:15 AM

N

Peak Hour



	HV %:	PHF
EB	37.5%	0.67
WB	-	-
NB	20.0%	0.83
SB	31.3%	0.67
TOTAL	25.0%	0.85



Two-Hour Count Summaries

Interval Start		Tarob Ct				n/a				Lundy Ave				Lundy Pl				15-min Total	Rolling One Hour
		Eastbound				Westbound				Northbound				Southbound					
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM		0	1	0	2	0	0	0	0	0	8	5	0	0	0	1	1	18	0
7:15 AM		**0**	**2**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**11**	**7**	**0**	**0**	**0**	**0**	**6**	**27**	0
7:30 AM		**0**	**2**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**7**	**4**	**0**	**0**	**0**	**1**	**1**	**16**	0
7:45 AM		**1**	**1**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**13**	**4**	**0**	**1**	**0**	**5**	**0**	**27**	88
8:00 AM		**1**	**2**	**0**	**3**	**0**	**0**	**0**	**0**	**1**	**9**	**4**	**0**	**0**	**0**	**2**	**0**	**22**	**92**
8:15 AM		0	0	0	2	0	0	0	0	0	3	3	0	0	0	5	0	13	78
8:30 AM		0	0	0	2	0	0	0	0	0	8	3	0	0	0	7	2	22	84
8:45 AM		0	1	0	3	0	0	0	0	0	5	6	0	0	0	3	0	18	75
Count Total		2	9	0	16	0	0	0	0	1	64	36	0	1	0	24	10	163	0
Peak Hour	**All**	**2**	**7**	**0**	**7**	**0**	**0**	**0**	**0**	**1**	**40**	**19**	**0**	**1**	**0**	**8**	**7**	**92**	**0**
	HV	**2**	**2**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**6**	**6**	**0**	**1**	**0**	**4**	**0**	**23**	**0**
	HV%	**100%**	**29%**	**-**	**29%**	**-**	**-**	**-**	**-**	**0%**	**15%**	**32%**	**-**	**100%**	**-**	**50%**	**0%**	**25%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
7:00 AM	1	0	1	2	*4*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	**1**	**0**	**3**	**0**	***4***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**2**	**0**	**1**	**0**	***3***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**1**	**0**	**4**	**3**	***8***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:00 AM	**2**	**0**	**4**	**2**	***8***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
8:15 AM	0	0	1	4	*5*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	0	0	5	8	*13*	0	0	0	0	*0*	1	0	0	0	*1*
8:45 AM	3	0	3	2	*8*	0	0	0	0	*0*	0	0	1	0	*1*
Count Total	10	0	22	21	*53*	0	0	0	0	*0*	1	0	1	0	*2*
Peak Hr	**6**	**0**	**12**	**5**	***23***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Tarob Ct				n/a				Lundy Ave				Lundy Pl				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	1	0	0	0	0	0	0	0	1	0	0	0	0	1	1	4	0
7:15 AM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**0**	**4**	0
7:30 AM	**0**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	0
7:45 AM	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**3**	**0**	**1**	**0**	**2**	**0**	**8**	19
8:00 AM	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**3**	**0**	**0**	**0**	**2**	**0**	**8**	**23**
8:15 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	4	0	5	24
8:30 AM	0	0	0	0	0	0	0	0	0	2	3	0	0	0	6	2	13	34
8:45 AM	0	1	0	2	0	0	0	0	0	0	3	0	0	0	2	0	8	34
Count Total	2	4	0	4	0	0	0	0	0	9	13	0	1	0	17	3	53	0
Peak Hour	**2**	**2**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**6**	**6**	**0**	**1**	**0**	**4**	**0**	**23**	**0**

Two-Hour Count Summaries - Bikes

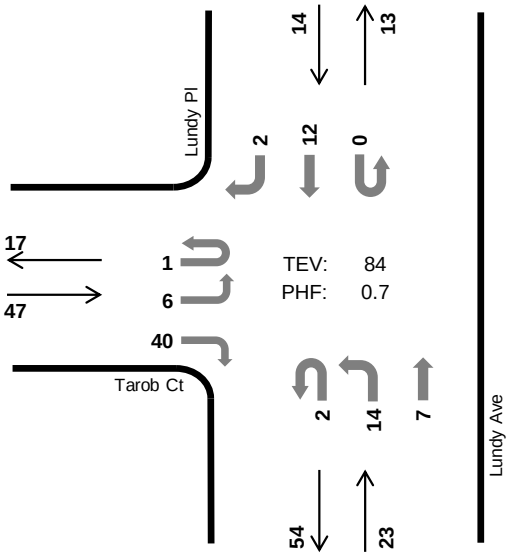
Interval Start	Tarob Ct			0			Lundy Ave			Lundy Pl			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

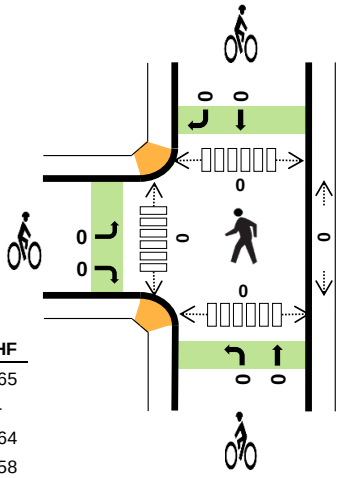
Lundy Ave
Tarob Ct

Date: 05-02-2019
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:00 PM to 5:00 PM

Peak Hour



	HV %:	PHF
EB	10.6%	0.65
WB	-	-
NB	13.0%	0.64
SB	14.3%	0.58
TOTAL	11.9%	0.70



Two-Hour Count Summaries

Interval Start		Tarob Ct				n/a				Lundy Ave				Lundy Pl				15-min Total	Rolling One Hour
		Eastbound				Westbound				Northbound				Southbound					
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		**0**	**3**	**0**	**15**	**0**	**0**	**0**	**0**	**0**	**3**	**4**	**0**	**0**	**0**	**5**	**0**	**30**	0
4:15 PM		**0**	**1**	**0**	**11**	**0**	**0**	**0**	**0**	**1**	**7**	**1**	**0**	**0**	**0**	**2**	**0**	**23**	0
4:30 PM		**0**	**1**	**0**	**6**	**0**	**0**	**0**	**0**	**0**	**3**	**1**	**0**	**0**	**0**	**4**	**2**	**17**	0
4:45 PM		**1**	**1**	**0**	**8**	**0**	**0**	**0**	**0**	**1**	**1**	**1**	**0**	**0**	**0**	**1**	**0**	**14**	**84**
5:00 PM		0	1	0	15	0	0	0	0	1	2	1	0	0	0	4	3	27	81
5:15 PM		1	1	0	13	0	0	0	0	0	3	0	0	0	0	5	1	24	82
5:30 PM		0	0	0	10	0	0	0	0	0	0	2	0	0	0	1	0	13	78
5:45 PM		0	1	0	8	0	0	0	0	1	4	2	0	0	0	1	1	18	82
Count Total		2	9	0	86	0	0	0	0	4	23	12	0	0	0	23	7	166	0
Peak Hour	**All**	**1**	**6**	**0**	**40**	**0**	**0**	**0**	**0**	**2**	**14**	**7**	**0**	**0**	**0**	**12**	**2**	**84**	**0**
	HV	**0**	**2**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**1**	**1**	**10**	**0**
	HV%	**0%**	**33%**	**-**	**8%**	**-**	**-**	**-**	**-**	**0%**	**7%**	**29%**	**-**	**-**	**-**	**8%**	**50%**	**12%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	**2**	**0**	**1**	**1**	***4***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:15 PM	**1**	**0**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:30 PM	**1**	**0**	**2**	**1**	***4***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**1**	**0**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:00 PM	1	0	0	1	*2*	0	0	0	0	*0*	0	0	0	0	*0*
5:15 PM	0	0	0	0	*0*	0	0	0	0	*0*	1	0	0	0	*1*
5:30 PM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	0	1	1	*2*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	7	0	4	4	*15*	0	0	0	0	*0*	1	0	0	0	*1*
Peak Hr	**5**	**0**	**3**	**2**	***10***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	Tarob Ct				n/a				Lundy Ave				Lundy Pl				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	**0**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**4**	0
4:15 PM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	0
4:30 PM	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**0**	**0**	**0**	**1**	**4**	0
4:45 PM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**10**
5:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	8
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
5:30 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	4
5:45 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	2	5
Count Total	0	3	0	4	0	0	0	0	0	1	3	0	0	0	2	2	15	0
Peak Hour	**0**	**2**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**1**	**1**	**10**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	Tarob Ct			0			Lundy Ave			Lundy Pl			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

IDAX Data Solutions
19205 - Milpitas - Tarob Court Counts
5/2/2019

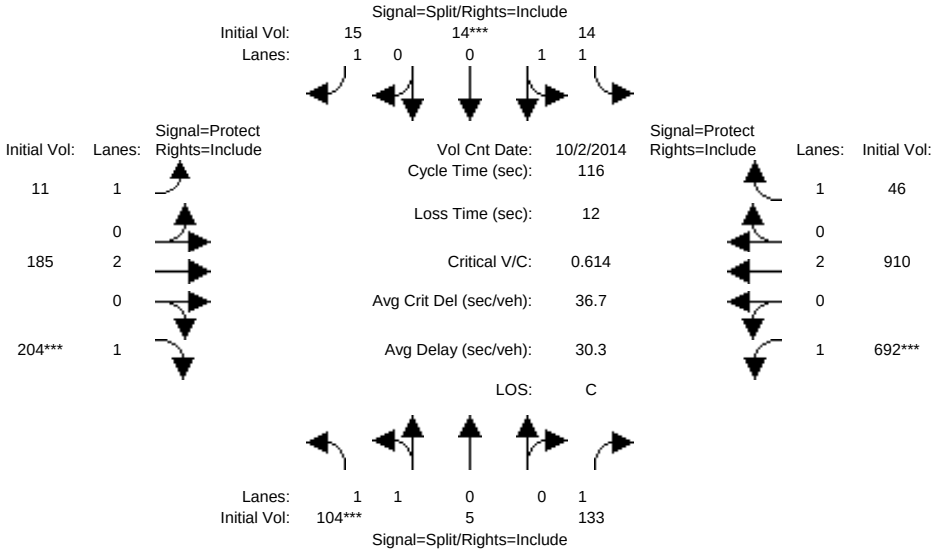
	Driveway 1: Lundy Ave			
	In		Out	
Time:	NB L	SB R	EB R	EB L
7:00	1	0	0	0
7:15	1	0	2	0
7:30	1	0	0	0
7:45	1	0	0	0
8:00	0	0	0	0
8:15	1	1	1	0
8:30	0	0	0	0
8:45	0	0	1	0
16:00	0	0	1	0
16:15	0	0	0	0
16:30	0	0	0	0
16:45	1	0	2	0
17:00	1	0	2	0
17:15	0	0	2	0
17:30	0	1	1	0
17:45	1	0	1	0
AM Peak	4	0	2	0
PM Peak	2	1	7	0
Total:	6	1	9	0

	Driveway 2: Tarob Ct			
	In		Out	
Time:	EB R	WB L	NB R	NB L
7:00	0	0	0	0
7:15	0	4	0	0
7:30	0	0	0	0
7:45	0	1	0	0
8:00	0	0	0	0
8:15	0	0	1	0
8:30	0	0	1	0
8:45	0	1	0	0
16:00	0	0	1	0
16:15	0	0	0	0
16:30	0	0	1	0
16:45	0	0	0	0
17:00	0	0	2	0
17:15	0	0	0	0
17:30	0	0	0	0
17:45	0	0	0	0
AM Peak	0	5	0	0
PM Peak	0	0	2	0
Total:	0	5	2	0

LOS Calculations

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing AM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 7:50-8:50												
Base Vol:	104	5	133	14	14	15	11	185	204	692	910	46
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	104	5	133	14	14	15	11	185	204	692	910	46
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	104	5	133	14	14	15	11	185	204	692	910	46
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	104	5	133	14	14	15	11	185	204	692	910	46
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	104	5	133	14	14	15	11	185	204	692	910	46
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	104	5	133	14	14	15	11	185	204	692	910	46
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.92	0.08	1.00	1.04	0.96	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3352	161	1750	1822	1822	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.03	0.03	0.08	0.01	0.01	0.01	0.01	0.05	0.12	0.40	0.24	0.03
Crit Moves:	****				****				****	****		
Green/Cycle:	0.12	0.12	0.12	0.09	0.09	0.09	0.14	0.16	0.16	0.53	0.55	0.55
Volume/Cap:	0.25	0.25	0.61	0.09	0.09	0.10	0.05	0.31	0.75	0.75	0.44	0.05
Delay/Veh:	47.3	47.3	60.6	49.4	49.4	50.2	43.7	44.8	63.6	26.6	16.2	12.2
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	47.3	47.3	60.6	49.4	49.4	50.2	43.7	44.8	63.6	26.6	16.2	12.2
LOS by Move:	D	D	E	D	D	D	D	D	E	C	B	B
HCM2kAvgQ:	2	2	6	1	1	1	0	3	9	22	9	1

Note: Queue reported is the number of cars per lane.

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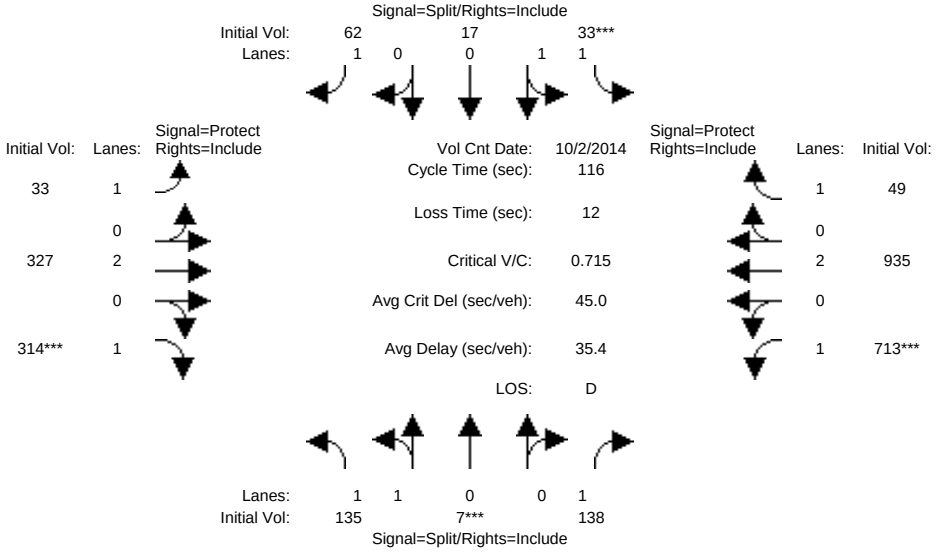
2001 Tarob Court

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Background AM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 7:50-8:50												
Base Vol:	135	7	138	33	17	62	33	327	314	713	935	49
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	135	7	138	33	17	62	33	327	314	713	935	49
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	135	7	138	33	17	62	33	327	314	713	935	49
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	135	7	138	33	17	62	33	327	314	713	935	49
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	135	7	138	33	17	62	33	327	314	713	935	49
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	135	7	138	33	17	62	33	327	314	713	935	49
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.91	0.09	1.00	1.36	0.64	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3340	173	1750	2374	1223	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.04	0.04	0.08	0.01	0.01	0.04	0.02	0.09	0.18	0.41	0.25	0.03
Crit Moves:		****		****					****	****		
Green/Cycle:	0.11	0.11	0.11	0.09	0.09	0.09	0.14	0.21	0.21	0.49	0.56	0.56
Volume/Cap:	0.37	0.37	0.72	0.16	0.16	0.41	0.14	0.40	0.84	0.84	0.44	0.05
Delay/Veh:	50.5	50.5	70.1	50.2	50.2	58.3	45.1	40.7	63.3	35.5	15.4	11.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	50.5	50.5	70.1	50.2	50.2	58.3	45.1	40.7	63.3	35.5	15.4	11.5
LOS by Move:	D	D	E	D	D	E	D	D	E	D	B	B
HCM2kAvgQ:	3	3	7	1	1	3	1	5	14	26	10	1

Note: Queue reported is the number of cars per lane.

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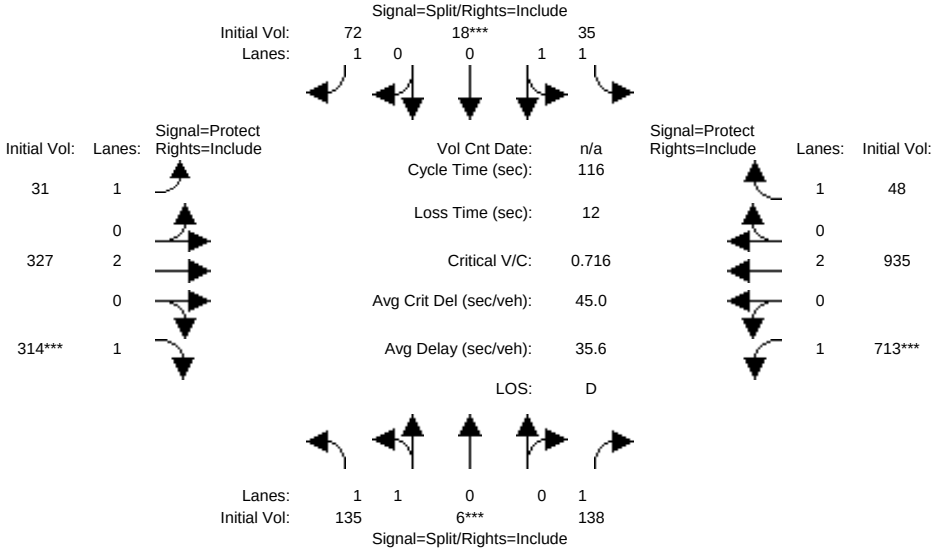
2001 Tarob Court

Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Background + Project AM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module:												
Base Vol:	135	6	138	35	18	72	31	327	314	713	935	48
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	135	6	138	35	18	72	31	327	314	713	935	48
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	135	6	138	35	18	72	31	327	314	713	935	48
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	135	6	138	35	18	72	31	327	314	713	935	48
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	135	6	138	35	18	72	31	327	314	713	935	48
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	135	6	138	35	18	72	31	327	314	713	935	48
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.92	0.08	1.00	1.36	0.64	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3362	149	1750	2375	1221	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.04	0.04	0.08	0.01	0.01	0.04	0.02	0.09	0.18	0.41	0.25	0.03
Crit Moves:		****			****				****	****		
Green/Cycle:	0.11	0.11	0.11	0.09	0.09	0.09	0.14	0.21	0.21	0.49	0.56	0.56
Volume/Cap:	0.36	0.36	0.72	0.17	0.17	0.48	0.13	0.40	0.84	0.84	0.44	0.05
Delay/Veh:	50.5	50.5	70.1	50.3	50.3	60.9	45.0	40.7	63.3	35.5	15.4	11.5
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	50.5	50.5	70.1	50.3	50.3	60.9	45.0	40.7	63.3	35.5	15.4	11.5
LOS by Move:	D	D	E	D	D	E	D	D	E	D	B	B
HCM2kAvgQ:	3	3	7	1	1	3	1	5	14	26	10	1

Note: Queue reported is the number of cars per lane.

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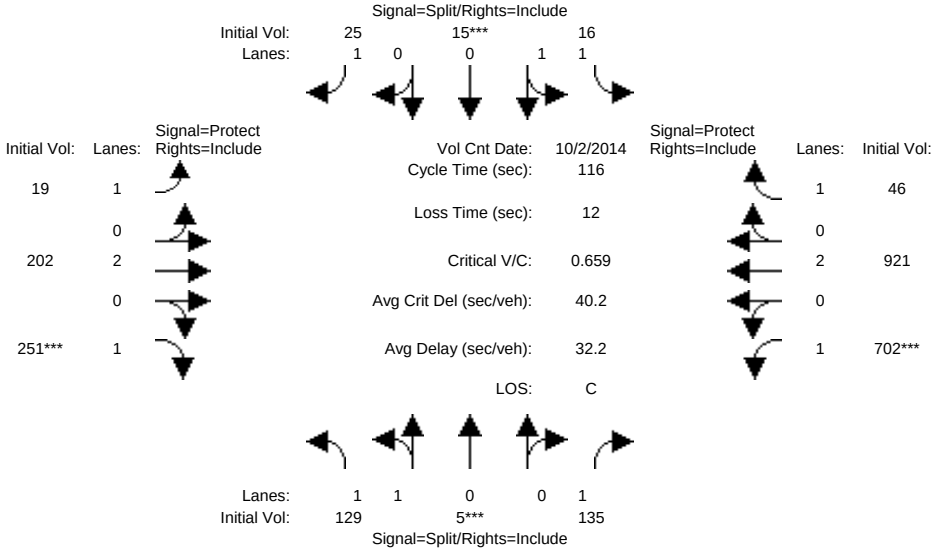
Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing+Project AM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 7:50-8:50												
Base Vol:	104	4	133	16	15	25	9	185	204	692	910	45
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	104	4	133	16	15	25	9	185	204	692	910	45
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	25	1	2	0	0	0	10	17	47	10	11	1
Initial Fut:	129	5	135	16	15	25	19	202	251	702	921	46
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	129	5	135	16	15	25	19	202	251	702	921	46
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	129	5	135	16	15	25	19	202	251	702	921	46
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	129	5	135	16	15	25	19	202	251	702	921	46
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.93	0.07	1.00	1.07	0.93	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3379	131	1750	1878	1761	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.04	0.04	0.08	0.01	0.01	0.01	0.01	0.05	0.14	0.40	0.24	0.03
Crit Moves:		****			****				****	****		
Green/Cycle:	0.12	0.12	0.12	0.09	0.09	0.09	0.14	0.18	0.18	0.51	0.56	0.56
Volume/Cap:	0.33	0.33	0.66	0.10	0.10	0.17	0.08	0.29	0.79	0.79	0.44	0.05
Delay/Veh:	49.1	49.1	64.5	49.5	49.5	51.5	44.2	42.0	62.7	30.1	15.8	11.9
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	49.1	49.1	64.5	49.5	49.5	51.5	44.2	42.0	62.7	30.1	15.8	11.9
LOS by Move:	D	D	E	D	D	D	D	D	E	C	B	B
HCM2kAvgQ:	3	3	6	1	1	1	1	3	11	23	9	1

Note: Queue reported is the number of cars per lane.

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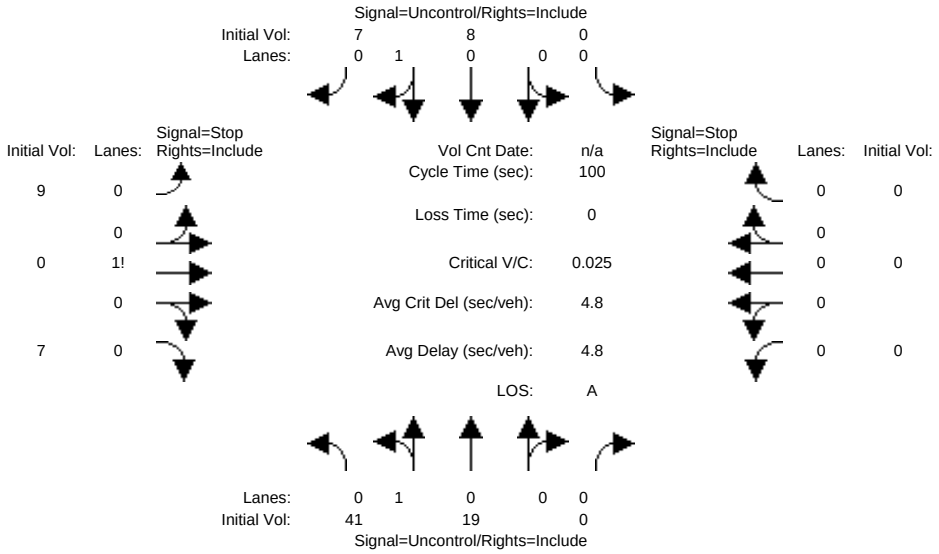
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing AM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      41   19     0     0    8     7     9    0     7     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   41   19     0     0    8     7     9    0     7     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   41   19     0     0    8     7     9    0     7     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    41   19     0     0    8     7     9    0     7     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   41   19     0     0    8     7     9    0     7     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   15 xxxx xxxxx  xxxx xxxx xxxxx   113  113    12  xxxx xxxx xxxxx
Potent Cap.: 1616 xxxx xxxxx  xxxx xxxx xxxxx   889  781  1075  xxxx xxxx xxxxx
Move Cap.:   1616 xxxx xxxxx  xxxx xxxx xxxxx   871  761  1075  xxxx xxxx xxxxx
Volume/Cap:  0.03 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.01  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx  950 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.1 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.9 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.9           xxxxxx
ApproachLOS:         *                *                 A                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   41   19     0     0    8     7     9    0     7     0    0     0
ApproachDel:    xxxxxx           xxxxxx               8.9           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=16]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=91]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   41   19     0     0    8     7     9    0     7     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             75
Minor Approach Volume:           16
Minor Approach Volume Threshold: 910
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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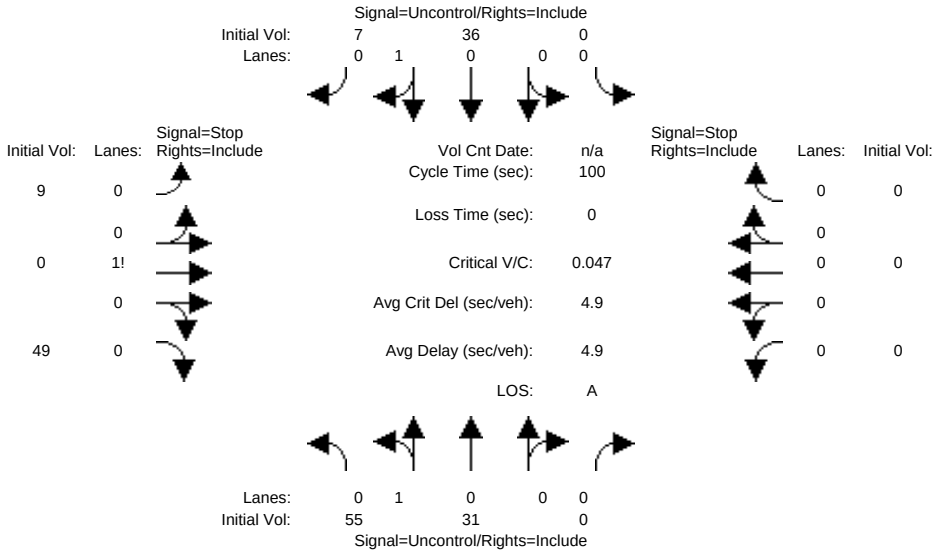
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background AM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      55   31     0     0   36     7     9    0    49     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   55   31     0     0   36     7     9    0    49     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   55   31     0     0   36     7     9    0    49     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    55   31     0     0   36     7     9    0    49     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   55   31     0     0   36     7     9    0    49     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   43 xxxx xxxxx  xxxx xxxx xxxxx   181  181    40  xxxx xxxx xxxxx
Potent Cap.: 1579 xxxx xxxxx  xxxx xxxx xxxxx   814  717  1038  xxxx xxxx xxxxx
Move Cap.:   1579 xxxx xxxxx  xxxx xxxx xxxxx   791  691  1038  xxxx xxxx xxxxx
Volume/Cap:  0.03 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.05  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.4 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx  990 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.2 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.4 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.9 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.9           xxxxxx
ApproachLOS:         *                *                 A                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   55   31     0     0   36     7     9    0    49     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.9           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.1]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=58]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=187]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   55   31     0     0   36     7     9    0    49     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             129
Minor Approach Volume:           58
Minor Approach Volume Threshold: 766
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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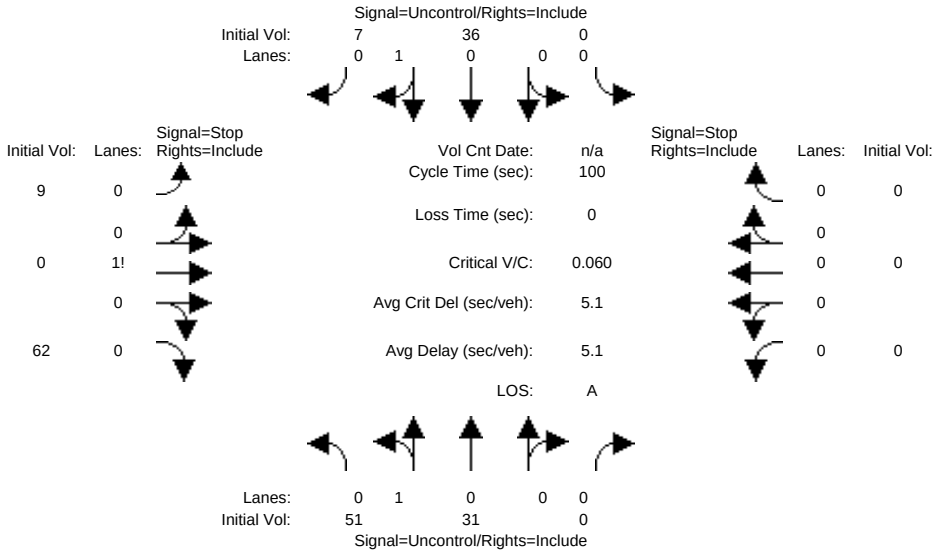
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background + Project AM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      51   31     0     0   36     7     9    0    62     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   51   31     0     0   36     7     9    0    62     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   51   31     0     0   36     7     9    0    62     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    51   31     0     0   36     7     9    0    62     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   51   31     0     0   36     7     9    0    62     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   43 xxxx xxxxx  xxxx xxxx xxxxx   173  173    40  xxxx xxxx xxxxx
Potent Cap.: 1579 xxxx xxxxx  xxxx xxxx xxxxx   822  724  1038  xxxx xxxx xxxxx
Move Cap.:   1579 xxxx xxxxx  xxxx xxxx xxxxx   801  700  1038  xxxx xxxx xxxxx
Volume/Cap:  0.03 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.06  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.4 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1000 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.2 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.4 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.9 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.9           xxxxxx
ApproachLOS:         *                *                 A                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```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```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   51   31     0     0   36     7     9    0    62     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.9           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.2]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=71]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=196]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   51   31     0     0   36     7     9    0    62     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             125
Minor Approach Volume:           71
Minor Approach Volume Threshold: 774
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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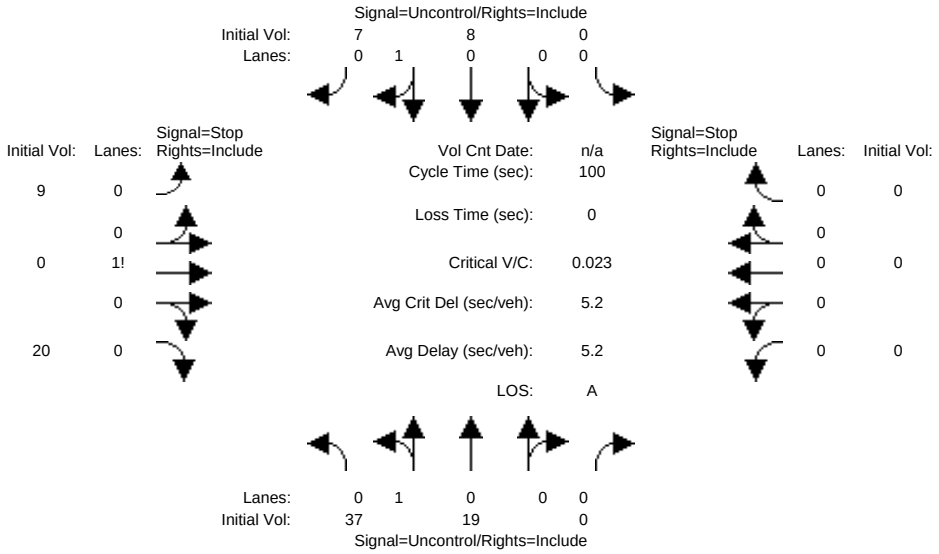
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing+Project AM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      37   19     0     0    8     7     9    0    20     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   37   19     0     0    8     7     9    0    20     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   37   19     0     0    8     7     9    0    20     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    37   19     0     0    8     7     9    0    20     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   37   19     0     0    8     7     9    0    20     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   15 xxxx xxxxx  xxxx xxxx xxxxx   105  105    12  xxxx xxxx xxxxx
Potent Cap.: 1616 xxxx xxxxx  xxxx xxxx xxxxx   898  789  1075  xxxx xxxx xxxxx
Move Cap.:   1616 xxxx xxxxx  xxxx xxxx xxxxx   882  771  1075  xxxx xxxx xxxxx
Volume/Cap:  0.02 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.02  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1007 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.1 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.7 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.7           xxxxxx
ApproachLOS:         *                *                 A                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   37   19     0     0    8     7     9    0    20     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.7           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.1]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=29]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=100]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   37   19     0     0    8     7     9    0    20     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             71
Minor Approach Volume:           29
Minor Approach Volume Threshold: 925
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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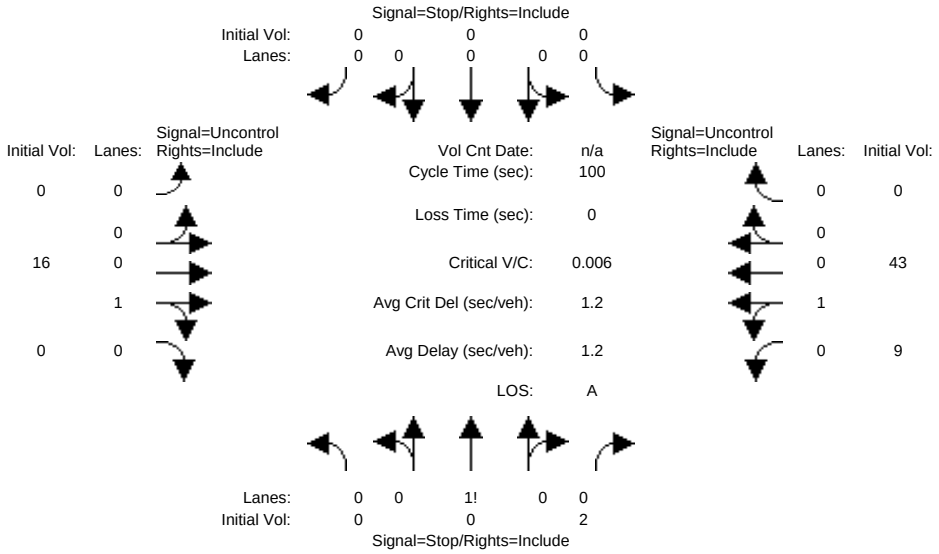
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing AM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     2     0    0     0     0   16     0     9   43     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     2     0    0     0     0   16     0     9   43     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     2     0    0     0     0   16     0     9   43     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     2     0    0     0     0   16     0     9   43     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     2     0    0     0     0   16     0     9   43     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    16  xxxx xxxx xxxxx  xxxx xxxx xxxxx    16 xxxx xxxxx
Potent Cap.: xxxx xxxx  1069  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1615 xxxx xxxxx
Move Cap.:   xxxx xxxx  1069  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1615 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.00  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.01 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.4 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.2 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.2 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.4           xxxxxx           xxxxxx           xxxxxx
ApproachLOS:         A                *                *                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     2     0    0     0     0   16     0     9   43     0
ApproachDel:       8.4           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=2]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=70]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     2     0    0     0     0   16     0     9   43     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             68
Minor Approach Volume:           2
Minor Approach Volume Threshold: 936
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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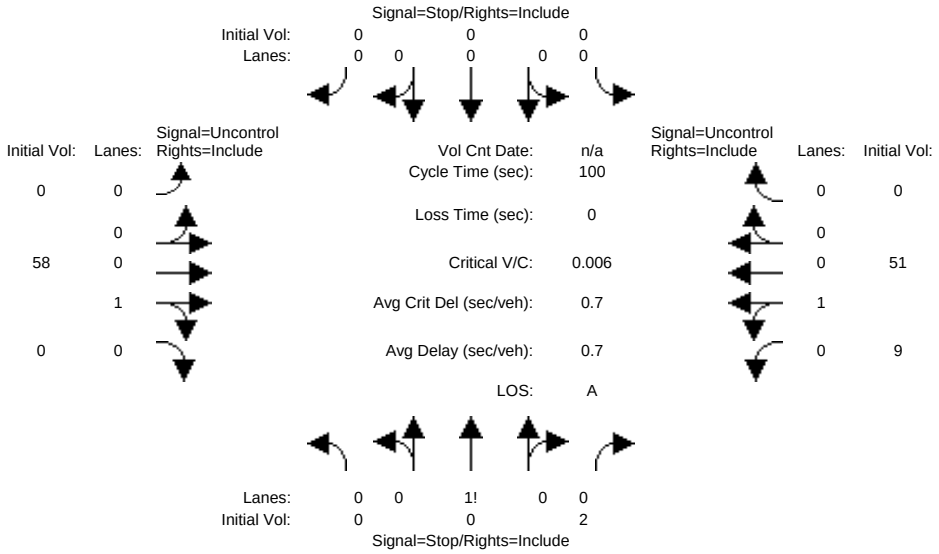
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background AM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     2     0    0     0     0   58     0     9   51     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     2     0    0     0     0   58     0     9   51     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     2     0    0     0     0   58     0     9   51     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     2     0    0     0     0   58     0     9   51     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     2     0    0     0     0   58     0     9   51     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    58  xxxx xxxx xxxxx  xxxx xxxx xxxxx    58 xxxx xxxxx
Potent Cap.: xxxx xxxx  1014  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1559 xxxx xxxxx
Move Cap.:   xxxx xxxx  1014  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1559 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.00  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.01 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.6 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.6           xxxxxx            xxxxxx            xxxxxx
ApproachLOS:         A                 *                 *                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     2     0    0     0     0   58     0     9   51     0
ApproachDel:       8.6           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=2]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=120]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     2     0    0     0     0   58     0     9   51     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             118
Minor Approach Volume:           2
Minor Approach Volume Threshold: 789
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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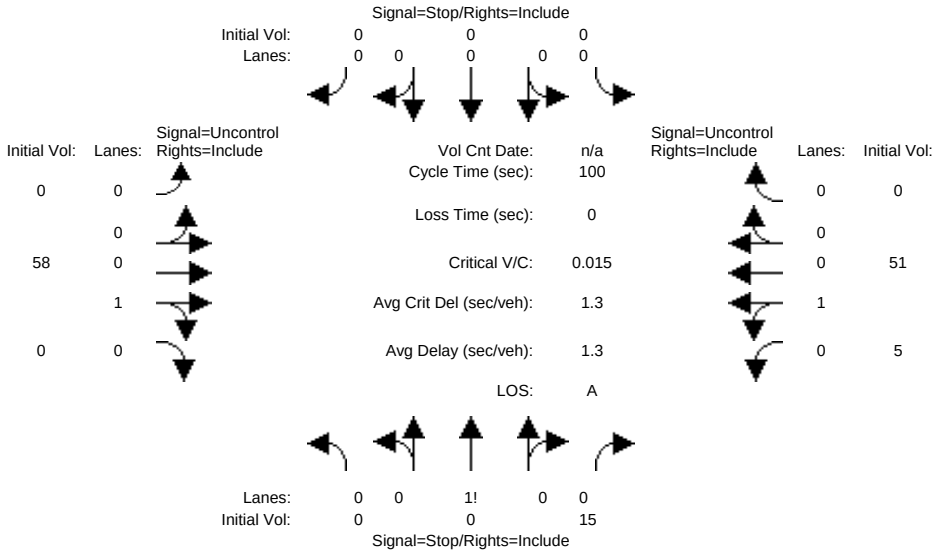
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background + Project AM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0    15     0    0     0     0   58     0     5   51     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0    15     0    0     0     0   58     0     5   51     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0    15     0    0     0     0   58     0     5   51     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0    15     0    0     0     0   58     0     5   51     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0    15     0    0     0     0   58     0     5   51     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    58  xxxx xxxx xxxxx  xxxx xxxx xxxxx    58 xxxx xxxxx
Potent Cap.: xxxx xxxx  1014  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1559 xxxx xxxxx
Move Cap.:   xxxx xxxx  1014  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1559 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.00 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.6 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.6           xxxxxx            xxxxxx            xxxxxx
ApproachLOS:         A                 *                 *                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0    15     0    0     0     0   58     0     5   51     0
ApproachDel:       8.6           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=15]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=129]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0    15     0    0     0     0   58     0     5   51     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             114
Minor Approach Volume:           15
Minor Approach Volume Threshold: 799
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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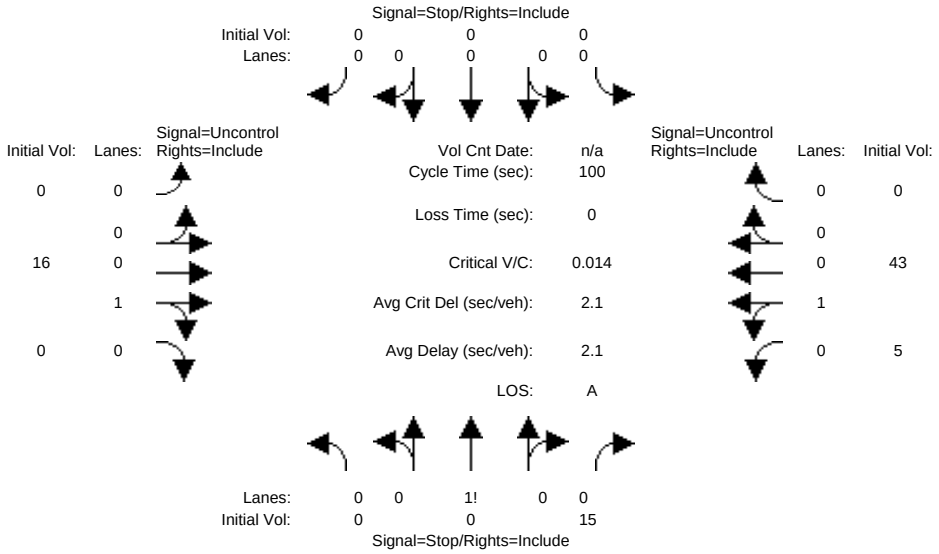
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing+Project AM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0    15     0    0     0     0   16     0     5   43     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0    15     0    0     0     0   16     0     5   43     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0    15     0    0     0     0   16     0     5   43     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0    15     0    0     0     0   16     0     5   43     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0    15     0    0     0     0   16     0     5   43     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    16  xxxx xxxx xxxxx  xxxx xxxx xxxxx    16 xxxx xxxxx
Potent Cap.: xxxx xxxx  1069  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1615 xxxx xxxxx
Move Cap.:   xxxx xxxx  1069  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1615 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.00 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.4 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.2 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.2 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.4           xxxxxx            xxxxxx            xxxxxx
ApproachLOS:         A                 *                 *                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0    15     0    0     0     0   16     0     5   43     0
ApproachDel:       8.4           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=15]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=79]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0    15     0    0     0     0   16     0     5   43     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             64
Minor Approach Volume:           15
Minor Approach Volume Threshold: 953
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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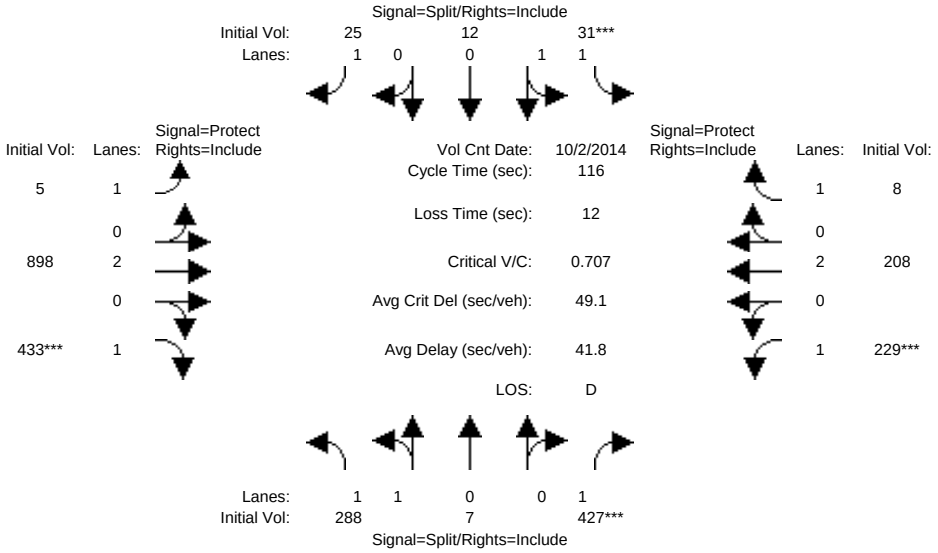
Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing PM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 4:50-5:50												
Base Vol:	288	7	427	31	12	25	5	898	433	229	208	8
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	288	7	427	31	12	25	5	898	433	229	208	8
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	288	7	427	31	12	25	5	898	433	229	208	8
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	288	7	427	31	12	25	5	898	433	229	208	8
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	288	7	427	31	12	25	5	898	433	229	208	8
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	288	7	427	31	12	25	5	898	433	229	208	8
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.96	0.04	1.00	1.47	0.53	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3423	83	1750	2580	999	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.08	0.08	0.24	0.01	0.01	0.01	0.00	0.24	0.25	0.13	0.05	0.00
Crit Moves:			****	****					****	****		
Green/Cycle:	0.32	0.32	0.32	0.09	0.09	0.09	0.20	0.32	0.32	0.17	0.29	0.29
Volume/Cap:	0.26	0.26	0.77	0.14	0.14	0.17	0.01	0.73	0.77	0.77	0.19	0.02
Delay/Veh:	30.1	30.1	45.5	50.0	50.0	51.5	37.0	38.8	45.1	63.1	31.3	29.4
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	30.1	30.1	45.5	50.0	50.0	51.5	37.0	38.8	45.1	63.1	31.3	29.4
LOS by Move:	C	C	D	D	D	D	D	D	D	E	C	C
HCM2kAvgQ:	4	4	16	1	1	1	0	15	16	10	3	0

Note: Queue reported is the number of cars per lane.

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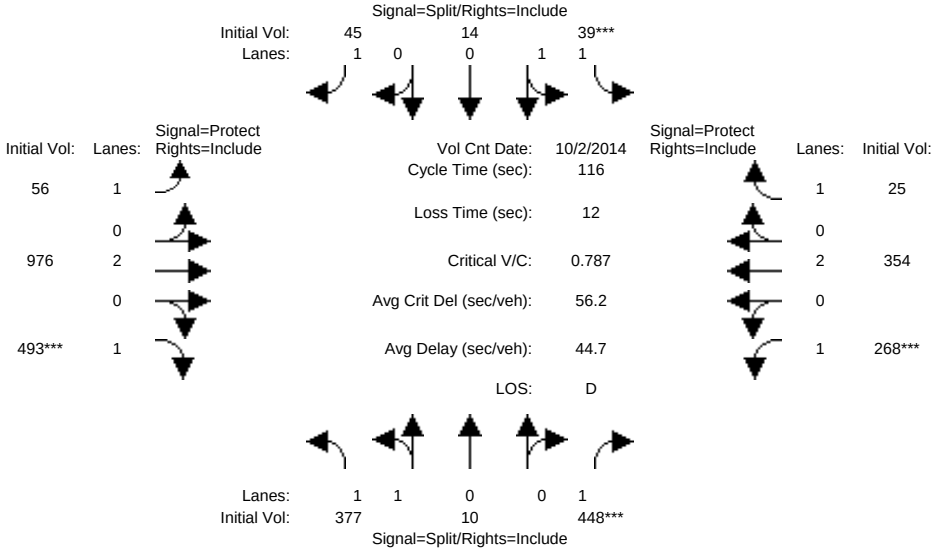
Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Background PM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 4:50-5:50												
Base Vol:	377	10	448	39	14	45	56	976	493	268	354	25
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	377	10	448	39	14	45	56	976	493	268	354	25
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	377	10	448	39	14	45	56	976	493	268	354	25
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	377	10	448	39	14	45	56	976	493	268	354	25
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	377	10	448	39	14	45	56	976	493	268	354	25
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	377	10	448	39	14	45	56	976	493	268	354	25
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.95	0.05	1.00	1.50	0.50	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3417	91	1750	2630	944	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.11	0.11	0.26	0.01	0.01	0.03	0.03	0.26	0.28	0.15	0.09	0.01
Crit Moves:			****	****					****	****		
Green/Cycle:	0.30	0.30	0.30	0.09	0.09	0.09	0.20	0.33	0.33	0.18	0.31	0.31
Volume/Cap:	0.37	0.37	0.85	0.17	0.17	0.30	0.16	0.78	0.85	0.85	0.30	0.05
Delay/Veh:	32.9	32.9	54.1	50.4	50.4	54.7	39.3	39.8	50.9	70.3	31.1	28.2
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	32.9	32.9	54.1	50.4	50.4	54.7	39.3	39.8	50.9	70.3	31.1	28.2
LOS by Move:	C	C	D	D	D	D	D	D	D	E	C	C
HCM2kAvgQ:	6	6	19	1	1	2	2	17	20	13	5	1

Note: Queue reported is the number of cars per lane.

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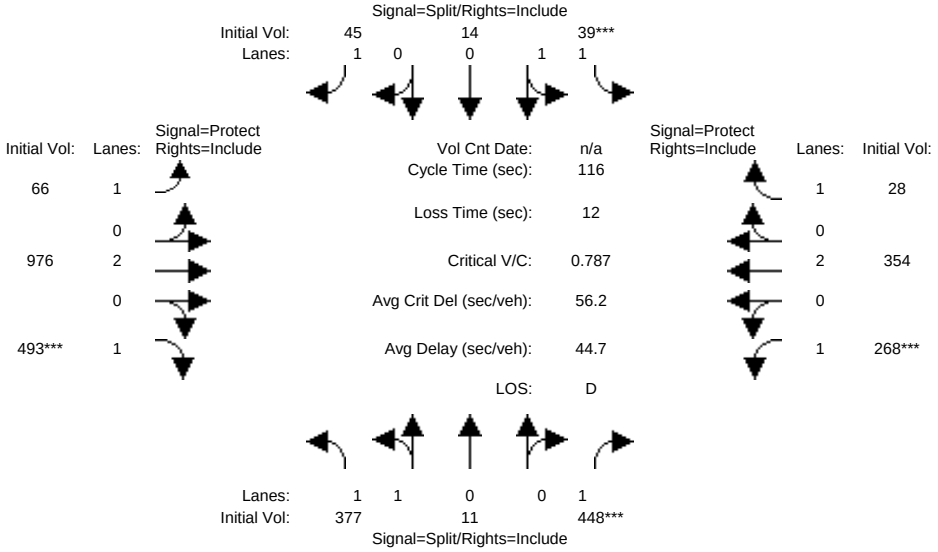
Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Background + Project PM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module:												
Base Vol:	377	11	448	39	14	45	66	976	493	268	354	28
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	377	11	448	39	14	45	66	976	493	268	354	28
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	377	11	448	39	14	45	66	976	493	268	354	28
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	377	11	448	39	14	45	66	976	493	268	354	28
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	377	11	448	39	14	45	66	976	493	268	354	28
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	377	11	448	39	14	45	66	976	493	268	354	28
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.95	0.05	1.00	1.50	0.50	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3408	99	1750	2630	944	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.11	0.11	0.26	0.01	0.01	0.03	0.04	0.26	0.28	0.15	0.09	0.02
Crit Moves:			****	****					****	****		
Green/Cycle:	0.30	0.30	0.30	0.09	0.09	0.09	0.20	0.33	0.33	0.18	0.31	0.31
Volume/Cap:	0.37	0.37	0.85	0.17	0.17	0.30	0.19	0.78	0.85	0.85	0.30	0.05
Delay/Veh:	32.9	32.9	54.1	50.4	50.4	54.7	39.7	39.8	50.9	70.3	31.1	28.3
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	32.9	32.9	54.1	50.4	50.4	54.7	39.7	39.8	50.9	70.3	31.1	28.3
LOS by Move:	C	C	D	D	D	D	D	D	D	E	C	C
HCM2kAvgQ:	6	6	19	1	1	2	2	17	20	13	5	1

Note: Queue reported is the number of cars per lane.

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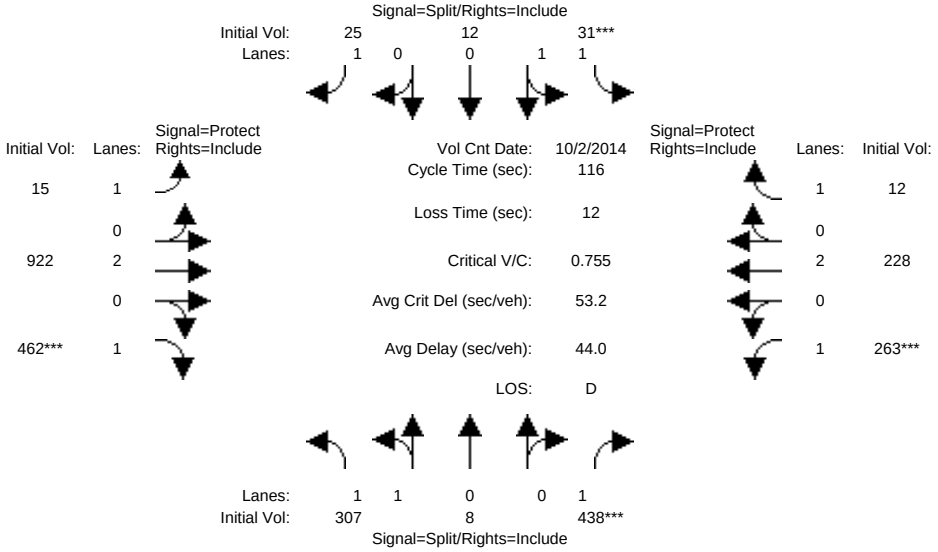
Level Of Service Computation Report
2000 HCM Operations (Future Volume Alternative)
Existing+Project PM

Intersection #1: LUNDY/TRADE ZONE



Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L -	T -	R	L -	T -	R	L -	T -	R	L -	T -	R
Min. Green:	10	10	10	10	10	10	7	10	10	7	10	10
Y+R:	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Volume Module: >> Count Date: 2 Oct 2014 << 4:50-5:50												
Base Vol:	288	8	427	31	12	25	15	898	433	229	208	11
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	288	8	427	31	12	25	15	898	433	229	208	11
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	19	0	11	0	0	0	0	24	29	34	20	1
Initial Fut:	307	8	438	31	12	25	15	922	462	263	228	12
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	307	8	438	31	12	25	15	922	462	263	228	12
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	307	8	438	31	12	25	15	922	462	263	228	12
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
FinalVolume:	307	8	438	31	12	25	15	922	462	263	228	12
Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92	0.92	1.00	0.92
Lanes:	1.95	0.05	1.00	1.47	0.53	1.00	1.00	2.00	1.00	1.00	2.00	1.00
Final Sat.:	3418	89	1750	2580	999	1750	1750	3800	1750	1750	3800	1750
Capacity Analysis Module:												
Vol/Sat:	0.09	0.09	0.25	0.01	0.01	0.01	0.01	0.24	0.26	0.15	0.06	0.01
Crit Moves:			****	****					****	****		
Green/Cycle:	0.31	0.31	0.31	0.09	0.09	0.09	0.21	0.32	0.32	0.18	0.30	0.30
Volume/Cap:	0.29	0.29	0.82	0.14	0.14	0.17	0.04	0.75	0.82	0.82	0.20	0.02
Delay/Veh:	31.5	31.5	50.6	50.0	50.0	51.5	36.9	39.5	48.8	66.0	30.9	28.9
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	31.5	31.5	50.6	50.0	50.0	51.5	36.9	39.5	48.8	66.0	30.9	28.9
LOS by Move:	C	C	D	D	D	D	D	D	D	E	C	C
HCM2kAvgQ:	5	5	18	1	1	1	0	16	19	12	3	0

Note: Queue reported is the number of cars per lane.

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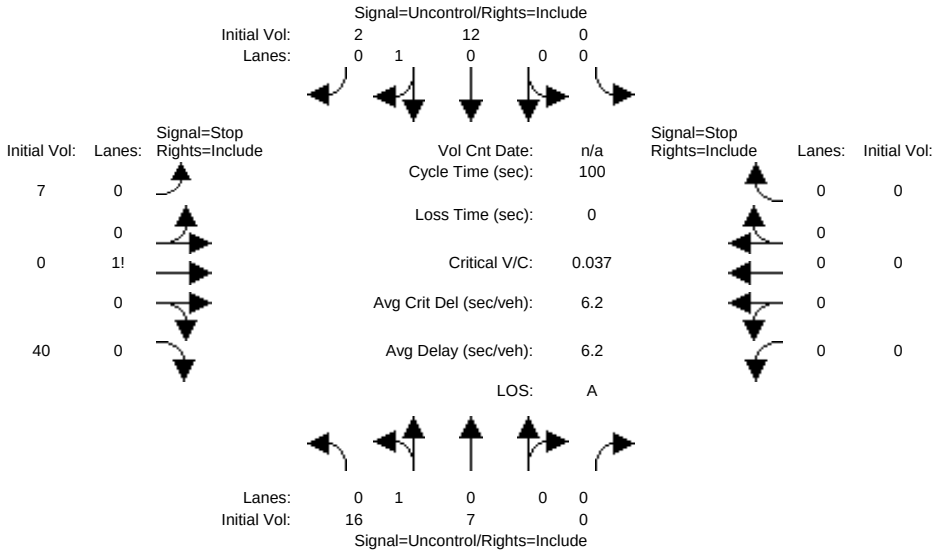
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing PM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      16    7     0     0   12     2     7    0    40     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   16    7     0     0   12     2     7    0    40     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   16    7     0     0   12     2     7    0    40     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    16    7     0     0   12     2     7    0    40     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   16    7     0     0   12     2     7    0    40     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   14 xxxx xxxxx  xxxx xxxx xxxxx    52   52    13  xxxx xxxx xxxxx
Potent Cap.: 1617 xxxx xxxxx  xxxx xxxx xxxxx   962  843  1073  xxxx xxxx xxxxx
Move Cap.:   1617 xxxx xxxxx  xxxx xxxx xxxxx   954  835  1073  xxxx xxxx xxxxx
Volume/Cap:  0.01 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.04  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.0 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.2 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1054 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.0 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.1 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.2 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.6 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.6           xxxxxx
ApproachLOS:         *                *                 A                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   16    7     0     0   12     2     7    0    40     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.6           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.1]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=47]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=84]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   16    7     0     0   12     2     7    0    40     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             37
Minor Approach Volume:           47
Minor Approach Volume Threshold: 1099
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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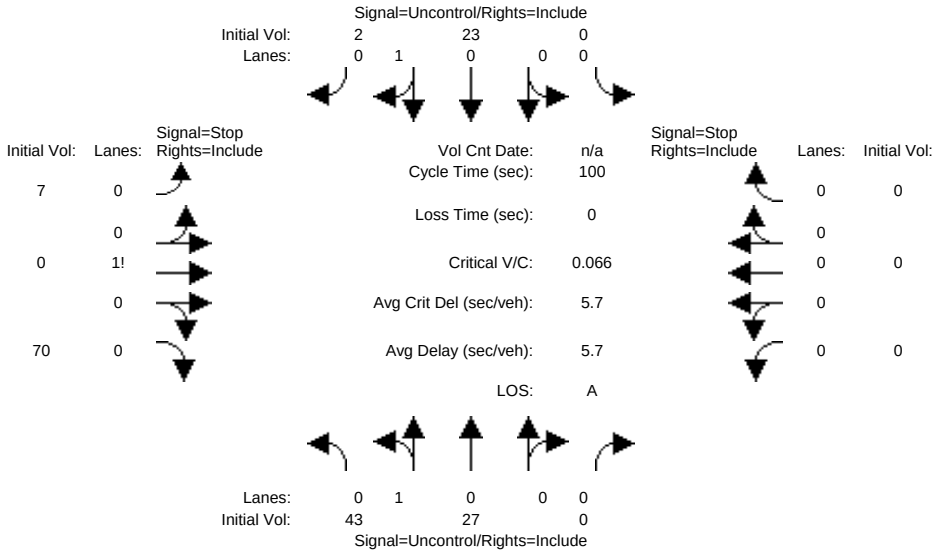
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background PM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      43   27     0     0   23     2     7    0    70     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   43   27     0     0   23     2     7    0    70     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   43   27     0     0   23     2     7    0    70     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    43   27     0     0   23     2     7    0    70     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   43   27     0     0   23     2     7    0    70     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   25 xxxx xxxxx  xxxx xxxx xxxxx   137  137    24  xxxx xxxx xxxxx
Potent Cap.: 1603 xxxx xxxxx  xxxx xxxx xxxxx   861  758  1058  xxxx xxxx xxxxx
Move Cap.:   1603 xxxx xxxxx  xxxx xxxx xxxxx   843  737  1058  xxxx xxxx xxxxx
Volume/Cap:  0.03 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.07  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1034 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.2 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.8 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.8           xxxxxx
ApproachLOS:         *                *                 A                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   43   27     0     0   23     2     7    0    70     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.8           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.2]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=77]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=172]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
                Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   43   27     0     0   23     2     7    0    70     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             95
Minor Approach Volume:           77
Minor Approach Volume Threshold: 847
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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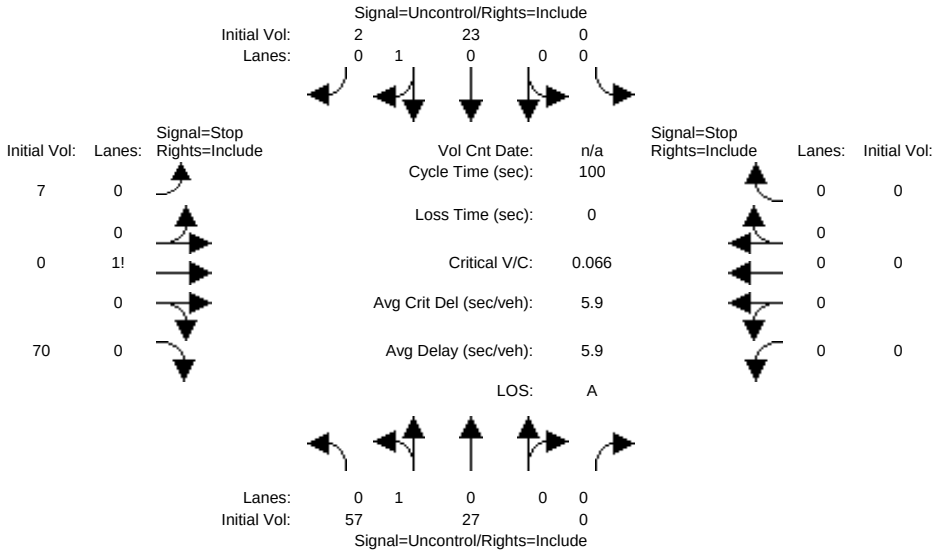
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background + Project PM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      57   27     0     0   23     2     7    0    70     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   57   27     0     0   23     2     7    0    70     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   57   27     0     0   23     2     7    0    70     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    57   27     0     0   23     2     7    0    70     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   57   27     0     0   23     2     7    0    70     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   25 xxxx xxxxx  xxxx xxxx xxxxx   165  165    24  xxxx xxxx xxxxx
Potent Cap.: 1603 xxxx xxxxx  xxxx xxxx xxxxx   830  731  1058  xxxx xxxx xxxxx
Move Cap.:   1603 xxxx xxxxx  xxxx xxxx xxxxx   807  704  1058  xxxx xxxx xxxxx
Volume/Cap:  0.04 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.07  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1029 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.2 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.8 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.8           xxxxxx
ApproachLOS:         *                *                 A                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   57   27     0     0   23     2     7    0    70     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.8           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.2]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=77]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=186]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
                Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   57   27     0     0   23     2     7    0    70     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             109
Minor Approach Volume:           77
Minor Approach Volume Threshold: 811
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```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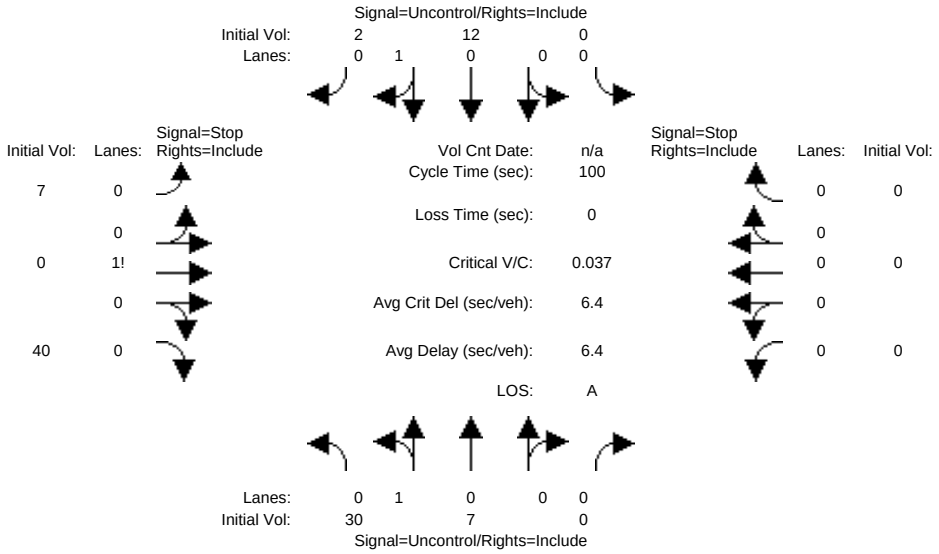
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing+Project PM

Intersection #2: LUNDY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      30    7     0     0   12     2     7    0    40     0    0     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:   30    7     0     0   12     2     7    0    40     0    0     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:   30    7     0     0   12     2     7    0    40     0    0     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:    30    7     0     0   12     2     7    0    40     0    0     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:   30    7     0     0   12     2     7    0    40     0    0     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:  4.1 xxxx xxxxx xxxxx xxxx xxxxx   6.4  6.5   6.2 xxxxx xxxx xxxxx
FollowUpTim:  2.2 xxxx xxxxx xxxxx xxxx xxxxx   3.5  4.0   3.3 xxxxx xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol:   14 xxxx xxxxx  xxxx xxxx xxxxx    80   80    13  xxxx xxxx xxxxx
Potent Cap.: 1617 xxxx xxxxx  xxxx xxxx xxxxx   927  814  1073  xxxx xxxx xxxxx
Move Cap.:   1617 xxxx xxxxx  xxxx xxxx xxxxx   914  799  1073  xxxx xxxx xxxxx
Volume/Cap:  0.02 xxxx  xxxx  xxxx xxxx  xxxx  0.01 0.00  0.04  xxxx xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:    0.1 xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
Control Del:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx
LOS by Move:    A    *     *     *    *     *     *    *     *     *    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx 1046 xxxxx  xxxx xxxx xxxxx
SharedQueue:  0.1 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  0.1 xxxxx xxxxx xxxx xxxxx
Shrd ConDel:  7.3 xxxx xxxxx xxxxx xxxx xxxxx xxxxx  8.6 xxxxx xxxxx xxxx xxxxx
Shared LOS:     A    *     *     *    *     *     *    A     *     *    *     *
ApproachDel:    xxxxxx           xxxxxx               8.6           xxxxxx
ApproachLOS:         *                *                 A                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   30    7     0     0   12     2     7    0    40     0    0     0
ApproachDel:    xxxxxx           xxxxxx              8.6           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[eastbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.1]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=47]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=98]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #2 LUNDY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:       Uncontrolled     Uncontrolled      Stop Sign        Stop Sign
Lanes:        0  1  0  0  0    0  0  0  1  0    0  0  1! 0  0    0  0  0  0  0
Initial Vol:   30    7     0     0   12     2     7    0    40     0    0     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             51
Minor Approach Volume:           47
Minor Approach Volume Threshold: 1013
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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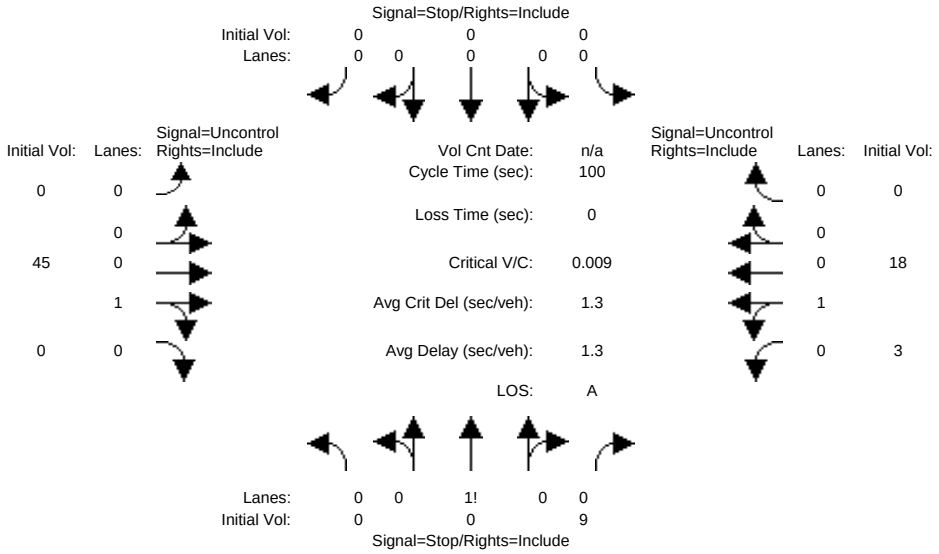
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing PM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     9     0    0     0     0   45     0     3   18     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     9     0    0     0     0   45     0     3   18     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     9     0    0     0     0   45     0     3   18     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     9     0    0     0     0   45     0     3   18     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     9     0    0     0     0   45     0     3   18     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    45  xxxx xxxx xxxxx  xxxx xxxx xxxxx    45 xxxx xxxxx
Potent Cap.: xxxx xxxx  1031  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1576 xxxx xxxxx
Move Cap.:   xxxx xxxx  1031  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1576 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.00 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.5 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.5           xxxxxx            xxxxxx            xxxxxx
ApproachLOS:         A                 *                 *                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   45     0     3   18     0
ApproachDel:       8.5           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=9]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=75]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   45     0     3   18     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             66
Minor Approach Volume:           9
Minor Approach Volume Threshold: 944
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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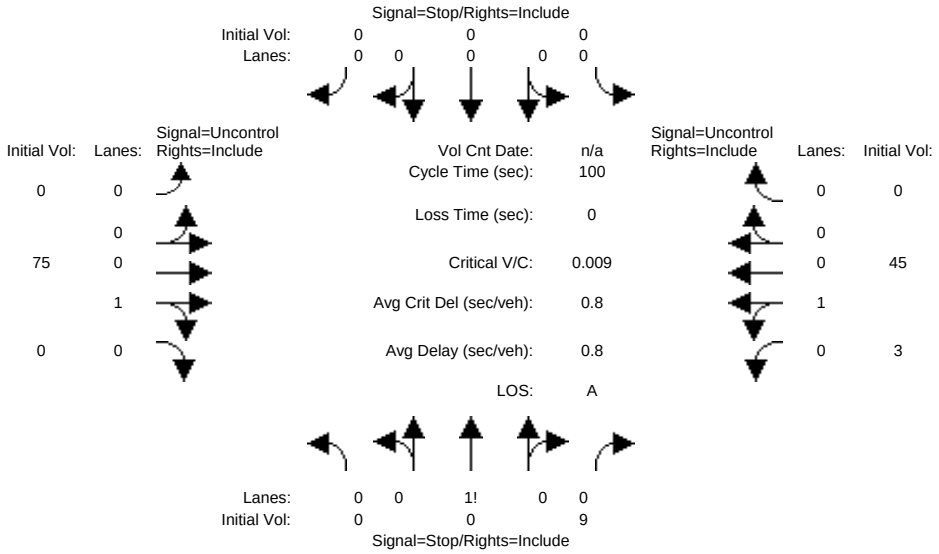
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background PM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     9     0    0     0     0   75     0     3   45     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     9     0    0     0     0   75     0     3   45     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     9     0    0     0     0   75     0     3   45     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     9     0    0     0     0   75     0     3   45     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     9     0    0     0     0   75     0     3   45     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    75  xxxx xxxx xxxxx  xxxx xxxx xxxxx    75 xxxx xxxxx
Potent Cap.: xxxx xxxx   992  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1537 xxxx xxxxx
Move Cap.:   xxxx xxxx   992  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1537 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.00 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.7 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.7           xxxxxx           xxxxxx           xxxxxx
ApproachLOS:         A                *                *                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   75     0     3   45     0
ApproachDel:       8.7           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=9]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=132]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   75     0     3   45     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             123
Minor Approach Volume:           9
Minor Approach Volume Threshold: 778
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
```


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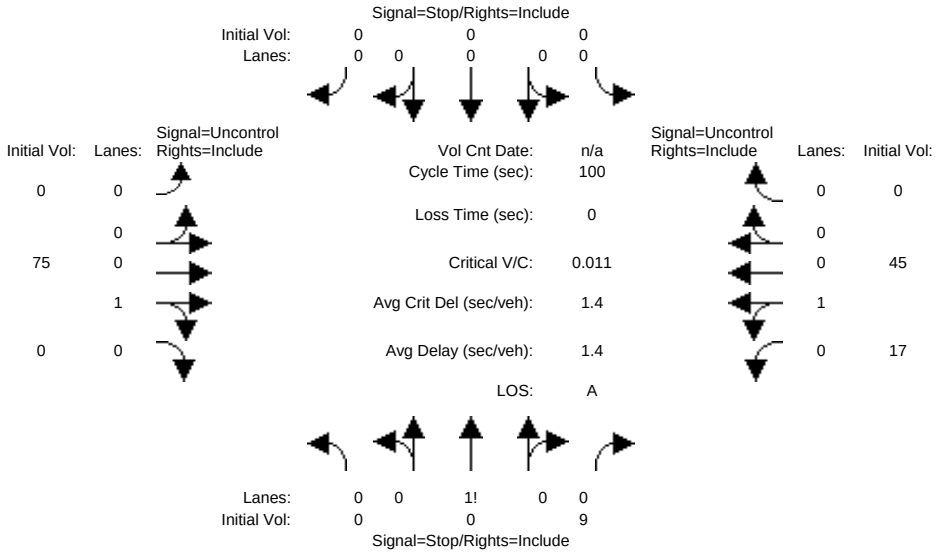
Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Background + Project PM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     9     0    0     0     0   75     0    17   45     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     9     0    0     0     0   75     0    17   45     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     9     0    0     0     0   75     0    17   45     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     9     0    0     0     0   75     0    17   45     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     9     0    0     0     0   75     0    17   45     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    75  xxxx xxxx xxxxx  xxxx xxxx xxxxx    75 xxxx xxxxx
Potent Cap.: xxxx xxxx   992  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1537 xxxx xxxxx
Move Cap.:   xxxx xxxx   992  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1537 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.01 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.7 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.4 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.4 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.7           xxxxxx           xxxxxx           xxxxxx
ApproachLOS:         A                *                *                *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   75     0    17   45     0
ApproachDel:       8.7           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=9]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=146]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

The peak hour warrant analysis in this report is not intended to replace
a rigorous and complete traffic signal warrant analysis by the responsible
jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   75     0    17   45     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             137
Minor Approach Volume:           9
Minor Approach Volume Threshold: 750
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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```


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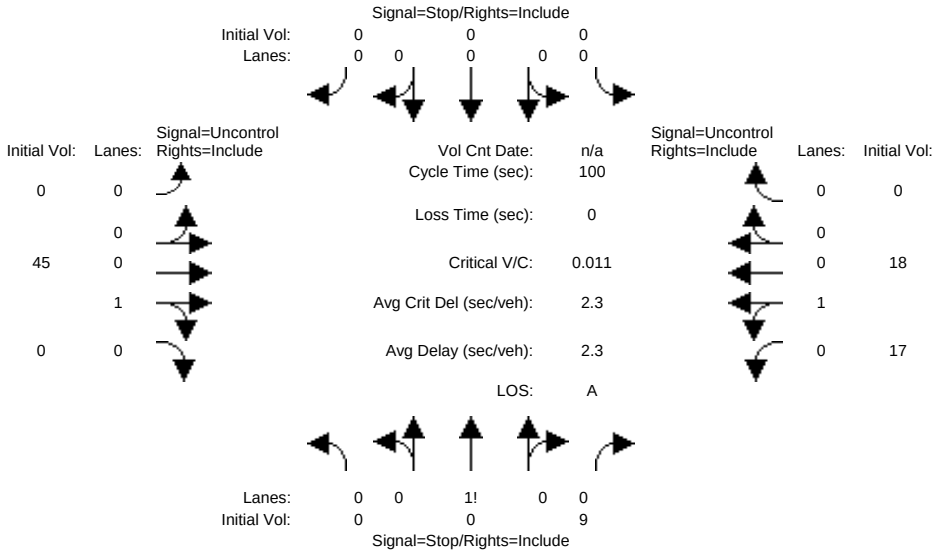
2001 Tarob Court

Level Of Service Computation Report
2000 HCM Unsignalized (Future Volume Alternative)
Existing+Project PM

Intersection #3: PROJECT DRWY/TAROB CT




```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:       0    0     9     0    0     0     0   45     0    17   18     0
Growth Adj:  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0    0     9     0    0     0     0   45     0    17   18     0
Added Vol:      0    0     0     0    0     0     0    0     0     0    0     0
PasserByVol:    0    0     0     0    0     0     0    0     0     0    0     0
Initial Fut:    0    0     9     0    0     0     0   45     0    17   18     0
User Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Adj:     1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
PHF Volume:     0    0     9     0    0     0     0   45     0    17   18     0
Reduct Vol:     0    0     0     0    0     0     0    0     0     0    0     0
FinalVolume:    0    0     9     0    0     0     0   45     0    17   18     0
------------|---------------||---------------||---------------||---------------|
Critical Gap Module:
Critical Gp:xxxxx xxxx   6.2 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   4.1 xxxx xxxxx
FollowUpTim:xxxxx xxxx   3.3 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   2.2 xxxx xxxxx
------------|---------------||---------------||---------------||---------------|
Capacity Module:
Cnflict Vol: xxxx xxxx    45  xxxx xxxx xxxxx  xxxx xxxx xxxxx    45 xxxx xxxxx
Potent Cap.: xxxx xxxx  1031  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1576 xxxx xxxxx
Move Cap.:   xxxx xxxx  1031  xxxx xxxx xxxxx  xxxx xxxx xxxxx  1576 xxxx xxxxx
Volume/Cap:  xxxx xxxx  0.01  xxxx xxxx  xxxx  xxxx xxxx  xxxx  0.01 xxxx  xxxx
------------|---------------||---------------||---------------||---------------|
Level Of Service Module:
2Way95thQ:   xxxx xxxx   0.0  xxxx xxxx xxxxx  xxxx xxxx xxxxx   0.0 xxxx xxxxx
Control Del:xxxxx xxxx   8.5 xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
LOS by Move:    *    *     A     *    *     *     *    *     *     A    *     *
Movement:     LT - LTR - RT    LT - LTR - RT    LT - LTR - RT    LT - LTR - RT
Shared Cap.: xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx  xxxx xxxx xxxxx
SharedQueue:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   0.0 xxxx xxxxx
Shrd ConDel:xxxxx xxxx xxxxx xxxxx xxxx xxxxx xxxxx xxxx xxxxx   7.3 xxxx xxxxx
Shared LOS:     *    *     *     *    *     *     *    *     *     A    *     *
ApproachDel:       8.5           xxxxxx            xxxxxx            xxxxxx
ApproachLOS:         A                 *                 *                 *
Note: Queue reported is the number of cars per lane.
                    Peak Hour Delay Signal Warrant Report
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
```

```
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   45     0    17   18     0
ApproachDel:       8.5           xxxxxx           xxxxxx           xxxxxx
------------|---------------||---------------||---------------||---------------|
Approach[northbound][lanes=1][control=Stop Sign]
Signal Warrant Rule #1: [vehicle-hours=0.0]
   FAIL - Vehicle-hours less than 4 for one lane approach.
Signal Warrant Rule #2: [approach volume=9]
   FAIL - Approach volume less than 100 for one lane approach.
Signal Warrant Rule #3: [approach count=3][total volume=89]
   FAIL - Total volume less than 650 for intersection
          with less than four approaches.
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
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jurisdiction.  Consideration of the other signal warrants, which is beyond
the scope of this software, may yield different results.
               Peak Hour Volume Signal Warrant Report [Urban]
*******************************************************************************
Intersection #3 PROJECT DRWY/TAROB CT
*******************************************************************************
Future Volume Alternative: Peak Hour Warrant NOT Met
------------|---------------||---------------||---------------||---------------|
Approach:      North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:        Stop Sign        Stop Sign       Uncontrolled     Uncontrolled
Lanes:        0  0  0  0  1    0  0  0  0  0    0  0  1  0  0    0  1  0  0  0
Initial Vol:    0    0     9     0    0     0     0   45     0    17   18     0
------------|---------------||---------------||---------------||---------------|
Major Street Volume:             80
Minor Approach Volume:           9
Minor Approach Volume Threshold: 893
-------------------------------------------------------------------------------
SIGNAL WARRANT DISCLAIMER
This peak hour signal warrant analysis should be considered solely as an
"indicator" of the likelihood of an unsignalized intersection warranting
a traffic signal in the future.  Intersections that exceed this warrant
are probably more likely to meet one or more of the other volume based
signal warrant (such as the 4-hour or 8-hour warrants).

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the scope of this software, may yield different results.
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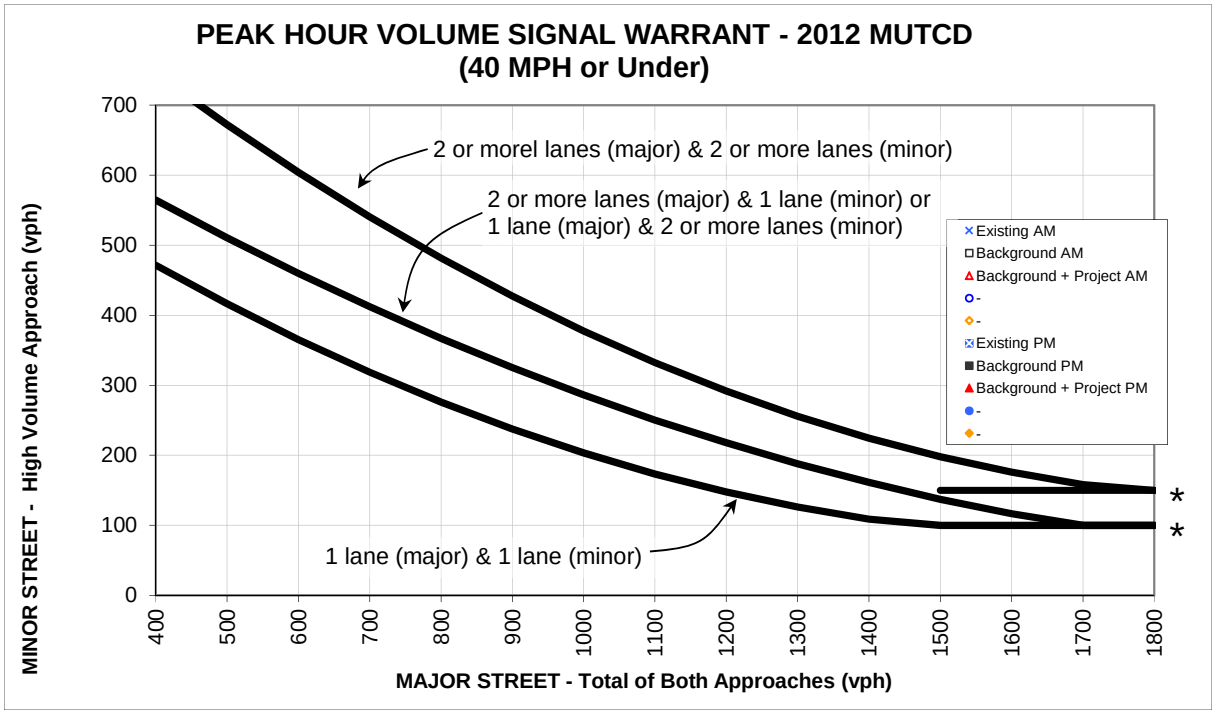
Traffic Signal Warrant

Lundy Avenue and Tarob Court



* NOTE: 150 vph applies as the lower threshold volume for a minor street approach with 2 or more lanes and 100 vph applies as the lower threshold volume for a minor street approach with 1 lane.

Peak Hour Volume Warrant Per 2012 MUTCD- 40 MPH or Under

		Approach Lanes		AM Peak Hour Volumes				
		One	2 or More	*Existing AM*	*Background AM*	*Background + Project AM*	-	-
Major Street - Both Approaches	Lundy Avenue	x		75	129	125		
Minor Street - Highest Approach	Tarob Court	x		16	58	71		
		Warrant Met?		N	N	N		

		Approach Lanes		PM Peak Hour Volumes				
		One	2 or More	*Existing PM*	*Background PM*	*Background + Project PM*	-	-
Major Street - Both Approaches	Lundy Avenue	x		37	95	109		
Minor Street - Highest Approach	Tarob Court	x		47	77	77		
		Warrant Met?		N	N	N		

Memorandum

Date: April 28, 2021

To: Leah Beniston, Vice President–Entitlements, TTLC Tarob 4, LLC

From: Jason Brandman, Vice President/Director and Phil Ault, Senior Project Manger

Subject: Qualitative Consistency Analysis Summary for the 2001 Tarob Court Project

INTRODUCTION

This memorandum provides a qualitative California Environmental Quality Act ("CEQA") consistency analysis summary for a 32-unit residential development project (Project) proposed by The True Life Companies (Applicant or TTLC) on a 1.22-acre site located at 2001 Tarob Court (Project Site). The Project Site is located within the planning area for the Milpitas Transit Area Specific Plan (TASP) and is designated as High-Density Transit Oriented Residential (HD-TOR) in both the Milpitas General Plan and the TASP. The Project Site is currently developed with industrial office use. Residential development on the Project Site has been evaluated in previous environmental documents associated with the TASP and a previously approved project on the Project Site, as explained below.

Environmental impacts associated with the implementation of the TASP were evaluated in the Final Environmental Impact Report (TASP EIR) certified in 2008, which included analysis of development of 7,100 units of residential development and 18,000 new residents as relevant to TTLC's proposed Project. In 2017, TTLC obtained approval from the City of Milpitas (City) of a General Plan Amendment and TASP Amendment modifying the site from Industrial Park (INP) to HD-TOR, and a Zoning Amendment to rezone the Project Site from Industrial Park with Transit Oriented Development Overlay (MP-TOD) to Multiple Family, High Density with Transit Oriented Development Overlay (R3-TOD). The City evaluated the potential environmental impacts associated with the General Plan amendment and TASP Amendment though an Addendum to the 2008 TASP EIR.

In September 2019, TTLC obtained approval of a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment for the development of a 40-unit residential condominium building on the Project Site (2019 Approved Project). The 2019 Project was analyzed for consistency with the TASP EIR, including the 2017 Addendum. LSA Associates prepared a June 2019 Exemption Memo in addition to an Environmental Checklist pursuant to CEQA Guidelines section 15168 documenting the City's analysis. Based on this analysis, the City approved an Addendum to the TASP EIR for the 2019 Project and also stated as an independent basis for compliance with CEQA, that the 2019 Approved Project was exempt from CEQA review pursuant to Guidelines Section 15182 (Project

Consistent with a Specific Plan), 15183 (Project Consistent with the General Plan), and 15168 (Projects Consistent with a Program EIR).

The current 32-unit Project proposed by TTLC is very similar to the 2019 Approved Project, as summarized in the next section. In order to assess the proposed Project's CEQA impacts, FCS reviewed the TASP EIR, 2017 Addendum, as well as the 2019 Exemption Memo and Environmental Checklist prepared by LSA Associates. This memorandum provides a qualitative consistency analysis confirming that the proposed Project is still within the scope of the TASP EIR, including the 2017 Addenda to the TASP EIR, and the proposed Project will not have any new significant or more severe impacts beyond what was previously identified and evaluated for the 2019 Approved Project.

PROPOSED PROJECT

The Project proposes to develop 32 townhomes consisting of two buildings ranging from 3-4 stories in height with 4, 2-bedroom 2-bath units 1,854 gross square feet in size, 12, 3-bedroom 2-bath units ranging from 1,888 to 1,916 gross square feet, and 16, 3-bedroom, 3-bath units ranging from 2,090 to 2,354 gross square feet. All units will have a tandem 2-car garage. The Project will also provide 9 guest spaces, 10 public bicycle parking spaces, 2 electric vehicle charging spaces, and 2 ADA parking spaces. The Project will gain ingress and egress from both Tarob Court and Lundy Place via both existing driveway curb cuts. The Project Site is approximately 1.2 acres and is currently developed with an industrial office building that is currently in use. The project site is located within a light industrial area of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial and commercial uses with Tarob Court to the north, Lundy Place to the east, and commercial and light industrial land uses to the west and south. The Project site is designated Multi-Family Residential High Density (MFH) Within the City's General Plan.

PROJECT CHANGES

The design changes that are now proposed as part of the Project are summarized in Table 1. The table provides a comparison of the 2019 Approved Project (as analyzed under the Environmental Checklist and Exemption Memo prepared by LSA Associates in June 2019) and the current proposed Project.

Table 1: Project Changes Comparison

Project Component	2019 Approved Project	Current Proposed Project
No. Residential Units	40 condo units	32 attached townhomes
Density (Units/Acre)	31.25 du/ac	25 du/ac
Total Gross Square Footage	92,762 sq. ft.	65,736 sq. ft.
Access	One driveway off Tarob Court	Two driveways–one off Tarob Court and one off Lundy Place
Storm Drain	Off-site storm drain replacement	Not Provided

CONSISTENCY ANALYSIS SUMMARY

This qualitative consistency analysis summary confirms that the proposed Project is still within the scope of the TASP EIR, including the 2017 Addendum, and will not have any new significant or more severe impacts beyond what was identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist prepared by LSA Associates.

Aesthetics

Scenic Vistas

The proposed Project is not located within a scenic viewshed or along a State Scenic Highway or other scenic highway. While intermittent views of the Milpitas foothills to the northeast are available from the Project Site, no on-site parks or open spaces have views of the foothills. The proposed Project would comply with the TASP policies and design standards; therefore, it would neither result in new significant impacts nor substantially increase the severity of impacts related to scenic vistas beyond what was previously identified and analyzed in the TASP EIR, 2017 Addendum to the TASP EIR, and 2019 LSA Exemption Memo and Environmental Checklist.

Scenic Resources

There are no scenic resources located on the Project Site. Therefore, the impacts associated with the proposed Project would not result in new significant impacts to scenic resources or substantially increase the severity of those impacts beyond what was previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Visual Character

The TASP allows buildings in the R3-TOD district up to 75 feet in height and requires a density of 21-40 dwelling units per acre. The proposed Project would include construction of a four-story building that would be approximately 55 feet in height with a density of approximately 25 dwelling units per acre. Therefore, the proposed Project would meet the building height limits and density standards set in the TASP design standards and would not conflict with zoning or other regulations governing scenic quality. Hence, the proposed Project would not result in new significant impacts or increase the severity of impacts to visual character beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Light and Glare

To minimize potential light and glare impacts, the proposed Project would implement and be consistent with TASP development standards that address street and outdoor lighting. Therefore, the proposed Project would not create significant impacts or increase the severity of impacts related to light and glare beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Agriculture and Forestry Resources

The project site is located within the TASP Area, is not used for agriculture, thus, the proposed Project would have no impacts on agriculture or forestry resources. Therefore, the proposed Project would neither result in new significant impacts nor substantially increase the severity of impacts related to agriculture and forestry resources beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Air Quality

Clean Air Act

Since April 19, 2017, the City has been required to adhere to the Bay Area Air Quality Management District's (BAAQMD's) current Clean Air Plan. The proposed Project would adhere to the Clean Air Plan and would not substantially increase population, vehicle trips or VMT. The proposed Project would implement the TASP measures, including provision of continuous pedestrian sidewalks and safe bike routs, encouragement of walking to nearby destinations, and provision of incentives for alternate modes of transportation. The proposed Project would decrease the number of proposed dwelling units compared to the 2019 Approved Project, resulting a slight decrease in overall project emissions. Therefore, the proposed Project would not result in new significant or more severe impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Regional Air Pollutant Emissions

The proposed Project would still result in redevelopment of the site with new residential uses. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the Project Site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Emission estimates for operation of the 2019 Approved Project indicated that the proposed Project would not exceed the significance criteria for annual ROG, NO_2, PM_{10}, or $PM_{2.5}$ emissions. Since the proposed Project would involve fewer dwelling units and an estimated slight decrease in average daily trips, buildout of the proposed Project would not result in new significant or more severe impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Construction Related Impacts

Construction emissions were analyzed for the 2019 Approved Project and were shown to be less than significant for ROG, NO_2, PM_{10}, or $PM_{2.5}$ emissions. Therefore, construction of the proposed Project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP EIR. The proposed Project would implement the BAAQMD's Basic Construction Mitigation Measures, reducing construction fugitive dust impacts to a less-than-significant level. Therefore, the proposed Project would not result in any new significant or more severe construction-related air quality impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Localized Carbon Monoxide Impacts

The proposed Project would decrease the number of proposed dwelling units and would therefore result in an estimated slight decrease in average daily vehicle trips. Therefore, proposed Project would not result in new significant or more severe impacts related to localized carbon monoxide than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Local Community Risk and Hazard Impacts to Sensitive Receptors

Similar to the 2019 Approved Project, none of the changes associated with the proposed Project would include additional TAC sources on the Project Site. Therefore, implementation of the proposed Project would not expose sensitive receptors to substantial pollutant concentrations.

Objectionable Odors

Implementation of the changes associated with the proposed Project would not include any activities or operations that would generate objectionable odors and, once operational, the Project would not be a source of odors affecting a substantial number of people. The proposed Project would not result in any new significant or more severe odor impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Biological Resources

Currently, the Project site is developed with light industrial and commercial uses. With implementation of TASP Policy 5.26, buildout of the 2019 Approved Project was shown to not result in impacts related to protected plants and wildlife and would not create impacts related to riparian habitat that are new or more significant than those analyzed in the TASP EIR. With implementation of TASP Policy 5.29, requiring setbacks from creeks to be a minimum of 25 feet from the top of a bank, the 2019 Approved Project was shown to not create impacts related to wetlands that are new or more significant that those analyzed in the TASP EIR. With implementation of TASP Policy 5.27, requiring a qualified biologist to conduct a survey that would be appropriate according to the U.S. Fish and Wildlife Service, the 2019 Approved Project was shown to not create any impacts related to migrating wildlife. The analysis also identified that the 2019 Approved Project would result in the removal of trees on the project site and the planting of approximately 40 new trees.

The proposed Project would be constructed on the same footprint and with the same impacts as the 2019 Approved Project. Moreover, the proposed Project would comply with all the same policies and measures of the TASP EIR and, therefore, would not create any new significant or more severe impacts related to biological resources than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Cultural Resources

The proposed Project would be constructed on the same footprint and with the same impacts as the 2019 Approved Project. The proposed Project would implement Policy 5.34 from TASP, and therefore, the Project would not lead to any new or more severe impacts to archaeological resources that would occur beyond those already identified in the TASP EIR and Addenda. In addition, the proposed Project would still report any discovery of human remains on the Project Site according to Sections 21083.2 and 21084.1 of the Public Resources Code and would therefore not result in any new significant or more severe cultural resource impacts beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Energy

The proposed Project would decrease the number of proposed dwelling units compared to the 2019 Approved Project. Therefore, the proposed Project would result in an estimated slight decrease in overall operational energy consumption. The proposed Project would also result in an estimated slight decrease in average daily vehicle trips compared to the 2019 Approved Project and would therefore result in a slight decrease in gas-related energy consumption. The proposed Project would still implement TASP Policy 3.21 3.22, and 3.33 which would further ensure that operational energy use of the project would be reduced to less than significant levels. In addition, the proposed Project would still be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. The Project would not result in wasteful, inefficient or unnecessary consumption of energy resources during construction or operation; therefore, no new significant or more severe impacts related to energy efficiency would occur beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Geology and Soils

Similar to the 2019 Approved Project, the proposed Project would still comply with the General Plan Policies and TASP Policies related to geological and soil impacts. The TASP EIR adequately evaluated the potential impacts related to geology and soils resulting from the 2019 Approved Project. The proposed Project would be constructed on the same footprint as the 2019 Approved Project. Therefore, implementation of the proposed Project would result in no new significant or more severe geological or soil resource impacts beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions for the 2019 Approved Project were calculated using CALEEMOD. The results showed that the 2019 Approved Project would not exceed the BAAQMD threshold. The proposed Project would decrease the number of proposed dwelling units and would result in an estimated slight decrease in average daily vehicle trips compared to the 2019 Approved Project. Therefore, implementation of the proposed Project would not result in new significant or more severe impacts related to GHG emissions beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Hazards and Hazardous Materials

The previous analysis for the 2019 Approved Project demonstrated that compliance with TASP policies regarding release of hazardous materials and risk of upset, emissions of hazardous materials near a school, and clean-up of hazardous materials at the project site would reduce any impact relating to hazardous materials to less than significant levels. No mitigation was required for aviation hazards, emergency response or evacuation plan, wildfires, or the transport, use, storage, or disposal of hazardous materials.

However, the Tier 1 Environmental Screening Levels (ESLs) were revised in 2019, which resulted in lower screening levels. The benzene concentrations previously detected in the soil, soil vapor, and ground water are above the revised Tier 1 ESLs. It is understood that the applicant desires to enter into an oversight agreement with Santa Clara County Department of Environmental Health (DEH) for further Site assessment work and to evaluate what, if any, soil vapor mitigation measures are required. The applicant will coordinate initial agency oversite activities with the DEH to move to a Phase 2 Site Management Plan. These activities also include completion of the *Application for Regulatory Oversight* form and submittal of all applicable reports to the DEH. The DEH will issue a Remedial Action Agreement after their scoping meeting with the applicant. Once the applicant has executed this agreement, the DEH will issue a directive letter stating what next steps are required for further assessment. With implementation of this Remedial Action Agreement, potential Tier 1 impacts would be reduced to less than significant and the proposed Project would not result in any new significant or more severe hazards or hazardous materials impacts beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Hydrology and Water Quality

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, similar to the previous findings for the 2019 Approved Project, compliance with required state and local regulation and implementation of mitigation regarding stormwater and dewatering during construction and operational use would ensure the proposed Project would not result in any new significant impacts and would not substantially increase the severity of impacts than those identified in the 2019 environmental checklist and the TASP EIR. The operation of the proposed Project would also not involve dewatering or the use of groundwater as potable water, therefore, the buildout of the proposed Project would not result in new significant impacts to groundwater resources or substantially increase the severity of impacts than those identified in the 2019 environmental checklist and the TASP EIR. The proposed Project is not located within a dam failure inundation area and is protected from flooding by a levee along Berryessa Creek northeast of the project. The implementation of the General Plan Policies 4d-G-1 and 4.d-I-1 and TASP Policies 5.33, 5.34, and 6.1 through 6.5, would ensure that long-term water quality impacts would not be significant. The proposed Project would also not result in new significant impacts related to flooding or inundation by seiche, tsunami, or mudflow or substantially increase the severity of impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Land Use and Planning

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, similar to the previous findings for the 2019 Approved Project, the buildout of the proposed Project would not inhibit public connectivity, and would not physically divide a community; therefore, the impact regarding dividing an established community would be less than significant. The proposed project would be consistent with the existing land use and zoning designations of the project site. In addition, the development associated with the proposed Project is within the amount of growth evaluated and cleared within the TASP EIR and is compatible with existing and future residential uses in the vicinity of the Project Site; therefore, the density and intensity of the proposed Project would not result in any new significant or more severe impacts regarding conformance with land use plans and those already identified in the TASP EIR and Addenda. The proposed Project would conform to the TASP policies as well as the development standards provided in Chapter 5 of the TASP. Therefore, the proposed Project would not conflict with the establishment of planned land uses, would include land uses addressed by the TASP and would not result in any new significant or more severe land use compatibility impacts than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Mineral Resources

The entire TASP Area, including the Project Site, is in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. In addition, the TASP Area is not designated as containing mineral resource deposits of regional importance. The proposed Project lies within the TASP area boundaries, and therefore, the proposed Project would have no impacts on mineral resources previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Noise

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, similar to the previous findings for the 2019 Approved Project, the proposed Project would not result in any new significant or more severe construction-period noise impacts, ground vibration noise impacts, land use compatibility stationary noise source impacts, aircraft noise craft, or traffic noise impacts with implementation of the General Plan and TASP policies previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Population and Housing

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, similar to the previous findings for the 2019 Approved Project, the proposed Project would not result in the displacement of a residential population, the expansion of urban services, or the opening of additional undeveloped land for future growth. Therefore, the proposed Project would not result in new significant or more severe population growth and/or housing impacts than previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Public Services

The proposed Project would follow policies that would reduce Fire and Police Department impacts due to TASP development to less-than-significant levels. The proposed Project would develop 8 fewer dwelling units as the 2019 Approved Project and would therefore not affect the conclusions of the TASP EIR as the number of proposed residential units and resulting students is still withing the amount evaluated in the TASP EIR. The proposed Project would also not result in any new significant or more severe impacts to fire or police protection services, school impacts, or impacts on park facilities than those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Recreation

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, the proposed Project would not result in any new significant or more severe impacts to existing neighborhood or regional park facilities beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Transportation/Traffic

The proposed Project would develop 8 fewer dwelling units than the 2019 Approved Project, resulting in an anticipated slight reduction in average daily vehicle trips. Furthermore, the project would improve site access by including an additional EVA only access from Lundy Place. Further analysis is not required, because trip generation less than 100 peak hour trips, per the Valley Transportation Authority Congestion Management Program Transportation Impact Analysis Guidelines and the previous Hexagon report identified the proposed Project would not result in any level of service impacts or queuing storage deficiencies at the study intersections, and impacts to pedestrian, bicycle, or transit facilities. Therefore, the proposed Project would not result in any new significant more severe impacts beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist in regard to site circulation and access, pedestrian, bicycle, and transit facilities. The proposed Project would not be in conflict or be inconsistent with CEQA Guidelines section 15064.3.

Tribal Cultural Resources

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, the proposed Project would not result in any new significant or more severe impacts to tribal cultural resources beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

Utilities and Service Systems

The previous project included an off-site storm drain improvement within the City easement on the 1951 Tarob Court property. No deficiencies have been identified in this line; therefore, the proposed project is not providing the off-site storm drain improvement.

The proposed Project would be constructed on the same footprint and would develop 8 fewer dwelling units as the 2019 Approved Project. Therefore, the proposed Project is within the level of development evaluated in the TASP EIR, it would not result in any new significant or more severe impacts related to wastewater capacity and infrastructure than those identified in the 2019 environmental checklist and the TASP EIR. The proposed project would include the installation of new storm drain line on the project site and would connect to the existing 12-inch municipal storm drain located at the northwest corner of the project site. Therefore, no new significant or more severe impacts beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist would result from the project regarding water supply or solid waste.

Wildfire

The proposed Project would be constructed on the same footprint as the 2019 Approved Project. The Hazards and Hazardous Materials section of the TASP EIR determined that there were no Very High Hazard Severity Zones within the TASP Area. In addition, the project site is not located in or near any State responsibility areas. Therefore, the proposed Project would not result in any new significant or more severe impacts related to wildfire hazards beyond those previously identified for the 2019 Approved Project in the Exemption Memo and Environmental Checklist.

SUMMARY

This consistency analysis summary confirms that the proposed Project is still within the scope of the TASP EIR and will have no new significant or more severe impacts beyond those identified in the 2019 environmental checklist and the TASP EIR.

TECHNICAL MEMORANDUM

Date: April 29, 2021

To: Leah Beniston, Vice President-Entitlements
True Life Companies

From: Chris Kinzel, PE, TE
Vice President

Janice Spuller
Project Manager

Subject: ***Peer Review- Traffic Operations Report for 2001 Tarob Court, Milpitas, CA* and Trip Generation**

INTRODUCTION

This memorandum provides a summary of TJKM's peer review of the *Traffic Operations Report for 2001 Tarob Court, Milpitas, CA*, dated May 28, 2019, prepared by Hexagon Transportation Consultants (Hexagon Report). The Hexagon Report was prepared as part of the California Environmental Quality Act (CEQA) review for a 40-unit residential condominium project previously proposed by The True Life Companies (TTLC) and approved by the City of Milpitas in September 2019 (2019 Project).

TTLC is now proposing a 32-unit Project at 2001 Tarob Court (Project Site) which is very similar to the 2019 Project. The Project Site is located within the planning area for the Milpitas Transit Area Specific Plan (TASP) and is designated as High-Density Transit Oriented Residential (HD-TOR) in both the Milpitas General Plan and the TASP. The Project Site is currently developed with industrial office use. Residential development on the Project Site has been evaluated in previous environmental documents associated with the TASP and the 2019 Project.

In order to assess the currently proposed Project's traffic impacts, TJKM reviewed the Hexagon Report and also undertook additional quantitative trip generation analysis. This memorandum provides a peer review analysis of the Hexagon Report and confirms that the currently proposed Project will not have any new significant or more severe impacts beyond what was previously identified and evaluated for the 2019 Project.

TRAFFIC OPERATIONS REPORT REVIEW

The project description for the 2019 Project, as detailed in the Hexagon Report, proposed to demolish a 16,463 square feet office/industrial building and construct 40 condominium units.

The Hexagon Report is comprehensive, technically supportable, and well written. The trip generation in the Hexagon Report utilized the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition to determine the trips for the multifamily housing, for low-rise (Code 220). For the existing office/industrial building use, Hexagon conducted a.m. and p.m. peak hour driveway counts in May 2019. For office/light-industrial, the driveway counts showed 11 a.m. peak hour trips and 12 p.m. peak hour trips. Based on this information, Hexagon determined the multi-family dwelling units would generate 20 a.m. peak hour trips and 26 p.m. peak hour trips. The 2019 Project, accounting for the existing industrial/office use, would net a total of nine a.m. peak hour trips and 14 p.m. peak hour trips.

TJKM reviewed the trip generation calculation with the current ITE 10th edition and found the trips for the 2019 Project are slightly lower at 18 a.m. peak hour trips and 22 p.m. peak hour trips, with a net total trips of seven a.m. peak hour, and 12 p.m. peak hour trips. This is nominal and should not affect the traffic operations analysis. Besides the slight discrepancy, TJKM is in agreement with the conclusions and recommendations of the report, and there was no significant impact to the study intersections.

NEW PROJECT TRIP GENERATION

Since the Hexagon Report was completed in 2019, TTLC has proposed a slightly revised development plan for the Project Site, changing from the previous 40 condominium units to 32 townhouse style units. TJKM prepared the following trip generation utilizing ITE Code 221 for mid-rise multifamily units. ITE Code 221 is for mid-rise multi-family units, three to five stories high. The previous Hexagon Report used ITE Code 220 for low-rise multi-family units up to two stories high. TJKM compared the use of the ITE Code 110 for General Light Industrial or the Hexagon Report, which conducted on-site driveway counts. TJKM utilized the ITE the driveway count data from the Hexagon Report for the existing use, however, since Daily trip rates were not available, TJKM utilized the ITE Daily Trip rate for industrial uses. **Table 1**, shows the project trip generation.

Table 1 Proposed Trip Generation

Land Use (ITE Code)	*Size*		*Daily*		*A.M. Peak*				*P.M. Peak*			
			Rate	*Trips*	*Rate*	*In*	*Out*	*Total*	*Rate*	*In*	*Out*	*Total*
Proposed												
Multifamily Housing, Mid-Rise (221)	32	DU	5.44	174	0.36	3	9	12	0.44	9	5	14
Existing												
Industrial/Office*	16.5	ksf	4.96	82		9	2	11		3	9	12
Net Total Trips				**92**		**-6**	**7**	**1**		**6**	**-4**	**2**

Notes: DU-Dwelling Units, ksf- Thousand Square feet
Source: Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition
*- ITE Code 110 rate for Daily Trips were used since the Hexagon Report did not have Daily Rates. Driveway counts from the Hexagon Report were used for a.m. and p.m. peak hour.

The currently proposed project, with 32 dwelling units, will net 92 daily trips, one a.m. peak hour trip and two p.m. peak hour trips. **Table 2** shows a comparison of net trip generation between the Hexagon Report for the 2019 Project (with 40 units) and the proposed project (with 32 units). The 2019 Project had 8 more a.m. and 12 more p.m. peak hour trips, as detailed in the Hexagon Report, than the proposed Project. The reduction in trips for the Project is consistent with the reduction in units from the previous 2019 Project.

Table 2 Project Net Trip Generation Comparison

Project Type	***Size***		***Net Daily Trips***	***Net A.M Peak Hour***	***Net P.M Peak Hour***
Previous Report (2019 Hexagon Study)					
Multifamily Housing, Low Rise (220)	40	DU	N/A	9	14
Proposed Project					
Multifamily Housing, Mid-Rise (221)	32	DU	92	1	2
		Difference		8	12

Further transportation analysis of the 32-unit proposed Project is not required, because it is less than 100 peak hour trips, per the Valley Transportation Authority Congestion Management Program Transportation Impact Analysis Guidelines. In addition, the Hexagon Report identified the 2019 Project would not result in any level of service (LOS) impacts or queuing storage deficiencies at the study intersections, and impacts to pedestrian, bicycle, or transit facilities. Because the proposed Project will generate fewer trips than the 2019 Project, it will also not result in any impacts associated with LOS, queuing, or pedestrian, bicycle, and transit facilities.

LSA

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PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: August 4, 2021

TO: Lillian VanHua, AICP, Associate Planner, City of Milpitas

FROM: Theresa Wallace, AICP, Principal
Matthew Wiswell, AICP, Planner

SUBJECT: Peer Review of the Qualitative Consistency Analysis Summary for the 2001 Tarob Court Project

The purpose of this peer review is to determine whether the Qualitative Consistency Analysis Summary for the 2001 Tarob Court Project (Consistency Analysis) prepared by First Carbon Solutions dated April 28, 2021 meets the requirements of the California Environmental Quality Act (CEQA). The Consistency Analysis was prepared by First Carbon Solutions under contract with TTLC Tarob 4, LLC, the project applicant for the proposed 2001 Tarob Court Project (proposed project). The City of Milpitas (City) is the Lead Agency.

Based on LSA's review, the Consistency Analysis generally meets the requirements of CEQA and employs sound methods and analysis to develop its conclusions. LSA concurs with the finding that the proposed project is still within the scope of the Final Environmental Impact Report prepared for the Milpitas Transit Area Specific Plan (TASP FEIR) and subsequently prepared Categorical Exemption prepared for a previous version of the 2001 Tarob Court Project in June 2019, and would not have any new significant or more severe environmental impacts beyond those that have been previously identified. However, the following comments are provided to ensure that the Consistency Analysis is complete and adequately addresses the requirements of CEQA.

1. The Hazards and Hazardous Materials section on page 7 should include a discussion of the requirements of TASP Policies 5.20, 5.21, and 5.22. While the discussion on page 7 indicates that the project applicant would comply with these policies by coordinating with the Santa Clara County Department of Environmental Health (SCCDEH) and entering into a Remedial Action Agreement, it should be noted that the potential impacts related to Hazards and Hazardous Materials are addressed by existing TASP policies, and that coordination with SCCDEH and the Remedial Action Agreement are not new mitigation.

2. The Transportation/Traffic section on page 9 should incorporate the findings of the Peer Review-Traffic Operations Report for 2001 Tarob Court, Milpitas CA and Trip Generation Technical Memorandum prepared by TJKM dated April 29, 2021. LSA's transportation planning staff have reviewed this report and concur with the findings.

AGENDA ITEM: X-1

MILPITAS PLANNING COMMISSION
STAFF REPORT

October 27, 2021

APPLICATION: **TRUE LIFE TOWNHOMES – 2001 TAROB COURT – P-SD21-0004, P-UP21-0005, P-MT21-0001, P-EA21-0002.** A Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements on a 1.22-gross acre site located in the Multi-Family High Density Residential (R3) Zoning District at 2001 Tarob Court. The project is located within the Transit Area Specific Plan (TASP) area and submitted in accordance with California Senate Bill 330 (Housing Crisis Act of 2019).

RECOMMENDATION: **Staff recommends that the Planning Commission open and close the public hearing, consider the consistency memorandums to the Addendum to the TASP EIR and the exemptions in accordance with CEQA, and adopt Resolution No. 21-022, recommending that the City Council approve Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005, Vesting Tentative Map MT21-0001, and Environmental Assessment No. EA19-0007 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height (three to four stories), with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the Conditions of Approval.**

PROJECT LOCATION:

Addresses and Assessor's Parcel Number (APN): 2001 Tarob Court (086-36-034)

Area of City: Transit Area Specific Plan (TASP): Trade Zone/Montague Subdistrict

PEOPLE:

Project Applicant: Leah Beniston, Vice President of Entitlements
The True Life Companies, San Ramon, CA

Consultant(s): Architect: *SDG Architects*, Brentwood, CA
Civil Engineer: *Wood Rogers Engineering*, Pleasanton, CA
Landscape Architect: *R3 Studios*, Oakland, CA

Property Owner: Scott Menard, TTLC Management LLC

Project Planner: Lillian VanHua, AICP, Acting Senior Planner

LAND USE:

General Plan Designation: MMSP Milpitas Metro Specific Plan
Specific Plan Designation: High-Density Transit Oriented Residential (HD-TOD)
Zoning District: Multiple-Family High Density with Transit Oriented Development Overlay (R3-TOD)

ENVIRONMENTAL: The Project is consistent with the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report (SCH#2006032091), as demonstrated by the peer review memorandum, dated April 28, 2021. The memorandum confirms that the proposed project is still within the scope of the TASP EIR and will have no new significant or more severe impacts beyond those identified in the 2019 Environmental Checklist and the TASP EIR. As a separate and independent basis, the project is exempt from further environmental review pursuant to CEQA Guidelines Section 15168 (Program EIR), Section 15182 (Residential Projects Pursuant to a Specific Plan), and Section 15183 (Projects Consistent with a Community Plan or Zoning).

EXECUTIVE SUMMARY

The applicant, The True Life Companies, requests a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow the development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height, with tandem garages accessed from a central drive aisle, and associated site improvements on a 1.22-acre site located at 2001 Tarob Court in the Trade Zone/Montague Subdistrict of the Transit Area Specific Plan (TASP) area. The application was submitted in accordance with California Senate Bill 330 (Housing Crisis Act of 2019).

The project proposes a total of 32 townhome condominium units, consisting of two buildings ranging from three to four stories in height with two-bedroom and three-bedroom units. All units will have a tandem two-car garage. Five of the 32 units, or fifteen percent (15%) of the base units, will be affordable to moderate-income households in conformance with the City's Affordable Housing Ordinance. By providing the required on-site affordable units, the project qualifies for certain parking waivers under the affordability provisions of the State Density Bonus Law. Specifically, Government Code Section 65915(p)(5) permits eligible housing projects under the State Density Bonus Law to provide onsite parking through tandem parking or uncovered parking.

The proposed project requires approval of three entitlements, as follows:

1. Site Development Permit SD21-0004: To allow the development of two multi-family buildings, ranging from three to four stories in height, with up to 32 residential units on the 1.22-acre site; and

2. Conditional Use Permit UP21-0005: To allow the condominium use; and
3. Vesting Tentative Map MT21-0002: To establish 32 residential condominium spaces and related common areas and to record site easements; and
4. Environmental Assessment EA21-0002: To review and verify an exemption from further environmental review under CEQA.

Staff reviewed the entitlement applications listed above and found them to be in compliance with the policies, standards, and processes outlined in the City of Milpitas 2040 General Plan, Transit Area Specific Plan (Milpitas Metro Specific Plan), Zoning Ordinance, Milpitas Municipal Code (MMC), and the State Density Bonus Law. Although the project is not requesting a density bonus, by providing the minimum number of required affordable housing units, the project qualifies for parking waivers under the State Density Bonus Law. Staff has reviewed the project for consistency with the affordable housing provisions of the State Density Bonus Law. The balance of this report provides specific details regarding each of the requested entitlements.

Staff recommends that the Planning Commission open and close the public hearing, consider the exemptions in accordance with CEQA and adopt Resolution No. 21-022, recommending approval of the Project to the Milpitas City Council, subject to the conditions of approval included in as Exhibit 1 within the above-referenced resolution.

BACKGROUND

History

The project site is currently occupied by a 16,200-square foot light industrial office building. The site was originally developed in the 1980s as part of the Tarob Court industrial park. On June 3, 2008, the City Council adopted the Transit Area Specific Plan (TASP or Plan). The Plan encompasses 437 acres and envisions the development of 7,109 residential 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 includes 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 sub-districts, each with specific goals and policies to accommodate those unique characteristics.

The project site is located within the Trade Zone/Montague Sub-District of the TASP. This sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Place. On the Tarob Court side of the sub-district, the TASP envisions a moderate-to-high density residential area, with ample green space in the form of a large park and trails along Penitencia Creek. The Capitol Avenue and Montague Expressway portions of the sub-district are intended to be lined by mid-rise and high-rise mixed use buildings that buffer the adjacent residential uses from noise and traffic.

On November 2, 2018, TTLC submitted an application for a Site Development Permit, Conditional Use Permit and Vesting Tentative Map to develop a 40-unit condominium residential project at the project site. The Planning Commission recommended the City Council approve the above applications on July 31, 2019. On August 20, 2019, the City Council adopted Resolution No. 8899, approving the development application.

In March 2020, the City initiated an update to the TASP and rebranded this effort as the Milpitas Metro Specific Plan. The updated Plan will shape the continued transformation of neighborhoods surrounding the Milpitas Transit Center, which opened in June 2020, to create a vibrant transit-oriented community with a mix of housing, retail, entertainment, and employment uses and a safe and attractive network of parks and trails. Future development within the Tarob Court area is a primary component of the Milpitas Metro Specific Plan, with a vision for higher-density mixed-use development based on a future direct connection to the Milpitas Transit Center via an extension of South Milpitas Blvd into the neighborhood.

On March 24, 2021, TTLC submitted a new preliminary application pursuant to California Senate Bill 330 (SB 330) for a 32-unit townhome subdivision at the project site. On April 30, 2021, TTLC submitted a formal application for the revised townhome project, which is at the lower end of the density range for residential development in the R3-TOD zoning district.

California Senate Bill 330 (Housing Crisis Act)

California Senate Bill 330 (SB 330), the Housing Crisis Act of 2019, became effective January 1, 2020 and declared a statewide housing emergency through January 1, 2025. The Housing Crisis Act allows an applicant to submit a preliminary application for any housing development project, as defined in Government Code Section 65589.5(h)(2). A housing development project includes the following: residential units only; mixed-use development consisting of residential and non-residential uses with at least two-thirds of the square footage of the project designated for residential use; transitional housing or supportive housing.

Under SB 330, eligible housing development projects are eligible for enhanced streamlining and vesting opportunities through a process initiated by the filing of a preliminary application. Once the preliminary application is deemed complete by the local jurisdiction, the housing development project is subject only to the ordinances, policies, and standards adopted and in effect at the time the preliminary application was submitted. In addition, housing development projects that meet all applicable objective general plan and zoning standards may only be subject to a total of five public hearings, including continuances and most appeal hearings.

Once a preliminary application is deemed complete, a complete project application must be submitted and accepted by the Planning Department within 180 days of submission of the preliminary application. The project must also commence construction within 30 months after the date of final approval.

PROJECT DESCRIPTION

Overview

The applicant requests a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment for the future development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet in height, with tandem garages accessed from a central drive aisle. The scope of work includes associated landscaping and open space, parking and circulation, and infrastructure improvements, as well as the demolition of an existing 16,200-square foot light industrial office building.

The 32 townhome condominium units consist of four two-bedroom units and 28 three-bedroom units. The units will range in size from 1,854 to 2,354 square feet and all units will have a tandem two-car garage. The project also provides nine guest parking spaces, ten public bicycle parking spaces, two electric vehicle charging spaces, and two ADA parking spaces. The project will gain ingress and egress from both Tarob Court and Lundy Place via both existing driveway curb cuts.

Five of the 32 units, or fifteen percent (15%) of the base units, will be affordable to moderate-income households in conformance with the City's Affordable Housing Ordinance. By providing the required on-site affordable units, the project is also eligible for certain waivers under the affordability provisions of the State Density Bonus Law (Gov. Code § 65915 et seq.) even though the project is not asking for an increase in units or density. Specifically, Government Code Section 65915(p)(5) permits eligible housing projects under the State Density Bonus Law to provide onsite parking through tandem parking or uncovered parking. The analysis section of this staff report includes a full discussion of the State Density Bonus provisions related to this project.

Location and Context

The project is located on a 1.22-acre site on the west side of Tarob Court. The site is currently occupied by a 16,200-square foot light industrial office building. Figure 1 shows the location of the proposed project in an aerial image:

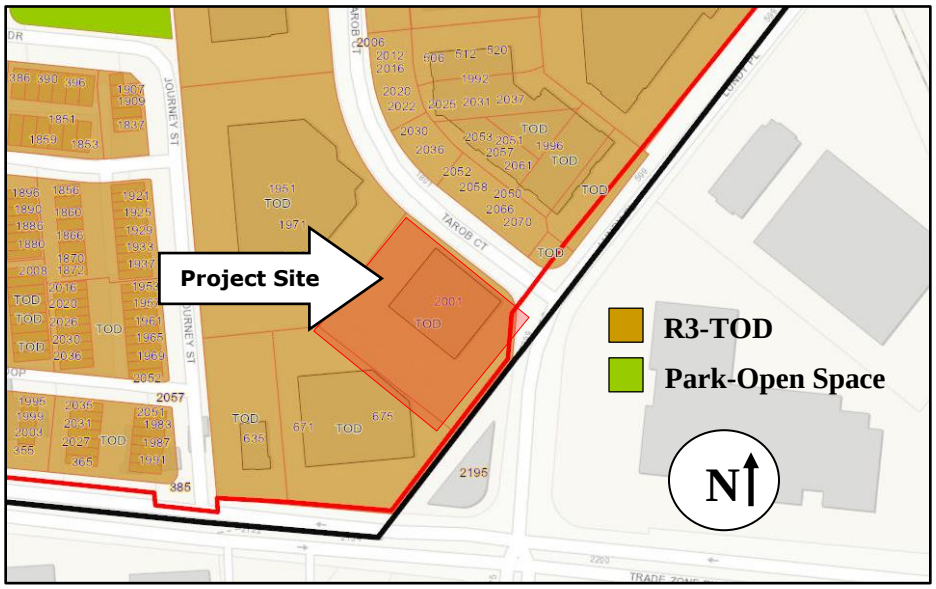
Figure 1 – 2001 Tarob Ct. (Aerial Image)

The property located within the Transit Area Specific Plan (Milpitas Metro Specific Plan) area and zoned R3 Multi-Family High Density Residential with a Transit-Oriented Development (-TOD) overlay. Table 1 and Figure 2 below summarizes the project site's land use designation and surrounding uses:

Table 1: Surrounding Zoning and Land Uses

	General Plan	Zoning	Existing Uses
Subject Site	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Light Industrial
North	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Light Industrial
South	City of San Jose	City of San Jose	Light Industrial
East	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Future Multi-family Residential
West	Milpitas Metro Specific Plan	Multi-family High-Density Residential (R3-TOD)	Light Industrial

Figure 2 – 2001 Tarob Ct. (Zoning Map)



PROJECT ANALYSIS

This section will evaluate elements of the proposed project for conformance with the Milpitas 2040 General Plan, the 2008 Transit Area Specific Plan, the Zoning Ordinance and other provisions of the Milpitas Municipal Code, and the State Density Bonus Law.

General Plan Conformance

The General Plan designation for the project site is Milpitas Metro Specific Plan (MMSP), but since City Council has not formally adopted the MMSP, the TASP development standards currently apply. The intent of both the MMSP and TASP standards is to facilitate development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and to encourage walking, biking, and the use of alternative modes of transportation.

As proposed, 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
Policy LU 1-4: *Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas.*	**Consistent.** The project provides an additional housing type to meet the needs of various families and residents of all income levels. The project, as proposed, consists of 32 townhome residential units, ranging from two to three bedrooms. Five of the residential units will be reserved for moderate-income households. The City would prefer to see higher density development at this location.
Policy LU 5-1: *Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new large-scale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.*	**Consistent.** The project, as proposed, is well integrated with the existing residential developments along Lundy Place and Tarob Court, as the project has a similar architectural style, building height, multi-family product, and site layout. Additionally, the project will gain ingress and egress from both Tarob Court and Lundy Place via existing driveway curb cuts, and as a result, the project will blend seamlessly into the fabric of the existing community. The project will also be compatible and complementary to future high-density residential development planned for other parcels on Tarob Court which are currently developed with light industrial uses but are zoned for redevelopment as similar high-density residential uses.
Policy LU 5-3: *Ensure new development is consistent with specific height limits established within the City's Zoning*	**Consistent.** The project meets the height standards by proposing two three to four-story buildings, up to 50 feet in height, in a zoning

Ordinance as applied through the zoning district for all properties within the City.	district that allows a maximum height of 75 feet.

Transit Area Specific Plan Conformance

The TASP/MMSP land use designation for the project is High Density, Transit-Oriented Residential. This designation provides for medium-density residential uses within the Trade Zone/Montague Sub-District. As demonstrated in Table 3, the project is consistent with the applicable TASP/MMSP land use policies.

Table 3: TASP/MMSP Consistency

Policy	Conformance
Policy 3.4*: Provide a variety of housing types for different types of households, different income levels, different age groups, and different life-styles.*	**Consistent**. The proposed project will provide various housing types, including two and three-bedroom units for sale at market-rate and five of the 32 units will be for sale to moderate-income individuals or households, consistent with the City's goal of providing housing for various households and income levels. The City would prefer to see higher density development at this location.
Policy 3.17*: New streets shall be located as generally shown on the Street System Map, Figure 3-2 within the TASP*	**Consistent.** A portion of the project's TASP fees will contribute to the new Tarob Court configuration, designed to replace the cul-de-sac with a local street and connection to Sango Court.
Policy 3.2: *Affordable housing units should be provided with new housing developments. Determine affordable unit requirements on a project-by project basis, considering the size of the project, the location of the site, and the mix of affordable units in the Midtown Area. Allow housing developments of 12 units or less to pay a fee in lieu of providing affordable units.*	**Consistent**. The project conforms to the City's Affordable Housing Ordinance and will designate five out of the 32 units, or fifteen percent (15%) of the base number of units, for moderate-income level individuals or households.
Policy 3.3: *Affordable housing should be integrated into all residential projects.*	**Consistent.** The project will designate five residential units for sale to moderate-income individuals or households and the units will be dispersed throughout the project site.

Zoning Conformance

The project site is zoned R3 Multiple-Family High Density Residential with a Transit-Oriented Development (-TOD) Overlay. As demonstrated in Tables 4 and 5, the project is consistent with most of the applicable development standards for the R3 Multiple-Family High Density Residential Zoning District and TASP/MMSP area. The affordability provisions of the State Density Bonus Law allow the project to deviate from certain standards. A detailed discussion of the standards from which the project deviates follows Table 5.

Table 4: Summary of TASP R3-TOD Development Standards

Standard (R3-TOD)	Required	Proposed	Conformance
Density	21-40 du/ac	25 du/ac	Y
Setbacks **Front (min/max)** **Side** **Rear**	 8 foot-15 foot (max.) from back of sidewalk 15 foot (min.), 20 foot over three stories when abutting residential 15 foot (min.), 20 foot over three stories when abutting residential	 15 feet 26 – 47 feet 20-28 feet	Y
Height	Up to 75 feet	49-feet-11-inches	Y
Private Open Space	An average of 200 SF of usable open space shall be provided for each dwelling unit. Balconies, porches, or roof decks may be considered usable open space when properly developed for work, play or outdoor living areas. At least thirty (30) percent of required open space shall be contiguous to and provide for private usable open space of the individual dwelling unit. 200 x 32 = 6,400 SF = 0.15 acres	Private recreational area: 0.14 acres Private open space (balconies) = 1784 SF/building = 1784 x 2 = 3,568 SF = 0.08 acres Total private open space = 0.22 acres = 299.5 SF/unit Private balconies provided for every unit	Y

Standard (R3-TOD)	Required	Proposed	Conformance
	Each dwelling unit shall be provided with private open space as follows: - Balconies and porches (above ground level): minimum 60 SF; or - Patios (at ground level): minimum one hundred square feet.		
Landscaping	A minimum of twenty-five percent (25%) of the total lot area shall be landscaped or recreational open space, exclusive of parking and vehicular traffic area. 25% x 1.22 = 0.31 acres	0.46 acres (37.7%)	Y

In addition, projects located in the TASP/MMSP area must comply with the additional development and design standards outlined in Table 5:

Table 5: Additional Development Standards Applicable in the TASP/MMSP

	Standard	Proposed	Conformance
Projections into Required Yards	Porches, stairs, balconies, bay windows, and awning may project up to six feet into required setbacks.	None	Y
Building Orientation and Entrances	Building must face the street; and primary building entrances must be oriented toward the street.	Buildings face Tarob Court, which is the project's primary street frontage.	Y
Vehicle Parking	Two to Three Bedrooms: 1.6 covered (min), two (2) covered (max)	64 tandem spaces in 32 garages (2 per unit)	Y
Bicycle Parking	One space per four housing units, exempting those with private garages; on-street guest racks equivalent to five	10 public spaces provided plus project has 32 private garages	Y

	Standard	Proposed	Conformance
	percent (5%) of parking requirement.		
Parking Structure and Parking Lot Location	Parking must be located so that it is not visible from the street.	32 private garage entrances face interior drive aisle	Y
Parking Access and Curb Cuts	Maximum two curb cuts per lot per street frontage	One curb cut along each street frontage	Y
Tandem Parking	May be allowed with a Conditional Use Permit pursuant to MMC Section 53; maximum of fifty percent (50%) of parking required for residential uses may be tandem parking in projects with private individual garages.	All residential unit parking is tandem (64 spaces).	This is permitted under Gov. Code, § 65915(p)(5) under State Density Bonus Law
Park Acreage Requirements	0.03 acres (after payment of TASP/MMSP fee)	0.14 acres proposed, which includes private recreation areas along the southern end of the site	Y

Subdivision Ordinance

The project's form, content and dedications of the proposed tract map are consistent with the provisions in Title XI, Chapter 1, Section 4 of the City's Municipal Code, as set forth in the attached Resolution No. 21-022. Vesting Tentative Maps require approval of a Resolution by the Planning Commission recommending final approval by the City Council.

Architectural Design

The project's design concept arranges two multi-family buildings, three to four stories in height, that mirror one another across a central drive aisle. The arrangement preserves ground floor open space and creates a 26-foot wide drive aisle between the buildings. The project's contemporary architectural design uses stucco, siding, stone tile veneer, and a variety of metal details. Variations in the building colors, materials and planes and protruding balconies provide architectural interest and avoid a boxy appearance.

The building massing is broken up through an alternating painted color blocking treatment of dark green (SW "Dried Thyme"), light grey (SW "Natural Choice"), and steel blue (SW "Needlepoint Navy"). At the ground level, stone tile veneer and metal awnings frame the entry to

the units. The garage doors are face the interior drive aisle, while the grand raised entrances face Tarob Court to enhance the public realm of Tarob Court's streetscape. The ground level entrances and private open space areas on the southern end of the property also offers residents the opportunity for out-of-doors leisure, as well as community engagement.

The project has a similar architectural style to the Parkside project and visually relates to the previously approved three-story townhouses across Tarob Court. Moreover, the project conforms to the Transit Area design guidelines, which require orientation of the building to the street, well-articulated exterior walls with consistent style and materials, muted colors for primary building walls with richer accent colors and integrated parking.

Figure 3 is a perspective view of the north and west building elevations.

Figure 3 – Proposed Project Looking Southeast from Tarob Court

Tree Removal and Landscaping Requirements

The project includes removal of 34 existing trees, including 21 protected trees, from the project site. Pursuant to MMC Title X, Chapter 2 (*Tree Maintenance and Protection*), the project will plant two replacement trees for every one protected tree that is removed, or 128 new trees planted on the site. Tree species include Chinese Pistache, Magnolias, Lavender Crape Myrtle, and Crabapple. Other new landscaping around the perimeter of the site will include various shrubs (Australian Fuchsia, Candy Stripe Bamboo, Fortnight Lily, Lavender, New Zealand Flax), grasses (Reed Grass, Deer Grass, Fountain Grass) and groundcovers (Peach Drift, California Fuchsia, Pink Groundcover Rose) as demonstrated in Figure 4. Vines will also be welded on a wire mesh fence

on the southern end of the site.

Figure 4 – Landscape Plan

Parkland and Open Space Requirements

TASP requires all new developments to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu, as permitted by the Subdivision Map Act (Government Code Section 66477) and as codified by MMC Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes*). The Parkland Fee is based upon the estimated number of persons expected to inhabit the development (per U.S. Census definitions), and the estimated value of parkland in the City of Milpitas (currently $2,787,840 per acre). The U.S. Census estimates that 2.49 persons on average will inhabit each unit. The project proposes 32 units, resulting in an estimated population of 80 persons. Based on this population estimate, the project is required to provide 0.28 acres of parkland, equivalent to approximately $777,472.82.

Additionally, as mentioned above, all projects in the TASP area are required to pay a Transit Area Development Impact Fee (TADIF), a portion of which is used for park and recreation purposes within the TASP area. The park portion of the TASP fee for this project is valued at $690,061.12, equivalent to 0.25 acres of parkland. This amount will be applied to the project's $777,472.82 parkland requirement, leaving a delta to be satisfied of 0.03 acres, or an in-lieu fee of approximately $87,411.70.

To satisfy the 0.03-acre delta, the project is proposing the use of 0.12 acres as private recreation space on-site, as allowed by MMC Section XI-1-9 referenced above. Each individual unit has a

private balcony, totaling 3,568 square feet. The private recreation areas also include a bench, mailbox station, concrete paving and various landscaping, as shown on Sheet L002 of the project plans (See Attachment B: Project Plans). By designing these elements into the project, the parkland requirement is met without additional fees. Table 6 outlines this information below.

Table 6: Summary of Adherence to Parkland Requirements

Project Unit Count	32
Project Population Estimate	80 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu. ($2,787,840 per acre)
Total Parkland Acreage or In-Lieu Fee Required	**0.28 acres/$777,472.82**
Amount Satisfied Through TASP Fees (Acreage/Dollars)	**0.25 acres/$690,061.12**
Remaining Parkland Acreage or In-Lieu Fee Required	**0.03 acres/$87,441.70**
Private Recreation/Open Space Included in the Project	0.12 acres
Total Acreage/Fees Provided	**0.28 acres**
Balance of Parkland Acreage or In-Lieu Fee Due	**0.0 acres/$0**

Affordable Housing Ordinance

Pursuant to MMC Section XII-1-3.00, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to construct fifteen percent (15%) of the total number of dwelling units within the development as affordable units, unless subject to an exception set forth in XI-1-4.00. All exceptions require City Council approval.

The project will reserve five units (or fifteen percent (15%)) as affordable to moderate income households. The project has been conditioned to execute an agreement imposing appropriate ownership controls on the affordable units.

State Density Bonus Law

To encourage the production of affordable housing, the State Density Bonus Law (Gov. Code § 65915 et seq.) allows developers to receive a density bonus of up to a fifty percent (50%) increase for most projects, depending on the amount of affordable housing provided, and an eighty percent (80%) increase in density for projects that are one hundred percent (100%) affordable. The Density Bonus is a state mandate, and any developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. The City's local Density Bonus Ordinance (MMC Section XI-10-54.15) mirrors the State requirements.

By providing the required on-site affordable units pursuant to MMC Section XII-I-3.00, the project is eligible to receive certain waivers under the affordability provisions of the State Density Bonus Law. While the project is not requesting additional density, it is entitled to up to one concession, unlimited waivers of development standards, and parking standard reductions.

Parking Requirements

Under the TASP, a minimum of 51 and a maximum of 64 resident parking spaces are required for the proposed project, based on bedroom count (TASP Table 5-3: *Minimum Parking Requirements*). The applicant proposes to provide 64 resident spaces, the maximum required. Parking for residents would primarily be provided in individual tandem parking garages oriented towards the internal drive aisle. As the project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5) permits all onsite parking to be provided through tandem parking or uncovered parking.

The project also requires ten guest parking spaces, and the applicant proposes to provide nine spaces. Under Government Code Section 65915(p)(1) and MMC Section XI-10-54.15(F)(5), the applicant may request reduced parking standards for the entire development. The reduced parking standards are inclusive of guest parking and handicapped parking and may be tandem or uncovered. The nine guest spaces will be provided as follows:

- Seven (7) along the private driveway;
- One (1) ADA guest spot along the private driveway; and
- One (1) electric vehicle charging spot along the private driveway.

To maintain a consistent streetscape along Tarob Court, the project will be required to install decorative concrete paving to identify all on-street parking spaces.

Table 7 demonstrates the project's compliance with the parking standards for the R3-TOD Zoning District:

Table 7: Project Compliance with Parking

Number of Units	Number of Bedrooms/ Unit	Min/Max Ratio Permitted/Unit	Min/Max No. of Spaces Req'd/Allowed	Total Spaces Provided	Conforms (Y/N)
LAND USE: RESIDENTIAL					
32	2-3	1.6/2.0 per unit	51/64	64	Y
Guest	--	20% of total spaces required	10	9	Permitted under State Density Bonus Law
RESIDENTIAL PARKING TOTAL:			**61**	**73**	**Y**

Bicycle Parking – For residential uses within the TASP, one space of long-term bicycle parking per every four housing units is required, exempting units with a private garage. As the project has 32 private garages, no long-term bicycle parking spaces are required.

For guests, the TASP requires short-term bicycle parking spaces equivalent to five percent (5%) of the total automobile spaces required. This equates to three (3) short-term bicycle spaces for guests, and the project will provide ten bicycle spaces in compliance with the requirement.

Traffic and Access

Access to the project site is provided by a driveway located at the northern corner off Tarob Court and at the southern corner off Lundy Place. The driveways provide access to an internal twenty-six (26)-foot access drive lane and fire lane, which includes a fire engine/garbage truck remote control gate along the southern corner of the site. There are 32 private residential garages along the central drive aisle. Nine guest parking spaces will be located along the access drive lane, including one accessible parking space and one electric vehicle parking space. All traffic and access data has been reviewed by Transportation and Fire and is compliant with all applicable requirements.

Floodplain Management

The project site is located in Flood Zone AO. The applicant will place engineered fill across the site, raising the grade by approximately 4.5 feet to ensure that the project complies with the City of Milpitas Floodplain Ordinance (MMC Section XI-15-4.3(a)(4)). This will allow the City's Floodplain Administrator to determine that the project will not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. (In this context, "adversely affects" means that the cumulative effect of the proposed

development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.)

Grading

Development of the proposed project would result in the demolition of all existing structures and pavements. Less than 1,000 cubic yards of cut and fill would be brought to the site to raise the elevation out of the floodplain.

Utilities

The project site is located in an urban area and is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. The majority of existing utilities within the boundary of the project site would be removed and replaced.

Water – The proposed project includes the removal of all existing utilities. New 8-inch water lines within the project site will connect to existing service connections and the existing 12-inch main located within Tarob Court.

Wastewater – The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including an 8-inch line on Tarob Court. The proposed project includes the installation of a new on-site 8-inch wastewater line that will connect to the City's existing line.

Stormwater – Bioretention areas will be incorporated into the landscape design to provide appropriate vegetation and water quality treatment for impervious surfaces including roofs, driveways, streets, and sidewalks.

The project will connect to the existing 12-inch municipal storm drain located at the northwest corner of the project site. The project includes pervious pavers throughout the interior access driveway. Upon construction of the improvements, approximately 0.81 acres (66 percent) of the project site would be covered by impervious surfaces and approximately 0.41 acres (34 percent) would be covered by landscaped areas including lawns, shrubs, and trees. All walkways within these areas would be sloped to drain onto the surrounding landscaping for bio-retention and treatment.

Electricity and Natural Gas – Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The project includes removal of all existing utilities and requires the construction of new electricity and gas connections to serve the project. New electrical lines (servicing the project only) will be installed underground and connect to the existing joint trench box in the northern corner of the project site.

Climate Action Plan

The City of Milpitas Climate Action Plan (CAP) was adopted in 2013 and includes Greenhouse Gas (GHG) reduction goals, policies and actions for new and existing development projects.

One of the key aims of the CAP is to encourage transit-oriented development as a means to reduce GHG emissions. The project would be in compliance with this goal, as it would locate future residents within walking distance of public transportation, jobs, restaurants, and services. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen standard building measures for residential buildings and Title 24 requirements. Additionally, the project includes a total of 0.46 acres of common open space and landscaped areas, following the City's standards, which would offset GHG emissions.

Implementation of the TASP includes policies that address transportation and land use that are consistent with the CAP. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout this portion of the TASP planning area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the CAP.

Implementation of the proposed project would not substantially increase population, vehicle trips, or vehicle miles traveled. Further, the project adheres to the building guidelines of the TASP with only modest deviations that would not impair achievement of CAP goals and promotes reductions in GHG emissions through high-density development in close proximity to transit. As such, the project is in conformance with the City's Climate Action Plan.

Development Fees

The project is subject to the following fees, payable at the time of building permit issuance:

TASP Impact Fee
The TASP/MMSP Impact fee is currently set at $44,009/unit for residential uses for Fiscal Year 2021-2022. Based on approval for development of 32 units, the estimated Transit Area Specific Plan Development Impact Fee for this project is $1,411,168 ($44,009/unit x 32 units). This fee is automatically adjusted each fiscal year in conjunction with the City's annual budget process. The proposed project will pay the fee at the issuance of building permits.

Parkland Impact Fee
TASP requires all new development to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu. Per the parkland section, above, the project has satisfied this requirement. See Table 6 for more information.

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.

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.

Vesting Tentative Map

To approve the Major Vesting Tentative Subdivision Map, the following findings must be made pursuant to Milpitas Municipal Code Section XI-1-20.01:

1. *The tentative subdivision map is consistent with the General Plan.*

   The General Plan designation for the project site is Milpitas Metro Specific Plan (MMSP), but since City Council has not formally adopted the MMSP, the TASP development standards currently apply. The intent of both the MMSP and TASP standards is to facilitate development of higher intensity, mixed-use neighborhoods near the Milpitas Transit Center and to encourage walking, biking, and the use of alternative modes of transportation.

   The TASP designates this project site as High Density, Transit Oriented Residential (HD-TOR). The intent of this designation is to provide high-density housing at a density range of 21-40 dwelling units/acre. As this project proposes 25 dwelling units/acre, it is consistent with both the intended land use of the General Plan and the relevant density requirement. The project site was not identified as a potential site for yielding affordable housing units in the City's Housing Element, as the site was zoned for industrial uses prior to October 2017. Therefore, there is no net loss of affordable housing units.

   Further, the tentative subdivision map is consistent with the Milpitas General Plan, as demonstrated and outlined in Table 2.

2. *None of the conditions identified in California Government Code Section 66474 exist, to wit:*

   A. *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code Section 65451.*

      As set forth in Finding 1 above, the map proposes the development of the site into 32 residential condominium units at a density of 25 dwelling units/acre. The General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan land use designation applicable to the site (Milpitas Metro Specific Plan (MMSP), and High Density, Transit-Oriented Residential (HD-TOR)) permits residential development at densities of 21 to 40 dwelling units/acre. The map is therefore consistent with the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan.

   B. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The design and improvement of the subdivision is consistent with the density range of 21-40 dwelling units per acre as permitted by the General Plan and Milpitas Metro Specific Plan/Transit Area Specific Plan. The proposed density is 25 dwelling units per acre. The proposed project is also consistent with the Milpitas Metro Specific Plan/Transit Area Specific Plan development standards, including height (maximum of 50 feet proposed, where 75 feet is the maximum allowed), number of vehicular parking spaces (64 vehicular spaces proposed, where a maximum of 64 is allowed), bicycle parking (10 spaces proposed, where 3 are required), building orientation (proposed buildings will face streets, where requirement provides building must face streets).

C. *That the site is not physically suitable for the type of development.*

The site is surrounded by property designated for high density, transit-oriented residential development under the City's General Plan and zoned for this type of development under the Milpitas Metro Specific Plan/Transit Area Specific Plan. In addition, this site is suitable for the higher density development based on the location, physical attributes, and proposed infrastructure improvements.

D. *That the site is not physically suitable for the proposed density of development.*

The City Council, through adoption of Resolution No. 8702, has determined that the site is physically suitable for development at the proposed density of 25 dwelling units per acre, insomuch as it has amended the applicable general plan land use designation to High Density, Transit Oriented Residential (HD-TOR), and subsequently Milpitas Metro Specific Plan (MMSP), which currently allows densities of 21-40 dwelling units per acre. The site is also flat and has direct access to adjacent streets (Tarob Court and Lundy Place) to accommodate the proposed density of the development.

E. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memos (Exhibit 2 to Exhibit A of Attachment A). The memo did not find that the project would be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project is also located in an urbanized area and previously developed as an industrial building, and therefore, will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

F. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The project, including the subdivision and its associated improvements, has been subjected to environmental review under CEQA through the preparation of an Environmental Assessment/Categorical Exemption/Peer Review Memorandums (Exhibit 2 to Exhibit A of Attachment A). The memorandums did not find that the design of the subdivision or type of improvements is likely to cause serious public health problems.

G. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Upon review of the subdivision map, it has been determined that the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision does not involve the vacation of easements, however, the existing right-of-way will be abandoned and portions of the area will be retained for a Public Services Utility Easement (PSUE).

Site Development Permit

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

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

   The project's site design is consistent with the MMSP/TASP development standards for the Trade Zone/Montague Sub-district. The project consists of 32 condominium units and associated site amenities on a 1.22-acre site. The building's contemporary architectural design visually relates to and is compatible with the adjacent townhome projects along Tarob Court. The project also features exterior horizontal blue and green-hued siding. The project has a strong sense of identity, achieving compatibility and aesthetic harmony with surrounding developments.

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

   The project site is zoned R3 (Multiple-Family, High Density Residential with a Transit Oriented Development (-TOD) Overlay). Residential uses are permitted in the zoning district. As demonstrated in Tables 4, 5 and 7, the project substantially conforms to the zoning district and meets the intent for this type of project envisioned in this area.

   The project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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

   See General Plan consistency discussion set out above in support of issuing the Vesting Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

   The proposed project is consistent with the applicable policies and design guidelines of the TASP/MMSP, as demonstrated and outlined in Tables 3 and 5. As the project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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. *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 not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or general welfare. The project is consistent with other high density residential projects within the TASP. The condominium project creates housing opportunities and increases the diversity of housing types in the TASP area.

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

   The project is consistent with the Zoning Ordinance, as the condominium use is conditionally permitted per MMC Table XI-10-4.02-1. The project substantially conforms to most of the development standards set forth by the Zoning Ordinance, as discussed in the Zoning Ordinance consistency discussion set out in support of issuing a Site Development Permit.

   Moreover, the project also conforms to MMC Section XI-10-54.015 (Density Bonus for Affordable Housing Developments) and XI-10-57.05 (Density Bonus Permits). As the project is an eligible housing project under the State Density Bonus Law, Government Code Section 65915(p)(5), the project is entitled to reduced parking requirements. The requested deviations will support the development of affordable housing units on a site where it would not otherwise be possible through a strict application of the specified standard.

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

   See General Plan consistency discussion set out above in support of issuing the Vesting Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

   See Transit Area Specific Plan consistency set out above in support of issuing the Site Development Permit.

Density Bonus (Section XI-10.54.15(D)(F))

1. *Determination of Maximum Allowable Densities. The maximum allowable base density specified in the General Plan, including any other permitted increases to density.*

   Based on 15% affordability, with 5 units (15%) reserved for moderate-income households, the proposed project is eligible for a 5% density bonus. The maximum allowable density in the R3-TOD Zoning District is 40 du/ac, which would yield 42 units on the subject 1.22-acre parcel. The proposed 32-unit development is less than the allowable 5% density bonus. Under the State Density Bonus Law, the applicant is entitled to receive the 5% density bonus as a matter of right.

2. *Unit Type and Location. All affordable units shall be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-affordable units in the project, and shall be comparable with the non-affordable units in terms of appearance, materials and finished quality. The Planning Commission may recommend to the City Council and/or Housing Authority modifying the requirements as to unit size or type, if it is found that such a modification would better serve the affordable housing need of Milpitas.*

   This standard is satisfied, as the Project proposes five units to be reserved for moderate-income households. These five three-bedroom units will be dispersed throughout the two multi-family buildings.

3. *Agreement. Prior to final building inspection and occupancy for a project containing affordable units, the applicant shall execute and record at the Santa Clara County Recorder's Office the City's Agreement Imposing Restrictions on Real Property, which Agreement shall explain the affordability requirements. The agreement shall be approved by the Milpitas City Attorney prior to recordation.*

   The Project will be conditioned to execute and record at the Santa Clara County Recorder’s Office the City’s Agreement Imposing Restrictions on Real Property.

4. *Retaining Affordability. A developer shall agree to, and the City shall insure continued affordability of, all lower- or very low-income density bonus units for thirty (30) years or a longer period of time, if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. If the City does not grant at least one (1) additional concession or incentive, in addition to a density bonus as specified in Section XI-10-54.15(E), Density Bonus Conditions, of this Chapter, the developer shall agree to, and the City shall ensure continued affordability for a minimum of ten (10) years of all lower or very low-income housing units receiving a density bonus.*

The designated affordable units will be required to remain for a minimum of 50 years as stated in the Conditions of Approval and will require a Regulatory Agreement to be recorded over the Project site.

5. *Affordable Rents. Those units targeted for lower-income households, as defined in Section 50079.5 of the Health and Safety Code shall be affordable at a rent that does not exceed thirty (30%) of sixty (60%) percent of the Santa Clara County median income. Those units targeted for very low-income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed thirty (30%) of fifty (50%) percent of County median income.*

   This finding does not apply to the project. The project provides five for-sale units, or fifteen percent of the 32 units, to moderate-income households.

6. *Relation to State. Density bonus requirements not specified in these regulations shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.*

   Any density bonus requirements not specified in the City's Municipal Code shall be governed by the State Density Bonus Law, Government Code Section 65915, et seq.

<u>Waivers and Modifications of Development Standards</u>

Pursuant to MMC Section XI-10.54.15(F)(6), the City must grant waivers of development standards if the applicant demonstrates the waiver is necessary to make the affordable housing units economically feasible and can only deny such waiver request if the City makes the findings specified in MMC Section XI-10.54.15(F)(3):

a. *The concession is not required in order to provide for affordable housing costs as defined in State Health and Safety Section 50052.2 or for rents for the affordable units pursuant to Section XI-10-54.15(D)(5), Standards, of Chapter 10 (Zoning) of the Milpitas Municipal Code.*

b. *The concession would have a specific adverse impact as defined in State Government Code Section 65589.5(d) (2) upon the public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

If findings cannot be made, the proposed waivers must be granted, based on the requirements of the City's Municipal Code and California Government Code Sections 65915.

The proposed deviations for this project (one less guest parking space and tandem parking in all residential garages) would result in actual and identifiable cost savings, and these savings are necessary to provide the level of affordability proposed. Further, none of the deviations would result in any specific, adverse impacts to public health, safety, the physical environment, or historical resources, so the City has no justification to deny the requested waivers.

ENVIRONMENTAL REVIEW

This project is located within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report (TASP-EIR) (SCH#2006032091) certified by the City Council on June 3, 2008. An earlier environmental assessment (EA19-0002) for a higher density version of the project was conducted by LSA, on behalf of the City, in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended, and state and local guidelines implementing CEQA. The environmental assessment conducted by LSA concluded that none of the circumstances necessitating preparation of a subsequent or supplemental EIR are associated with the Project.

The environmental assessment conducted by LSA also concluded that an Addendum to the TASP EIR was the appropriate document to address these modifications rather than a subsequent or supplemental EIR. The Addendum fully addressed all potential impacts associated with this project, and no material changes have been made to the project that would alter the conclusions of the Addendum. The analysis contained in the Environmental Checklist confirmed that the modified project was within the scope of the TASP-EIR and would have no new or more severe significant effects and no new mitigation measures were required.

As a part of this project application, the applicant submitted a peer reviewed memorandum, dated April 28, 2021, conducted by First Carbon Solutions. The memorandum confirms that the proposed project is still within the scope of the TASP EIR and will have no new significant or more severe impacts beyond those identified in the 2019 Environmental Checklist and the TASP EIR.

The City conducted an environmental assessment (in the form of a memorandum, dated August 4, 2021) for the proposed project. LSA prepared a peer review memorandum on behalf of the City. The memorandum found that the Consistency Analysis generally meets the requirements of CEQA and employs sound methods and analysis to develop its conclusions. The proposed project is still within the scope of the TASP FEIR and the subsequently prepared Categorical Exemptions prepared for a previous version of the project in 2019 and would not have any new significant or more severe environmental impacts beyond those that have been previously identified. Both memorandums acknowledging the entitlements and consistency with CEQA are attached as Exhibits 2 and 3 to Exhibit A of the resolution.

As a separate and independent basis, the project is exempt from further CEQA review pursuant to CEQA Guidelines Section 15183, which applies to projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. As a separate and independent basis, the project is also exempt from further CEQA review pursuant to CEQA Guidelines Section 15182, because the project is a residential project that is generally consistent with a Specific Plan. Lastly, the project is also exempt from further environmental review pursuant to CEQA Guidelines Section 15168, as the project is within the scope of the TASP program EIR. Moreover, the project complies with the City's existing zoning, specific plan, community plan, and general plan. Therefore, no further environmental review is required.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of publishing this report, there have been no public comments received. A notice was published in the Milpitas Post on October 15, 2021. In addition, notices were sent to all owners and occupants within 300 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.

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. 21-022 recommending that the Milpitas City Council approve Site Development Permit SD21-0004, Conditional Use Permit UP21-0005, Vesting Tentative Map MT21-0001, and Environmental Assessment EA21-0002, subject to the findings and Conditions of Approval.

ATTACHMENTS

A: Resolution No. 21-022 with Conditions of Approval and CEQA Memorandums
B: Project Plans
C: Applicant Response to CEQA Memorandum

CITY OF MILPITAS
Planning Commission

MEETING MINUTES
7:00 PM
Wednesday, October 27, 2021
via Teleconference (Virtual Meeting)

CALL TO ORDER

Vice Chair Chuan called the meeting to order at 7:01 PM. Recording Secretary Elizabeth Medina called the roll.

PLEDGE OF ALLEGIANCE

Vice Chair Chuan led the pledge of allegiance.

ROLL CALL

PRESENT: Vice Chair Chuan, Commissioner Albana, Alcorn, Belong, Ciardella, Galang

ABSENT: Chair Tao

STAFF: Ned Thomas, Lillian VanHua, Martin de los Angeles, Bill Tott, Steve Chan, Albert Zamora, Jaime Garcia, Elizabeth Medina

CONFLICT OF INTEREST DECLARATION

City Attorney Martin de los Angeles 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

Vice Chair Chuan noted he found a typo in the agenda - change SB300 to SB330 in body of project description.

By motion, approve the meeting agenda as amended for October 27, 2021.

Motion/Second Ciardella/Galang
Motion carried by a vote of AYES: 6 NOES: 0

APPROVAL OF MEETING MINUTES

By motion, approve the meeting minutes of September 8, 2021.

Motion/Second Belong/Alcorn
Motion carried by a vote of AYES: 6 NOES: 0

ANNOUNCEMENTS

Commissioner Belong shared that due to relocation, he will be resigning from his seat as Planning Commissioner effective end of the meeting.

Planning Director Thomas shared that this is the time of year for commission appointments/re-appointments by the Council; Chair Tao, Commissioner Alcorn and Commissioner Galang's appointments will expire end of year, and a seat vacancy opens up with Commissioner Belong's resignation. Planning Director Thomas also shared information on recent meetings: 10/25 – Metro Specific Open House Community virtual meeting and 10/26 – Gateway/Main Street Kickoff meeting.

DRAFT

PUBLIC FORUM

Vice Chair Chuan invited members of the public to address the commission and there were none.

CONSENT CALENDAR

Adopt a Resolution Making Findings and Determinations Under Assembly Bill 361 for the Continuation of Virtual Meetings.

Staff: Martin de los Angeles, City Attorney, (408) 586-3040

Recommendation: Adopt Resolution 21-023 making findings and determinations under Assembly Bill 361 for the continuation of virtual meetings.

Motion/Second Alcorn/Albana
Motion carried by a vote of AYES: 6 NOES: 0

PUBLIC HEARING

32 TOWNHOME DEVELOPMENT – 2001 TAROB COURT – SD21-0004, UP21-0005, MT21-0001, P-EA21-0002: Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to allow development of a 32-unit townhome condominium subdivision comprised of multi-family residential buildings up to 50 feet in height (three to four stories), with tandem resident garages accessed from a central drive aisle, and associated site improvements on a 1.22-gross acre site located in the R3 Multi-Family High Density Residential Zoning District at 2001 Tarob Court. The project is located within the Transit Area Specific Plan (TASP) area and submitted in accordance with California Senate Bill 3300 (Housing Crisis Act of 2019). The project is consistent with the scope of activities approved under the Transit Area Specific Plan Environmental Impact Report (SCH#2006032091) and exempt from further environmental review pursuant to CEQA Guidelines Section 15168 (Program EIR), Section 15182 (Residential Projects Pursuant to a Specific Plan), and Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning). Project Planner: Lillian VanHua, (408) 586-3073, lvanhua@ci.milpitas.ca.gov

Project Planner Lillian VanHua, City staff [*Bill Tott/Building Official, Steve Chan/Transportation and Traffic Manager, Albert Zamora/Deputy Fire Chief,* and *Jaime Garcia/Assistant Fire Marshal]* and applicant's team *[Leah Beniston/True Life Companies and Attorney Arielle Harris/Miller Starr Regalia]* addressed commissioners' clarifying questions in regard to garages having plugs for electric vehicles, if the project falls under California solar mandate, tandem parking, layout of units, emergency access/exits, fire sprinklers, fire safety with common walls of units, and explanation of waivers associated with project.

Vice Chair Chuan invited members of the public to address the commission and there were none.

Motion to close the Public Forum.

Motion/Second Alcorn/Albana
Motion carried by a vote of AYES: 6 NOES: 0 0

Recommendation: Staff recommends that the Planning Commission open and close the public hearing, consider the consistency memoranda to a previously approved Addendum to the Transit Area Specific Plan EIR and the exemptions in accordance to CEQA. Staff further recommends that the Planning Commission adopt Resolution 21-022, recommending that the City Council approve Site Development Permit No. SD21-0004, Conditional Use Permit No. UP21-0005,

DRAFT

Vesting Tentative Map MT21-0001, and Environmental Assessment No. EA19-0007 to allow development of a 32-unit townhome condominium subdivision, comprised of two multi-family buildings up to 50 feet (three to four stories) in height, with tandem garages accessed from a central drive aisle, and associated site improvements, subject to the Conditions of Approval.

Motion/Second Albana/Alcorn
Motion carried by a vote of AYES: 6 NOES: 0

NEW BUSINESS

Planning Commission received the Planning Commission Work Plan for FY2021-22 from Planning Director Ned Thomas.

ADJOURNMENT

Vice Chair Chuan adjourned the meeting at 8:21 pm

Motion/Second Belong/Galang
Motion carried by a vote of AYES: 6 NOES: 0

Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina

DRAFT

2001 TAROB COURT

MILPITAS, CA

SEPTEMBER 10, 2021

RESIDENTIAL BUILDINGS GENERAL INFORMATION

DESCRIPTION	CONDOMINIUM UNITS WITH INDIVIDUAL ENTRANCES AND PRIVATE TANDEM GARAGES WITH DIRECT ACCESS TO EACH DWELLING UNIT
DWELLING UNITS	32
HEIGHT	3 AND 4 STORIES
CONSTRUCTION TYPE	V-A
OCCUPANCY TYPES	
RESIDENTAL UNITS	R-2
PRIVATE GARAGES	U
ADAPTABLE UNITS	
REQUIRED	10% OF 32 UNITS = 4
PROVIDED	4

BUILDING DATA

	Gross Living Area SF	Garage Area SF	Total SF	Private Open Space SF	Unit Count
Building 1	25,242	7,626	32,868	1,764	16 Units
Building 2	25,242	7,626	32,868	1,764	16 Units
Totals	50,484	15,252	65,736	3,528	32 Units

UNIT MIX

Unit Name	Description	Garage SF	Garage Type	Quantity	%	Unit Net SF*	Unit Gross SF**	Total Net SF*	Total Unit Gross SF**
Unit 1	2 Bedroom + 2 Bath	489	Tandem 2 Car	4	12.5%	1,365	1,854	5,460	7,416
Unit 2	3 Bedroom + 2 Bath	474	Tandem 2 Car	8	25.0%	1,414	1,888	11,312	15,104
Unit 4	3 Bedroom + 2 Bath	486	Tandem 2 Car	4	12.5%	1,430	1,916	5,720	7,664
Unit 5	3 Bedroom + 3 Bath	471	Tandem 2 Car	8	25.0%	1,619	2,090	12,952	16,720
Unit 7	3 Bedroom + 3 Bath	474	Tandem 2 Car	8	25.0%	1,880	2,354	15,040	18,832
Subtotal				32	100.0%			50,484	65,736
Avg. Unit Square Footage								1,578	2,054

APPLICANT:
TTLC TAROB 4, LLC
12647 ALCOSTA BLVD., SUITE 470
SAN RAMON, CA 94583
ATTN: LEAH BENISTON
925.380.1699

ARCHITECT:
SDG ARCHITECTS, INC.
3361 WALNUT BLVD., SUITE 120
BRENTWOOD, CA 94513
ATTN: SCOTT PRICKETT
925.634.7000

CIVIL ENGINEER:
WOOD RODGERS, INC.
4670 WILLOW RD #125
PLEASANTON, CA 94588
ATTN: KARRIE MOSCA
925.847.1547

LANDSCAPE ARCHITECT:
R3 STUDIOS, INC.
201 4TH STREET, SUITE 101B
OAKLAND, CA 94607
ATTN: ROMAN DE SOTA
510.452.1490

AFFORDABLE UNITS- NOTES

A. NUMBER OF UNITS: 5

B. AFFORDABLE LEVEL: MODERATE

PROPOSED SIZES:

PLAN 2- 4 UNITS @ 1,414 SF

PLAN 4- 1 UNIT @ 1,430 SF

C. ALL AFFORDABLE UNITS WILL BE BUILT CONCURRENTLY WITH THE MARKET RATE UNITS.

D. AN EXECUTED AGREEMENT IMPOSING APPROPRIATE OWNERSHIP CONTROLS ON THE AFFORDABLE UNITS IS REQUIRED. THIS WILL BE COMPLETED DURING THE BUILDING PERMIT PROCESS.

SHEET INDEX

ARCHITECTURE

A0 COVER SHEET
A01 UNITS 1 & 4 FLOOR PLANS
A02 UNITS 2, 5 & 7 FLOOR PLANS
A03 UNITS 2, 5 & 7 FLOOR PLANS
A04 16-UNIT BUILDING FRONT ELEVATION & ROOF PLAN
A05 16-UNIT BUILDING ELEVATIONS
A06 16-UNIT BUILDINGS FLOOR PLANS
A07 16-UNIT BUILDINGS FLOOR PLANS
A08 COLOR AND MATERIALS

CIVIL

TM01 VESTING TENTATIVE MAP FOR CONDOMINIUM PURPOSES
TM02 EXISTING CONDITIONS & DEMOLITION PLAN
TM03 PRELIMINARY SITE PLAN
TM04 PRELIMINARY UTILITY PLAN
TM05 PRELIMINARY SOLID WASTE HANDLING PLAN
TM06 PRELIMINARY FIRE TRUCK ACCESS PLAN
TM07 PARKING PLAN
TM08 PRELIMINARY STORMWATER CONTROL PLAN
TM09 PRELIMINARY GRADING AND DRAINAGE PLAN
TM10 PRELIMINARY FLOODPLAIN MANAGEMENT PLAN
TM11 CONDITIONS OF APPROVAL
P 1.0 OPEN SPACE EXHIBIT

LANDSCAPE

L001 ILLUSTRATIVE SITE PLAN
L002 PRELIMINARY LANDSCAPE PLAN
L003 CONSTRUCTION DETAILS
L004 CONSTRUCTION DETAILS
L005 IRRIGATION NOTES & LEGEND (PRIVATELY MAINTAINED LANDSCAPE AREAS)
L006 IRRIGATION DETAILS (PRIVATELY MAINTAINED LANDSCAPE AREAS)
L007 IRRIGATION DETAILS (PRIVATELY MAINTAINED LANDSCAPE AREAS)
L008 IRRIGATION DETAILS (PUBLICLY MAINTAINED LANDSCAPE AREAS)
L009 PROPOSED PLANT PALETTE
L010 PLANTING DETAILS (PRIVATELY MAINTAINED LANDSCAPE AREAS)
L011 PLANTING DETAILS (PUBLICLY MAINTAINED LANDSCAPE AREAS)

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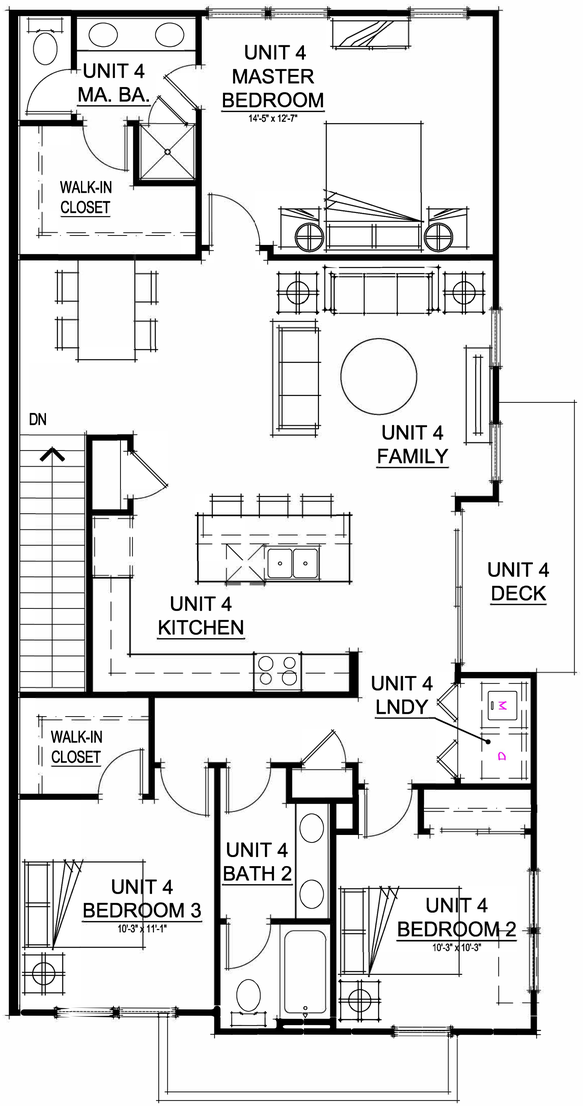
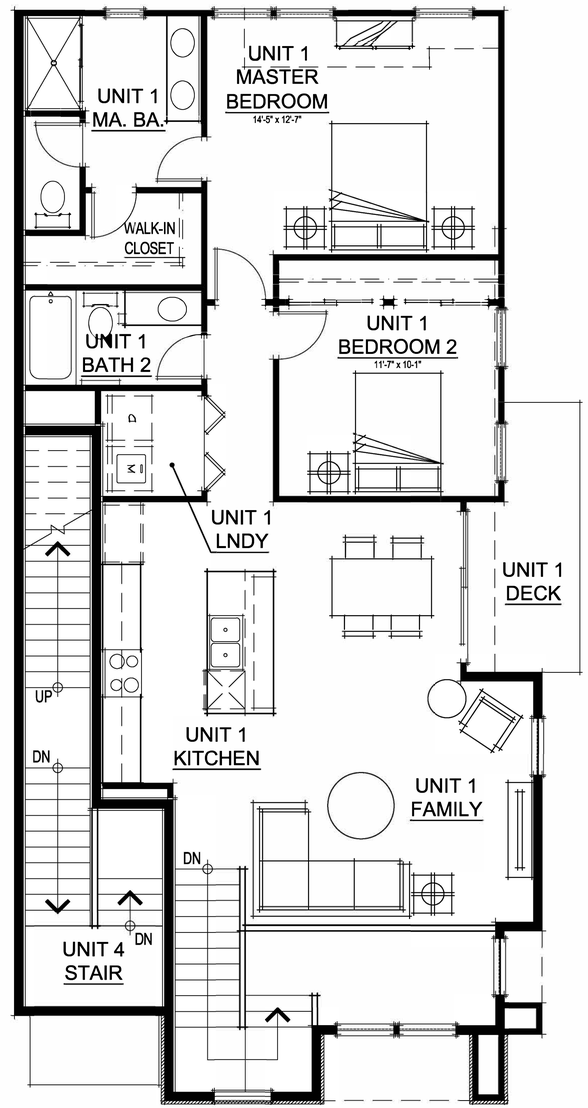
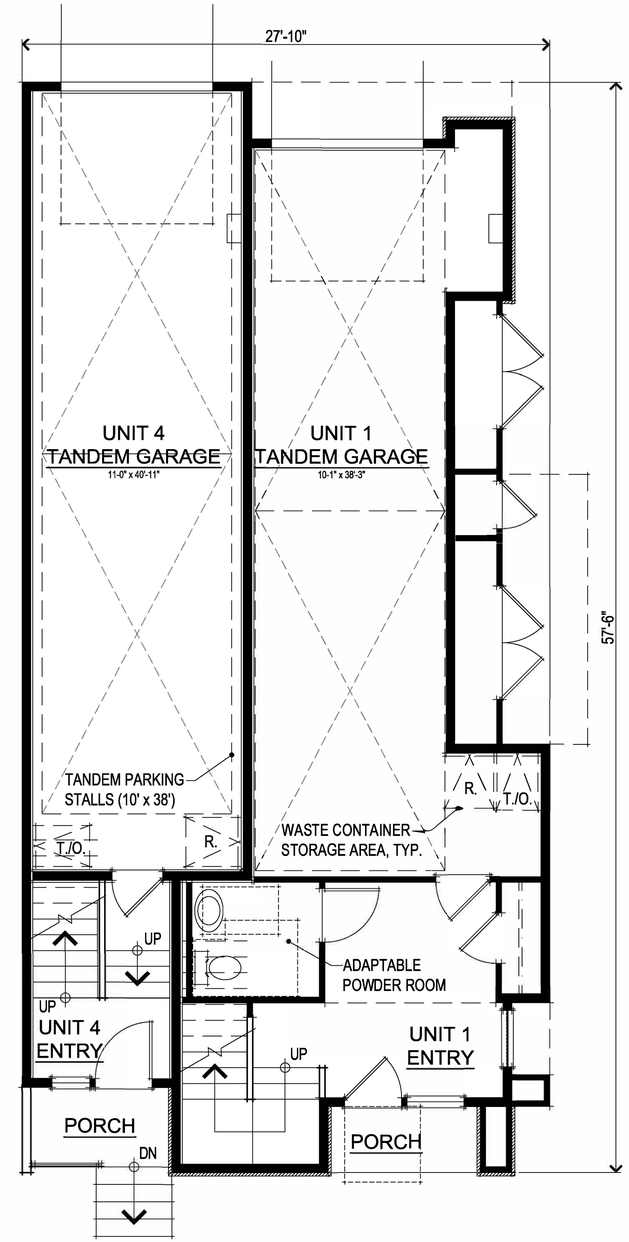


THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

NOTE:
UNIT 1 IS AN ADA ADAPTABLE UNIT

UNIT 1 SQUARE FOOTAGES	
FIRST FLOOR	258 SQ. FT.
SECOND FLOOR	1107 SQ. FT.
TOTAL LIVING	1365 SQ. FT.
TANDEM GARAGE	489 SQ. FT.
PORCH	28 SQ. FT.
DECK	75 SQ. FT.

UNIT 4 SQUARE FOOTAGES	
FIRST FLOOR	90 SQ. FT.
1ST-3RD STAIRS	77 SQ. FT.
THIRD FLOOR	1340 SQ. FT.
TOTAL LIVING	1430 SQ. FT.
TANDEM GARAGE	486 SQ. FT.
PORCH	32 SQ. FT.
DECK	75 SQ. FT.

0 1' 2' 3' 4' 8'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

UNITS 1 & 4 FLOOR PLANS
A01

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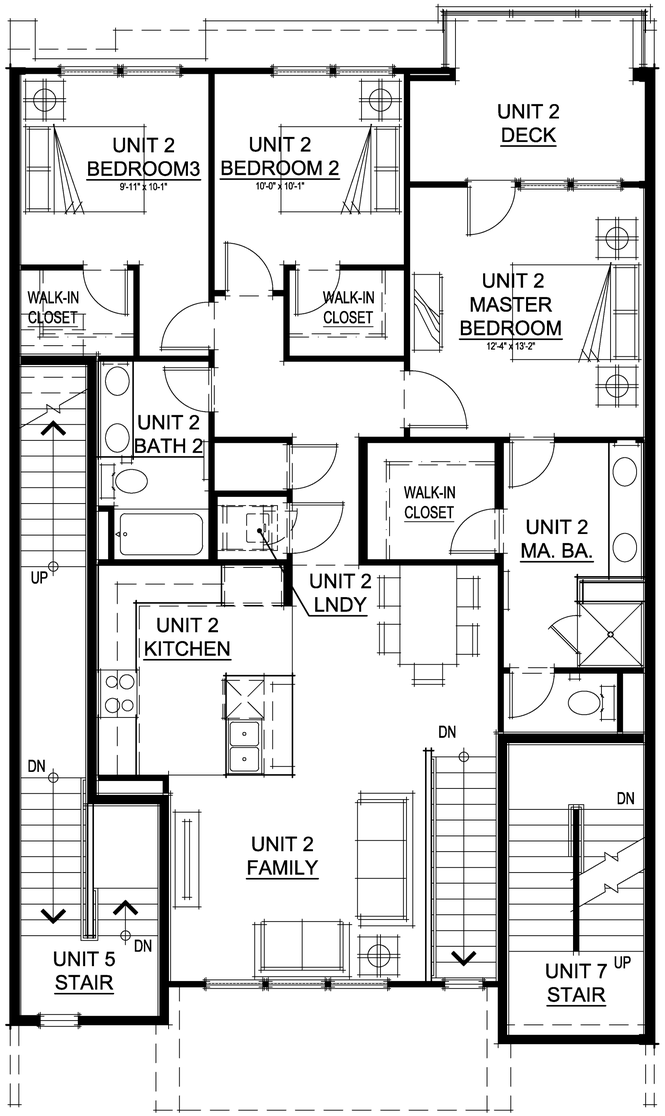
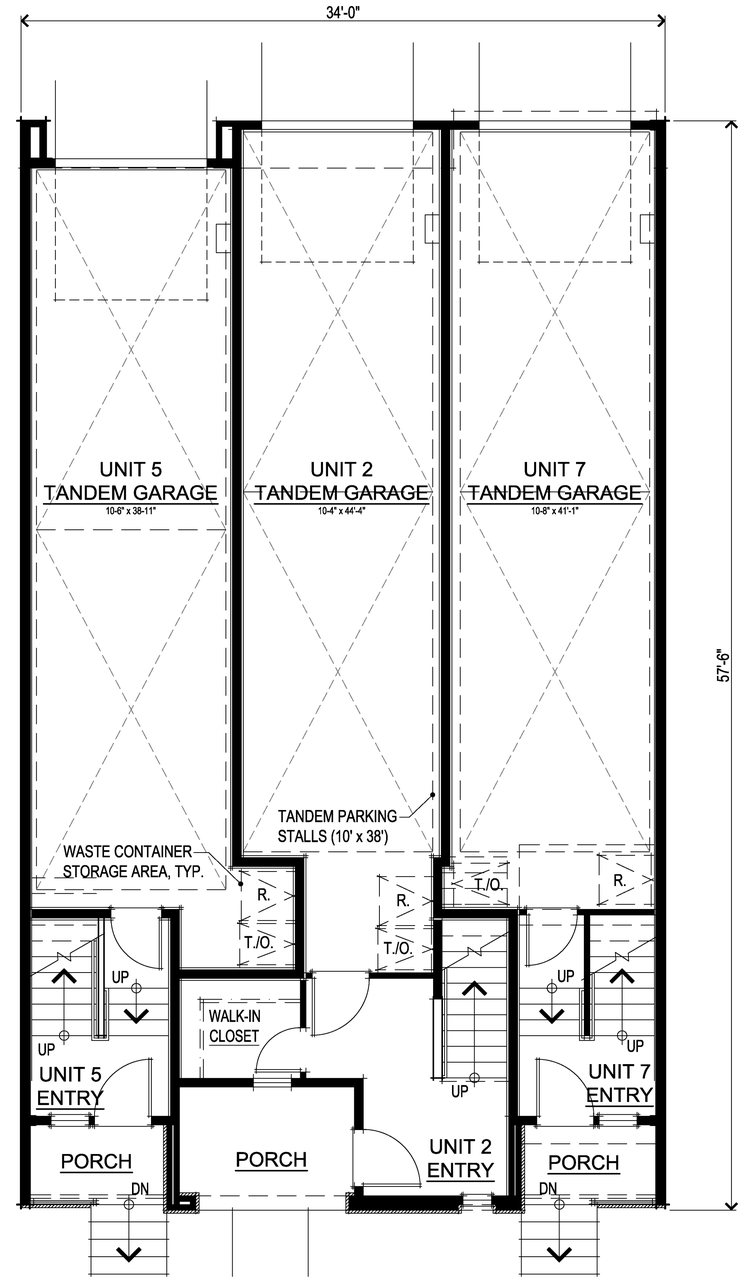


SECOND FLOOR PLAN



FIRST FLOOR PLAN

UNIT 5 SQUARE FOOTAGES	
FIRST FLOOR	92 SQ. FT.
1ST-3RD STAIRS	97 SQ. FT.
THIRD FLOOR	715 SQ. FT.
FOURTH FLOOR	715 SQ. FT.
TOTAL LIVING	1619 SQ. FT.
TANDEM GARAGE	471 SQ. FT.
PORCH	33 SQ. FT.
DECK 1	87 SQ. FT.
DECK 2	87 SQ. FT.

UNIT 2 SQUARE FOOTAGES	
FIRST FLOOR	173 SQ. FT.
SECOND FLOOR	1241 SQ. FT.
TOTAL LIVING	1414 SQ. FT.
TANDEM GARAGE	474 SQ. FT.
PORCH	62 SQ. FT.
DECK	87 SQ. FT.

UNIT 7 SQUARE FOOTAGES	
FIRST FLOOR	89 SQ. FT.
1ST-3RD STAIRS	126 SQ. FT.
THIRD FLOOR	834 SQ. FT.
FOURTH FLOOR	831 SQ. FT.
TOTAL LIVING	1880 SQ. FT.
TANDEM GARAGE	474 SQ. FT.
PORCH	31 SQ. FT.
DECK	105 SQ. FT.

0 1' 2' 3' 4' 8'

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Milpitas, CA
September 10, 2021

UNITS 2, 5 & 7 FLOOR PLANS
A02

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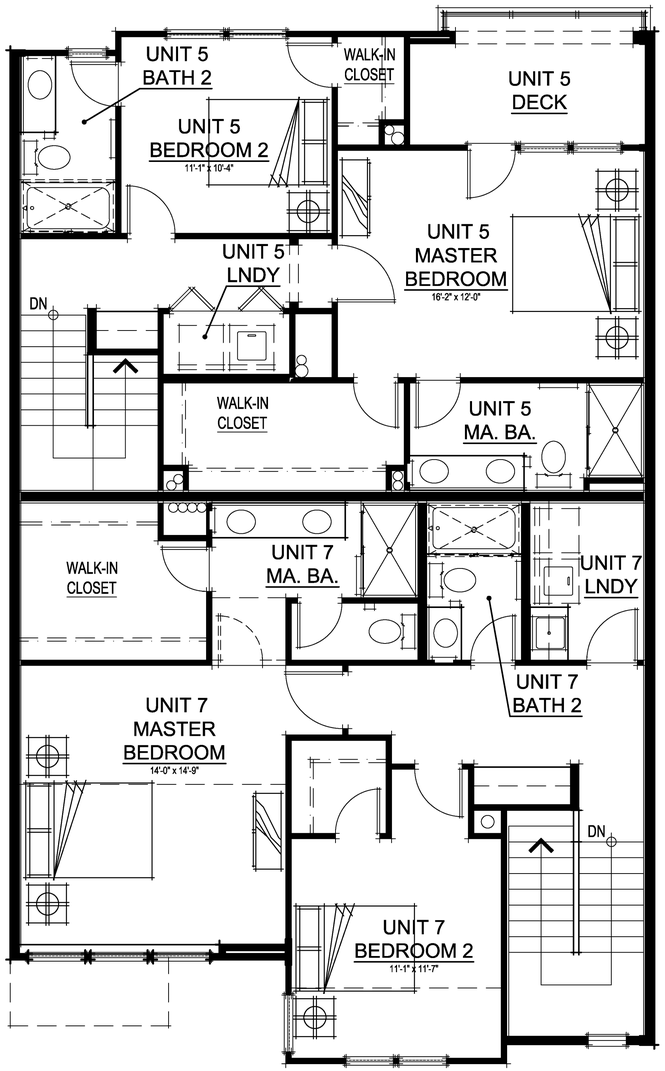
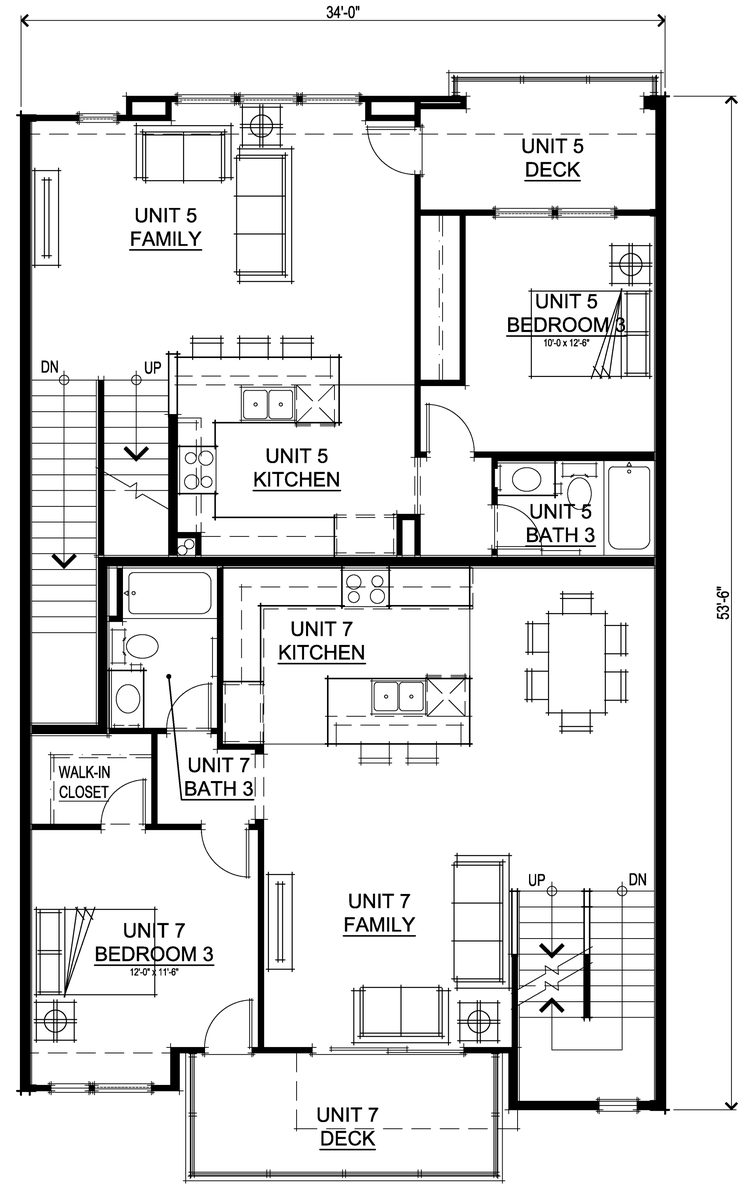


FOURTH FLOOR PLAN



THIRD FLOOR PLAN

0 1' 2' 3' 4' 8'

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September 10, 2021

UNITS 2, 5 & 7 FLOOR PLANS
A03

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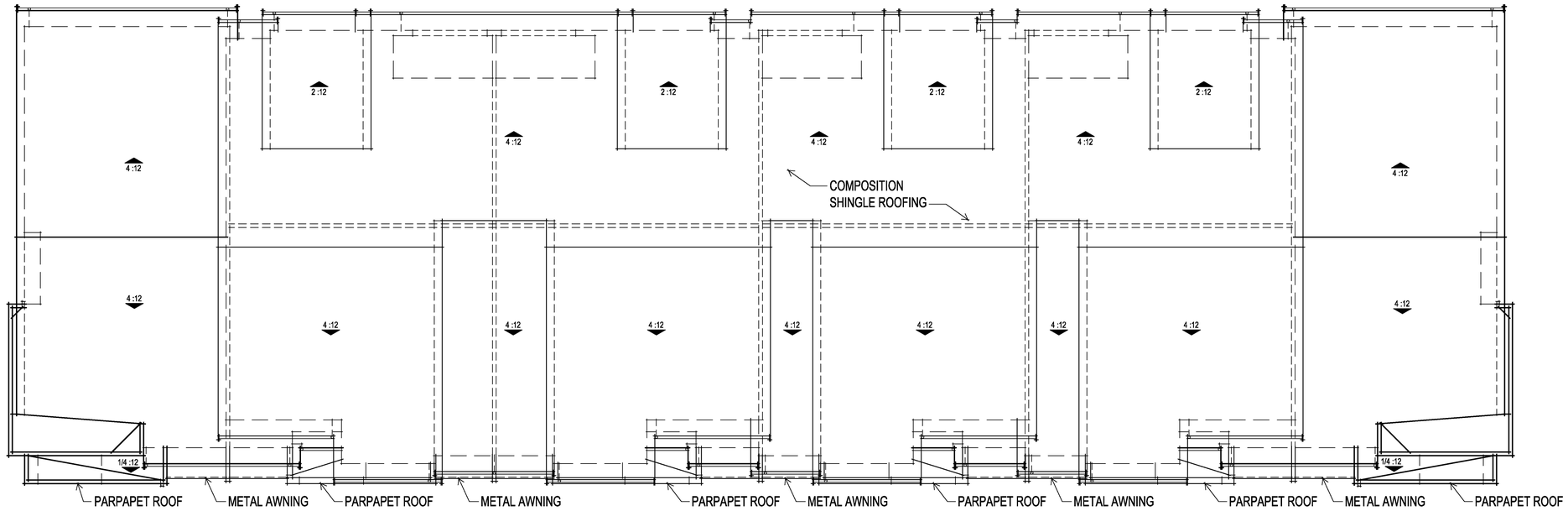

ROOF PLAN

EXTERIOR MATERIALS

1 HORIZONTAL SIDING
2 STUCCO W/ LIGHT SAND FINISH
3 STONE TILE VENEER
4 ARCHITECTURAL QUALITY COMPOSITION SHINGLE ROOFING
5 WOOD WINDOW TRIM
6 CONTEMPORARY GARAGE DOOR
7 METAL RAILING w/ HORIZONTAL PLANK RAILS
8 METAL AWNINGS
9 PRE-FINISHED METAL COPING
10 ENTRY WALL SCONCE
11 FIXTURE OVER GARAGE DOOR
12 ENTRY DOOR

FRONT ELEVATION

0 2' 4' 6' 8' 16'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

16-UNIT BUILDING FRONT ELEVATION & ROOF PLAN
A04

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LEFT ELEVATION

RIGHT ELEVATION

REAR ELEVATION

0 2' 4' 6' 8' 16'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

16-UNIT BUILDING ELEVATIONS
A05

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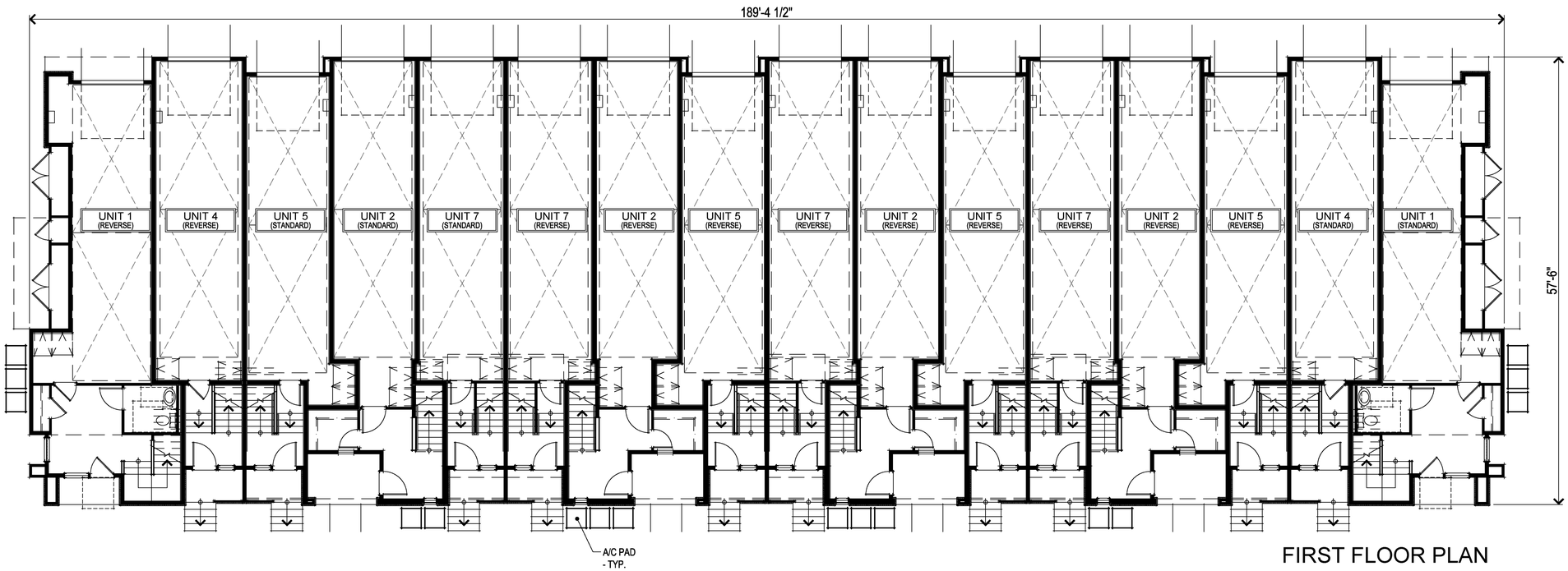
SECOND FLOOR PLAN



FIRST FLOOR PLAN

0 2' 4' 6' 8' 16'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

16-UNIT BUILDINGS FLOOR PLANS
A06

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FOURTH FLOOR PLAN

THIRD FLOOR PLAN

0 2' 4' 6' 8' 16'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

16-UNIT BUILDINGS FLOOR PLANS
A07

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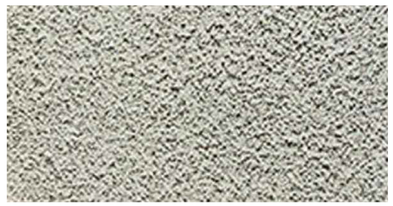
MATERIALS

1 HORIZONTAL SIDING
OCCURS WITH ALL BODY COLORS & ACCENT COLORS



2 STUCCO
LIGHT SAND FINISH
OCCURS WITH BODY 1 COLOR & ACCENT COLOR

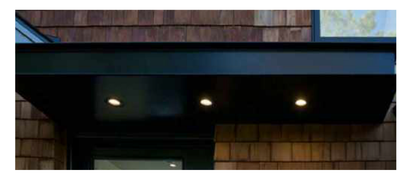
3 STONE TILE VENEER
ELDORADO STONE: VANTAGE 30 - SOUTHERN PEAK

4 COMPOSITION SHINGLE ROOF
CERTAINTEED: LANDMARK - WEATHERED WOOD

5 WOOD WINDOW TRIM

6 CONTEMPORARY GARAGE DOOR
GRAND HARBOR: SERIES 1 - DESIGN 11

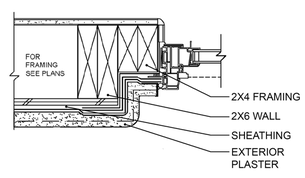
7 METAL RAILING
WITH HORIZONTAL WOOD PLANK RAILS



8 METAL AWNINGS

11 LED SURFACE MOUNT FIXTURE
WPX LED

12 FRONT ENTRY DOOR



RECESSED WINDOW DETAIL
(NO TRIM)

10 CONTEMPORARY WALL SCONCE
MODERN FORMS: HILINE - WS-W23

COLOR SCHEME

Body 1
SW 7011 Natural Choice
(254-C6)

Body 5
SW 6183 Dried Thyme
(215-C5)

Body 6
SW 032 Needlepoint Navy

Accent & Fascia
SW 7673 Pewter Cast
(282-C4)

Entry Door
SW 7068 Grizzle Gray
(236-C6)

EXTERIOR MATERIALS

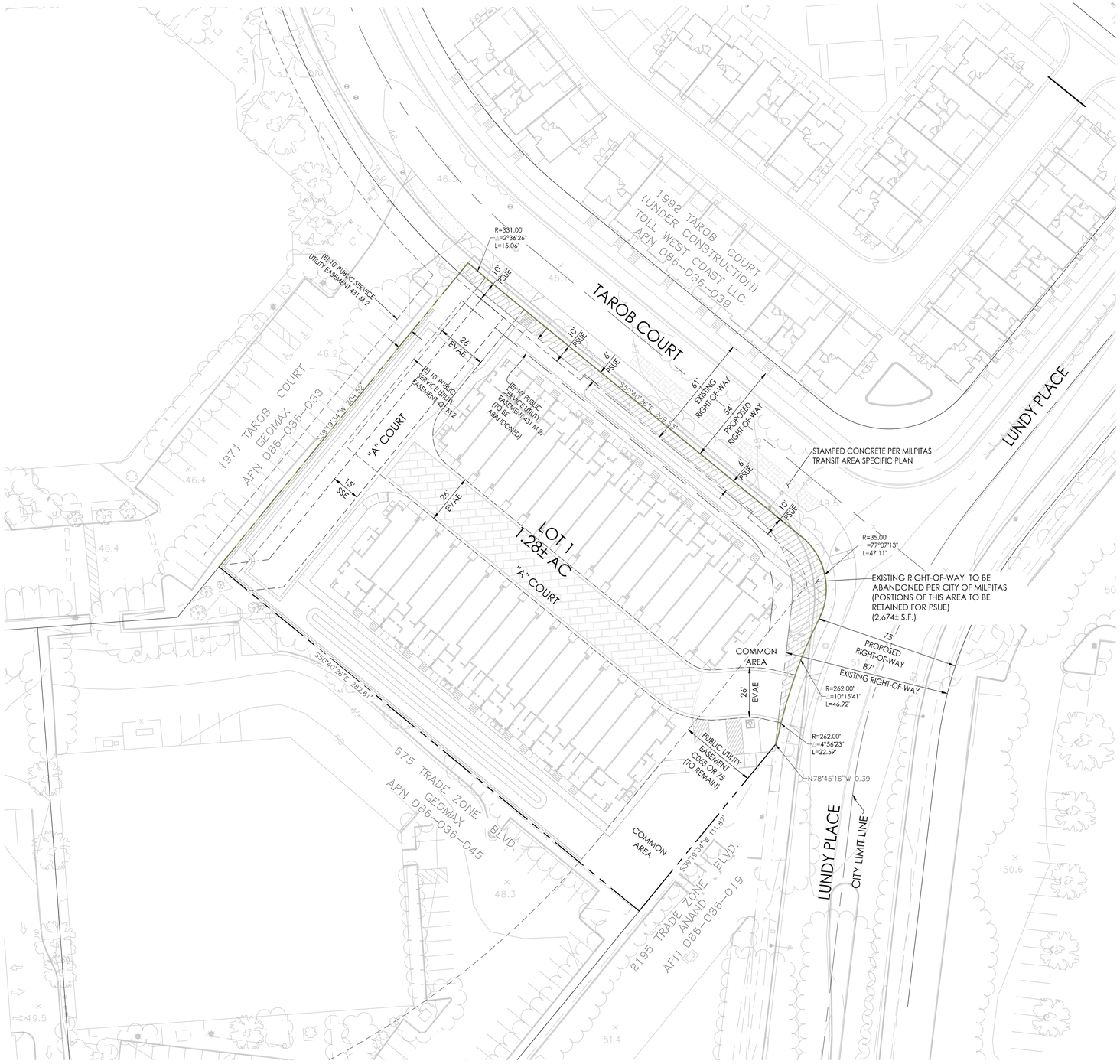
1 HORIZONTAL SIDING
2 STUCCO W/ LIGHT SAND FINISH
3 STONE TILE VENEER
4 ARCHITECTURAL QUALITY COMPOSITION SHINGLE ROOFING
5 WOOD WINDOW TRIM
6 CONTEMPORARY GARAGE DOOR
7 METAL RAILING w/ HORIZONTAL PLANK RAILS
8 METAL AWNINGS
9 PRE-FINISHED METAL COPING
10 ENTRY WALL SCONCE
11 FIXTURE OVER GARAGE DOOR
12 ENTRY DOOR

2001 TAROB COURT
Milpitas, CA
September 10, 2021

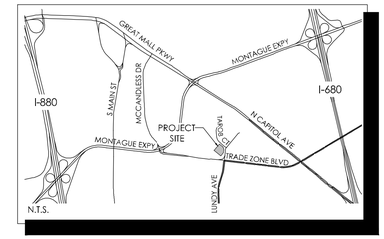
COLOR AND MATERIALS
A08

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

SDG Architects, Inc.
3361 Walnut Blvd. Suite 120
Brentwood, CA 94513
925.634.7000 | sdgarchitectsinc.com
SDG architects



LOCATION MAP



LEGEND

PROPOSED		EXISTING
	PROJECT BOUNDARY	
	RIGHT–OF–WAY	
	EASEMENT LINE	
	CENTERLINE	
	BUILDING	
	HARDSCAPE	
	TREE	
	ACCESSIBLE PATH OF TRAVEL	
	RIGHT OF WAY ABANDONMENT	
	CONCRETE	
	PERVIOUS PAVERS	

ABBREVIATIONS

EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FACE OF CURB
PSUE	PUBLIC SERVICE UTILITY EASEMENT
R	RADIUS
R/W	RIGHT OF WAY
SSE	SANITARY SEWER EASEMENT

SHEET INDEX

TM01	VESTING TENTATIVE MAP FOR CONDOMINIUM PURPOSES
TM02	EXISTING CONDITIONS & DEMOLITION PLAN
TM03	PRELIMINARY SITE PLAN
TM04	PRELIMINARY UTILITY PLAN
TM05	PRELIMINARY SOLID WASTE HANDLING PLAN
TM06	PRELIMINARY FIRE TRUCK ACCESS PLAN
TM07	PARKING PLAN
TM08	PRELIMINARY STORMWATER CONTROL PLAN
TM09	PRELIMINARY GRADING & DRAINAGE PLAN
TM10	PRELIMINARY FLOODPLAIN MANAGEMENT PLAN
TM11	CONDITIONS OF APPROVAL
P 1.0	OPEN SPACE EXHIBIT

REGISTERED PROFESSIONAL ENGINEER
KARATE MOSCA
No. 60815
CIVIL
STATE OF CALIFORNIA

PROJECT NOTES

APPLICANT
TTLC TAROB 4, LLC
12647 ALCOSTA BOULEVARD, SUITE 470
SAN RAMON, CA 94583
CONTACT: LEAH BENISTON PHONE: (925) 380-1699

OWNER
CAROL I CORTESE
3626 NORCROSS CT.
SAN JOSE, CA 95148

ENGINEER/PLANNER
WOOD RODGERS, INC.
4670 WILLOW ROAD, SUITE 125
PLEASANTON, CA 94588
CONTACT: KARRIE MOSCA/PAUL MEUSER
PHONE: (925) 847-1547

PROJECT ADDRESS
2001 TAROB COURT, MILPITAS, CA 95035

ASSESSOR'S PARCEL NO.
086-036-034

AREA
1.22± ACRES EXISTING
1.28± ACRES PROPOSED (AFTER ABANDONMENT OF RIGHT-OF-WAY)

DENSITY
25.0± DWELLING UNITS/ACRE

NUMBER OF LOTS / UNITS
1 LOT | 32 CONDOMINIUM UNITS

EXISTING USE
INDUSTRIAL

PROPOSED USE
MULTI-FAMILY RESIDENTIAL

EXISTING GENERAL PLAN
MULTI-FAMILY RESIDENTIAL HIGH DENSITY (MFH) 21-40 UNITS/GROSS ACRE

PROPOSED GENERAL PLAN
MULTI-FAMILY RESIDENTIAL HIGH DENSITY (MFH) 21-40 UNITS/GROSS ACRE

EXISTING ZONING
R3 - HIGH DENSITY, TRANSIT ORIENTED

PROPOSED ZONING
R3 - HIGH DENSITY, TRANSIT ORIENTED

PARK DISTRICT
MILPITAS RECREATION SERVICES DIVISION

FIRE PROTECTION
MILPITAS FIRE DEPARTMENT

SCHOOL DISTRICT
BERRYESSA UNION SCHOOL DISTRICT

SEWER
CITY OF MILPITAS

STORM DRAIN
CITY OF MILPITAS

WATER
CITY OF MILPITAS

ELECTRICITY & GAS
PG&E

TELEPHONE
AT&T, COMCAST

CABLE TV
AT&T, COMCAST

FLOOD ZONE
A CLOMR-F DATED NOVEMBER 19, 2019 HAS BEEN ISSUED TO REFLECT THE CHANGE IN FEMA ZONE FROM "AO" TO "X".

MAP NUMBER: 06085C0069H
CASE NUMBER: 19-09-2315C

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD83, AS MEASURED BETWEEN FOUND MONUMENTS IN TAROB COURT, SAID BEARING BEING N50°39'32"W. ALL DISTANCES SHOWN ARE GROUND BASED. TO OBTAIN GRID DISTANCES DIVIDE GROUND DISTANCE BY A COMBINATION FACTOR = 1.000049802

BENCHMARK
USC&GS BRASS DISK IN TOP OF NORTH END OF WEST HEADWALL, WPRR CULVERT CROSSING OF PENITENCIA CREEK, NORTH OF LUNDY ROAD. ELEV=51.880' (NAVD88)

DATUM
NORTHERN AMERICAN DATUM OF 1983 (NAD83), AND CALIFORNIA COORDINATE OF 1983, ZONE 3

CONDOMINIUM MAP
A CONDOMINIUM MAP WILL BE RECORDED FOR LOT 1. THE SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND FILED PURSUANT TO THE SUBDIVISION MAP ACT.

DIMENSIONS
ALL DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL SUBDIVISION MAP.

NOTES
1. SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS.
2. ADDITIONAL EASEMENTS MAY BE NECESSARY ON PRIVATE LOTS, SUCH AS PUBLIC SERVICE EASEMENTS FOR JOINT TRENCH FACILITIES. ADDITIONAL EASEMENTS WILL BE ADDED TO THE FINAL MAP.

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

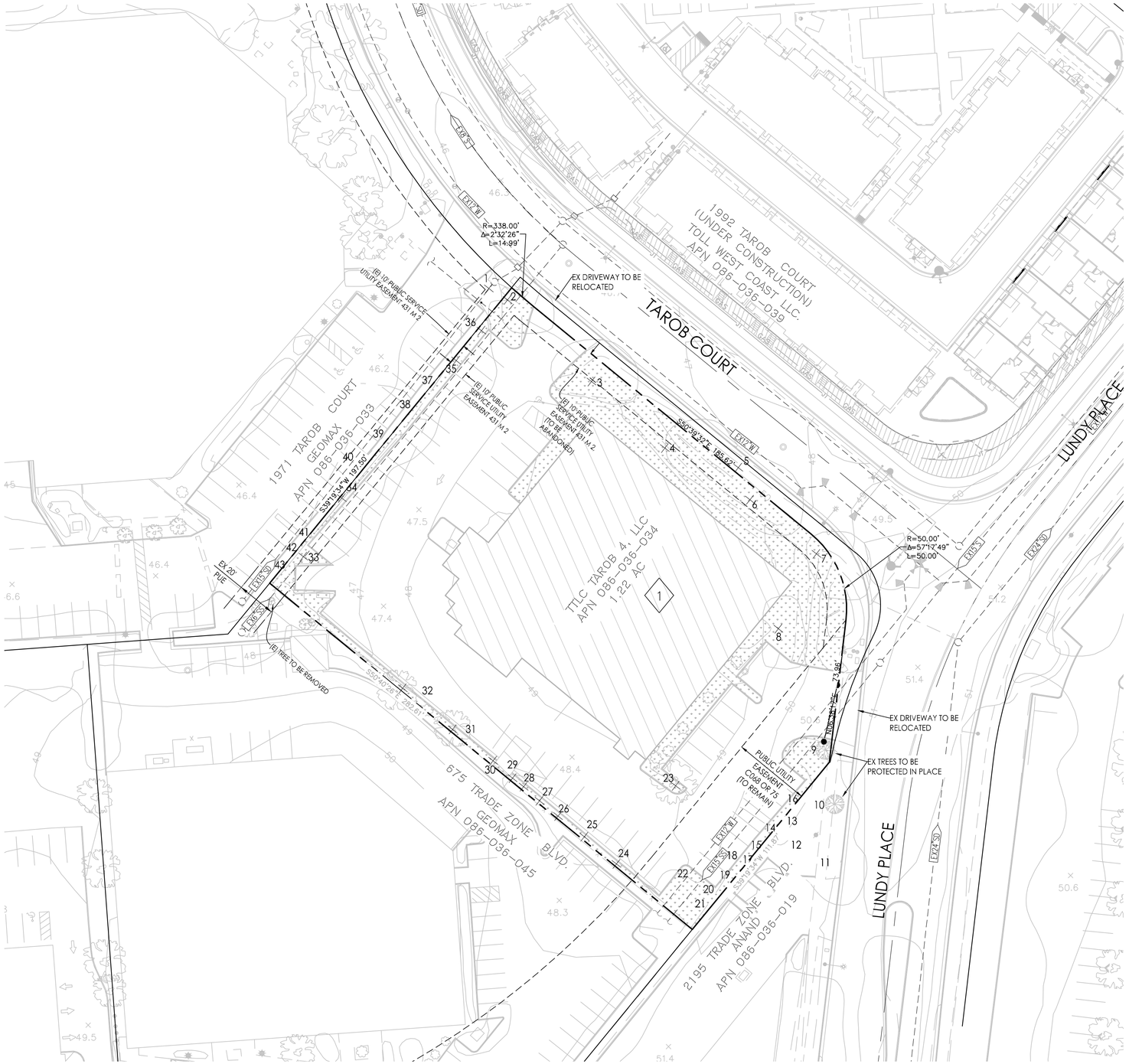
VESTING TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES
TM01

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557



ABBREVIATIONS

E	EAST
EAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
G	GAS
L	LENGTH
N	NORTH
OH	OVERHEAD LINE
PFWLE	PRIVATE FIRE WATER LINE EASEMENT
PRIEE	PRIVATE INGRESS & EGRESS EASEMENT
PIV	POST INDICATOR VALVE
PMSDE	PRIVATE MUTUAL STORM DRAIN EASEMENT
PPE	PRIVATE PARKING EASEMENT
PRSSE	PRIVATE SANITARY SEWER EASEMENT
PSUE	PUBLIC SERVICE UTILITY EASEMENT
PWLE	PRIVATE WATER LINE EASEMENT
R	RADIUS
R/W	RIGHT OF WAY
S	SOUTH
SS	SANITARY SEWER
SD	STORM DRAIN
PSDE	PRIVATE STORM DRAIN EASEMENT
SF	SQUARE FEET
W	WATER

LEGEND

PROPOSED		EXISTING
	PROJECT BOUNDARY	
	PROPERTY LINE	
	EASEMENT LINE	
	CENTERLINE	
	MONUMENT LINE	
	SANITARY SEWER	EX.8" SS
	STORM DRAIN	EX.18" SD
	POTABLE WATER	EX.10" W
	POWER POLE	
	STREETLIGHT	
	TREE	
	TREE NUMBER	32
	BUILDING TO BE DEMOLISHED	

1 ALL BUILDINGS, STRUCTURES, PAVEMENT, CURBS & HARDSCAPE TO BE DEMOLISHED WITHIN PROJECT BOUNDARY

TREE TABLE

TREE NUMBER		DESCRIPTION
X	1	8" LONDON PLANE
X	2	13" LONDON PLANE
X	3	21" LONDON PLANE
X	4	21" LONDON PLANE
X	5	14" LONDON PLANE
X	6	16" LONDON PLANE
X	7	20" LONDON PLANE
X	8	11" CAMPHOR
	9	15" LONDON PLANE
	10	10" JAPANESE BLACK PINE
	11	15" JAPANESE BLACK PINE
	12	15" COAST REDWOOD
	13	14" COAST REDWOOD
	14	8" SILVER DOLLAR GUM
	15	14" COAST REDWOOD
	16	25" SILVER DOLLAR GUM
	17	9" SILVER DOLLAR GUM
	18	26" SILVER DOLLAR GUM
	19	9" CANARY ISLAND PINE
	20	21" CANARY ISLAND PINE
	21	19" CANARY ISLAND PINE
	22	11" LONDON PLANE
X	23	11" LONDON PLANE
X	24	18" RAYWOOD ASH
X	25	16" RAYWOOD ASH
X	26	11" VALLEY OAK
X	27	6" XYLOSMA
X	28	5" XYLOSMA
X	29	6" XYLOSMA
X	32	12" XYLOSMA
X	33	13" LONDON PLANE
X	34	9" RAYWOOD ASH
X	35	17" RAYWOOD ASH
X	36	16" RAYWOOD ASH

NOTE: TREES MARKED WITH AN "X" ARE TO BE REMOVED:
FIELD VERIFICATION OF TREE LOCATIONS NECESSARY
PRIOR TO REMOVAL. SEE ARBORIST REPORT FOR MORE DETAIL.

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

EXISTING CONDITIONS PLAN & DEMOLITION PLAN
TM02

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 60
30 120
SCALE: 1" = 30'

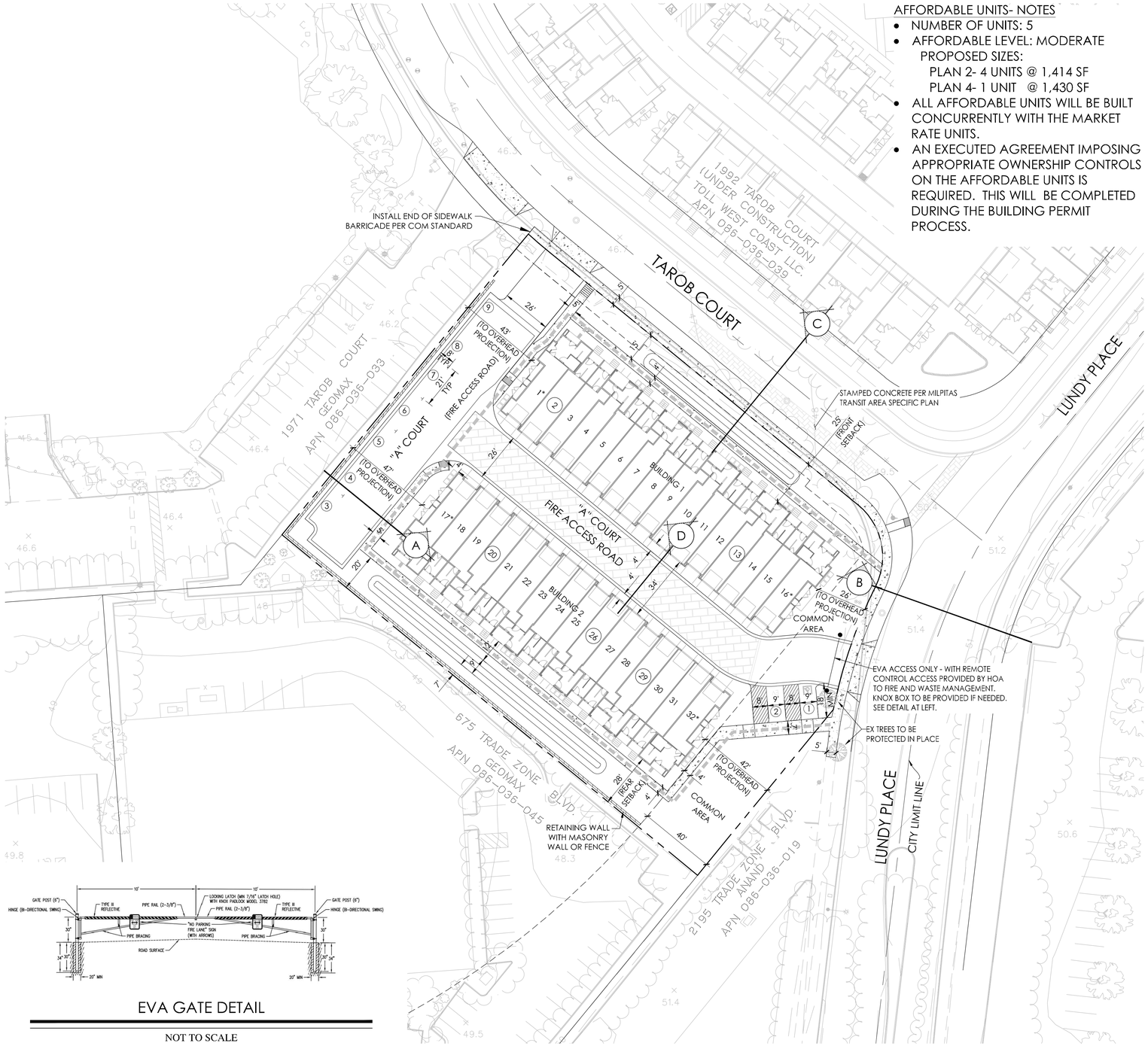
WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557

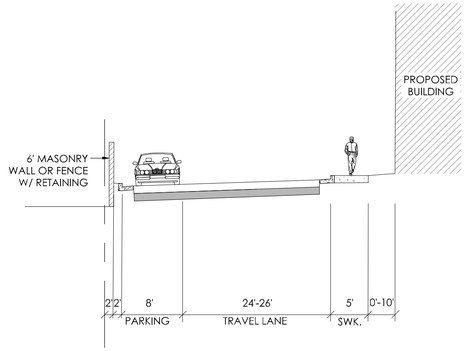
AFFORDABLE UNITS- NOTES

- NUMBER OF UNITS: 5
- AFFORDABLE LEVEL: MODERATE
  PROPOSED SIZES:
  PLAN 2- 4 UNITS @ 1,414 SF
  PLAN 4- 1 UNIT @ 1,430 SF
- ALL AFFORDABLE UNITS WILL BE BUILT CONCURRENTLY WITH THE MARKET RATE UNITS.
- AN EXECUTED AGREEMENT IMPOSING APPROPRIATE OWNERSHIP CONTROLS ON THE AFFORDABLE UNITS IS REQUIRED. THIS WILL BE COMPLETED DURING THE BUILDING PERMIT PROCESS.

NOTES:

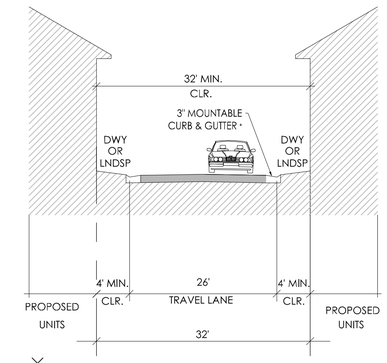
1. UNITS DENOTED WITH A * INDICATE ADA ACCESSIBLE UNITS.
2. UNITS DENOTED WITH A (X) INDICATE AFFORDABLE UNITS.





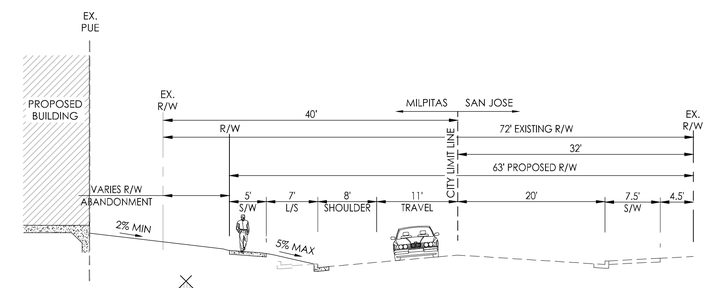
SECTION A

PRIVATE STREET SECTION
NOT TO SCALE



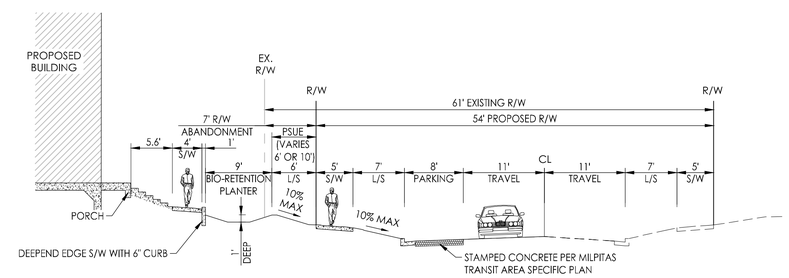
SECTION D

PRIVATE STREET SECTION
NOT TO SCALE



SECTION B - LUNDY PLACE

PUBLIC STREET SECTION - HALF SECTION
NOT TO SCALE



SECTION C - TAROB COURT

PUBLIC STREET SECTION - HALF SECTION
NOT TO SCALE

EVA GATE DETAIL

NOT TO SCALE

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

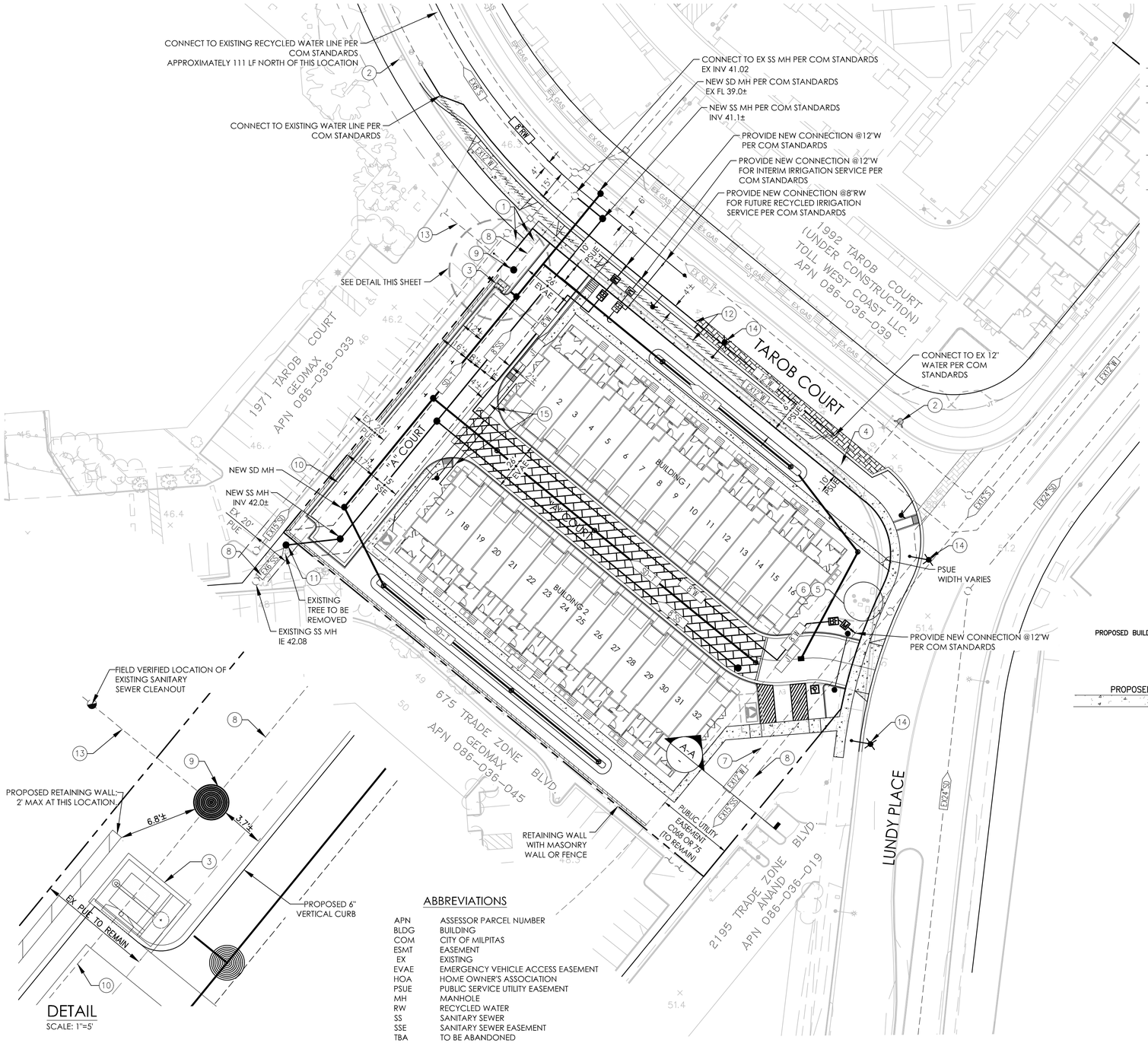
PRELIMINARY SITE PLAN
TM03

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557



DETAIL

SCALE: 1"=5'

ABBREVIATIONS

APN	ASSESSOR PARCEL NUMBER
BLDG	BUILDING
COM	CITY OF MILPITAS
ESMT	EASEMENT
EX	EXISTING
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
HOA	HOME OWNER'S ASSOCIATION
PSUE	PUBLIC SERVICE UTILITY EASEMENT
MH	MANHOLE
RW	RECYCLED WATER
SS	SANITARY SEWER
SSE	SANITARY SEWER EASEMENT
TBA	TO BE ABANDONED

LEGEND

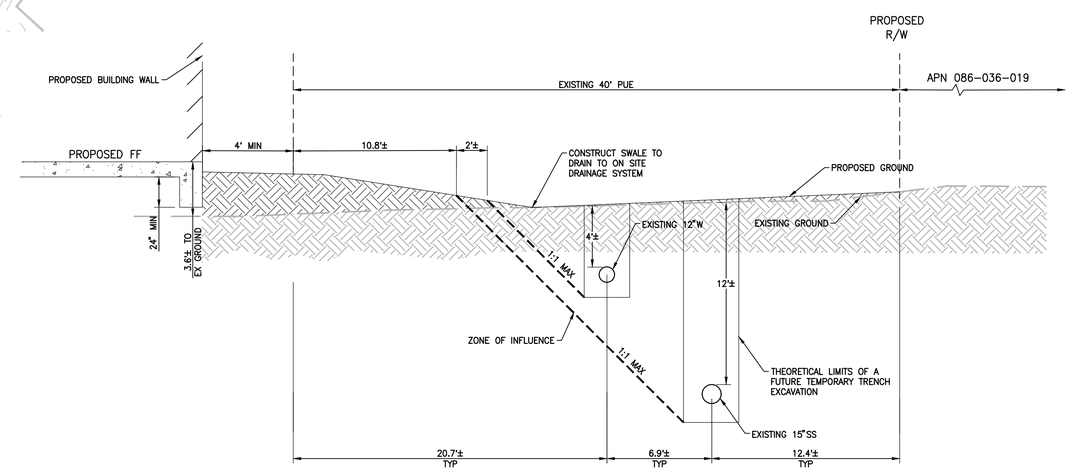
EXISTING	PROPOSED	
		RIGHT-OF-WAY
		PROJECT BOUNDARY
EX12"SD	SD-T	TREATED STORMWATER (SD-T)
		STORM DRAIN OR SANITARY SEWER MANHOLE
		AREA DRAIN
EX 8"S	8"SS	SANITARY SEWER PIPE
	SS	BLDG SANITARY SEWER SERVICE (SIZE TBD)
EX 8"W	8"W	WATER PIPE
		FIRE HYDRANT
	BF M	MASTER WATER METER & BACKFLOW PREVENTOR DOMESTIC WATER/IRRIGATION SERVICE
		PROPOSED TRANSFORMER LOCATION
		PROPOSED FILTERRA. SEE DETAIL ON TM09
		REMOVE EXISTING PIPE

UTILITY NOTES

1. STORM DRAIN
   - MINIMUM SLOPE: 0.005 WITH MINIMUM VELOCITY OF 2 FEET/SECOND
   - MINIMUM PIPE SIZE: 12"
   - STORM DRAIN FACILITIES MAY BE RCP OR N-12 PIPE
2. SANITARY SEWER
   - MINIMUM SLOPE: 0.0035 (EXISTING SLOPE: 0.0035±)
   - SANITARY SEWER PIPE TO BE SDR-26 PVC
4. WATER PIPE TO BE CLASS 200 AWWA C900
5. UTILITIES SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO CHANGES PENDING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO COM STANDARDS.
6. ALL ON-SITE WATER AND STORM DRAIN TO BE OWNED AND MAINTAIN BY THE PROJECT HOA.
7. ON SITE SEWER WITHIN SSE TO BE OWNED AND MAINTAINED BY THE COM. SEWER OUTSIDE OF SSE, WITHIN PRIVATE STREET TO BE OWNED AND MAINTAINED BY THE HOA.

GENERAL NOTES

1. EX JOINT TRENCH BOXES TO REMAIN
2. EX FIRE HYDRANT
3. PROPOSED FILTERRA BIORETENTION SYSTEM; SEE SHEET TM09 FOR DETAILS
4. EXISTING STREET LIGHT TO BE REMOVED
5. EX WATER SERVICE TO BE REMOVED. EXISTING FIRE SERVICE & PERTINENT APPURTENANCES SHALL BE REMOVED.
6. EX IRRIGATION SERVICE TO REMAIN FOR PUBLIC IRRIGATION
7. EX WATER PIPE TO REMAIN
8. EX SANITARY SEWER PIPE TO REMAIN
9. CONNECT TO EX SANITARY SEWER WITH NEW MANHOLE PER COM STANDARDS
10. EX SANITARY SEWER PIPE TO BE REMOVED BETWEEN NEW MANHOLES; SEE 9 & 11
11. CONNECT TO EX SANITARY SEWER WITH NEW MANHOLE PER COM STANDARDS
12. EXISTING WATER MAIN TO BE RELOCATED AS SHOWN
13. EXISTING SANITARY SEWER FROM 1971 TAROB COURT TO REMAIN
14. INSTALL NEW STREET LIGHT PER THE CITY'S TRANSIT AREA SPECIFIC PLAN
15. PROPOSED FIRES SERVICE LINES TO BUILDINGS 1 & 2 WITH BACKFLOW DEVICES IN CLOSET.



SECTION A-A

NOT TO SCALE

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

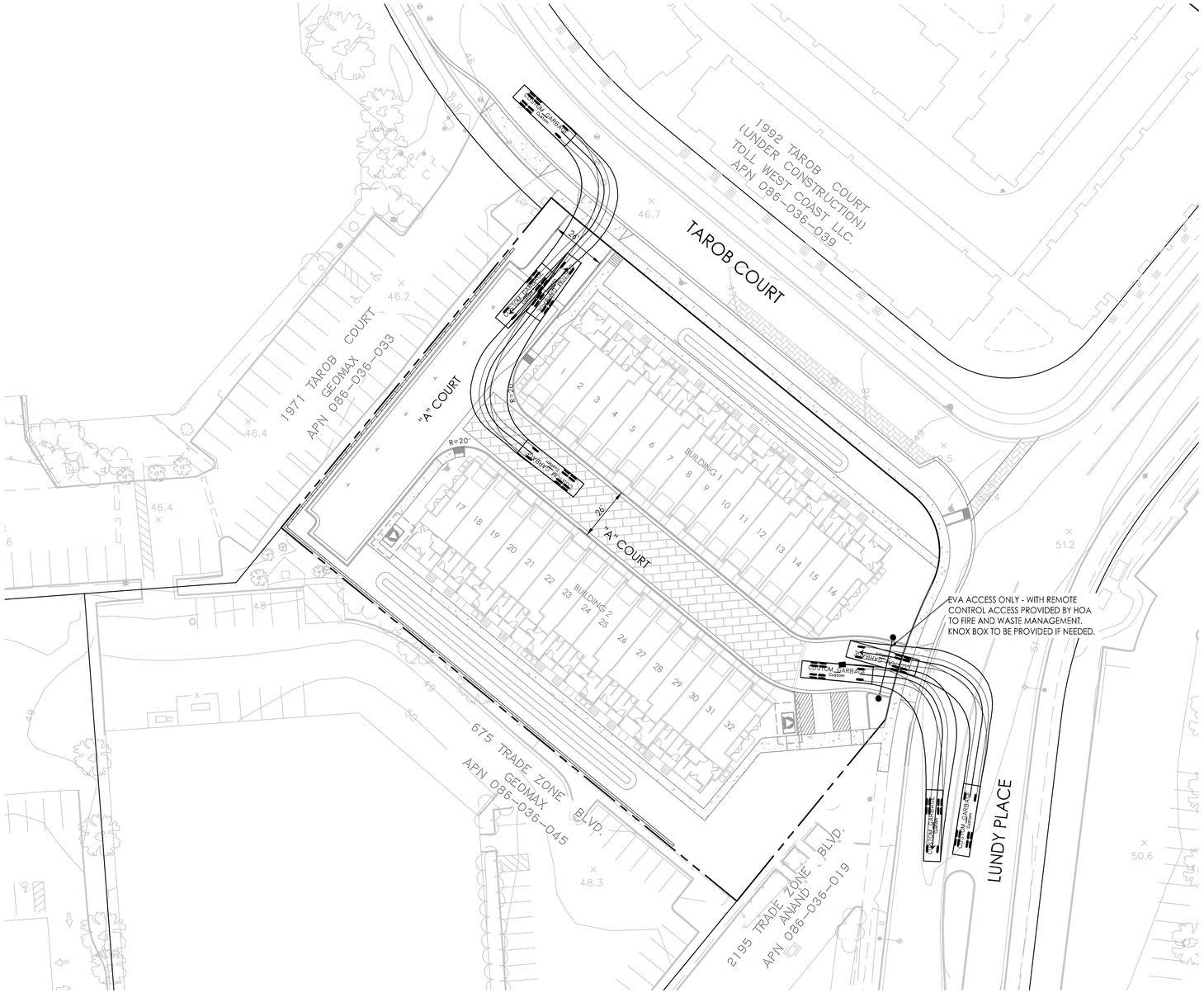
PRELIMINARY UTILITY PLAN
TM04

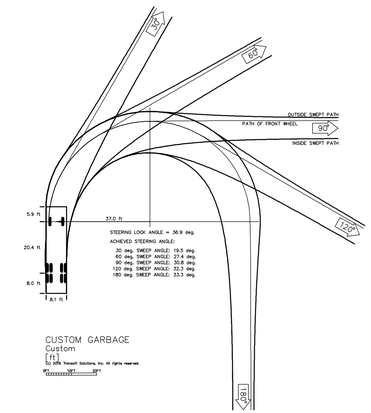
THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

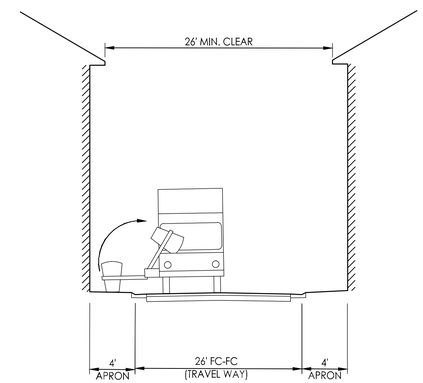
WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557





GARBAGE TRUCK TEMPLATE

NOT TO SCALE



PROPOSED TRASH PICKUP SECTION

NOT TO SCALE

* COLLECTION CANS TO BE STORED WITHIN GARAGE OF EACH INDIVIDUAL UNIT

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

PRELIMINARY SOLID WASTE HANDLING PLAN
TM05

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
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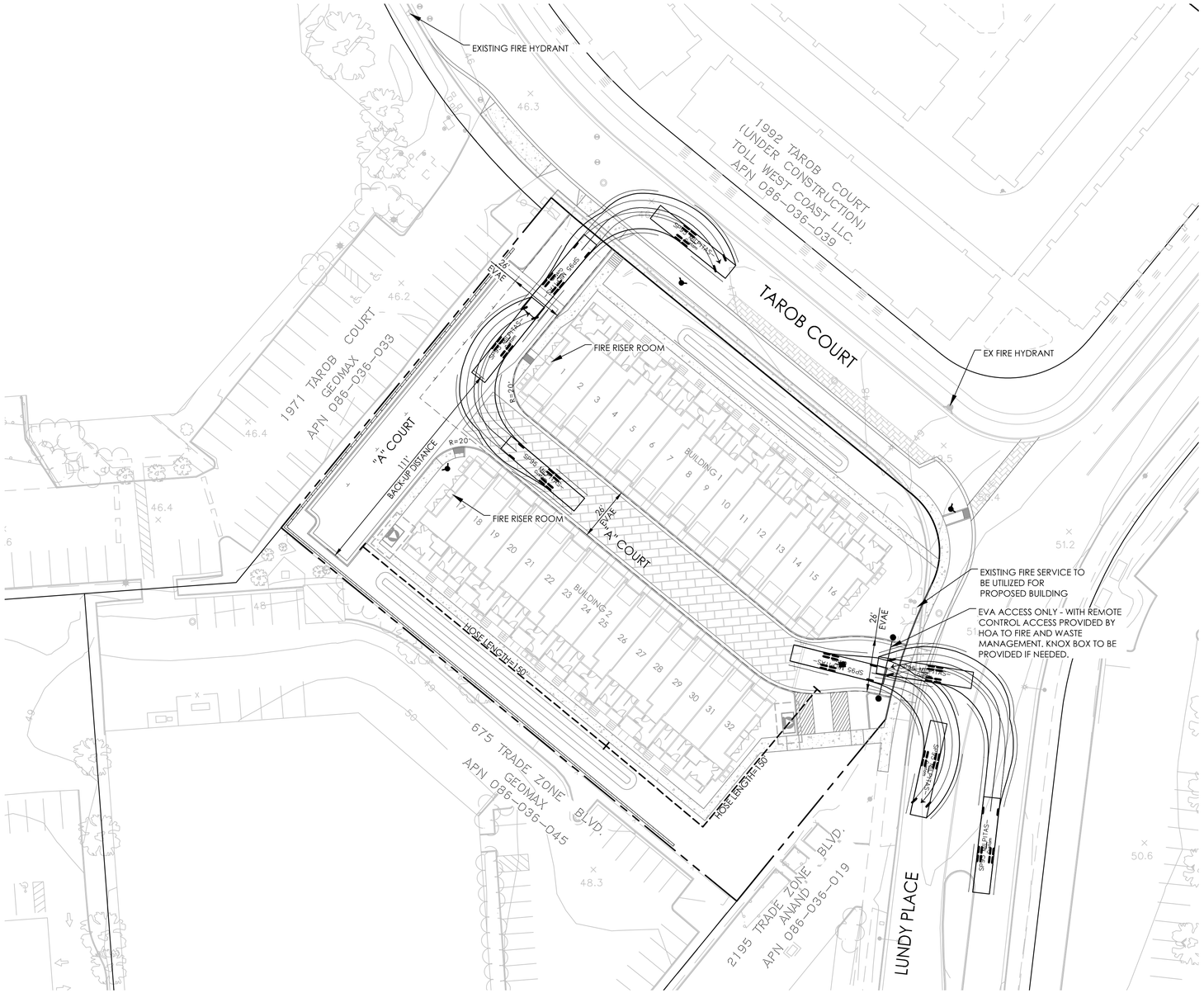

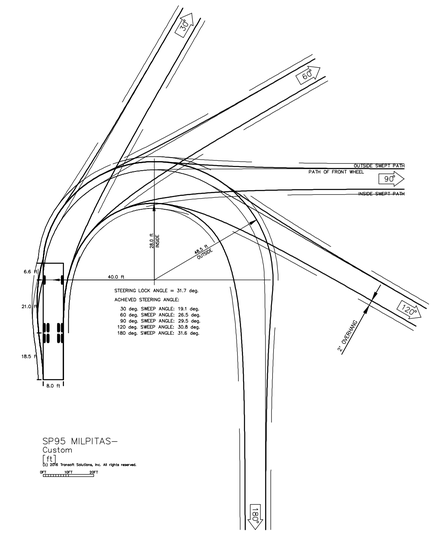

MILPITAS FIRE TRUCK TEMPLATE

NOT TO SCALE

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

PRELIMINARY FIRE TRUCK ACCESS PLAN
TM06

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

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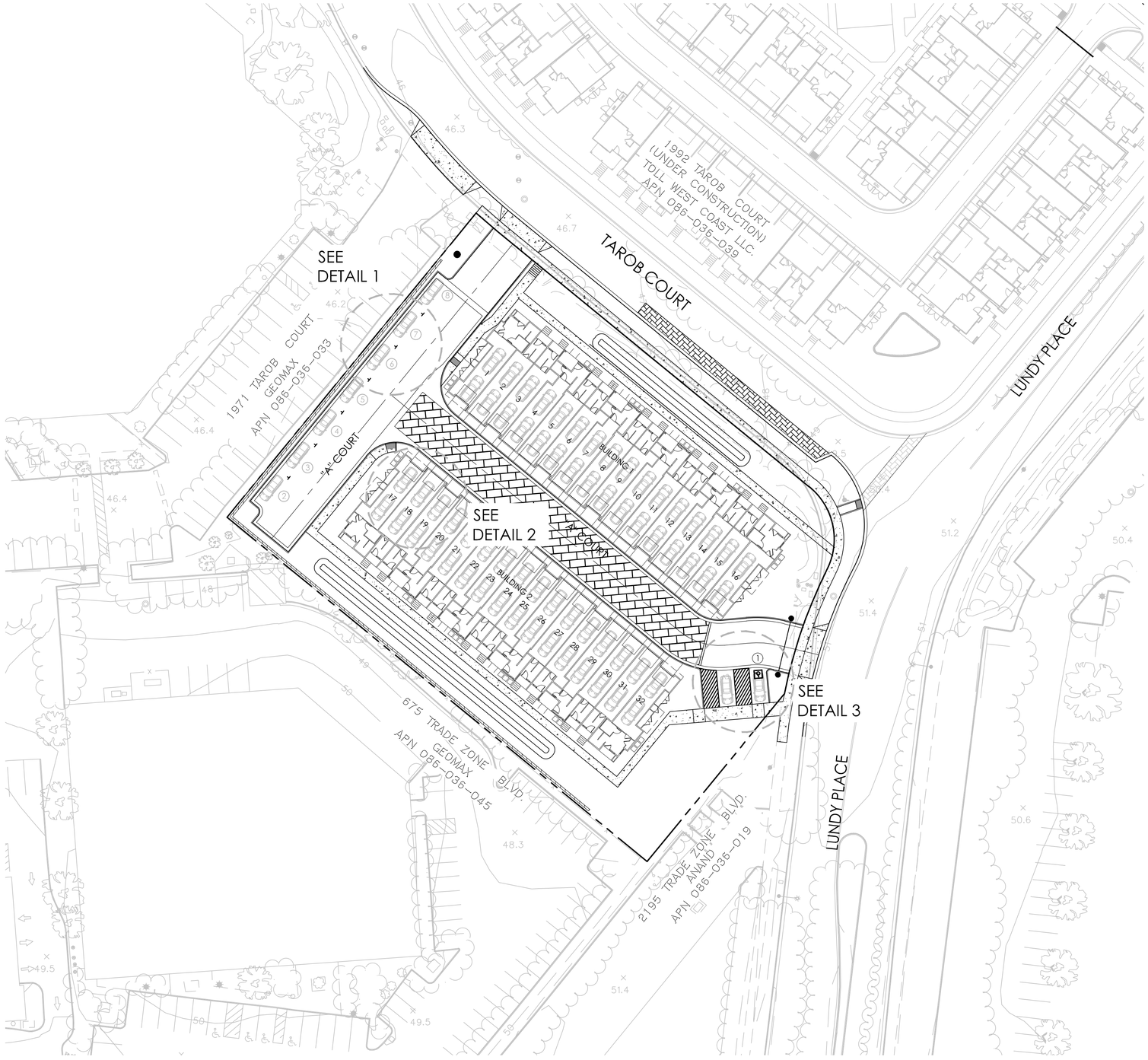
Pleasanton, CA. 94588 Fax 925.847.1557



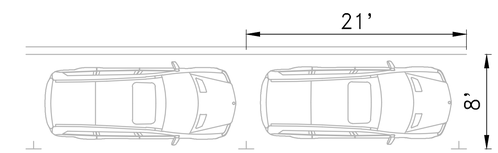
PARKING SUMMARY

DESCRIPTION	UNIT COUNT	REQUIRED PARKING RATIO	PARKING REQUIRED	PROVIDED PARKING RATIO	PARKING PROVIDED
GARAGE SPACES	32	1.6 SPACES/ DU	51.2	2.0 SPACES/DU	64
ON-SITE GUEST	-	20% OF REQUIRED	10.2	-	8
TOTAL	32	-	61.4	-	74

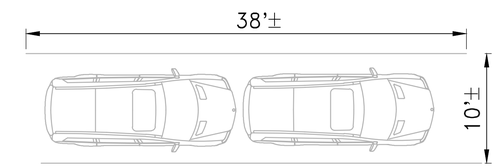
NOTES:

1. GUEST PARKING INCLUDES 1 VAN ACCESSIBLE SPACE AND 1 EV STATION.
2. GUEST PARKING IS BASED ON PRELIMINARY DESIGN. ACTUAL PARKING PROVIDED MAY VARY WITH FINAL DESIGN IN ACCORDANCE WITH MINIMUM GUEST REQUIREMENTS.

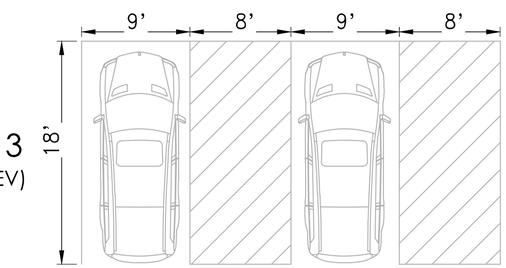
PARKING DETAIL 1
(PARALLEL GUEST)



PARKING DETAIL 2
(TANDEM GARAGE)



PARKING DETAIL 3
(ADA ACCESSIBLE VAN & EV)



2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

PARKING PLAN
TM07

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

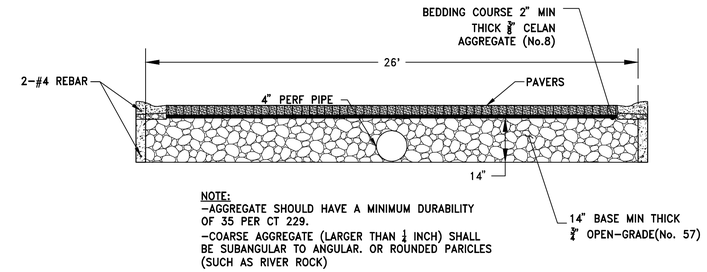
0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557

DRAINAGE MANAGEMENT AREA (DMA)	TOTAL DRAINAGE AREA (SF)	BUILDING (SF)	PAVEMENT (SF)	TOTAL IMPERVIOUS (SF)	PERVIOUS PAVERS (SF)	LANDSCAPE (SF)	TOTAL PERVIOUS (SF)	TOTAL EFFECTIVE IMPERVIOUS AREA (SF)	REQUIRED TREATMENT AREA**	PROVIDED TREATMENT AREA (SF)	PONDING DEPTH (IN)	TREATMENT CONTROL MEASURE	TREATMENT TYPE
DMA 1	20,835	13,257	2,921	16,178	4,523	134	4,657	16,644	N/A	N/A	8"	TCM 1	PERVIOUS PAVERS
DMA 2	8,656	0	7,347	7,347	0	1,309	1,309	7,478	N/A	N/A	N/A	TCM 2	FILTERRA (35% max)[4]
DMA 3	11,034	5,803	845	6,648	0	4,386	4,386	7,087	283	289	6	TCM 3	BIO-RETENTION
DMA 4	11,379	5,796	936	6,732	0	4,647	4,647	7,197	288	456	6	TCM 4	BIO-RETENTION
DMA 5	2,891	0	0	0	0	2,891	2,891	289	N/A	N/A	N/A	N/A	SELF-RETAINING
DMA 6	1,161	0	0	0	0	1,161	1,161	116	N/A	300	N/A	N/A	SELF-RETAINING
Total	55,956	24,856	12,049	36,905	0	14,528	19,051	38,810	571	1,045			

NOTES:

1. ALL TREATMENT MEASURES AND TECHNICAL REQUIREMENTS FOR THIS PROJECT ARE BASED ON THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPPP) C.3. STORMWATER HANDBOOK DATED JUNE 2016.
2. HYDROMODIFICATION IS NOT REQUIRED BECAUSE PROPOSED PROJECT IMPERVIOUS SURFACE IS LESS THAN EXISTING IMPERVIOUS SURFACE ON THE SITE.
3. PROVIDED SURFACE AREA OF THE BIO-RETENTION FACILITIES IS SUPPORTED BY USING THE 4% METHOD AND ARE DESIGNED FOR A MIN PONDING DEPTH OF 6". SEE PRELIMINARY STORM WATER MANAGEMENT PLAN FOR CALCULATIONS.
4. PER THE CITY OF MILPITAS SPECIAL PROJECTS WORKSHEET, THIS PROJECT QUALIFIES AS A SPECIAL PROJECT PER CATEGORY "C" WITH A TOTAL TOD CREDIT OF 35%. SEE THE PRELIMINARY STORMWATER MANAGEMENT PLAN, APPENDIX A FOR DETAILED CALCULATIONS.

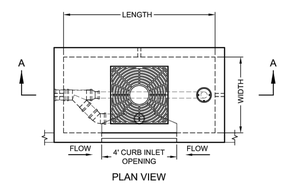


PERVIOUS PAVER DETAIL

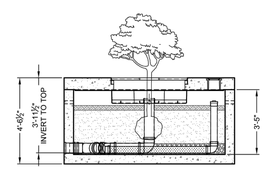
NOTE: DETAIL SHALL MEET SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PROGRAM - C.3 STORMWATER WATER HANDBOOK.

LEGEND

- DRAINAGE MANAGEMENT AREA BOUNDARY
- AC PAVEMENT
- CONCRETE
- PERVIOUS PAVERS
- TCM — TREATMENT CONTROL MEASURE
- AREA DRAIN
- PROPOSED FILTERRA- SEE DETAIL BELOW
- SD-T — TREATED STORMWATER (SD-T)



PLAN VIEW



SECTION A-A

LONG SIDE INLET CONFIGURATION

LONG SIDE CURB INLET

DESIGNATION	SIZE	LENGTH	WIDTH	MAX. OUTLET/ BYPASS PIPE DIA.	MAX. BYPASS FLOW (CFS)	UNDER-DRAIN PIPE DIA. (PERF)	TREE GRATE QTY. & SIZE
FTIBC0604	6 x 4	6'-0"	4'-0"	8" SDR 35	1.89	4" SDR 35	(1) 3' x 3'
FTIBC0804	8 x 4	8'-0"	4'-0"	8" SDR 35	1.89	4" SDR 35	(1) 3' x 3'
FTIBC0806	8 x 6	8'-0"	6'-0"	10" SDR 35	2.37	4" SDR 35	(1) 4' x 4'
FTIBC1006	10 x 6	10'-0"	6'-0"	10" SDR 35	2.37	6" SDR 35	(1) 4' x 4'
FTIBC1204	12 x 4	12'-0"	4'-0"	8" SDR 35	1.89	4" SDR 35	(2) 3' x 3'
FTIBC1206	12 x 6	12'-0"	6'-0"	10" SDR 35	2.37	6" SDR 35	(2) 4' x 4'
FTIBC1307	13 x 7	13'-0"	7'-0"	10" SDR 35	2.37	6" SDR 35	(2) 4' x 4'

INTERNAL PIPE CONFIGURATION MAY VARY DEPENDING ON VAULT SIZE

CONTECH ENGINEERED SOLUTIONS

filterra Bioretention Systems

Filterra Sizing Spreadsheet
Uniform Intensity Approach
Storm Intensity = 0.20 in/hr

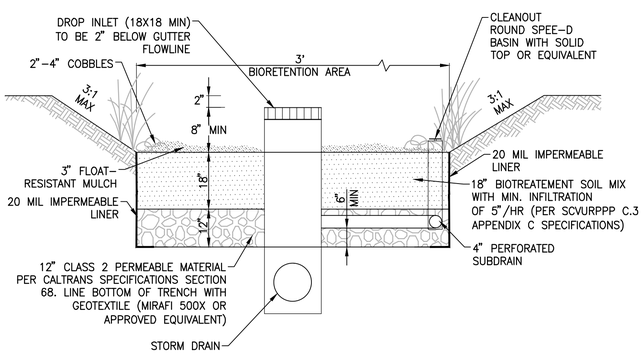
Filterra Infiltration Rate = 100 (in/hr)
Filterra Flow per Square Foot = 0.0023 (ft3/sec/ft2)

Filterra Flow Rate, Q = 0.0023 ft3/sec x Filterra Surface Area
Rational Method, Q = C x I x A

Site Flowrate, Q = (C x DI x DA x 43560) / (12 x3600)
OR DA = (12 x 3600 x Q) / (C x 43560 x DI)

where
Q = Flow (ft3/sec)
DA = Drainage Area (acres)
DI = Design Intensity (in/hr)
C = Runoff coefficient (dimensionless)

			DI 0.2	C 1.00	C 0.85	C 0.50
Available Filterra Box Sizes			Filterra	100%	Commercial	Residential
L (ft)	W (ft)	Filterra Surface Area (ft2)	Flow Rate, Q (ft3/sec)	Imperv. DA (acres)	max DA (acres)	max DA (acres)
4	4	16	0.0370	0.184	0.216	0.367
6	4	24	0.0556	0.275	0.324	0.551
6.5	4	26	0.0602	0.298	0.351	0.597
8	4	32	0.0741	0.367	0.432	0.735
12	4	48	0.1111	0.551	0.648	1.102
6	6	36	0.0833	0.413	0.486	0.826
8	6	48	0.1111	0.551	0.648	1.102
10	6	60	0.1389	0.689	0.810	1.377
12	6	72	0.1667	0.826	0.972	1.653
13	7	91	0.2106	1.045	1.229	2.089



BIO-RETENTION DETAIL (TCM 3 & TCM 4)

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CONTECH ENGINEERED SOLUTIONS LLC
www.ContechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-338-1122 513-645-7000 513-645-7993 FAX

FILTERRA
INTERNAL BYPASS CURB (FTIBC)
CONFIGURATION DETAIL

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

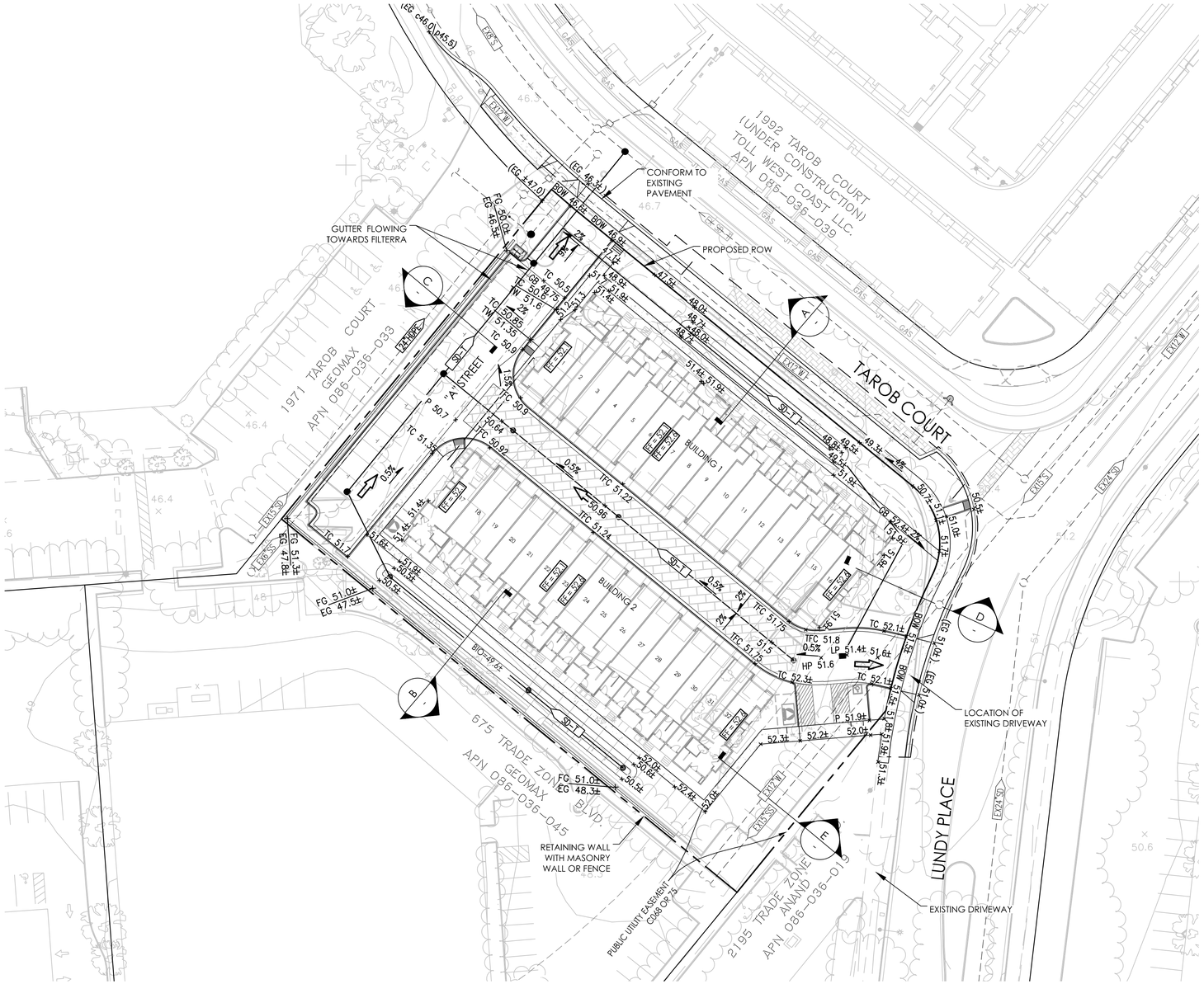
PRELIMINARY STORMWATER CONTROL PLAN
TM08

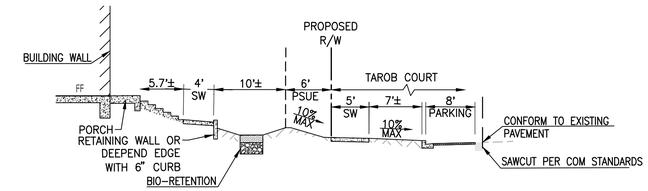
THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

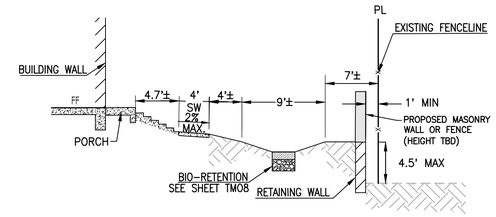
0 60
30 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557

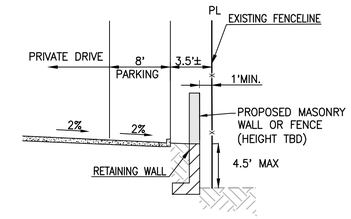




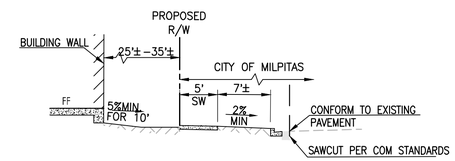
SECTION A–A
NOT TO SCALE



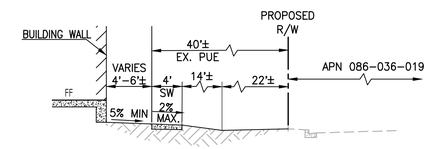
SECTION B–B
NOT TO SCALE



SECTION C–C
NOT TO SCALE



SECTION D–D
NOT TO SCALE



SECTION E–E
NOT TO SCALE

LEGEND

OVERLAND RELEASE DIRECTION

ABBREVIATIONS

CL	CENTERLINE
COM	CITY OF MILPITAS
D	DRAIN
EX	EXISTING
FF	FINISHED FLOOR
FG	FINISHED GRADE
HP	HIGH POINT
GB	GRADE BREAK
PL	PROPERTY LINE
PSUE	PUBLIC SERVICE UTILITY EASEMENT
PUE	PUBLIC UTILITY EASEMENT
R/W	RIGHT OF WAY
SCVWD	SANTA CLARA VALLEY WATER DISTRICT
SW	SIDEWALK
TBA	TO BE ABANDONED
VAR	VARIES

2001 TAROB COURT
Milpitas, CA
JUNE 30, 2021

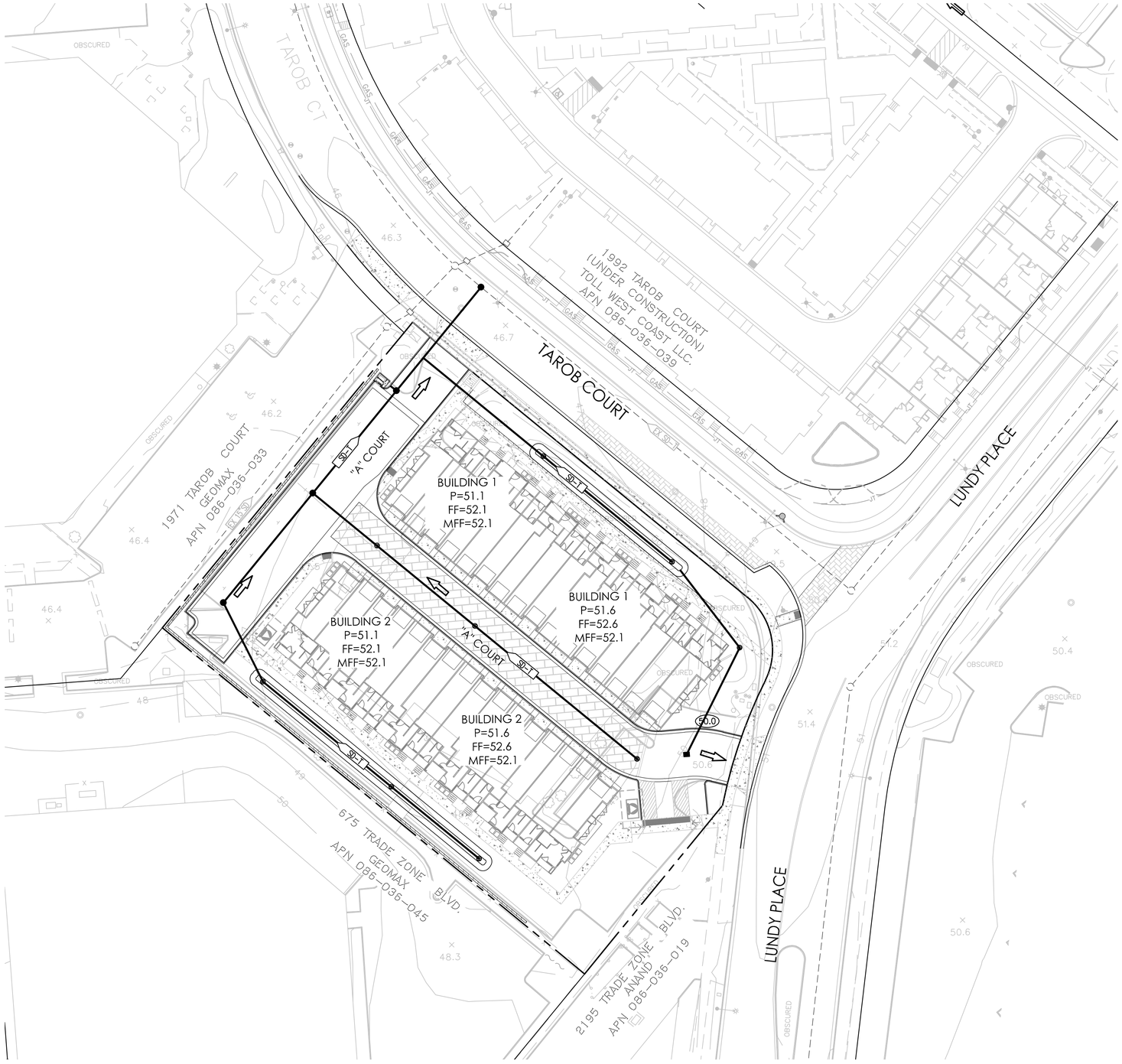
PRELIMINARY GRADING AND DRAINAGE PLAN
TM09

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557



ABBREVIATIONS

BFE	BASE FLOOD ELEVATION
BLDG	BUILDING
BSW	BACK OF SIDEWALK
CL	CENTERLINE
D	DRAIN
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FF	FINISHED FLOOR
FG	FINISHED GRADE
HAG	HIGHEST ADJACENT GRADE (EXISTING)* (50.0)
⇨	OVERLAND RELEASE
P	PAD ELEVATION
PL	PROPERTY LINE
MFF	MINIMUM FINISHED FLOOR
R/W	RIGHT OF WAY
SCVWD	SANTA CLARA VALLEY WATER DISTRICT
SW	SIDEWALK
VAR	VARIES
SDT	TREATED STORMWATER
SDUT	UNTREATED STORMWATER
SDOF	OVERFLOW FOR STORM EVENTS ABOVE THE WATER QUALITY EVENT
SDFM	FORCEMAIN STORMWATER
WSEL	EAST PENITENCIA WATER SURFACE ELEVATION

FEMA BFE	WSEL	STUDY BFE	MAX BFE	HAG	MFF	BLDG FF	BLDG P
49.5	NA	51.1	51.1	50	52.1	52.1	51.1

NOTES:

1. FLOOD ZONE: AO(1) – FLOOD DEPTHS ARE 1', SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
2. ALL USES ARE RESIDENTIAL
3. FLOOD PROOFING IS NOT REQUIRED. ALL BUILDINGS AND ABOVE GROUND UTILITIES TO BE RAISED TO ABOVE THE BASE FLOOD ELEVATION.
4. RECEIVING WATER: PENITENCIA CREEK
5. SEE SHEET TM09 FOR GRADING CROSS SECTIONS

* HAG VALUE DETERMINED IN COORDINATION WITH SCHAAF & WHEELER

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

PRELIMINARY FLOODPLAIN MANAGEMENT PLAN
TM10

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
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925.824.4300

NORTH

0 60 30 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
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RESERVED FOR
CONDITIONS OF APPROVAL

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

CONDITIONS OF APPROVAL
TM11

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

NORTH

0 60
SCALE: 1" = 30'
30 120

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
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LEGEND

- PRIVATE RECREATIONAL AREA (0.14 ACRES)
- OTHER PRIVATE OPEN SPACE & LANDSCAPING (0.32 ACRES)

TOTAL LANDSCAPE & OPEN SPACE = 0.46 ACRES

PARK ACREAGE SUMMARY (TASP REQUIREMENT)

DESCRIPTION	TASP CODE	REQUIRED PARKS AND OPEN SPACE (AC.)	PROVIDED PARK (AC.)
PARKS AND OPEN SPACE	3.5 ACRES OF PARKLAND PER 1000 POPULATION. UP TO 1.5 OF EACH 3.5 PARK ACRES MAY BE SATISFIED BY THE PROVISION OF PRIVATE RECREATION AREAS. THE REMAINING 2.0 ACRES PER 1000 REQUIREMENT MUST BE SATISFIED BY EITHER DEDICATION OF LAND TO THE CITY FOR PUBLIC PARKS AND OPEN SPACE OR PAYMENT OF AN IN-LIEU FEE.	POPULATION = # UNITS X 2.52 PERSONS/UNIT	PRIVATE RECREATION AREA = 0.14 ACRES
		POPULATION = 32 X 2.52 = 80.6 PERSONS	
		PARK ACREAGE REQUIRED = 3.5 X 80.6/1000 = 0.28 ACRES	
		PRIVATE RECREATION AREA ALLOWED = 1.5/3.5 X 0.28 = 0.12 ACRES	

R3 ZONING CODE OPEN SPACE (MUNI CODE XI-10-4.05.C)

DESCRIPTION	CODE REQUIREMENT	REQUIRED AREA (AC.)	PROVIDED AREA (AC.)
LANDSCAPE AND OPEN SPACE REQUIREMENTS	A MINIMUM OF TWENTY-FIVE (25) PERCENT OF THE TOTAL LOT AREA SHALL BE LANDSCAPED OR RECREATIONAL OPEN SPACE, EXCLUSIVE OF PARKING AND VEHICULAR TRAFFIC AREA AND SHALL BE SHOWN ON SITE PLAN IN DETAIL FOR PLANNING COMMISSION APPROVAL.	25% X 1.22 = 0.31 ACRES	0.46 ACRES (37.7%)
	AN AVERAGE OF TWO HUNDRED SQUARE FEET OF USABLE OPEN SPACE SHALL BE PROVIDED FOR EACH DWELLING UNIT. "USABLE OPEN SPACE" SHALL MEAN ANY OPEN SPACE, THE SMALLEST DIMENSION OF WHICH IS AT LEAST 4 ½ FEET AND WHICH IS NOT USED AS STORAGE OR FOR MOVEMENT OF MOTOR VEHICLES: EXCEPT THAT YARDS ABUTTING A PUBLIC STREET, WHICH ARE NOT ADEQUATELY SCREENED FOR PRIVACY, IN THE OPINION OF THE PLANNING COMMISSION, SHALL NOT QUALIFY AS USABLE OPEN SPACE. BALCONIES, PORCHES, OR ROOF DECKS MAY BE CONSIDERED USABLE OPEN SPACE WHEN PROPERLY DEVELOPED FOR WORK, PLAY OR OUTDOOR LIVING AREAS. AT LEAST THIRTY (30) PERCENT OF REQUIRED OPEN SPACE SHALL BE CONTIGUOUS TO AND PROVIDE FOR PRIVATE USABLE OPEN SPACE OF THE INDIVIDUAL DWELLING UNIT.	200 X 32 = 6,400 SQ FT = 0.15 ACRES	PRIVATE RECREATIONAL AREA = 0.14 ACRES
			PRIVATE OPEN SPACE (BALCONIES) = 1784 SF/BUILDING = 1784 X 2 = 3,568 SF = 0.08 ACRES
			TOTAL PRIVATE OPEN SPACE = 0.22 ACRES = 299.5 SF/UNIT

2001 TAROB COURT
Milpitas, CA
SEPTEMBER 10, 2021

OPEN SPACE EXHIBIT
P1.0

THE TRUE LIFE COMPANIES
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NORTH

0 30 60 120
SCALE: 1" = 30'

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557

PLAN VIEW
Scale: 1"=20'-0"

0' 10' 20' 40'

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Illustrative Site Plan
L001

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
201 4th street suite 101B, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS

CROSSWALK: PAVERS TO MATCH EXISTING PAVERS IN ADJACENT PARKING AREA ON TAROB CT.

SHRUBS AND GRASSES: REFER TO PROPOSED PLANT PALETTE SHEET L009

CONCRETE STEPS WITH CHEEK WALL AND HANDRAIL: REFER TO DETAIL 3 SHEET L003

LAGERSTROEMIA X FAUREI 'TUSCARORA' IN MEDIA FILTER: REFER TO PROPOSED PLANT PALETTE SHEET L009

PERMEABLE PAVERS: REFER TO IMAGE 2 SHEET L003

BENCH: REFER TO DETAIL 5 SHEET SHEET L004

STREET TREE (E.G. PISTACIA CHINENSIS): REFER TO PROPOSED PLANT PALETTE SHEET L009

EVA ACCESS GATE: REFER TO PLANS PREPARED BY WOOD RODGERS, INC.

MAILBOX STATION: REFER TO DETAIL 3 SHEET SHEET L004

SHRUBS AND GRASSES: REFER TO PROPOSED PLANT PALETTE SHEET L009

AIR CONDENSER SCREEN: REFER TO DETAIL 2 SHEET SHEET L004

CONCRETE PAVING: REFER TO DETAIL 1 SHEET SHEET L003

WELDED WIRE MESH FENCE ON RETAINING WALL: REFER TO DETAIL 1 SHEET SHEET L004

VINES ON WELDED WIRE MESH FENCE: REFER TO PROPOSED PLANT PALETTE SHEET L009

SCREEN TREE: REFER TO PROPOSED PLANT PALETTE SHEET L009

FLOWERING ACCENT TREE: REFER TO PROPOSED PLANT PALETTE SHEET L009

BICYCLE RACKS (4 RACKS WITH PARKING FOR 10 BICYCLES): REFER TO DETAIL 4 SHEET SHEET L004

TREE MATRIX
TOTAL EXISTING TREES ON SITE: 34
TOTAL EXISTING TREES TO BE REMOVED: 34
TOTAL PROPOSED NEW TREES: 128

PLAN VIEW
Scale: 1"=20'-0"

0' 10' 20' 40'

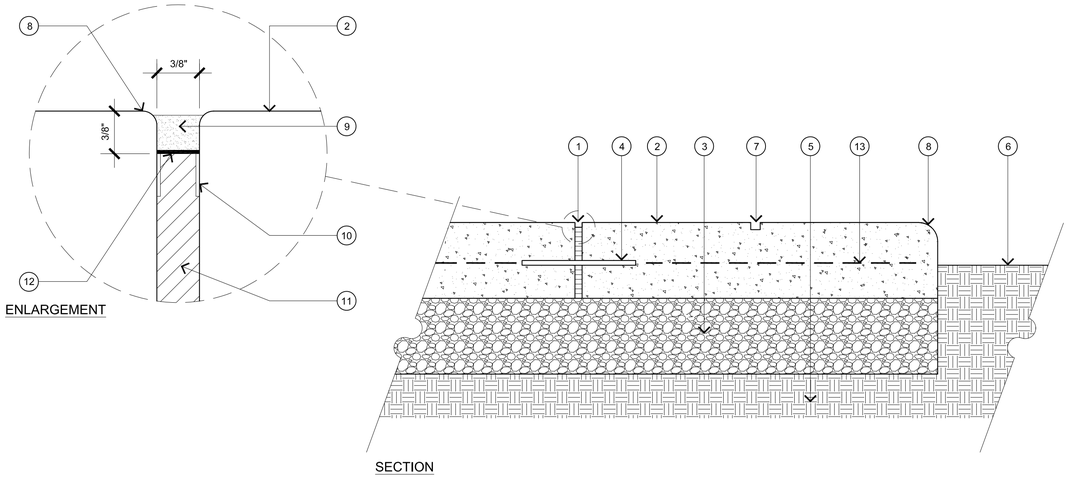
2001 TAROB COURT

Milpitas, CA
September 10, 2021

Preliminary Landscape Plan
L002

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
201 4th street suite 101B, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS



1. 3/8" EXPANSION JOINT WITH SEALANT & BACKER ROD. EXPANSION JOINTS SHALL OCCUR EVERY 25' C.C. EACH WAY- REFER TO PLAN FOR LOCATIONS.
2. 4" THICK CONCRETE PAVING - REFER TO CONSTRUCTION LEGEND FOR COLOR AND FINISH
3. 4" THICK CLASS II AGGREGATE SUB BASE
4. #4 X 24" LONG DOWELS @ 24" O.C.
5. 90% COMPACTED SUB GRADE
6. FINISH GRADE AT PLANTING AREA 1" BELOW AT TURF AREAS, 2" AT SHRUB AND GROUNDCOVER AREAS
7. SAWCUT JOINT- 1" DEEP X 1/4" WIDE SAWCUT @ 12"C.C. EACH WAY, REFER TO PLANS FOR LOCATIONS (TYP.)
8. RADIUSED EDGE
9. SEALANT - ALSO INSTALL WHERE PAVING ABUTS TO BUILDING FOUNDATIONS.
10. PVC CAP
11. EXPANSION MATERIAL
12. BOND BREAKER TAPE
13. #3 REBAR @ 18" O.C. BOTH WAYS

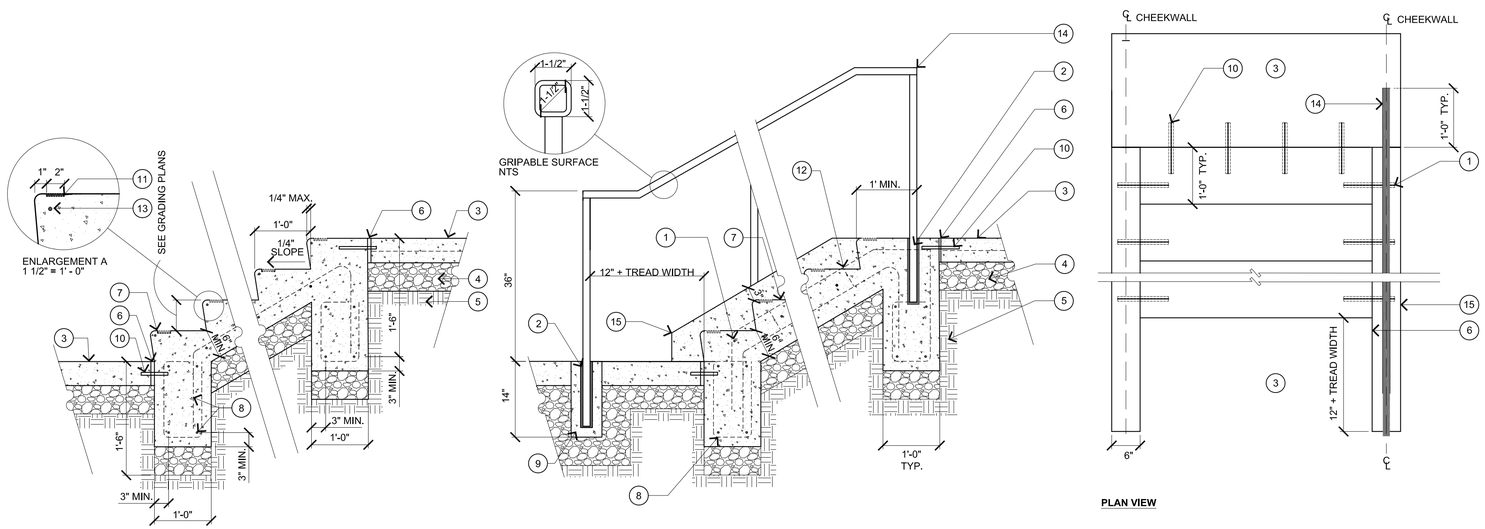
NOTE:
CONCRETE MIX SHALL BE LOW SHRINK.

1 CONCRETE PAVING

SCALE : 3"=1'-0"

COLORS TO COMPLIMENT ARCHITECTURE. FOR DETAIL REFER TO PLANS PREPARED BY WOOD RODGERS, INC. CIVIL ENGINEERS

2 PERMEABLE PAVERS



1. #4 REBAR @ 12" O.C. CENTERED IN TREADS/RISERS AND AS ILLUSTRATED IN FOOTING
2. 3" X 12" CAN FORM, POUR ROCK SOLID.
3. CONCRETE PAVING
4. CALTRANS CLASS II AB AT 95% RELATIVE COMPACTION - THICKNESS PER SOILS REPORT
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. 3/8" PREMOLDED EXPANSION JOINT - REFER TO DETAIL 1 THIS SHEET
7. REINFORCED CONCRETE STEPS, ALL STEPS SHALL BE SLIP-RESISTANT.
8. #4 REBAR @ CONTINUOUS.
9. THICKENED CONCRETE TO SUPPORT POST - 18" DEEP X 6.5" Ø
10. 12" GREASED #4 STEEL DOWEL @ 18" O.C. AT ALL CONSTRUCTION JOINTS.
11. 1/4" WARNING GROOVES CUT INTO NOSING OR 2" INLAY WARNING STRIP WITH CONTRASTING COLOR, ALL TREADS (TYP.).
12. #3 REBAR TIES @ 18" O.C.
13. #4 NOSE BAR 3" FROM EDGE.
14. HANDRAIL - REFER TO PLAN FOR LOCATION, CONSTRUCTION LEGEND FOR SPECIFICATION
15. CONCRETE CHEEKWALL

NOTE: REFER TO LOCAL CODES FOR HANDRAILS AS REQUIRED

3 CONCRETE STEPS WITH CHEEK WALL AND HANDRAIL

SCALE : 3/4"=1'-0"

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Construction Details
L003

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
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201 4th street suite 101B, oakland, ca 94607
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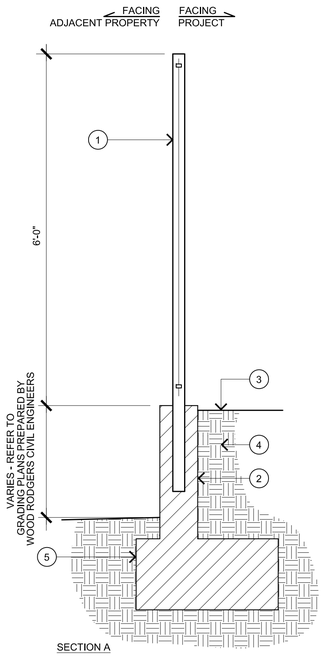
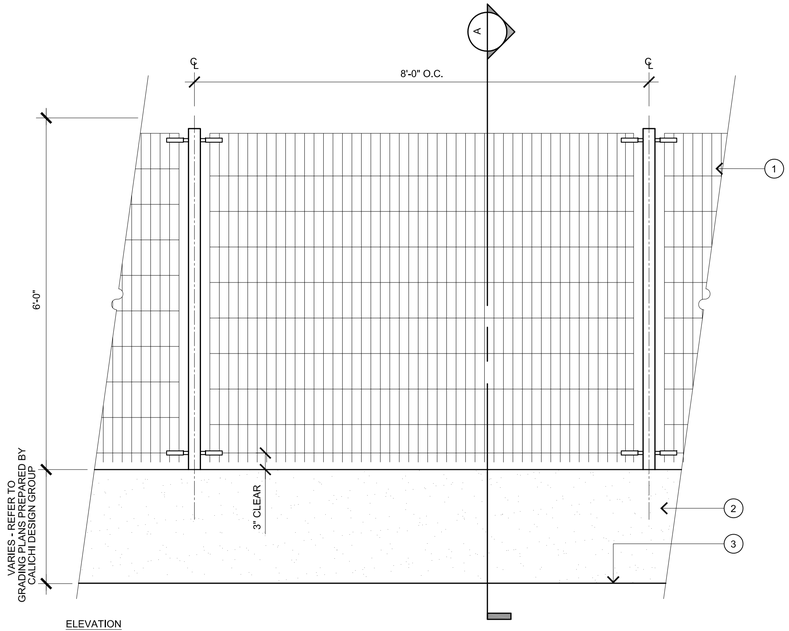


SECTION A

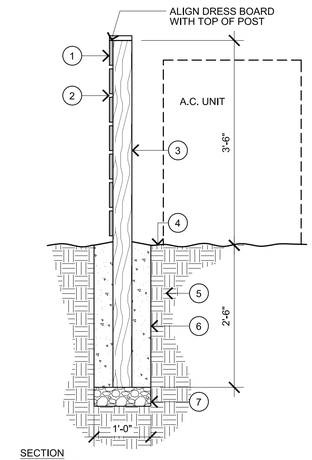


ELEVATION

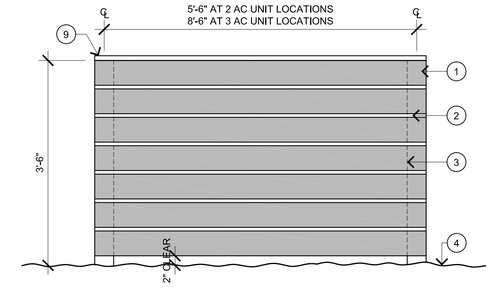
1. ELITE FENCE AND GATE (INSTALLED WITH PICKETS DOWN) - FINISH TO BE CHOCOLATE BROWN
2. RETAINING WALL- REFER TO PLANS PREPARED BY WOOD RODGERS CIVIL ENGINEERS AND PLANS PREPARED BY STRUCTURAL ENGINEER
3. FINISH GRADE
4. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
5. CONCRETE FOOTING - REFER TO PLANS PREPARED BY STRUCTURAL ENGINEER

1 WELDED WIRE MESH FENCE ON RETAINING WALL

SCALE: 3/4" = 1'-0"



SECTION
SCALE : 3/4"=1'-0"

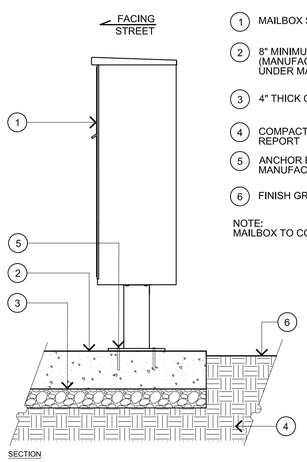


ELEVATION
SCALE : 3/4"=1'-0"

1. 5-1/4"X3/4" DRESS BOARD
2. 1/2" SPACER
3. 4"X4" PTDF POST
4. FINISH GRADE
5. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
6. CONCRETE FOOTING
7. 4" LAYER OF AGGREGATE DRAIN ROCK
8. MITER CORNERS
9. 1X6 CAP
10. BUILDING

NOTE:
- ALL SCREWS SHALL BE GALVANIZED

2 AIR CONDENSER SCREEN



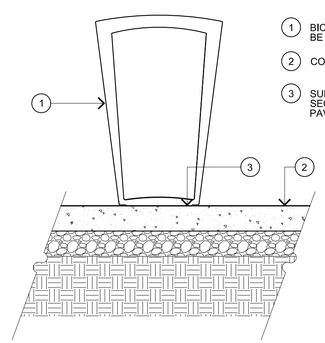
SECTION

1. MAILBOX STATION - FINISH TO BE BRONZE
2. 8" MINIMUM THICK CONCRETE PAVING (MANUFACTURER'S RECOMMENDATION) UNDER MAILBOX STATIONS ONLY
3. 4" THICK CLASS II AGGREGATE SUB BASE
4. COMPACTED SUB GRADE PER SOILS REPORT
5. ANCHOR BOLTS (TYP.) - INSTALL PER MANUFACTURER'S SPECIFICATIONS
6. FINISH GRADE

NOTE:
MAILBOX TO COMPLY WITH CBC 11B-228.2

3 MAILBOX STATION

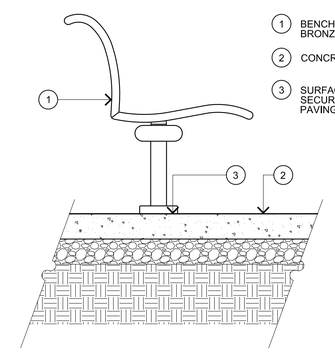
SCALE : 3/4"=1'-0"



1. BICYCLE RACK - FINISH TO BE BRONZE
2. CONCRETE PAVING
3. SURFACE MOUNT - TO BE SECURED INTO CONCRETE PAVING PER MANUFACTURER

4 BICYCLE RACK

SCALE : 1"=1'-0"



1. BENCH - FINISH TO BE BRONZE
2. CONCRETE PAVING
3. SURFACE MOUNT - TO BE SECURED INTO CONCRETE PAVING PER MANUFACTURER

5 BENCH

SCALE : 1"=1'-0"

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R3 STUDIOS

IRRIGATION NOTES

1. THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALL, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.

2. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, STANDARDS, AND REGULATIONS. ALL WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL ELECTRIC CODE; THE UNIFORM PLUMBING CODE, PUBLISHED BY THE WESTERN PLUMBING OFFICIALS ASSOCIATION; AND OTHER STATE OR LOCAL LAWS OR REGULATIONS. NOTHING IN THESE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES OR REGULATIONS. THE CONTRACTOR SHALL FURNISH WITHOUT ANY EXTRA CHARGE, ANY ADDITIONAL MATERIAL AND LABOR WHEN REQUIRED BY THE COMPLIANCE WITH THESE CODES AND REGULATIONS.

3. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF IRRIGATION SYSTEM WITH LAYOUT AND INSTALLATION OF THE PLANT MATERIALS TO INSURE THAT THERE WILL BE COMPLETE AND UNIFORM IRRIGATION COVERAGE OF PLANTING IN ACCORDANCE WITH THESE DRAWINGS, AND CONTRACT DOCUMENTS. THE IRRIGATION LAYOUT SHALL BE CHECKED BY THE CONTRACTOR AND OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO CONSTRUCTION TO DETERMINE IF ANY CHANGES, DELETIONS, OR ADDITIONS ARE REQUIRED. IRRIGATION SYSTEM SHALL BE INSTALLED AND TESTED PRIOR TO INSTALLATION OF PLANT MATERIAL.

4. THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.

5. IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER(S) TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.

6. IT IS THE RESPONSIBILITY OF A LICENSED ELECTRICAL CONTRACTOR TO PROVIDE 120 VOLT A.C. (2.5 AMP DEMAND PER CONTROLLER) ELECTRICAL SERVICE TO THE CONTROLLER LOCATION(S). IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO COORDINATE THE ELECTRICAL SERVICE STUB-OUT TO THE CONTROLLER(S). PROVIDE PROPER GROUNDING PER CONTROLLER MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL CODES.

7. PROVIDE EACH IRRIGATION CONTROLLER WITH ITS OWN INDEPENDENT LOW VOLTAGE COMMON GROUND WIRE.

8. INSTALL NEW BATTERIES IN THE IRRIGATION CONTROLLER(S) TO RETAIN PROGRAM IN MEMORY DURING TEMPORARY POWER FAILURES. USE QUANTITY, TYPE AND SIZE REQUIRED AS PER CONTROLLER MANUFACTURER'S INSTRUCTIONS.

9. IRRIGATION CONTROL WIRES: SOLID COPPER WITH U.L. APPROVAL FOR DIRECT BURIAL IN GROUND. COMMON GROUND WIRE: SIZE #12-1 WIRE WITH A WHITE INSULATING JACKET. CONTROL WIRE SERVICING REMOTE CONTROL VALVES: SIZE #14-1 WIRE WITH INSULATING JACKET OF COLOR OTHER THAN WHITE. SPLICES SHALL BE MADE WITH 3M-DBY SEAL PACKS OR APPROVED EQUAL.

10. INSTALL TWO SPARE CONTROL WIRES OF A DIFFERENT COLOR ALONG THE ENTIRE MAIN

11. SPLICING OF LOW VOLTAGE WIRES IS PERMITTED IN VALVE BOXES ONLY. LEAVE A 36" LONG, 1" DIAMETER COIL OF EXCESS WIRE AT EACH SPLICE AND A 36" LONG EXPANSION LOOP EVERY 100 FEET ALONG WIRE RUN. TAPE WIRES TOGETHER EVERY TEN FEET. DO NOT TAPE WIRES TOGETHER WHERE CONTAINED WITHIN SLEEVING OR CONDUIT.

12. INSTALL BLACK PLASTIC VALVE BOXES WITH BOLT DOWN, NON HINGED COVER MARKED "IRRIGATION". BOX BODY SHALL HAVE KNOCK OUTS. ACCEPTABLE VALVE BOX MANUFACTURER'S INCLUDE NDS, CARSON OR APPROVED EQUAL.

13. INSTALL REMOTE CONTROL VALVE BOXES 12" FROM WALK, CURB, BUILDING OR LANDSCAPE FEATURE. AT MULTIPLE VALVE BOX GROUPS, INSTALL EACH BOX AN EQUAL DISTANCE FROM THE WALK, CURB, BUILDING OR LANDSCAPE FEATURE AND PROVIDE 12" BETWEEN BOX TOPS. ALIGN THE SHORT SIDE OF RECTANGULAR VALVE BOXES PARALLEL TO WALK, CURB, BUILDING OR LANDSCAPE FEATURE.

14. VALVE LOCATIONS SHOWN ARE DIAGRAMMATIC. INSTALL IN GROUND COVER/SHRUB AREAS (AVOID LAWN AREAS WHERE POSSIBLE).

15. THE CONTRACTOR SHALL LABEL CONTROL LINE WIRE AT EACH REMOTE CONTROL VALVE WITH A 2 1/4" X 2 3/4" POLYURETHANE I.D. TAG, INDICATING IDENTIFICATION NUMBER OF VALVE (CONTROLLER AND STATION NUMBER). ATTACH LABEL TO CONTROL WIRE. THE CONTRACTOR SHALL PERMANENTLY STAMP ALL VALVE BOX LIDS WITH APPROPRIATE IDENTIFICATION AS NOTED IN CONSTRUCTION DETAILS.

16. INSTALL A GATE VALVE TO ISOLATE EACH REMOTE CONTROL VALVE OR GROUP OF RCV'S LOCATED TOGETHER. GATE VALVE SIZE SHALL BE SAME AS THE LARGEST REMOTE CONTROL VALVE IN MANIFOLD.

17. FLUSH AND ADJUST IRRIGATION OUTLETS AND NOZZLES FOR OPTIMUM PERFORMANCE AND TO PREVENT OVER SPRAY ONTO WALKS, ROADWAYS, AND/OR BUILDINGS. SELECT THE BEST DEGREE OF THE ARC AND RADIUS TO FIT THE EXISTING SITE CONDITIONS AND THROTTLE THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH CONTROL ZONE.

18. SET SPRINKLER HEADS PERPENDICULAR TO FINISH GRADE.

19. INSTALL NON POP-UP ROTARY SPRINKLERS 24" FROM WALKS AND CURBS.

20. LOCATE EMITTER OUTLETS ON UPHILL SIDE OF PLANT OR TREE.

21. LOCATE BUBBLERS ON UPHILL SIDE OF PLANT OR TREE.

22. INSTALL A HUNTER HCV SERIES, KBI CV SERIES, OR APPROVED EQUAL SPRING LOADED CHECK VALVE IN SPRINKLER RISER ASSEMBLIES WHERE LOW OUTLET DRAINAGE WILL CAUSE EROSION AND/OR EXCESS WATER.

23. WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, USE CAUTION TO AVOID INJURY TO TREES AND TREE ROOTS. EXCAVATE BY HAND IN AREAS WHERE TWO (2) INCH AND LARGER ROOTS OCCUR. BACK FILL TRENCHES ADJACENT TO TREE WITHIN TWENTY-FOUR (24) HOURS. WHERE THIS IS NOT POSSIBLE, SHADE THE SIDE OF THE TRENCH ADJACENT TO THE TREE WITH WET BURLAP OR CANVAS.

24. NOTIFY LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.

25. THE SPRINKLER SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.

26. IRRIGATION DEMAND: REFER TO PLANS.

27. PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL, AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.

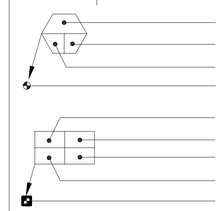
28. PIPE THREAD SEALANT COMPOUND SHALL BE RECTOR SEAL #5.

29. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MINOR CHANGES IN THE IRRIGATION LAYOUT DUE TO OBSTRUCTIONS NOT SHOWN ON THE IRRIGATION DRAWINGS SUCH AS LIGHTS, FIRE HYDRANTS, SIGNS, ELECTRICAL ENCLOSURES, ETC.

30. WHEN WORK OF THIS SECTION HAS BEEN COMPLETED AND SUCH OTHER TIMES AS MAY BE DIRECTED, REMOVE ALL TRASH, DEBRIS, SURPLUS MATERIALS AND EQUIPMENT FROM SITE.

IRRIGATION LEGEND

SYMBOL	MODEL NUMBER	DESCRIPTION	NOZZLE GPM	OPERATING PSI	OPERATING RADIUS (FEET)
	570Z-6P-PRX-COM/ O-T-15-F,H,Q	TORO POP-UP SPRAY SPRINKLER (TURF)	2.3,1.16, 0.58	30	12–15
	570Z-6P-PRX-COM/ O-T-12-F,H,Q	TORO POP-UP SPRAY SPRINKLER (TURF)	1.5,0.75,.37	30	10–12
	570Z-6P-PRX-COM/ O-T-10-F,H,Q	TORO POP-UP SPRAY SPRINKLER (TURF)	1.03,0.51, 0.23	30	8–10
	570Z-12P-PRX-COM/ O-T-15-F,H,Q	TORO POP-UP SPRAY SPRINKLER (SHRUB)	2.3,1.16, 0.58	30	12–15
	570Z-12P-PRX-COM/ O-T-12-F,H,Q	TORO POP-UP SPRAY SPRINKLER (SHRUB)	1.5,0.75,.37	30	10–12
	570Z-12P-PRX-COM/ O-T-10-F,H,Q	TORO POP-UP SPRAY SPRINKLER (SHRUB)	1.03,0.51, 0.23	30	8–10
	570S/FB-25-PC	TORO BUBBLER, 1 PER SHRUB	0.25	30	TRICKLE
	570S/FB-50-PC	TORO BUBBLER, 2 PER TREE	0.5	30	TRICKLE
	T-YD-500-34	TORO AIR RELIEF VALVE			
	FCH-H-FIPT	TORO FLUSH VALVE			
	T-DL-MP9	TORO DRIP ZONE INDICATOR			
	P-220-26-6	TORO MASTER VALVE (NORMALLY CLOSED)			
	TFS-150	TORO FLOW SENSOR			
	P-220-26 SERIES	TORO REMOTE CONTROL VALVE			
	P220-27-04/ T-ALFD10150-L	TORO REMOTE CONTROL VALVE WITH A PRESSURE REGULATOR (SET TO 45 PSI) AND A 1" DISC FILTER			
	33 DNP	RAIN BIRD QUICK COUPLING VALVE			
	T113-K	NIBCO GATE VALVE (LINE SIZE)-2.5" AND SMALLER.			
	975XLSEU-2"	WILKINS REDUCED PRESSURE BACKFLOW ASSEMBLY			
	MC-30E/CL-R1	IRRITROL MC-E CONTROLLER IN A PEDESTAL ENCLOSURE WITH MAINTENANCE REMOTE. USE IN CONJUNCTION WITH CLIMATE LOGIC WEATHER SENSING SYSTEM.			
	CL-100-WIRELESS	IRRITROL CLIMATE LOGIC WEATHER SENSING SYSTEM. AUTOMATICALLY GATHERS ON-SITE WEATHER INFORMATION AND CALCULATES WATER REQUIREMENTS AND WATERING SCHEDULES.			



CONTROLLER AND STATION NUMBER
FLOW (GPM)
REMOTE CONTROL VALVE SIZE (IN INCHES)
ASSOCIATED REMOTE CONTROL VALVE

CONTROLLER AND STATION NUMBER
AREA (SQ. FT.)
FLOW (GPM)
REMOTE CONTROL VALVE SIZE (IN INCHES)
ASSOCIATED REMOTE CONTROL VALVE

MAIN LINE: 2 1/2" AND SMALLER: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER.

LATERAL LINE: 3/4" AND LARGER: 1120-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.

SLEEVING: SCHEDULE 40 PVC PLASTIC PIPE. COVER TO BE AS INDICATED IN SPECIFICATIONS OR AS INDICATED ABOVE FOR PIPE DEPTH OF COVER.

DRIP ZONE: TORO DL2000 SERIES DRIPLINE WITH LOC-EZE FITTINGS, PART #RGP-212. TUBING TO BE INSTALLED 4" BELOW GRADE IN A 12" O.C. GRID ACCORDING TO DETAILS. MINIMUM PIPE SIZE OF PVC LATERAL LINE WITHIN DRIP AREAS TO BE 1". EXTEND PVC HEADERS TO THE ENDS OF ALL DRIP ZONES TO BALANCE FLOW. SEE DETAILS FOR FURTHER INFORMATION.

DRIP ZONE: TORO BLUE STRIPE POLYETHYLENE HOSE. INSTALL ON-GRADE AS DETAILED. SEE DETAILS FOR INSTALLATION AND PART NUMBERS. INSTALL A END CLAMP AT THE END OF EACH DRIP ZONE REGION.

FS FS FS FS FS

FLOW SENSOR/ MASTER CABLE: APPROXIMATE ROUTING OF FLOW SENSOR AND MASTER VALVE WIRES IN SEPARATE 1" CONDUITS. REFER TO DETAILS FOR MORE INFORMATION.

2001 TAROB COURT
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Irrigation Notes & Legend (Privately Maintained Landscape Areas)
L005

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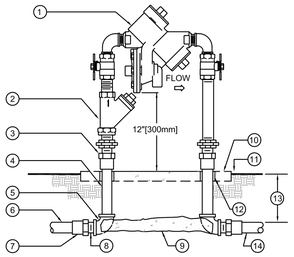


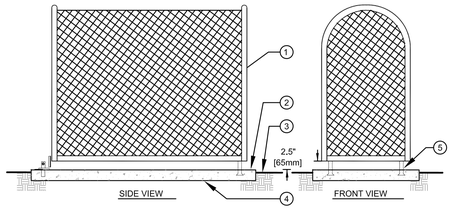
1. REDUCED PRESSURE BACKFLOW ASSEMBLY.
2. YB "Y" STRAINER SYSTEM (AS REQUIRED).
3. WROUGHT COPPER MALE ADAPTER-2 TOTAL (SOLDER x THREAD CONNECTION).
4. COPPER TYPE "K" PIPE (LENGTH AS REQUIRED).
5. WROUGHT COPPER 90° ELBOW-2 TOTAL (SOLDER x THREAD CONNECTION).
6. PVC MAIN LINE TO POINT OF CONNECTION.
7. BUSH AS NECESSARY FOR SIZE TRANSITION.
8. SCHEDULE 40 PVC MALE ADAPTER-2 TOTAL.
9. CONCRETE SUPPORT BLOCK.
10. CONCRETE PAD-SEE ENCLOSURE DETAIL.
11. FINISH GRADE.
12. PVC SLEEVE BOTH SIDES.
13. REFER TO IRRIGATION LEGEND
14. PVC MAIN LINE TO IRRIGATION SYSTEM.

NOTES:

1. INSTALL A FREEZE PREVENTATIVE BLANKET AROUND BACKFLOW ASSEMBLY. BLANKET SHALL BE GREEN.
2. DO NOT SOLDER CONNECT FITTINGS WHILE THREADED INTO BACKFLOW ASSEMBLY. THIS MAY CAUSE DAMAGE TO DEVICE.
3. NIPPLES AND FITTINGS TO BE SAME IPT SIZE AS BACKFLOW ASSEMBLY.
4. PROVIDE A STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE. INSTALL ENCLOSURE TO CONCRETE BASE AS DIRECTED BY MANUFACTURER.

1 REDUCED PRESSURE BACKFLOW ASSEMBLY

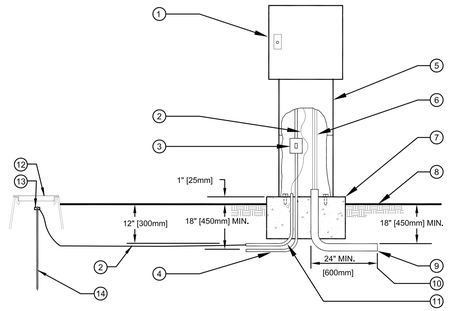
SCALE: NONE



1. STAINLESS STEEL ENCLOSURE TO COMPLETELY ENCLOSE DEVICE
2. SET PAD 1/2" [13MM] ABOVE FINISH GRADE
3. FINISH GRADE
4. 6" [150mm] THICK CONCRETE PAD FOR ENCLOSURE SUPPORT TO EXTEND 6" [150mm] BEYOND ENCLOSURE ON ALL SIDES. CONCRETE TO HAVE MEDIUM BROOM FINISH.
5. MOUNTING BRACKETS (STANDARD WITH ENCLOSURE) TO BE SET INTO CONCRETE PAD. PROVIDE LOCKING TAB TO ACCEPT PADLOCK PER MANUFACTURER'S INSTRUCTION.

2 BACKFLOW ASSEMBLY ENCLOSURE

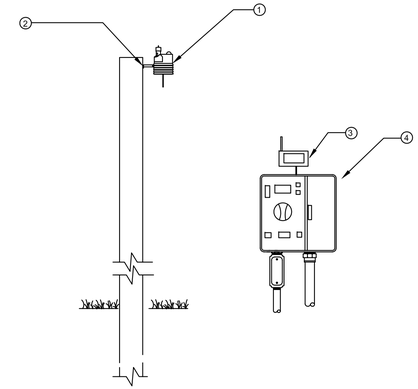
SCALE: NONE



1. IRRIGATION CONTROLLER.
2. #6 BARE COPPER GROUND WIRE.
3. 120 VOLT LOCKABLE WEATHERPROOF ON/OFF SWITCH PROVIDED UNDER IRRIGATION CONTRACT.
4. 120 VOLT A.C. ELECTRICAL SERVICE FROM SOURCE TO CONTROLLER LOCATION PROVIDED BY CONTRACTOR. IRRIGATION CONTRACTOR TO PROVIDE RIGID STEEL CONDUIT FROM SERVICE STUB-OUT TO CONTROLLER GCFI SWITCH AND COMPLETE ELECTRICAL SERVICE TO CONTROLLER.
5. PEDESTAL ENCLOSURE.
6. LOW VOLTAGE CONTROL WIRING.
7. CONCRETE PAD-6" [150mm] THICK (MIN.) EXTEND 6" [150mm] BEYOND EACH SIDE AND BACK. 24" [600mm] IN FRONT AND 1" [25mm] ABOVE FINISH GRADE.
8. FINISH GRADE.
9. SCHEDULE 40 GREY PVC ELECTRICAL CONDUIT WITH SWEEP ELL FOR LOW VOLTAGE WIRE.
10. 24" MIN. [600mm] AND OR 12" [300mm] BEYOND HARDSCAPE.
11. 1 1/2" [40mm] PVC SWEEP ELL FOR GROUND WIRE.
12. 6" ROUND BLACK PLASTIC BOX WITH T-LID FOR GROUND ROD.
13. CADWELD CONNECTIONS
14. 8' LONG COPPER GROUND ROD. LOCATE A MINIMUM OF 10' AWAY FROM CONTROLLER.

3 CONTROLLER - PEDESTAL MOUNT

SCALE: NONE

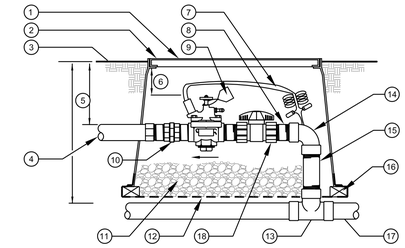


NOTE: MAXIMUM LINE OF SIGHT FROM SENSOR TO RECEIVER IS 1000 FT. DISTANCE IS LESS IF OBSTRUCTIONS EXIST. SENSOR MUST BE INSTALLED IN "CLEAR SPACE" WHERE IT IS EXPOSED TO UNOBSTRUCTED RAINFALL AND IS CLEAR OF IRRIGATION SPRAY.

1. WIRELESS CLIMATE SENSOR TRANSMITTER
2. SUITABLE POST, POLE, OR GUTTER MOUNT. MOUNT IN LOCATION WHERE SENSOR CAN RECEIVE FULL SUN, IS OPEN TO RAINFALL AND OUT OF SPRINKLER SPRAY PATTERN
3. SENSOR RECEIVER
4. CONTROLLER

4 WIRELESS WEATHER SENSOR

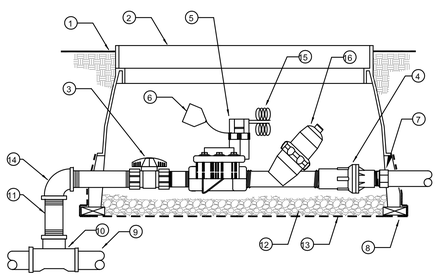
SCALE: NONE



1. REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED (PRESSURE REGULATOR WHERE SHOWN ON PLANS).
2. USE A 14" X 19" RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID FOR 1" VALVES. FOR 1.5" AND LARGER VALVES INSTALL BALL VALVE WITHIN A SEPARATE 10" ROUND BOX OR ONE BALL VALVE PER MANIFOLD OF VALVES. GATE VALVE SIZE SHALL BE SAME AS LARGEST VALVE WITHIN MANIFOLD. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. FINISH GRADE.
4. PVC LATERAL LINE.
5. REFER TO IRRIGATION SPECS.
6. 3" [75mm] MIN. 6" [150mm] MAX.
7. VALVE CONTROL WIRE- PROVIDE SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
8. SCHEDULE 80 PVC NIPPLE (4 TOTAL).
9. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
10. SCHEDULE 80 PVC THREADED UNION.
11. PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
12. 19 GAUGE 1/2" [12mm] SQUARE WIRE MESH.
13. UPC APPROVED SCHEDULE 40 PVC TEE.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. SCHEDULE 80 PVC NIPPLE- LENGTH AS REQUIRED.
16. BRICK-1 EACH CORNER.
17. PVC MAIN LINE.
18. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE).

5 REMOTE CONTROL VALVE

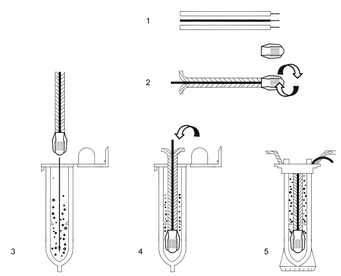
SCALE: NONE



1. FINISH GRADE
2. JUMBO RECTANGULAR PLASTIC VALVE BOX WITH BOLT DOWN LID. ONE VALVE PER BOX- NO EXCEPTIONS. INSTALL BOX AS SHOWN IN BOX INSTALLATION DETAIL.
3. SCHEDULE 80 PVC UNION BALL VALVE (ONE PER VALVE)
4. PRESSURE REGULATOR (INCLUDED IN DRIP ZONE KIT)
5. REMOTE CONTROL VALVE DRIP ZONE KIT. (SHALL INCLUDE VALVE, FILTER AND A 40 PSI PRESSURE REDUCING VALVE)
6. VALVE I.D. TAG (CONTROLLER AND STATION NUMBER).
7. SCHEDULE 40 MALE ADAPTER
8. BRICK-1 EACH CORNER.
9. PVC MAIN LINE.
10. UPC APPROVED SCHEDULE 40 PVC TEE.
11. SCHEDULE 80 PVC NIPPLE-(4-TOTAL) LENGTH AS REQUIRED.
12. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [102mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
13. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
14. SCHEDULE 80 PVC 90° ELBOW (TxT).
15. VALVE CONTROL WIRE- PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 3' [1m] OF EXCESS UF WIRE IN A 1" [25mm] DIAMETER COIL.
16. Y-FILTER (INCLUDED IN DRIP ZONE KIT)

6 REMOTE CONTROL VALVE (DRIPZONE)

SCALE: NONE

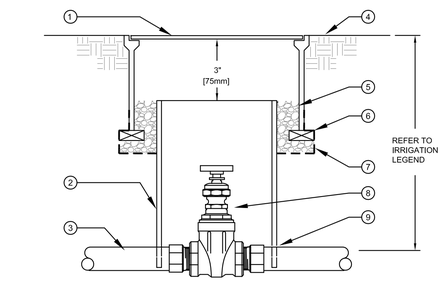


INSTRUCTIONS:

1. STRIP WIRES APPROXIMATELY 1/2" (13 mm) TO EXPOSE WIRE.
2. TWIST CONNECTOR AROUND WIRES CLOCKWISE UNTIL HAND TIGHT. DO NOT OVERTIGHTEN.
3. INSERT WIRE ASSEMBLY INTO PLASTIC TUBE UNTIL WIRE CONNECTOR SNAPS PAST LIP IN BOTTOM OF TUBE.
4. PLACE WIRES WHICH EXIT TUBE IN WIRE EXIT HOLES AND CLOSE CAP UNTIL IT SNAPS.
5. INSPECT FINAL SPLICE ASSEMBLY TO BE SECURE AND FINISHED.

7 WEATHERPROOF WIRE SPLICE ASSEMBLY

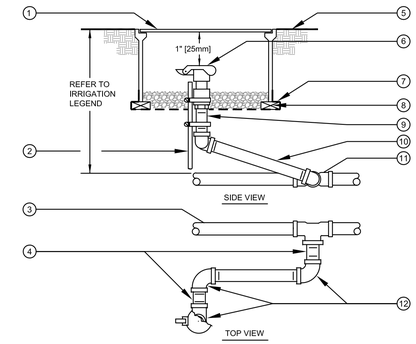
SCALE: NONE



1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 8" [200mm] CLASS 160 OR SCHEDULE 40 PVC PIPE (NOTCH TO FIT OVER MAIN LINE PIPE).
3. PVC MAIN LINE.
4. FINISH GRADE.
5. PEA GRAVEL OR 3/4" [20mm] DRAIN ROCK - 4" [100mm] DEEP (NO SOIL IN VALVE BOX).
6. BRICK-2 TOTAL.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. GATE VALVE.
9. MALE ADAPTER. REFER TO LEGEND FOR FITTING TYPE.

8 GATE VALVE

SCALE: NONE

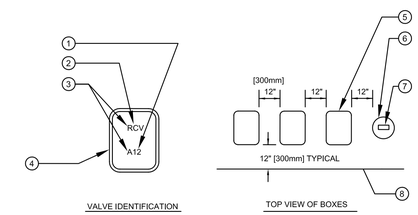


1. 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
2. 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30" [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
3. PVC MAIN LINE.
4. 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
5. FINISH GRADE.
6. QUICK COUPLING VALVE.
7. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
8. BRICK - 2 TOTAL.
9. SCHEDULE 80 PVC THREADED NIPPLE.
10. 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
11. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
12. SCHEDULE 80 PVC THREADED 90° ELL.

NOTE:
NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.

9 QUICK COUPLING VALVE

SCALE: NONE



1. CONTROLLER AND STATION
2. VALVE TYPE
3. HEAT BRAND LETTERS AND NUMBERS INTO LID.
4. VALVE BOX COVER
5. RECTANGULAR VALVE BOX
6. ROUND VALVE BOX FOR QCV AND GATE VALVE.
7. HEAT BRAND LETTERS AND NUMBERS INTO LID (TYPICAL).
8. EDGE OF LAWN, WALK, FENCE, CURB, ETC.

INSTRUCTIONS:

1. CENTER VALVE BOX OVER REMOTE CONTROL VALVE TO FACILITATE SERVICING VALVE.
2. SET BOXES 1" [25mm] ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
3. SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
4. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
5. AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
6. INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.

10 VALVE BOX INSTALLATION

SCALE: NONE

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Irrigation Details (Privately Maintained Landscape Areas)
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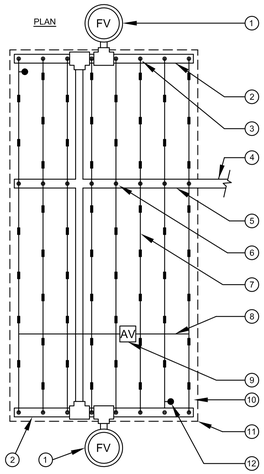
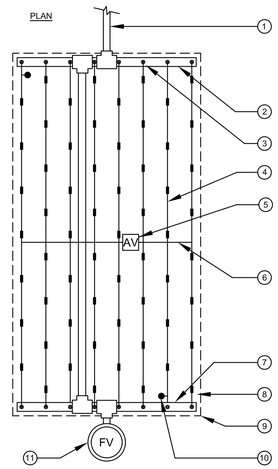


1. AUTOMATIC FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
2. PVC FLUSH MANIFOLD. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
5. PVC SUPPLY MANIFOLD.
6. MANIFOLD-TO-TEE CONNECTION.
7. DRIPLINE LATERAL.
8. AIR/VACUUM RELIEF LATERAL, BLANK POLY TUBING CENTERED ON MOUND OR BERM.
9. AIR/VACUUM RELIEF PLUMBED TO BLANK POLY TUBING AT EACH HIGH POINT.
10. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
11. AREA PERIMETER.
12. DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 250 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

1 TORO DL 2000 CENTER FEED LAYOUT

SCALE: NONE

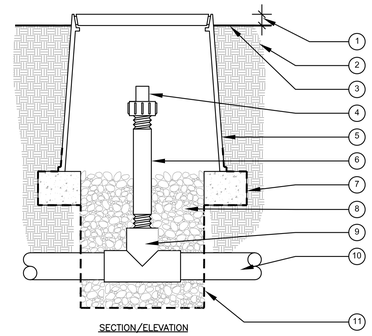


1. PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
2. PVC FLUSH MANIFOLD. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
3. MANIFOLD-TO-ELBOW CONNECTION (TYP).
4. DRIPLINE LATERAL.
5. AIR/VACUUM RELIEF VALVE PLUMBED TO BLANK 5/8" [16mm] TUBING AT EACH HIGH POINT.
6. AIR/VACUUM RELIEF LATERAL, BLANK 5/8" [16mm] POLY TUBING CENTERED ON MOUND OR BERM.
7. PVC FLUSH MANIFOLD.
8. PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
9. AREA PERIMETER.
10. DRIP OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONES.
11. AUTOMATIC FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT.

NOTE:
1. THE TOTAL LENGTH OF A SINGLE DRIP LINE RUN SHALL NOT EXCEED 250 FT.
2. INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

2 TORO DL 2000 END FEED LAYOUT

SCALE: NONE



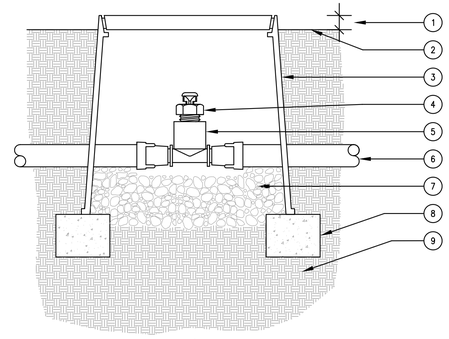
SECTION/ELEVATION

1. 1" [25mm] ABOVE FINISH GRADE.
2. NATIVE SOIL.
3. FINISH GRADE.
4. FLUSH VALVE.
5. ROUND PLASTIC VALVE BOX. REFER TO IRRIGATION SPECS FOR BOX SIZE. HEAT BRAND "FV" ON LID IN 2" [50mm] HIGH CHARACTERS.
6. 3/4" [20mm] SCH 80 PVC NIPPLE (LENGTH AS REQUIRED).
7. BRICK - 2 TOTAL
8. PEA GRAVEL 18" (450mm) DEEP.
9. PVC TEE (SxSxT) WITH 3/4" [20mm] THREADED OUTLET.
10. PVC PIPING.
11. 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.

NOTE:
USE ONE FLUSH VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT LOW POINTS. FLUSH RATE IS 0.8 GPM. FLUSH PRESSURE IS 2 PSI.

3 TORO DL 2000 FLUSH VALVE (PVC TEE)

SCALE: NONE



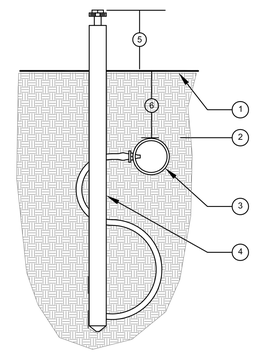
SECTION/ELEVATION

1. 1" ABOVE FINISH GRADE.
2. FINISH GRADE.
3. 6" ROUND PLASTIC VALVE BOX. HEAT BRAND "AR" ON LID IN 1" HIGH CHARACTERS.
4. TORO DL2000 AIR/VACUUM RELIEF VALVE (YD-500-34).
5. TORO LOC-EZE X 1/2" FPT TEE (FTF16).
6. TORO DL2000 TUBING (RGP-XX-XXX) OR TORO BLUE STRIPE POLY TUBING (EHD1645-XXX) AIR-RELIEF LATERAL.
7. PEA GRAVEL SUMP (6" DEEP).
8. BRICK SUPPORTS (2 COMMON BRICKS REQUIRED).
9. NATIVE SOIL PER SPECIFICATIONS.

NOTE:
USE ONE AIR/RELIEF VALVE FOR EVERY 7 GPM PER ZONE. LOCATE AT HIGH POINTS.

4 TORO DL 2000 AIR VACUUM RELIEF VALVE

SCALE: NONE



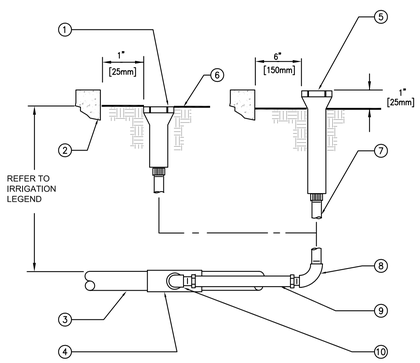
SECTION/ELEVATION

1. FINISH GRADE.
2. SOIL BACKFILL.
3. DRIPLINE.
4. OPERATION INDICATOR. USE ONE PER ZONE AND LOCATED AT FLUSH END OF ZONE.
5. 2"-3" [50mm - 75mm] ABOVE FINISH GRADE.
6. REFER TO IRRIGATION LEGEND.

5 TORO DL 2000 OPERATION INDICATOR

SCALE: NONE

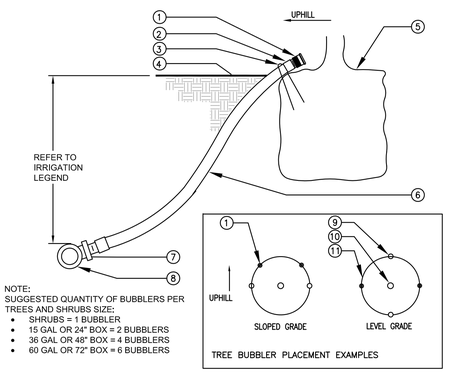
NOTES:
1. ALL MAIN SUPPLY LINES AND LATERAL LINES SHALL BE PLACED IN SLEEVES UNDER PAVED SURFACES. INSTALL LOW VOLTAGE WIRES WITHIN A SEPARATE CONDUIT UNDER PAVED SURFACES. DO NOT TAPE WIRES WITHIN CONDUIT.



1. POP-UP LAWN SPRAY SPRINKLER
2. WALL, WALK, CURB OR BUILDING
3. PVC LATERAL LINE
4. UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW
5. POP-UP SHRUB SPRAY SPRINKLER OR BUBBLER
6. FINISH GRADE
7. 1/2" [13mm] SCHEDULE 80 PVC THREADED NIPPLE (LENGTH AS REQUIRED).
8. 1/2" [13mm] SCHEDULE 40 PVC THREADED 90° ELL.
9. 1/2" [13mm] FLEXIBLE IPS HOSE 6" [150mm] LONG WITH MALE ADAPTERS OR 1/2" [13mm] FLEXIBLE SWING JOINT (1/2" x 6") [13mm x 150mm] WITH A MINIMUM PRESSURE RATING OF 100 PSI [690kPa].
10. 1/2" [13mm] SCHEDULE 40 PVC STREET ELL.

6 POP-UP SPRAY SPRINKLER RISER

SCALE: NONE

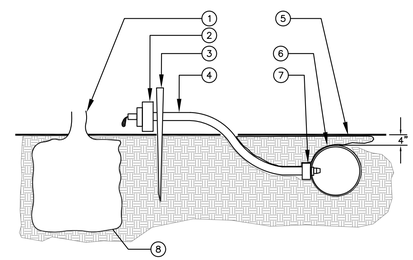


NOTE:
SUGGESTED QUANTITY OF BUBBLERS PER TREES AND SHRUBS SIZE:
- SHRUBS = 1 BUBBLER
- 15 GAL OR 24" BOX = 2 BUBBLERS
- 36 GAL OR 48" BOX = 4 BUBBLERS
- 60 GAL OR 72" BOX = 6 BUBBLERS

1. BUBBLER (TO BE INSTALLED ON TOP OF ROOTBALL).
2. 1/2" [13mm] SCH. 40 MALE ADAPTER.
3. 6" [150mm] STEEL STAPLE.
4. FINISH GRADE.
5. TREE OR SHRUB ROOTBALL.
6. 1/2" [13mm] IPS FLEXIBLE PVC.
7. PVC TEE (SST), ELBOW (ST) OR FEMALE ADAPTER.
8. PVC LATERAL LINE.
9. TREE STAKES.
10. TREE OR SHRUB.
11. EDGE OF ROOTBALL (TYPICAL).

7 TREE AND SHRUB BUBBLER

SCALE: NONE

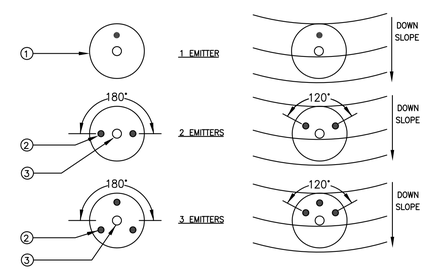


NOTE:
TO INSERT BARBED CONNECTOR INTO POLYETHYLENE TUBING, USE INSERTION TOOL. WHERE POLYETHYENE TUBING CAN BE PLACED ADJACENT TO SHRUB ROOTBALL, A BARBED EMITTER MAY BE INSTALLED DIRECTLY INTO POLYETHYENE TUBING AND DISTRIBUTION TUBING ELIMINATED. POINT OF WATER EMISSION FROM BARBED EMITTER MUST DRIP WATER DIRECTLY ON ROOTBALL.

1. SHRUB STEM.
2. EMITTER REFER TO EMITTER SCHEDULE FOR QUANTITY OF EMITTERS PER PLANT.
3. TUBING SUPPORT STAKE (SALCO DTS-200-400)
4. 1/4" TUBING DO NOT EXCEED 3' [1m] IN LENGTH.
5. FINISH GRADE.
6. SALCO PVC FLEX HOSE. INSTALL 4" [100mm] BELOW FINISH GRADE.
7. BARBED MALE ADAPTER.
8. EDGE OF ROOTBALL.

8 SALCO FLEX TUBING EMITTER PLACEMENT

SCALE: NONE



1. EDGE OF ROOTBALL (TYPICAL)
2. EMITTER OR DISTRIBUTION TUBE OUTLET (TYPICAL)
3. SHRUB STEM (TYPICAL)

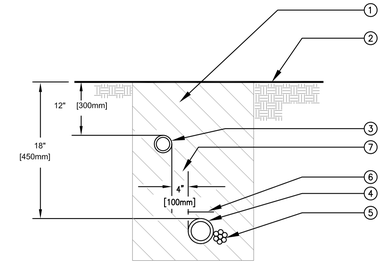
EMITTER SCHEDULE

PLANT SIZE	EMITTER SPECIFACATION	FLOW (GPH)/PER EMITTER OR OUTLET	QUANTITY OF EMITTERS PER SHRUB/TREE
1 GALLON SHRUBS	USE SLV-PS-CV-1	1 GPH	2
5 GALLON SHRUBS	USE SLV-PS-CV-2	2 GPH	2
15 GALLON	USE SLV-PS-CV-2	2 GPH	3

MAXIMUM AMOUNT OF FLOW PER DRIP TUBING RUN IS 240 GPH

9 SALCO EMITTER PLACEMENT AND

SCALE: NONE



1. CLEAN BACKFILL MATERIAL.
2. FINISH GRADE.
3. LATERAL LINE.
4. MAIN LINE.
5. LOW VOLTAGE CONTROL WIRE. TAPE AND BUNDLE TUBING OR WIRING AT 10 FT. INTERVALS. WIRING SHALL BE LAID OUT LOOSELY IN THE TRENCH.
6. DETECTABLE WARNING TAPE OVER MAIN LINE - 3" [75mm] ABOVE PIPE.
7. TYPICAL DISTANCE BETWEEN PIPES.

10 TRENCHING

SCALE: NONE

2001 TAROB COURT
Milpitas, CA
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Irrigation Details (Privately Maintained Landscape Areas)
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201 4th street suite 101B, oakland, ca 94607
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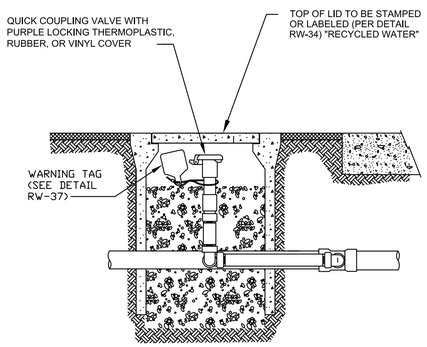
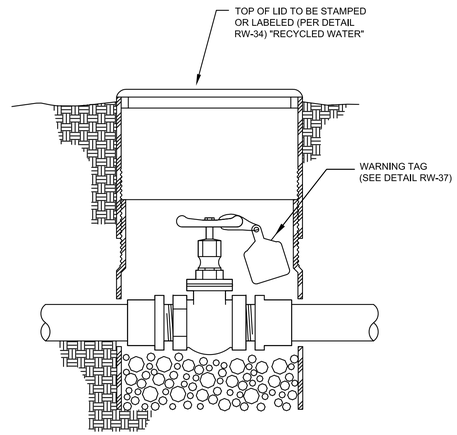


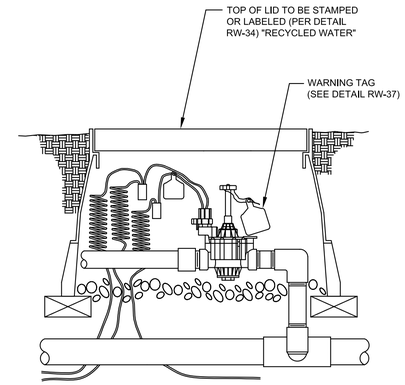
IDENTIFICATION OF QUICK COUPLING VALVE WITH WARNING TAG

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-22



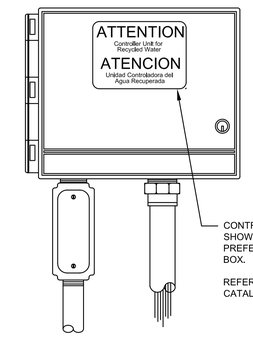
IDENTIFICATION OF ISOLATION GATE VALVE (3" OR SMALLER) WITH WARNING TAG

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-31



IDENTIFICATION OF REMOTE CONTROL VALVE WITH WARNING TAG

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-32

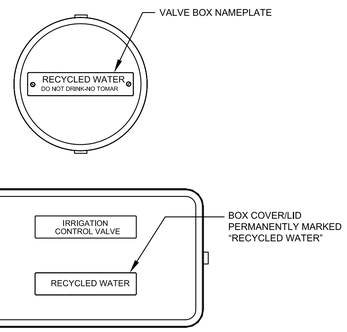


CONTROLLER BOX MARKER DECAL - SHOWN AFFIXED TO BOX EXTERIOR; PREFERABLY, AFFIX TO INTERIOR OF BOX.

REFERENCE: T. CHRISTY ENTERPRISES, INC. CATALOG PART NO. 4100 OR EQUAL

IDENTIFICATION OF IRRIGATION SYSTEM CONTROLLER WITH ADVISORY WARNING DECAL

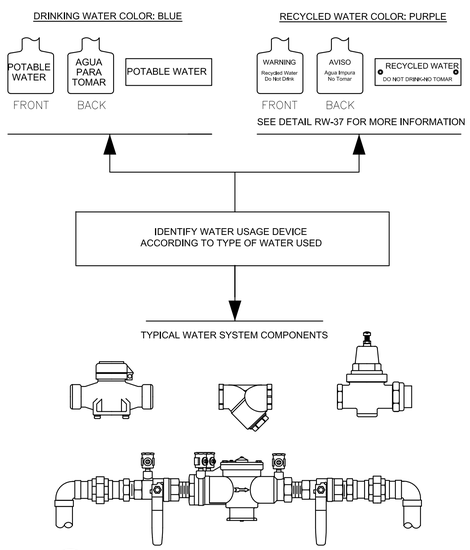
SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-33



IRRIGATION BOX COVERS/LIDS SHALL PERMANENTLY READ "RECYCLED WATER." FOR PLASTIC BOX COVERS/LIDS, LETTERING SHALL BE IMPRINTED ON LID OR APPLIED USING A NAMEPLATE ATTACHED ONTO THE COVER/LID WITH RIVETS, SCREWS, OR BOLTS. FOR CONCRETE COVERS/LIDS, LETTERING SHALL BE IMPRINTED ON LID FROM FACTORY. FOR CAST IRON AND METAL CHECKER PLATE COVERS/LIDS, LETTERING MUST BE BEAD-WELDED OR PERMANENTLY STAMPED ONTO LID.

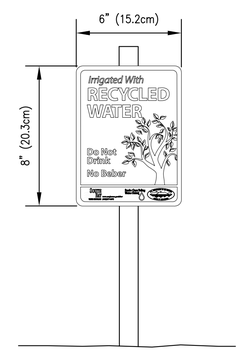
IDENTIFICATION OF IRRIGATION BOX COVERS/LIDS WITH "RECYCLED WATER"

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-34



IDENTIFICATION OF WATER CONTROL DEVICES WITH WARNING TAG

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-35

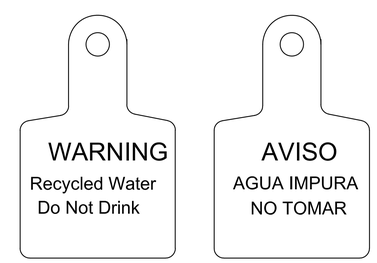


MOUNT SIGN SO THAT IT CLEARS HEIGHT OF SURROUNDING PLANTS WHEN THEY MATURE

APPROVED SIGNS MAY BE OBTAINED FROM SOUTH BAY WATER RECYCLING CONTACT (408) 277-3671 FOR MORE INFORMATION

RECYCLED WATER ADVISORY SIGN

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-36



FRONT BACK

SAMPLE WARNING TAG. BACKGROUND PURPLE (PANTONE 512) WITH BLACK LETTERING.

IDENTIFICATION OF RECYCLED WATER WARNING TAG

SOUTH BAY WATER RECYCLING | RECYCLED WATER USE SITE IDENTIFICATION DETAILS | SCALE: NTS | RW-37

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Irrigation Details (Publicly Maintained Landscape Areas)
L008

THE TRUE LIFE COMPANIES
TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
201 4th street suite 101B, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com
R3 STUDIOS

PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	MINIMUM CONTAINER SIZE	EXPOSURE	COMMENTS	WUCOLS
STREET TREES:					
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	SUN	STANDARD	M
NARROW EVERGREEN TREES:					
ARBUTUS 'MARINA'	NCN	24" BOX	N/A	STANDARD	M
MAGNOLIA GRANDIFLORA 'TEDDY BEAR'	MAGNOLIA	36" BOX	SUN/SHADE	STANDARD	M
MAGNOLIA 'LITTLEL GEM'	LITTLE GEM MAGNOLIA	24" BOX	N/A	STANDARD	L
TRISTANIA LAURINA	NCN	24" BOX	N/A	STANDARD	L
ACCENT TREES:					
AGONIS 'AFTERDARK'	NCN	24" BOX	N/A	STANDARD	M
SMALL FLOWERING ACCENT TREES:					
CHIONANTHUS RETUSUS	NCN	24" BOX	SUN/SHADE	STANDARD	L
CERCIS CANADENSIS 'FOREST PANSY'	EASTERN REDBUD	24" BOX	N/A	STANDARD	M
LAGERSTROEMIA INDICA 'MUSKOGEE'	LAVENDER CRAPE MYRTLE	24" BOX	SUN	STANDARD	L
MALUS SPECIES	CRABAPPLE	24" BOX	SUN	STANDARD	L
FOUNDATION SHRUBS:					
COLEONEMA PULCHRUM	PINK BREATH OF HEAVEN	5 GALLON	SUN		L
CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SUN/ PART SHADE		L
HIMALAYACALAMUS FALCONERI 'DAMARAPA'	CANDY STRIPE BAMBOO	5 GALLON	SUN/ PART SHADE		L
LOROPETALUM CHINESE	NCN	5 GALLON	PART SHADE		M
RAPHIOLEPIS INDICA 'SPRING RAPTURE'	INDIAN HAWTHORN	5 GALLON	SUN/ PART SHADE		L
ROSMARINUS 'BLUE SPIRES'	UPRIGHT ROSEMARY	5 GALLON	SUN/ PART SHADE		L
OSMANTHUS FRAGRENS	NCN	5 GALLON	SUN/ PART SHADE		L
INTERMEDIATE SHRUBS:					
CORREA SPECIES	AUSTRALIAN FUCHSIA	5 GALLON	SHADE/SUN		L
DIETES VEGETA	FORTNIGHT LILY	5 GALLON	SHADE/SUN		L
LIROPE GIGANTEA	LIRIOPE	5 GALLON	SHADE/SUN		L
NANDINA DOMESTICA	HEAVENLY BAMBOO	5 GALLON	SHADE/SUN		M
PHORMIUM SPECIES	NEW ZEALAND FLAX	5 GALLON	SUN		L
PITTOSPORUM TOBIRA 'WHEELER'S DWARF'	PITTOSPORUM	5 GALLON	SUN/SHADE		L
ROSA SPECIES	SHRUB ROSE	5 GALLON	SUN		M
LAVANDULA SPECIES	LAVENDER	5 GALLON	SUN		L
FOREGROUND SHRUBS:					
AGAPANTHUS SPECIES	LILY OF THE NILE	1 GALLON	SHADE/SUN		M
HEMEROCALLIS HYBRIDS 'ORANGE/YELLOW MIX 50/50'	EVERGREEN DAYLILY	1 GALLON	SUN		M
KNIPHOFIA	RED-HOT POKER	1 GALLON	SUN		L
LAVANDULA 'MUNSTEAD'	ENGLISH LAVENDER	1 GALLON	SUN		L
LIRIOPE MUSCARI 'BIG BLUE'	BIG BLUE LILY	1 GALLON	SHADE		M
ANIGOZANTHOS	KANGAROO PAW	1 GALLON	SUN		L
PHORMIUM SPECIES (DWARF)	NEW ZEALAND FLAX	1 GALLON	SUN		L
SEDUM SPECIES	NCN	1 GALLON	SUN		L
SENECIO SPECIES	NCN	1 GALLON	SUN		L
CAREX SPECIES	CAREX	1 GALLON	SUN/SHADE		L
PITTOSPORUM SPECIES	TOBIRA	5 GALLON	SUN		L
GROUNDCOVERS:					
GREVILLEA LANIGERA 'COASTAL GEM'	NCN	1 GALLON	SUN/SHADE		L
ROSA 'PEACH DRIFT'	PEACH DRIFT	2 GALLON	SUN		M
ROSA 'PINK DRIFT'	PINK GROUNDCOVER ROSE	2 GALLON	SUN		L
ZAUSCHNERIA SPECIES	CALIFORNIA FUCHSIA	1 GALLON	SUN		L
GRASSES:					
CALOMOGROTIS SPECIES	REED GRASS	1 GALLON	SUN		L
FESTUCA MAIREI	ATLAS FESCUE	1 GALLON	SUN		L
LOMANDRA	LOMANDRA	1 GALLON	SUN		L
MUHLENBERGIA SPECIES	DEER GRASS	1 GALLON	SUN		L
PENNISETUM SPECIES	FOUNTAIN GRASS	1 GALLON	SUN		L
VINES:					
FICUS PUMILA	CREEPING FIG	5 GALLON	SUN/SHADE		M
PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	5 GALLON	SUN/SHADE		M
JASMINUM SPECIES	JASMINE	5 GALLON	SUN/SHADE		M

STORM WATER TREATMENT SHRUBS AND GRASSES: 1 GALLON MIX EVENLY

SPECIES/COMMON NAME

ARISTIDA PURPUREA - PURPLE THREE-AWN
BOUTELOUA GRACIS - BLUE GRAMA
CAREX TEMULICOLA - BERKELEY SEDGE
CHONDROPETALUM TECTORUM - CAPE RUSH
JUNCUS PATENS - BLUE RUSH
LEYMUS CONDENSATUS - GIANT WILD RYE
MELICA CALIFORNICA - CALIFORNIA MELIC
MIMULUS SPECIES - MONKEY FLOWER

NOTE:

SEVERAL TREE SPECIES ARE LISTED PER TREE TYPE TO ALLOW FOR FLEXIBILITY IN THE EVENT THAT A SPECIFIC SPECIES IS UNAVAILABLE AT INSTALLATION OR PLANTING AREA IS LIMITED BY UTILITIES. NOT ALL SPECIES OF TREES, SHRUBS, GROUNDCOVERS OR GRASS WILL BE PROPOSED FOR CONSTRUCTION DOCUMENTS.

MINIMUM TREE CLEARANCE NOTE:

1. SMALL TREES (15' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 6' FROM BUILDINGS AND A MINIMUM OF 2' FROM EDGES OF PAVING, CURBS OR WALLS.
2. MEDIUM TREES (25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 10' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
3. LARGE TREES (ABOVE 25' TALL/WIDE) SHALL BE PLACED A MINIMUM OF 15' FROM BUILDINGS AND A MINIMUM OF 3' FROM PAVING, CURBS OR WALLS.
4. 5' MINIMUM FROM JOINT TRENCH, WATER LINES, WATER METERS AND FIRE HYDRANTS.
5. 8' MINIMUM FROM SANITARY SEWER AND STORM DRAINS.

WATER CONSERVATION CONCEPT STATEMENT:
THE IRRIGATION SYSTEM SHALL BE DESIGNED TO MEET CURRENT WATER EFFICIENCY STANDARDS AND STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AB1881 AS REQUIRED BY LOCAL JURISDICTIONS WHILE ACHIEVING THE FOAL OF EFFECTIVELY AND EFFICIENTLY PROVIDING THE LANDSCAPE WITH WATER BY MEANS OF HIGH EFFICIENCY SPRAY IRRIGATION TO THE TURN AND GROUNDCOVER AREAS AND DRIP IRRIGATION BUBBLERS TO RESTRICTED SHRUB PLANTING AND SHRUB MASS PLANTING AREAS AS APPLICABLE.

IRRIGATION SYSTEMS SHALL BE DESIGNED TO ACCOMMODATE RECYCLED WATER WHERE AVAILABLE EITHER CURRENTLY OR IN THE FUTURE AS DIRECTED BY THE LOCAL WATER PURVEYOR. RECYCLED WATER SYSTEMS SHALL BE DESIGNED IN ACCORDANCE WITH LOCAL AND STATE CODES.

IRRIGATION SYSTEMS FOR LANDSCAPES GREATER THAN 5,000 S.F. SHALL HAVE A DEDICATED WATER METER FOR IRRIGATION.

A WATER EFFICIENT LANDSCAPE WORKSHEET SHALL BE INCLUDED WITH HYDROZONE INFORMATION TABLE, WATER BUDGET CALCULATIONS AND IRRIGATION OPERATION SCHEDULES.

A STATE OF THE ART ET BASED SELF ADJUSTING IRRIGATION CONTROLLER SHALL BE SPECIFIED FOR THIS PROJECT TO AUTOMATICALLY CONTROL THE WATER ALLOCATED TO EACH VALVE GROUPED PER INDIVIDUAL, HYDROZONE (BASED ON PLANT TYPE AND EXPOSURE). THIS SHALL INCLUDE RAIN AND FLOW SENSORS AS APPLICABLE FOR A HIGHER LEVEL OF WATER CONSERVATION.

TREE BUBBLERS SHALL BE INCLUDED ON SEPARATE CIRCUITS TO ISOLATE THE IRRIGATION TO THE TREES AND PROVIDE DEEP WATERING TO PROMOTE A DEEPER ROOT STRUCTURE.

SPRAY IRRIGATION SYSTEMS FOR GROUNDCOVER AREAS GREATER THAN 8' WIDE IN ANY DIRECTION SHALL BE DESIGNED WITH COMMERCIAL SERIES SPRAY HEADS WITH HIGH EFFICIENCY NOZZLES THAT INCLUDE INTERNAL CHECK VALVES AND RPESSURE COMPENSATION DEVICES. THE HEADS SHALL BE DESIGNED IN A HEAD TO HEAD LAYOUT TO ACHIEVE AN EVEN LEVEL OF PRECIPITATION THROUGHOUT THE IRRIGATION SYSTEM. THE NOZZLES DELIVER WATER AT A MINIMUM 70% EFFICIENCY WITH A LOW PRECIPITATION RATE THAT MATCHES THE INFILTRATION RATE OF THE SOIL.

THE DRIP SYSTEM SHALL INCORPORATE PRESSURE COMPESATING DRIP BUBBLERS WITH 1/4" DRIP TUBES TO EACH PLANT WHICH DELIVERS WATER AT 90% EFFICIENCY AT AN APPLICATION RATE THAT MATCHES THE SOIL TYPE.

WATER USE RATING LEGEND:
EBMUD CATEGORIES OF WATER NEEDS FROM:
PLANTS & LANDSCAPES FOR SUMMER DRY CLIMATES OF THE SAN FRANCISCO BAY REGION BY THE EAST BAY MUNICIPAL UTILITY DISTRICT, 2004

MOD	MODERATE WATER
OCC	OCCASIONAL WATER
INF	INFREQUENT WATER
NONE	NO ADDITIONAL WATER

WUCOLS III CATEGORIES OF WATER NEEDS FROM:
UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION, CALIFORNIA DEPARTMENT OF WATER RESOURCES, UNITED STATES BUREAU OF RECLAIMATION

H	HIGH
M	MODERATE
L	LOW
VL	VERY LOW

CALIFORNIA NATIVE PLANTS (CNP) FOR THE GARDEN BY CAROL BORNSTEIN, DAVID FROSS, BART O'BRIEN

MOD	MODERATE WATER
OCC	OCCASIONAL WATER
INF	INFREQUENT WATER

ON-SITE	TOTAL PLANTS	SUBTOTAL PLANTS WITH OCC/INF/NONE/ LOW/VERY LOW WATER REQUIREMENTS
PERCENTAGE OF PLANTS MEETING LOW WATER REQUIREMENTS: 94.7% MORE THAN 75% REQUIRED		

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Proposed Plant Palette
L009

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

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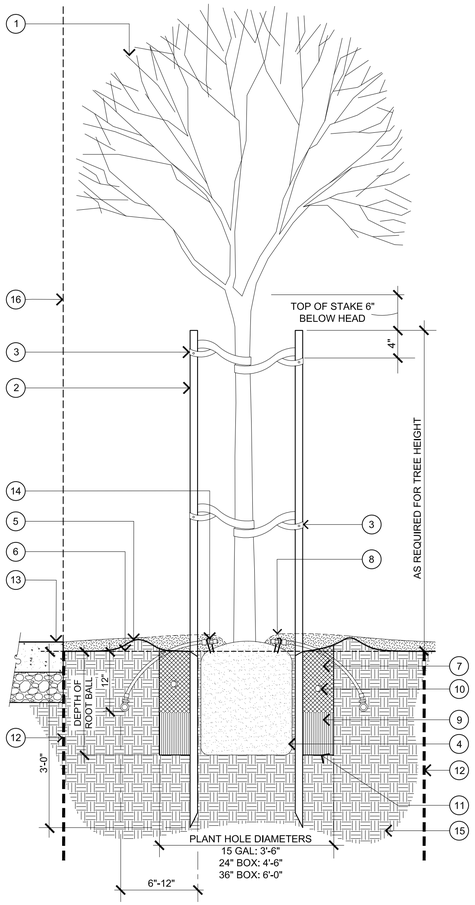


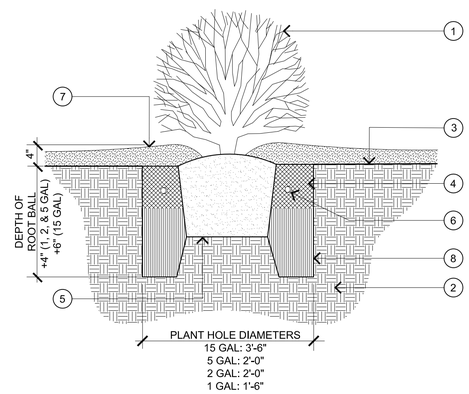
1. TREE: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. LODGE POLE PINE TREE STAKES: 3"X10' LONG TREE STAKES FOR WINDY CONDITIONS AND 36" BOX AND LARGER TREES
3. TREE TIE: WONDER TREE-TIE(800-910-2810) MODEL# W14-46, W24-84 OR APPROVED EQUAL. LOOP IN A FIGURE EIGHT AND NAIL TO BACK OF STAKE WITH GALVANIZED THREADED NAILS. ALLOW 3" OF MOVEMENT OF TREE IN ALL DIRECTIONS.
4. TREE ROOTBALL SET ON 12" LAYER UNDISTURBED NATIVE SOIL. DO NOT PENETRATE ROOTBALL WITH STAKES. TAMP SOIL TO 85% RELATIVE COMPACTION. SET CROWN OF ROOTBALL 2" ABOVE FINISH GRADE.
5. 3" EARTH BERM FOR WATER BASIN
6. FINISH GRADE, SET 1" BELOW AT TURF AREAS AND 2" AT SHRUB AND GROUNDCOVER AREAS
7. BACK FILL MIX: (TOP 12 INCHES ONLY): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
8. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM TRUNK OF TREE
9. PULVERIZED NATIVE SOIL
10. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 15 GAL: 7 TABS
    - 24" BOX: 15 TABS
    - 36" BOX: 24 TABS
11. PLANTING HOLE, PULVERIZED NATIVE SOIL BELOW 12" FROM FINISHED GRADE; SCARIFY WALLS
12. ROOT BARRIER(AS NEEDED): REFER TO PLANTING NOTES AND SPECIFICATIONS
13. PAVING: REFER TO PLAN
14. 1/4 GPM IRRIGATION BUBBLER, OFFSET FROM TREE TUCKED TO ROOTBALL
15. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
16. BUILDING OR WALL

NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT.

1 TREE STAKING

N.T.S.



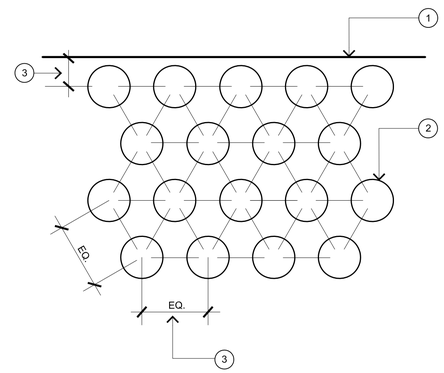
1. SHRUB: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
2. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT
3. FINISH GRADE
4. BACK FILL MIX: (1/2 DEPTH OF ROOT BALL HEIGHT): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
5. SHRUB ROOTBALL SET ON LIGHTLY TAMPED SOIL. SET CROWN OF ROOTBALL 1" ABOVE FINISH GRADE.
6. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 1 GALLON: 1 TAB
    - 2 GALLON: 2 TABS
    - 5 GAL: 3 TABS
    - 15 GAL: 5 TABS
7. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM ROOT BALL CROWN
8. PULVERIZED NATIVE SOIL

NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

2 SHRUB PLANTING

N.T.S.



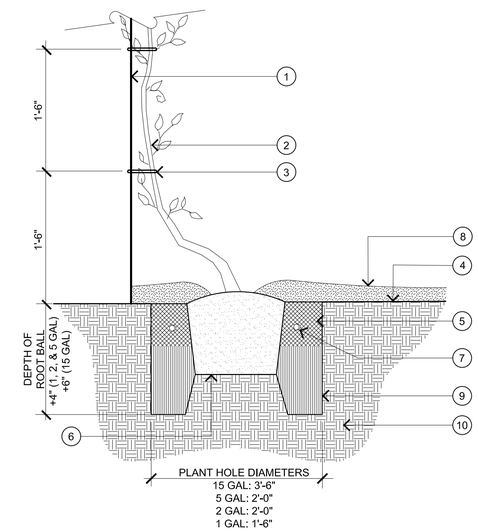
1. EDGE OF PAVING, HEADER, FACE OF BUILDING, WALL, ETC.
2. GROUNDCOVER OR SHRUB: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
3. GROUNDCOVER AND SHRUB SPACING PER PLANTING PLAN AND LEGEND

NOTES:

1. ALL PLANTS SHALL BE PLANTED AT EQUAL SPACING (TRIANGULAR) UNLESS OTHERWISE SPECIFIED ON THE PLANS.
2. CENTERLINE OF PLANTS SHALL BE 1/2 OF EQUAL SPACING MINIMUM FROM EDGE OF PLANTING AREA.
3. INFILL PLANTS AS REQUIRED TO MAINTAIN SPACING AT IRREGULAR EDGES.
4. KEEP MULCH CLEAR OF PLANT BASE.
5. ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT.

4 GROUNDCOVER PLANTING

N.T.S.



1. WELDED WIRE MESH FENCE ON RETAINING WALL - REFER TO DETAIL 1 SHEET L004
2. VINE: REFER TO PLANTING PLAN FOR LOCATION AND PLANTING LEGEND FOR SPECIES
3. VINE TIES AT 1'-6" INTERVALS AS SHOWN: REFER TO SPECIFICATIONS
4. FINISH GRADE
5. BACK FILL MIX: (1/2 DEPTH OF ROOT BALL HT.): 70% PULVERIZED NATIVE SOIL, 30% NITROGEN FORTIFIED FIR OR REDWOOD SAWDUST.
6. VINE ROOTBALL SET ON LIGHTLY TAMPED SOIL. SET CROWN OF ROOTBALL 1" ABOVE FINISH GRADE
7. FERTILIZER TABS (21 GRAM, 20-10-5):
    - 1 GALLON: 1 TAB
    - 2 GALLON: 2 TABS
    - 5 GAL: 3 TABS
    - 15 GAL: 5 TABS
8. BARK MULCH: 3" DEPTH, KEEP CLEAR FROM ROOT BALL CROWN
9. PULVERIZED NATIVE SOIL
10. COMPACTED SUBGRADE OR ENGINEERED FILL PER SOILS REPORT

NOTES:

ALL PLANTING AREAS TO BE TREATED WITH PRE-EMERGENT

3 VINE PLANTING/STAKING

N.T.S.

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Planting Details (Privately Maintained Landscape Areas)
L010

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
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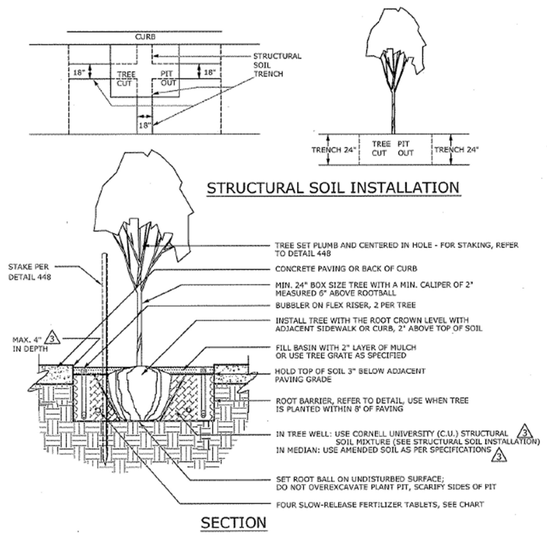
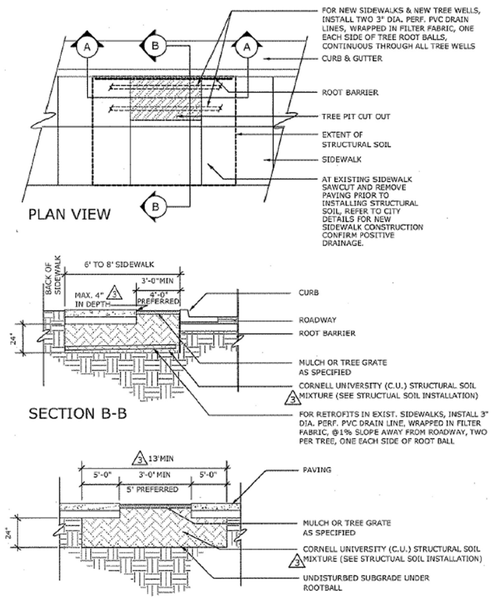


Notes:

1. TREES SHALL NOT BE ROOT-BOUND. CAREFULLY SCARIFY ROOTBALL BEFORE PLANTING, IF DIRECTED.
2. REMOVE ANY SPROUTS/SHOOTS WITHIN 6" OF SOIL.
3. CONFIRM POSITIVE DRAINAGE OF PLANT PIT PRIOR TO PLANTING TREE. INSTALL DRAIN AS PER TREEWELL DETAIL 448. DRAINAGE RATE OF ALL MATERIALS, INCLUDING MULCH, SHOULD BE NO LESS THAN 1/4" PER HOUR AND NOT EXCEED 2" PER HOUR.
4. WHEN TREE GRATES ARE USED, LOWER ALL FEATURES SHOWN WITHIN THE TREE PIT BY 3".

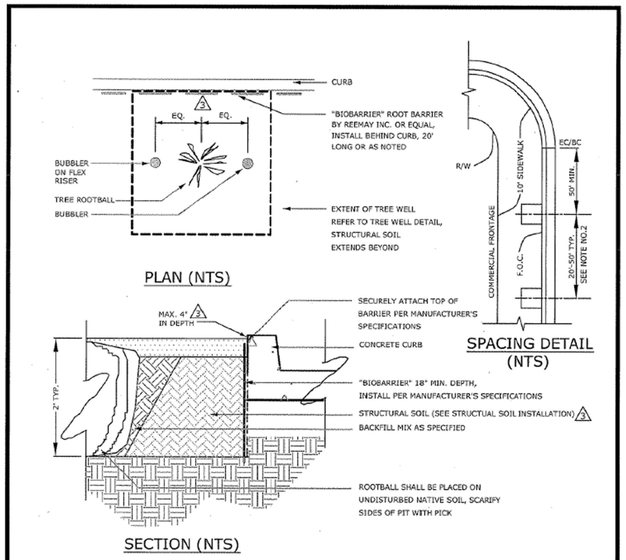
NOT TO SCALE

CITY OF MILPITAS, ENGINEERING DIVISION			STANDARD DRAWING
REVISION	DATE	STREET TREE PLANTING AT TREE WELLS & MEDIANS	NO. 448
1	1991		DATE : 6/15/10
2	2001		
3	2010	APPROVED BY: PUBLIC WORKS DIRECTOR / CITY ENGINEER RCE No. 40283	SHEET 1 OF 5



NOT TO SCALE

CITY OF MILPITAS, ENGINEERING DIVISION			STANDARD DRAWING
REVISION	DATE	STREET TREE PLANTING IN TREE WELL	NO. 448
1	1991		DATE : 6/15/10
2	2001		
3	2010	APPROVED BY: PUBLIC WORKS DIRECTOR / CITY ENGINEER RCE No. 40283	SHEET 4 OF 5



Notes:

1. ROOT BARRIER IS REQUIRED WHEN THE CENTERLINE OF THE TREE IS WITHIN EIGHT FEET OF STREET CURB OR PAVING.
2. ONE STREET TREE SHALL BE PROVIDED PER RESIDENTIAL LOT PER STREET, OR AS SHOWN ON PLANS APPROVED BY THE CITY ENGINEER. SPACING WILL VARY DEPENDING ON TREE SPECIES, IN GENERAL, THE SPACING SHALL BE EQUAL TO THE MATURE CANOPY DIAMETER.

NOT TO SCALE

CITY OF MILPITAS, ENGINEERING DIVISION			STANDARD DRAWING
REVISION	DATE	STREET TREE PLANTING	NO. 448
1	1991		DATE : 6/15/10
2	2001		
3	2010	APPROVED BY: PUBLIC WORKS DIRECTOR / CITY ENGINEER RCE No. 40283	SHEET 5 OF 5

2001 TAROB COURT
Milpitas, CA
September 10, 2021

Planting Details (Publicly Maintained Landscape Areas)
L011

TTLC Tarob 4, LLC
12647 Alcosta Blvd., Suite 470 San Ramon CA 94583
925.824.4300

PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE
201 4th street suite 101B, oakland, ca 94607
phone: 510.452.4190 www.r3studios.com

Lillian VanHua

From: Leah Beniston <lbeniston@thetruelifecompanies.com>
Sent: Wednesday, October 20, 2021 9:59 AM
To: Lillian VanHua
Subject: Fw: 2001 Tarob Court Draft Conditions of Approval & CEQA Question

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Lillian,
Below are FCS's responses to LSA's comments.
Please let me know if this will suffice.
Thanks,
Leah

From: Jason Brandman <jbrandman@fcs-intl.com>
Sent: Wednesday, October 20, 2021 9:56 AM
To: Leah Beniston <lbeniston@thetruelifecompanies.com>
Cc: Harris Arielle <arielle.harris@msrlegal.com>
Subject: RE: 2001 Tarob Court Draft Conditions of Approval & CEQA Question

Hi Leah,

Thanks you for the opportunity to respond to the August 4, 2021 Peer Review from LSA.

As it relates to Item #1, TTLC Tarob 4, LLC has entered into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health (SCCDEH). The applicant's consultant will be preparing a Site Management Plan (SMP) for SCCDEH's review/approval. The applicant's consultant is currently preparing a workplan for additional sampling. Those results will then be presented in the SMP.

Additionally, in terms of Item #2, the project will no longer have traffic utilizing the Lunday driveway, in or out, which was previously identified as an Emergency Vehicle Access (EVA) point. That said, in consultation with TJKM, no further analysis as it relates to EVA is necessary.

Please let us know if you have any follow-up questions and we would be happy to address.

Thanks,
Jason

--
Jason Brandman
Vice President/Director
Mobile 925.200.1656
Skype jbrandman1117

FirstCarbon Solutions (FCS)
An ADEC Innovation

Confidentiality Statement
This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and are hereby notified that any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. Please consider the environment before printing this e-mail.

Liz Medina

From: Lillian VanHua
Sent: Monday, October 25, 2021 9:21 AM
To: Liz Medina; Ned Thomas
Subject: FW: Regarding the proposed 32-townhome project at 2001 Tarob Court…

Public comment.

LILLIAN VANHUA, AICP
Acting Senior Planner
City of Milpitas / Planning Department
lvanhua@ci.milpitas.ca.gov / (408) 586-3073

From: John Doll <[redacted]>
Sent: Sunday, October 24, 2021 12:25 PM
To: Lillian VanHua <lvanhua@ci.milpitas.ca.gov>
Subject: Regarding the proposed 32-townhome project at 2001 Tarob Court…

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Ms. Van Hua:

The beauty of a city is highly influenced by the beauty of its buildings.

Along Montague Expressway, I find that the colors of the new buildings run the gamut from dreary / garish to attractive / cheerful. We should ask ourselves whether the proposed color scheme for a project is one that we would be happy to come home to.

In my view, the planned color scheme for this project is unattractive, especially the “Dried Thyme” dull green.

I recommend colors that are cheerful, but not garish---light pastel yellows, beiges, blues, and pinks, for example. I’m not fond of the “Needlepoint Navy” either, but maybe an alternating combination of a medium blue and a light pastel blue would provide visual interest and pleasing contrast.

Please acknowledge receipt of this input. Thank you.

Regards,
John Doll
31-year Milpitas resident

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on the items in Groups 1; and provide additional clarification to staff, if any, on Group 2 items.**
Category:	Leadership and Support Services
Meeting Date:	12/07/21
Staff Contact:	**Ashwini Kantak, Assistant City Manager, 408-586-3053** **Walter C. Rossmann, Deputy City Manager, 408-586-3012**
Recommendation:	1. Review list of agenda item requests from individual Councilmembers and provide direction to staff, through the prioritization process, on which Group 1 items should be advanced. 2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

Background:
At City Council meetings, under the Announcements section, individual Councilmembers request items they would like the full Council to consider. These items are placed on a list for a future Council discussion and action. On January 19, 2021, at the City Council special meeting, in order to streamline the process, Council provided direction to staff to bring forward individual Council agenda item requests to Council on a quarterly basis. On February 2, Council reviewed over 70 Council agenda item requests and directed staff to bring back information on nine items for additional discussion. On March 16, staff presented information on estimated costs, resources, and any relevant considerations for these nine items and received Council direction. On August 9, staff presented information on estimated costs, resources, and relevant considerations for 20 items. Information from prior Council discussions is available through the links below:

March 16, 2021 Council Meeting Agenda
March 16, 2021 Council Meeting Minutes

August 9, 2021 Council Meeting Agenda
August 9, 2021 Council Meeting Minutes

Analysis:
Staff is now bringing forward the next quarterly prioritization of items that were requested by Council since August 2021 including the status on items approved previously by Council.

As shown in Attachment 1, a total of 74 items, some of which were discussed during the prior prioritization discussion, have been grouped into four categories differentiated by level of effort and status of the agenda request as outlined below:

Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources (38 items).
Group 2 – Items that have not been initiated but will require less than 4 hours of staff work (5 items).
Group 3 – Items that are currently underway and/or already included in workplan (24 items).
Group 4 – Items that have been completed, postponed indefinitely, or withdrawn (7 items).

Similar to the prior prioritization process, the new agenda item requests are identified in Attachment 2 with the following information: name of Councilmember making the request, date of request, lead and supporting departments, Council priority area(s) and item status. Since many of these requests have not yet been discussed in detail,staff has made an attempt to note alignment with Council priority areas to the extent possible. As part of Attachment 2, staff has included additional information about Group 1 items as part of this staff report and to the extent possible, sought clarification from members of the Council sponsoring the

request; however, some items may still need additional clarification from the requesting Councilmembers. Items completed, deferred or withdrawn prior to August 9 have not been included in the list of 74 items but instead have been included as a separate attachment (Attachment 3).

It is important to note that the Adopted FY 21-22 budget eliminated or defunded 23.75 positions, thus reducing the workforce by approximately 5%. Furthermore, with the new projects and programs that were approved for funding using the $16.7 million of American Rescue Plan Act funds, as well as additional work items associated with the COVID-19 pandemic, staff capacity to take on new work items is limited. Taking this into consideration, staff is proposing a modified two-step prioritization process to allow only those items that are considered to be a high priority for the majority of the Council be advanced as outlined below.

Prioritization Process
Similar to the meetings on March 16 and August 9, staff has included detailed information for Group 1 items for review by Council, in advance of the City Council meeting.

There are a total of 48 new items since August 2021. Of these 48 items, 38 items are in Group 1, five items are in Group 2, one item is in Group 3, and four items are in Group 4. Since Group 2 items require less than 4 hours of staff time, these can be advanced without requiring a majority vote, however, Council may wish to provide additional input or direction on these items.

Staff has prepared information for each of the Group 1 items such as lead and supporting departments, estimated resources and cost to complete the work, description of work effort, any actions taken to date, clarification or direction soughtfrom Council, and other additional considerations including impacts on other workplan items.

For 26 Group 1 items, the total costs are estimated at $5.8 million requiring close to 3,900 of staff hours dedicated to these 26 items. For 12 Group 1 items, staff was not able to estimate the cost and staff hours mostly due to gaps in information. Based on Council direction, staff will bring back items that require new funding to move forward as part of the FY 2022-2023 budget process. Council's direction to prioritize any of the items is crucial to inform the development of the FY 2022-2023 budget process and set expectationsfor completion of major staff work items across the organization.

Step 1 of the Prioritization Process
Each member of the Council will be asked to prioritize their top ten items from Group 1. Councilmembers will be provided hard copies to help them review and complete the preliminary prioritization and electronic voting will be conducted on mobile devices. Staff will conduct the tallying of votes while the Council considers the next agenda item and display the results on the screens for the public to view.

All items receiving four or more votes will move forward. If the number of items is 10 or greater, the prioritization process will be deemed complete. If the number of items is less than ten, all items receiving three votes will be prioritized as described in Step 2. Any items that do not receive three votes will be removed from the active list.

Step 2 of the Prioritization Process (if needed)
In case items receiving four or more votes are less than ten in number, Councilmembers will be asked to prioritize items receiving three votes so as to develop a top ten list. Please note that depending on the number of votes, the final list may be less or slightly more than ten items.

Next Steps
Based on Council direction, staff will bring back any Group 1 items that will require additional funding and/or resources as part of the FY 2022-2023 budget. The next quarterly prioritization will be scheduled in March 2022.

Policy Alternative:
Not applicable

Fiscal Impact:
For 26 Group 1 items, the total costs are estimated at $5.8 million requiring close to 3,900 of staff hours dedicated to these 26 items. For 12 Group 1 items, staff was not able to estimate the cost and staff hours mostly due to gaps in information. Based on Council direction, staff will bring back items that require new funding to move forward as part of the FY 2022-2023 budget process.

California Environmental Quality Act:
This item is not a Project under CEQA in accordance with CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as it can be seen with certainty that a general discussion of funding priorities by the City Council will not have a significant effect on the environment. Further, the item is also not a Project pursuant to CEQA Guidelines Section 15378(b)(4) as it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Although the use of funding will be discussed for various potential projects, any project scope and potential environmental analysis would be speculative to analyze at this time and future environmental analysis will be conducted for the various potential projects prior to the City making any commitment or approval of any project.

Recommendation:
1. Review list of agenda item requests from individual Councilmembers and providedirection to staff, through the prioritization process, on which Group 1 items should be advanced.
2. Provide additional input to staff, if any, on Group 1 items that received Council direction to advance and all Group 2 items.

Attachments:
1. List of Councilmember Agenda Item Requests
2. Information on Group 1 items
3. List of Completed, Deferred, or Withdrawn Items

ATTACHMENT 1

COUNCIL PRIORITY AREAS LIST

	Community Wellness and Open Space	Continue to provide parks and amenities for people of all ages and abilities to enjoy higher levels of physical and mental health.
	Economic Development and Job Growth	Continue to strengthen our economic foundations that support community prosperity and opportunity while ensuring a sustainable and livable city.
	Environment	Promote a sustainable community and protect the natural environment.
	Governance and Administration Environment	Continue to streamline processes for enhanced service and remain committed to long-term fiscal discipline and financial stewardship.
	Neighborhoods and Housing	Continue to explore innovative approaches to incentivize affordable housing projects, collaborate with key stakeholders to care for our most vulnerable populations, and support and engage neighborhoods through dedicated programs and services.
	Public Safety	Continue to invest in police and fire protection, in partnership with our community.
	Transportation and Transit	Continue to seek and develop collaborative solutions to meet the transportation challenges facing our community and our region.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
1	**Ad Hoc Parks, Streets, and Facilities Naming Subcommittee**	Montano	10/19/2021	Yes	Recreation, CMO		To be discussed at 12/7/2021 Council meeting
2	**Adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate**	Dominguez	10/19/2021	Yes	Recreation, Public Works		To be discussed at 12/7/2021 Council meeting
3	**Agreement with the owners of electrical boxes to allow City access and remove gang-related tagging within 24 hours**	Dominguez	9/7/2021	Yes	Building Safety and Housing, Police, Public Works, CAO		To be discussed at 12/7/2021 Council meeting
4	**Building height limits near the hillside**	Tran	9/21/2021	Yes	Planning, CAO		To be discussed at 12/7/2021 Council meeting
5	**City of Milpitas adopt one developmental asset each month, with marketing materials; have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets**	Dominguez	10/19/2021	Yes	CMO, Recreation		Email sent to Council on 11/16/2021 with information on current City involvement with the Developmental Assets; the sponsorship of assets by Councilmembers to be discussed at 12/7/21 Council meeting
6	**Citywide Bike Event**	Dominguez	9/21/2021	Yes	Recreation, Police, Planning, Engineering (Transportation)		To be discussed at 12/7/2021 Council meeting
7	**Consider holding an Annual Shredding Event**	Chua	9/21/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
8	**Consider lighting City Hall purple for Domestic Violence survivors on October 2022 (Domestic Violence Awareness Month)**	Dominguez	10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
9	**Consider rescinding direction given on 1355 California Circle project and allow the project application to move forward without being tied to a specific plan (Original request was for item to be placed on November 2 agenda)**	Chua	10/19/2021		Planning, CAO		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
10	**Create "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods**	Dominguez	8/17/2021	Yes	Police, Engineering (Transportation)		To be discussed at 12/7/2021 Council meeting
11	**Create Milpitas Poet Laureate similar to the County of Santa Clara County**	Montano	8/17/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
12	**Donate old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan Philippines**	Chua	8/9/2021	Yes	Fire, CAO, Finance		To be discussed at 12/7/2021 Council meeting
13	**Employee Clipper passes**	Montano	10/19/2021	Yes	Human Resources, Finance		To be discussed at 12/7/2021 Council meeting
14	**Establish a new tool shed, possibly at the maintenance yard**	Montano	10/19/2021	Yes	Public Works, Building Safety and Housing, Fire, Engineering		To be discussed at 12/7/2021 Council meeting
15	**Human trafficking training for staff - request was modified on 8/17.**	Dominguez	4/20/2021	Yes	CAO, CMO		To be discussed at 12/7/2021 Council meeting. Original request was a policy that makes human trafficking training mandatory in the hospitality industry but this is already legislated.
16	**Illegal dumping**	Phan	10/5/2021	Yes	Public Works		To be discussed at 12/7/2021 Council meeting
17	**Implement a new permit fee for food trucks, ensure that the food truck businesses are located in Milpitas**	Dominguez	10/19/2021	Yes	Planning, Finance		To be discussed at 12/7/2021 Council meeting
18	**Include a bust of Maria Lemery and a picture of Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural**	Montano	8/17/2021 10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
19	**Incorporate a Press Release Policy (if there is an existing policy) in the City Council Handbook**	Tran	8/17/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
20	**Increase number of commission members from seven to nin on the Parks, Recreation and Cultural Resources Commission**	Montano	10/5/2021	Yes	CMO, Recreation, City Clerk		To be discussed at 12/7/2021 Council meeting
21	**Mask Ordinance to help enforce the public health expert's recommendations**	Phan	8/17/2021	Yes	CMO		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
22	**Memorialization of the parcel on North Park Victoria that was historically a rose garden memorialized and commemorate those that started the rose garden with a plaque**	Dominguez	10/5/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
23	**Murals for the pillars on Main Street**	Montano	9/7/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
24	**Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan then bring an item to Council to create a pathway**	Dominguez	9/7/2021	No	Public Works, Recreation		To be discussed at 12/7/2021 Council meeting
25	**Ordinance to require six-foot social distancing**	Montano	8/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
26	**Outdoor Music Ordinance**	Montano	8/5/2021	Yes	Planning, CAO		To be discussed at 12/7/2021 Council meeting
27	**Outdoor Music Ordinance for Main Street**	Dominguez	10/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
28	**Park Champions**	Chua	10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting; email sent to Council on 11/4/2021 on current adopt a spot program
29	**Place recycle bins in the parks**	Montano	10/19/2021	Yes	Public Works		To be discussed at 12/7/2021 Council meeting
30	**Proof of Vaccination requirement for citywide indoor events of 1,000 or more people**	Phan	10/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
31	**Provide Commissioners appreciation gifts**	Chua	10/19/2021	Yes	CMO, Finance		To be discussed at 12/7/2021 Council meeting
32	**Purchase a building on Main Street for a museum**	Montano	10/19/2021	Yes	CMO, Economic Development, Planning, Engineering		To be discussed at 12/7/2021 Council meeting
33	**Roller Skate Summer Program**	Montano	8/5/2021	Yes	Recreation, CMO		To be discussed at 12/7/2021 Council meeting
34	**Saturday Senior Center Opening Hours Pilot**	Chua	8/5/2021	Yes	Recreation, Public Works		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.						
35	**Subsidize permit fees for small businesses with less than one hundred employees for the purpose of building outside to support outdoor dining**	Dominguez	9/21/2021	Yes	Planning, Finance, Economic Development, Building Safety & Housing		To be discussed at 12/7/2021 Council meeting
36	**Theater for performing arts (future site)**	Montano	10/19/2021	Yes	CMO, Recreation		To be discussed at 12/7/2021 Council meeting
37	**Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection**	Dominguez	10/19/2021	Yes	Public Works, Building Safety and Housing		To be discussed at 12/7/2021 Council meeting
38	**Universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December**	Dominguez	10/5/2021	Yes	Planning, CMO, Finance, Recreation		To be discussed at 12/7/2021 Council meeting
	Group 2 – items that have not been initiated but will require less than 4 hours of staff time						
39	**Below Market Rate (BMR) units - process for selecting applicants**	Chua	10/19/2021	Yes	Building Safety and Housing, CAO		Staff will send an Info Memo
40	**Create an "Incentive Corner," which will be a sub-page with links to different freebies, grants, and incentives from the City and the regions, including the Water District and Silicon Valley Clean Energy**	Chua	8/17/2021	No	Information Technology, Public Works		Staff will implement this item early 2022.
41	**Extend the outdoor dining options through March of next year**	Phan	9/21/2021	No	Planning		Planning Director to provide information on current outdoor dining extension
42	**Guide small businesses on ADA (Americans with Disabilities Act) requirements due to the quick changes made to facilities during the pandemic**	Chua	8/5/2021	No	Economic Development		SVEDA/SV Joint Venture hosted the "SV Small Businesses & ADA Compliance" webinar on 11/3/21. Several Milpitas business reps, & staff from Econ. Dev. & Building participated. Staff met with reps from CA Comm. on Disability Access to discuss business education & outreach.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 2 – items that have not been initiated but will require less than 4 hours of staff time						
43	**Outreach to notify the community of the trash voucher program**	Chua	9/7/2021	No	Public Works		The vouchers are valid until December 31, 2021. Staff is preparing to send postcards to residents to encourage them to take advantage of the program before the vouchers expire.
	Group 3 – items that are currently underway and/or already included in workplan						
44	**ADU workshop in Winter 2021**	Chua	6/15/2021	Yes	Planning, Building Safety & Housing		At 8/9/2021 Council meeting, Council approved a Winter 2021 timeline
45	**Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs**	Chua	1/5/2021	Yes	Building Safety & Housing, Planning		Work is underway to create Safe ADU Legalization Program per Council majority vote on 3/16/2021. No Ordinance amendment is necessary
46	**Amend ordinance to remove affordable housing in-lieu fee**	Chua	12/15/2020	Yes	Building Safety & Housing, CAO		Agendized on 1/5/21, Info Memo sent on 1/5/2021. CC voted on 3/16/2021 to move forward. CC direction to agendize for further meeting. Stakeholder outreach to be conducted in Dec.-Jan. and draft ordinance for Council consideration in early 2022.
47	**Consider "Old Town" Main St. revitalization, funding, economic dev., improve area**	Montano	12/15/2020	Yes	CMO, Planning, Engineering, Finance		Council provided direction to move forward with revitalization efforts on May 11, 2021. Staff is working on various items related to revitalization and have provided subsequent updates to the Council in October and to the Main Street Revitalization Subcommittee in September and November.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 3 – items that are currently underway and/or already included in workplan						
48	**Consider change in term limits for Mayor + Councilmembers**	Montano	6/16/2020	Yes	CMO, CAO		8/4/2020: voted 3 -2 to pursue; 2/02/2021: to agendize for a future meeting; 3/16/2021: voted 3-1-1 to move forward. To be brought forward in Spring 2022, once new City Attorney is in place.
49	**Consider Community Museum and Park on Main St.**	Phan	8/20/2019	No	CMO		to Rules 8/23/2019. Moved to Specific Plan Community Conversation events.
50	**Consider placing a measure on the ballot to change the directly elected Mayor to a rotational at-large position**	Tran	3/16/2021	Yes	CMO, CAO		To be brought forward in Spring 2022, once new City Attorney is in place.
51	**Discuss impacts fees for Midtown**	Montano	1/5/2021	Yes	CMO, Planning, Engineering, Finance		Impact fee discussion incorporated into Midtown Specific Plan Update process to include Main Street. Project kick-off meeting held in October 2021. Impact fees to be based on Basic Infrastructure Plan identified as part of the planning process.
52	**Explore opportunity housing and prohibit single family zoning**	Phan	2/16/2021	Yes	CMO, CAO, Building Safety & Housing, Planning		Discussed at 8/9/2021 Council meeting, staff will work on incorporating this into the Metro and Main Street/Gateway Specific Plan areas.
53	**Increase the City's rebate program to match Valley Water's two dollars rebate increase and look into expanding the "Lawn Buster" program to more residents based on income**	Chua	6/15/2021	Yes	Public Works		On October 19, 2021, the Council approved a contract amendment with the Santa Clara Valley Water District (District) to match the District's rebate amount and to authorize the City to manage the "Lawn Buster" program with with "Our City Forest" on behalf of the District. On December 14, 2021, Council is scheduled to approve a contract with "Our City Forest."

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 3 – items that are currently underway and/or already included in workplan						
54	**Increase the number of local businesses doing business with the City**	Chua	4/6/2021	Yes	CMO, Economic Development, Finance		At 8/9/2021 Counil meeting, Council voted that this item may have to come back for additional discussion because there may be some legal considerations.
55	**Job fair with 20 local businesses to be held soon and an additional one in the fall with the Chamber taking a larger role and the City providing some support**	Chua	6/1/2021	Yes	Economic Development		On 10/12/2021 the Chamber reported that businesses they contacted were not available to participate in a Job Fair.
56	**Mini-libraries in the low-income areas of the City**	Montano	4/20/2021	Yes	Planning		Discussed on 8/9/2021, staff to follow up with Vice Mayor Montano on specific vision. Staff met with the Vice Mayor. The City will continue to facilitate libraries as needed but will not take a lead role in funding or operating them.
57	**Ordinance to ban vaping in the City**	Montano	12/15/2020	Yes	Planning, Recreation, CAO		Ordinance regarding a ban on use in certain areas adopted by Council on 6/15/2021. Policy related to access to products will be brought forward in Spring 2022.
58	**Partner with the Chamber of Commerce to promote the City with a City event like an Art and Wine Festival, Rancho Days, Little Cornfield's day, or Frontier day**	Montano	6/1/2021	Yes	Economic Development, Recreation		At 8/9/2021 Council meeting, Council approved 4-1 (Councilmember Phan)
59	**Reduce the City's Senior Center facilities deposit for the Auditorium/Community Room**	Montano	5/4/2021	Yes	Recreation, Finance		8/09/2021 Council voted 5-0 to refer this item as part of the development of the FY 2022-23 Master Fee Schedule

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 3 – items that are currently underway and/or already included in workplan						
60	**Reflective road markers as an effective way to reduce cars doing donuts in the street**	Chua	10/19/2021	Yes	Engineering		At the 11/12/2021 Transportation Subcommittee, the Subcommittee directed to bring back this request to Council as part of the FY 2022-23 budget process.
61	**Require implicit bias training for City Council, Commissioners & staff**	Dominguez	6/16/2020	N/A	Human Resources		Approved 8/18/2020, target date Winter 2021. Status update: Coordinating a date for a special meeting in January 2022
62	**Review City policy on speed bumps**	Tran	12/15/2020	Yes	Engineering		Presented to Transportation Subcommittee on 02/12/2021; voted on 3/16/2021 to revisit this item
63	**Rose garden with a children's memorial site**	Montano	4/6/2021	Yes	Recreation, Engineering		At 8/9/2021 Council meeting, staff requested direction on location, landscaping, plaque, and funding. Vice Mayor met with staff to create a plan and bring it back to Council as part of the 2023-27 CIP.
64	**Signs in key areas of the City to welcome people to Milpitas**	Montano	4/6/2021	Yes	CMO, Planning, Engineering		At 8/9/2021 Council meeting, Council provided direction tht the signs should align with the efforts currently underway with the Metro Plan and Main Street Gateway Specific Plan process and work with private development. Staff was directed to work with Vice Mayor on additional clarification. In November, Vice Mayor Montano noted a preference for a location on South Main Street.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 3 – items that are currently underway and/or already included in workplan						
65	**Sliding scale permitting program for seniors and low-income residence for necessary safety renovations**	Tran	5/4/2021	Yes	Building Safety & Housing, Recreation		At 8/9/2021 Council meeting, direction was provided to explore modifying the existing Milpitas Assistance Program to include seniors. Staff will bring this item for funding consideration as part of the FY 2022-23 budget process.
66	**Staff to provide information on a landmark policy for the City of Milpitas**	Tran	3/16/2021	Yes	Recreation		8/09/2021 Council voted 5-0 to move this item forward; this item will be included for funding consideration in the development of the FY 2023-27 CIP for assessment of historical and cultural resources and development of a landmark policy
67	**Establish Railroad quiet zone**	Tran Montano	9/17/2019	Yes	Engineering		Received City Engineer Report on 11/17/2020
	Group 4 – items that have been completed or withdrawn (all items below are from August list)						
68	**Designate more street sweeping signage, and specifically at Capitol Avenue and Abel Street**	Montano	9/7/2021	No	Public Works		On 9/13/2021, staff sent an email to the Council clarifying that the identified streets are not part of the street sweeping pilot.
69	**Discussion to recognize Juneteenth as a City holiday for City employees**	Phan	6/21/2021	No	Human Resources		Item was discussed with Council in Closed Session
70	**Plan to put utility fines into a fund to help small businesses in the City**	Montano	12/15/2020	N/A	Finance		Directed staff on 2/02/2021 to approve policy recommendations temporarily suspending penalties for delinquent fire permit fees, and delay or waive business lic. tax collections but no direction to create a separate fund. On 2/16/2021 Council approved waiving business license penalty between Jan 1 - May 31, 2021. Also, the utility late fee and water shut off have been suspended consistent with State Emergency Order (through Dec. 31, 2021). Also, Council is appropriating ARPA funds to assist small businesses.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 4 – items that have been completed or withdrawn (all items below are from August list)						
71	**Requested staff to provide an update on the food truck circle project**	Dominguez	10/19/2021	Yes	Planning		Email sent to Council on 11/18/2021
72	**Requested that the crossing guards be provided with the Milpitas neon safety jackets and rain boots**	Chua	10/19/2021	No	Police		Email sent to Council on November 5, 2021 informing the Council that each crossing guard is issued a neon rain jacket and rain boots.
73	**Pilot camera program**	Montano	9/21/2021	No	Police		Info Memo sent to Council on 11/16/2021 - not recommended at this time
74	**Memorialize those that have passed due to COVID-19 in Milpitas**	Dominguez	3/2/2021	Yes	CMO, Recreation		At 8/9/2021, Council provided input that COVID-19 had not yet passed and that the discussion about a memorial should be had at a future time.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

ATTACHMENT 2

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
	Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.						
1	**Ad Hoc Parks, Streets, and Facilities Naming Subcommittee**	Montano	10/19/2021	Yes	Recreation, CMO		To be discussed at 12/7/2021 Council meeting
2	**Adopt a program to post the suicide prevention 1-800 number on fences in the community and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate**	Dominguez	10/19/2021	Yes	Recreation, Public Works		To be discussed at 12/7/2021 Council meeting
3	**Agreement with the owners of electrical boxes to allow City access and remove gang-related tagging within 24 hours**	Dominguez	9/7/2021	Yes	Building Safety and Housing, Police, Public Works, CAO		To be discussed at 12/7/2021 Council meeting
4	**Building height limits near the hillside**	Tran	9/21/2021	Yes	Planning, CAO		To be discussed at 12/7/2021 Council meeting
5	**City of Milpitas adopt one developmental asset each month, with marketing materials; have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets**	Dominguez	10/19/2021	Yes	CMO, Recreation		Email sent to Council on 11/16/2021 with information on current City involvement with the Developmental Assets; the sponsorship of assets by Councilmembers to be discussed at 12/7/21 Council meeting
6	**Citywide Bike Event**	Dominguez	9/21/2021	Yes	Recreation, Police, Planning, Engineering (Transportation)		To be discussed at 12/7/2021 Council meeting
7	**Consider holding an Annual Shredding Event**	Chua	9/21/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
8	**Consider lighting City Hall purple for Domestic Violence survivors on October 2022 (Domestic Violence Awareness Month)**	Dominguez	10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
9	**Consider rescinding direction given on 1355 California Circle project and allow the project application to move forward without being tied to a specific plan (Original request was for item to be placed on November 2 agenda)**	Chua	10/19/2021		Planning, CAO		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
10	**Create "Street Smart" program to provide traffic safety education to change driver, pedestrian, and bicyclist behavior and enhance safety in school zones and neighborhoods**	Dominguez	8/17/2021	Yes	Police, Engineering (Transportation)		To be discussed at 12/7/2021 Council meeting
11	**Create Milpitas Poet Laureate similar to the County of Santa Clara County**	Montano	8/17/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
12	**Donate old, obsolete, noncompliance items from the Fire Department to Sister City Dagupan Philippines**	Chua	8/9/2021	Yes	Fire, CAO, Finance		To be discussed at 12/7/2021 Council meeting
13	**Employee Clipper passes**	Montano	10/19/2021	Yes	Human Resources, Finance		To be discussed at 12/7/2021 Council meeting
14	**Establish a new tool shed, possibly at the maintenance yard**	Montano	10/19/2021	Yes	Public Works, Building Safety and Housing, Fire, Engineering		To be discussed at 12/7/2021 Council meeting
15	**Human trafficking training for staff - request was modified on 8/17.**	Dominguez	4/20/2021	Yes	CAO, CMO		To be discussed at 12/7/2021 Council meeting. Original request was a policy that makes human trafficking training mandatory in the hospitality industry but this is already legislated.
16	**Illegal dumping**	Phan	10/5/2021	Yes	Public Works		To be discussed at 12/7/2021 Council meeting
17	**Implement a new permit fee for food trucks, ensure that the food truck businesses are located in Milpitas**	Dominguez	10/19/2021	Yes	Planning, Finance		To be discussed at 12/7/2021 Council meeting
18	**Include a bust of Maria Lemery and a picture of Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural**	Montano	8/17/2021 10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
19	**Incorporate a Press Release Policy (if there is an existing policy) in the City Council Handbook**	Tran	8/17/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
20	**Increase number of commission members from seven to nin on the Parks, Recreation and Cultural Resources Commission**	Montano	10/5/2021	Yes	CMO, Recreation, City Clerk		To be discussed at 12/7/2021 Council meeting
21	**Mask Ordinance to help enforce the public health expert's recommendations**	Phan	8/17/2021	Yes	CMO		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
22	**Memorialization of the parcel on North Park Victoria that was historically a rose garden memorialized and commemorate those that started the rose garden with a plaque**	Dominguez	10/5/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
23	**Murals for the pillars on Main Street**	Montano	9/7/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting
24	**Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan then bring an item to Council to create a pathway**	Dominguez	9/7/2021	No	Public Works, Recreation		To be discussed at 12/7/2021 Council meeting
25	**Ordinance to require six-foot social distancing**	Montano	8/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
26	**Outdoor Music Ordinance**	Montano	8/5/2021	Yes	Planning, CAO		To be discussed at 12/7/2021 Council meeting
27	**Outdoor Music Ordinance for Main Street**	Dominguez	10/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
28	**Park Champions**	Chua	10/19/2021	Yes	Recreation		To be discussed at 12/7/2021 Council meeting; email sent to Council on 11/4/2021 on current adopt a spot program
29	**Place recycle bins in the parks**	Montano	10/19/2021	Yes	Public Works		To be discussed at 12/7/2021 Council meeting
30	**Proof of Vaccination requirement for citywide indoor events of 1,000 or more people**	Phan	10/5/2021	Yes	CMO, CAO		To be discussed at 12/7/2021 Council meeting
31	**Provide Commissioners appreciation gifts**	Chua	10/19/2021	Yes	CMO, Finance		To be discussed at 12/7/2021 Council meeting
32	**Purchase a building on Main Street for a museum**	Montano	10/19/2021	Yes	CMO, Economic Development, Planning, Engineering		To be discussed at 12/7/2021 Council meeting
33	**Roller Skate Summer Program**	Montano	8/5/2021	Yes	Recreation, CMO		To be discussed at 12/7/2021 Council meeting
34	**Saturday Senior Center Opening Hours Pilot**	Chua	8/5/2021	Yes	Recreation, Public Works		To be discussed at 12/7/2021 Council meeting
35	**Subsidize permit fees for small businesses with less than one hundred employees for the purpose of building outside to support outdoor dining**	Dominguez	9/21/2021	Yes	Planning, Finance, Economic Development, Building Safety & Housing		To be discussed at 12/7/2021 Council meeting

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
36	**Theater for performing arts (future site)**	Montano	10/19/2021	Yes	CMO, Recreation		To be discussed at 12/7/2021 Council meeting
37	**Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection**	Dominguez	10/19/2021	Yes	Public Works, Building Safety and Housing		To be discussed at 12/7/2021 Council meeting
38	**Universal non-profit fee waiver for special events on the parcel located under the freeway on Main Street by December**	Dominguez	10/5/2021	Yes	Planning, CMO, Finance, Recreation		To be discussed at 12/7/2021 Council meeting

City Council Referral

(requires more than 4 hours of staff time)

Topic No.	Topic:	Requested by:
CC01	Ad Hoc Parks, Streets, and Facilities Naming Subcommittee	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		$5,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and the City Manager's Office, to establish a new Ad Hoc Parks, Streets, and Facilities Naming Subcommittee of the City Council, which would meet as needed.

At the February 26, 2019 Council Meeting, the Council, based on Mayor Tran's recommendation, approved to sunset the Facilities and Streets Naming Council Subcommittee and directed that naming considerations should be forwarded to Commission. For example, naming of parks should be reviewed by the Parks, Recreation and Cultural Resources Commission.

Total estimated work hours required by all staff depends on the frequency of the subcommittee meeting and tasks that will be brought forward by the Subcommittee members. Assuming the subcommittee meets twice per year, the cost to set up and hold two subcommittee meeting is estimated at $5,000 requiring 40 staff hours.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC02	Adopt a program to post suicide prevention 1-800 number on fences community-wide and invest funds for small plaque with the 1-800 number to place around the City in places where youth congregate	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Governance & Administration	FY 2022-23	$12,500

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and Public Works. Staff would need to assess common places Milpitas teens are congregating besides school. If those locations are private businesses, permission will need to be arranged to put a plaque or sign on their property. Agreements to access and maintenance to the plaque of signs would need to be developed and signed by all parties. Plaques would need to be designed and procured by a vendor. Plaques would need to be installed and maintained. Additionally, a marketing campaign to bring awareness to the plaques would need to be developed and launched. Total estimated work hours required by all staff are at least 40 hours, or approximately $8,000, depending on number of sites and sites on private property. Costs for a plaque or sign are dependent on the materials and number of characters and/or graphics on the plaque or sign. Assuming half a dozen plaques or signs, total estimated material costs would be approximately, $4,500.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Staff did a preliminary assessment of Milpitas suicide and suicide attempts in the past three (3) full calendar years (2018 – 2020) to determine the location and average age of resident suicide death or attempt a suicide death. The highest age demographic of Milpitas suicide death is ages 45-54 and 65-74, accounting for approximately 50% of all suicide deaths. The highest age demographic for Milpitas suicide attempts is ages 15-24 and 25-34, accounting for approximately 59% of all suicide attempts. Approximately 18% of suicide attempts were residents 18 years or younger (7 people). Of those seven (7) attempts, five (5) attempts occurred at home.

City Council Referral

(requires more than 4 hours of staff time)

Council Clarification/Further Direction Requested
Direction from Council on the type of sign or plaque desired is needed to conduct a more thorough cost analysis.
Other Considerations
If the focus of this referral is to reach youth, partnerships through HOPE with the MUSD, private schools, churches and non-profits could be leveraged with the City producing metal signs or awarding small grants to others for signs. Alternatively, these HOPE partners could install signs on their properties and/or approach local businesses and entertainment locations, making it a community-wide effort reaching a larger demographic as statistics show Milpitas rate of suicides and attempts are more prevalent in older adults.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.	Topic:	Requested by:
CC03	Agreement with the owners of electrical boxes so that the City could have access to remove gang-related tagging within 24 hours	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Building Safety and Housing	Police, Public Works, City Attorney's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing, Public Safety, and Governance & Administration	Depending on staff resources in FY 2022-23	$14,000

Description of Required Work Effort

This referral asks staff to explore a partnership or agreement with utility companies and/or other owners of electrical boxes to remove gang graffiti on electrical boxes within 24 hours.

This activity will be a coordination between Building Safety and Housing, the department of Public Works (who would most likely encounter graffiti on public property) and Police (who would identify the graffiti as gang-related), as well as the City Attorney's Office.

Chapter 203 of Milpitas Municipal Code Title V (public health, safety, and welfare) details the regulation of graffiti. Currently, the Municipal Code prohibits graffiti "to be placed upon, or to remain upon, real or personal property, when the graffiti is visible from the street or any other public or private property."

The Municipal Code prohibits graffiti on electrical or other utility boxes. The Municipal Code allows the City to remove the graffiti with written consent of the property owner. The Municipal Code also allows the property owner to remove the graffiti and provides a maximum of ten days to remove the graffiti before the property becomes subject to the graffiti abatement procedure via an Order to Remove Graffiti.

To enact agreements with utility companies/property owners to remove gang graffiti within 24 hours of identification, staff would need to work with the City Attorney's Office to research the legality of the arrangement and to prepare the necessary agreement or agreements. Staff would need to coordinate with each utility company/property owner, gauge their willingness to participate in an agreement, and to develop a working agreement acceptable to all parties. Once agreements are approved, staff would establish a procedure to confirm graffiti as gang-related and removal of such graffiti.

City Council Referral

(requires more than 4 hours of staff time)

Initial startup work to identify and develop a process, coordinate with each department, identify utility companies and/or other owners of electrical boxes, and develop an agreement is estimated at approximately 100 hours of staff time, or $12,000. In the past 3 years, Milpitas Police has had 5 reports of gang-related graffiti. Based on this, total ongoing estimated work hours required by all staff are approximately 16 hours per year, or $2,000 per year.
Status Update as of October 2021
Currently, the Building Safety and Housing Department does not have staff resources to address this request.
Council Clarification/Further Direction Requested
No additional clarification is needed at this time.
Other Considerations
Another consideration would be to explore amending the Municipal Code to require gang graffiti removal within 24 hours of identification. This would be more efficient than carrying out separate agreements with utility companies/property owners. However, the City Attorney's Office would need to conduct research to determine if 24 hours' notice is legally viable based on due process principles. If not, the City Council could explore some other timeframe that is less than the current 10 days in the Municipal Code after the City Attorney provides further analysis.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.	Topic:	Requested by:
CC04	Building Height Limits Near Hillside	Mayor Tran
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	City Attorney's Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods & Housing	TBD (depending on Staff resources to undertake Zoning Ordinance update)	$120,000 - discuss as part of annual budget process

Description of Required Work Effort

This referral will require time and effort by both the Planning Department and City Attorney's Office. To establish new or enhanced restrictions on building heights, the Planning Dept. will need to review the current zoning ordinance and make recommendations for new or enhanced regulations related to building heights. The recommendations should be presented to the Planning Commission and City Council in a study session for direction and community input. The Planning Dept would then draft a formal Zoning Ordinance amendment for presentation to the Planning Commission and Council in public hearings. The City Attorney's Office will need to review the draft ordinance amendments. It is estimated that the research and ordinance preparation work will require a cumulative total of 180 hours of staff time or approximately $50,000. Additional expense may be incurred if environmental review is required under CEQA.

If the Council wishes to advance this referral, staff will bring forward required resources and estimated costs as part of the FY 2022-2023 budget process.

Status Update as of October 2021

At present, the Planning Department does not have staff resources to address this request.

Council Clarification/Further Direction Requested

- Does the Council want to address this issue as an ad hoc Zoning Ordinance amendment, or could it be folded into a comprehensive Zoning Ordinance update programmed into the CIP?
- Are there specific areas of the City where the Council wants to restrict building heights?
- Given that the Zoning Ordinance already restricts building heights in all single-family residential neighborhoods, is a blanket height limit needed?
- For Commercial Zoning Districts, the maximum height is either set at 35 feet max or requires a Conditional Use Permit (CUP). Does the Council want to remove the flexibility provided by the CUP review process?

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
The Zoning Ordinance already restricts building heights to a maximum of 30 feet in all single-family residential zones, which make up most land areas east of Milpitas Blvd. and north of Calaveras Blvd. (i.e., the area where residents have voiced concerns about building heights). Building heights and architectural design are strictly regulated in the Hillside Overlay District. The Zoning Ordinance also limits building heights to 35 feet in the CO and C1 Zoning Districts, but in other commercial and industrial zoning districts, maximum building height is established through the Conditional Use Permit to give the Planning Commission and City Council flexibility in reviewing and approving projects. Approval is discretionary, and formal findings must be made by the Planning Commission and/or City Council. Building height limits could be addressed as an ad hoc amendment to the Zoning Ord. or included as part of the comprehensive Zoning Ordinance update. As part of the annual budget process, the Planning Dept. could add a Senior-level position to help manage long-range planning projects, including the Zoning Ordinance update. Alternatively, the Planning Dept. could hire a contract planner to assist with preparing the required Zoning Ordinance amendments to address this request.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.	Topic:	Requested by:
CC05	City of Milpitas adopt one developmental asset each month, with marketing materials, have each Councilmember adopt the developmental asset and consider implementing this program and adopt the 41 developmental assets	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration, and Community Wellness		
Description of Required Work Effort		

Per the email sent to Council on November 16, the Search Institute initially identified 40 positive supports and strengths that young people need to succeed. Half of the assets focus on the relationships and opportunities they need in their families, schools, and communities (external assets). The remaining assets focus on the social-emotional strengths, values, and commitments that are nurtured within young people (internal assets). This model has been adopted by the YMCA of Silicon Valley, MUSD, and other regional organizations supporting our youth as Project Cornerstone's Development Assets Program. Project Cornerstone added an additional asset titled culture and identity increasing the number of developmental assets from 40 to 41.

The Recreation and Community Services Department has been a long-standing supporter and participant of Project Cornerstone's Asset Program dating back to the early 2000s. In 2009 Recreation and Community Services received the Project Cornerstone Annual Asset Champion Award – "Community Values Youth" award. As a continuation of the earlier work, Recreation and Community Services afterschool program, After the Bell (ATB), highlights the Assets through a monthly activity and discussion with participants on a selected Asset. Monthly ATB newsletters to parents also feature the Asset of the Month so they can continue the conversation at home. To further promote healthy youth and our City's dedication to the effort, all the After the Bell staff shirts feature one of the Developmental Assets.

In order to implement the second part of the referral for each Councilmember to adopt a developmental asset and to develop marketing materials for each asset will require deferral of other high priority marketing projects including but not limited to marketing events for Beautify Milpitas, cultural flag-raising events, or other events organized by the Recreation and Community Services Department.

City Council Referral

(requires more than 4 hours of staff time)

Status Update as of October 2021
The 41 developmental assets were implemented in the ATB program in the early 2000s.
Council Clarification/Further Direction Requested
Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC06	Citywide Bike Event	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Police, Planning, Transportation	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	TBD	Between $127,500 and $147,500

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services, Planning, Engineering (Transportation) and Police. Recreation and Community Services would be required to plan, organize, facilitate, and promote a new public event focusing on the promotion of bicycle transportation similar to Viva Calle in San Jose, when main streets in downtown San Jose are closed for traffic and streets can only be used by cyclists and pedestrians for half a day. Event Marketing, inter-departmental coordination on safe event routes, street closure and detour plans, communication with those affected with the street closures (residents/businesses), coordination of resource booths and vendors, as well as event day staffing. Total estimated work hours required by all staff are at a minimum, 250 hours for planning, coordination and marketing, and an additional $25,000 for staffing on the day of the event or approximately $87,500. Additional event costs including but not limited to materials, tents, tables, signage, fencing/barricades could cost between $40,000 - $60,000, depending on the scope of the event for a total of $147,500. There are currently no available staffing resources full-time or part-time for additional events of this size in any lead or supporting department. If the City Council would like to proceed with this event, events of similar magnitude such as 4th of July or Summer Concert Series would have to be discontinued in order to stage this event.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Not started.

Council Clarification/Further Direction Requested

Other Considerations

The coordination with a qualified non-profit like the Silicon Valley Bike Coalition, or other agency whose mission is aligned with bicycle transportation, where the other entity produces the event, and the City sponsors certain aspects of the event including traffic control, could be an option. Regardless, given limited staff capacity, staff would still not be able to organize other events of similar magnitude.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC07	Consider holding an Annual Shredding Event	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fiscal Year 2022-23	$18,000 - $3,000 for event and $15,000 for preparation

Description of Required Work Effort

This referral is for a social services event coordinated by the Recreation and Community Services Department. Staff would need to coordinate and contract with a paper shredding company, identify a shredding event location, and drop off system (walk up or drive-through), market the event, and staff the event to ensure resident participation at the event. Total estimated work hours required by all staff to plan the event are 65 hours, or approximately $15,000. Total estimated cost for marketing, services, and day-of event staffing is approximately $3,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration

Status Update as of October 2021

Staff has researched the average cost to shred, per box by local shredding companies. With the average cost of $4.50 per box (banker-box size) the estimate cost includes 500 boxes to be shredded, marketing and promotions costs, and day-of event staff costs for PT staff and overtime for FT staff.

Council Clarification/Further Direction Requested

Other Considerations

Some banks and credit unions offer this service free to their members. Alternatively, the City could launch an informational campaign on the importance of regularly shredding documents and identity theft protection methods.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC08	Consider lighting City Hall purple for Domestic Violence survivors in October 2022 (Domestic Violence Awareness Month)	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	CMO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fall 2022	$9,250

Description of Required Work Effort

This referral will be in coordination between the Departments of Recreation and Community Services and the City Manager's Office. During the pandemic, the City Council had approved the lighting of City Hall for 4th of July for seven days ($2,535) and Lunar New Year for 29 days ($3,993). Each lighting event requires a contract to design, set up and run the lighting equipment. The cost of each lighting event is determined by the number of days, elaborateness of the design, and the season, as inclement weather calls for more expensive weatherized equipment.

For this referral, City staff time to coordinate the contract development and installation would be needed and is estimated at 15 hours or $5,250. The cost for the lighting event is estimated at $4,000 for the month of October. If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

If annual commemorative lighting is of interest and priority for the City Council, staff will evaluate the cost of installing permanent lighting infrastructure as opposed to a contractor bringing in external lighting equipment.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC09	Consider rescinding direction given on 1355 California Circle and include direction and allow the project application to move forward without being tied to a specific plan	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	CMO, CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	TBD	Up to $750,000

Description of Required Work Effort

This referral will be a coordination between the Planning Department and the City Manager's Offices. The new General Plan includes an adopted policy that calls for preparation of a Specific Plan for California Circle to address issues related to land use compatibility, traffic circulation, pedestrian safety, access to parks and open space, flood control, and natural resource conservation. If the developer wishes to move forward without a Specific Plan, their project will need to include a General Plan text and map amendment, a Zoning Ordinance text and map amendment, a Site Development Permit, and full environmental review under CEQA. Alternatively, the City could partner with the developer to prepare a Specific Plan for California Circle concurrently with the development application. At present, the Planning Dept. does not have staff resources to manage development of another Specific Plan, so the developer would pay the costs of hiring a contract planner to manage the overall project, and the City and developer would share the costs of preparing the Specific Plan and related CEQA clearance document. The estimated cost would be up to $750,000, and the timeline to completion would be approximately 18 months from project kickoff.

Status Update as of October 2021

The Planning Director held a virtual meeting with representatives from the developer on November 2 to discuss options for moving forward. The Planning Director will continue to coordinate with the developer of the proposed housing project at 1355 California Circle to explore a cost-share option for preparation of the required Specific Plan in conjunction with the proposed housing project.

Council Clarification/Further Direction Requested

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
The Council should consider the lost economic development opportunity if prime commercial land with direct frontage on I-880 is developed for housing. In addition, the Council should consider the implications of allowing residential housing, especially for seniors, in such proximity to the Newby Island landfill, regional wastewater treatment plant, and other noxious uses. Development of affordable housing adjacent to a major freeway also raises environmental justice issues related to air and noise pollution and public safety. Although the preliminary application indicated that the proposed project would include increased affordability levels, it is unclear if the project would comply with the City's affordable housing ordinance. A legal review would also be needed for any proposed preferences to ensure compliance with Fair Housing laws.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC10	Create "Street Smart" Program	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Police	Engineering (Transportation)	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety, and Transportation	TBD	$160,000

Description of Required Work Effort

Background:
In 2001, the City of San Jose Department of Transportation (DOT) was awarded a competitive grant through the Office of Traffic Safety (OTS) to reduce traffic fatalities within their city. The City of San Jose hired a full time, non-sworn, Traffic Safety Education Officer, herein referred to as "Safety Officer," within their Department of Transportation (DOT) and created the Street Smarts program. Under the Street Smarts program, the Safety Officer coordinated assemblies at various schools in San Jose and provided information about pedestrian and bicycle safety. The Safety Officer also provided driver, pedestrian, bicycle, and motorcycle safety presentations to various groups within the City of San Jose upon request. The grant funded educational materials, bicycle helmets, bicycles, and advertising materials (including signs to give to residents asking drivers to slow down). A website for Street Smart was created which included games, quizzes, and videos related to traffic safety.

The San Jose DOT made their Street Smart program materials available to other cities. The SJ DOT Street Smart website (https://www.getstreetsmarts.org) lists approximately twelve (12) localities in Northern California as an affiliate with the Street Smart program. In nearly all of these localities, the program is administered by city departments such as public works or traffic engineering and in partnership with the school district. Some of the localities are no longer funding their Street Smart program.

Staff contacted the City of San Jose Department of Transportation and learned the City of San Jose is no longer offering the Street Smart program and currently promoting a program called "Walk n' Roll" and uses some of the existing Street Smart materials. The "Walk n' Roll" program was funded by a measure passed by voters. The goal of "Walk n' Roll" is to increase walking and biking to school, fostering a healthy and active lifestyle, reduce traffic congestion and related air pollution from vehicles. The program uses the following concepts to achieve its goals:

- Education: Through bike rodeos, assemblies, and other activities, the City of San Jose provides pedestrian and bicycle safety tips, information on the benefits of an active and healthy lifestyle and highlight the positive impact students can have on their environment through biking and walking.
- Encouragement: The City of San Jose helps school staff and parents organize fun activities to encourage students to walk and bike. These activities include Walking School Busses, Bike Trains,

and special events such as International Walk to School Day, Bike to School Day, and monthly Walk/Bike to School Day events.

- Engineering and Evaluation: The City of San Jose uses a community-based approach to identify improvements that would enhance suggested walking routes to each school. The City of San Jose utilizes existing grant funds and City funds to address high priority needs.
- Enforcement: To increase the safety of all involved, the City of San Jose reinforces safe driving behavior in school zones through the collaborative efforts of the San Jose Police Department's Operation Safe Passage and the Department of Transportation's Parking and Traffic Compliance Team.

Discussion:
Although the City of Milpitas does not have a formally titled program, the Milpitas Police Department has been providing relative information to the community for several years. The Police Community Relations Unit provides traffic safety presentations to schools within the City upon request and has previously provided bicycle helmets to children. The Milpitas Police Department Traffic Safety Unit also provides education in addition to enforcement. We utilize grant funding from the Office of Traffic Safety (OTS) to conduct traffic safety education presentations to youth and adult community members, to conduct seatbelt and child safety seat enforcement, to crosswalk/pedestrian enforcement, to conduct traffic enforcement in areas of increased collisions, to conduct increased enforcement for speeding, red light and stop sign violations. The Milpitas Police Department refers to these measures generally as traffic safety education. Additionally, the police department constantly evaluates practices related to deterrence, education, and enforcement of traffic safety related issues and partners with the Traffic Engineer to address roadways, sidewalk, signals, and lighting concerns when appropriate.

If the City Council would like to proceed with the creation of a City of Milpitas Street Smart program in addition to the existing traffic safety efforts provided by several units within the Police Department, this focused effort would require the addition of a Community Service Officer (CSO) position to administer the program. The fiscal impact of adding a CSO position is approximately $142,748 (full comp) annually. Additionally, funding for the creation of marketing material will be necessary. The implementation of a Street Smart program in the City of Milpitas is not recommended at this time as most benefits of such a program are being provided to the community.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
C11	Create a Milpitas Poet Laureate	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Winter 2023	$18,000

Description of Required Work Effort

This referral would be led by the Department of Recreation and Community Services. Staff would need to develop the Poet Laureate Competition in coordination with the Milpitas Peaceful Poets and the Santa Clara County Public Library – Milpitas Branch. The competition would need to be marketed to the community, with staff assembling the competition review panelist. Once a Poet Laureate is selected, staff would identify a series of City events assigned to the Poet Laureate to write and present poems. Typically, an annual Poetry night is also organized to feature the Poet Laureate. A total estimated work hours required by all staff are 80 hours, or approximately $16,000, which can be absorbed with existing resources. An annual budget of $2,000 for the initial competition and additional poetry events would be required.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No Staff work has been done.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC12	Donate old, obsolete non-compliant items from the Fire Department to Sister City Dagupan Philippines	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Fire	CAO, Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Public Safety, and Governance & Administration	Ongoing	$1,700

Description of Required Work Effort

Per Section I-2-7.01 titled "Disposal of Property with an Estimated Value of Five Thousand Dollars ($5,000) or Less," the Purchasing Agent or designee is authorized to dispose surplus items through a public or private sale or by renting or destroying the surplus items. However, the ordinance does not allow for donation of any surplus items.

Therefore, if Council approves this referral, in coordination with the City Attorney's Office (CAO), staff would bring forward a resolution authorizing donation to the Sister City of Dagupan, Philippines, of certain Fire Department obsolete safety equipment to Council for consideration. Further, the CAO would develop a waiver of liability to be signed by Dagupan for receipt of obsolete equipment.

Once Council approves the resolution and the waiver of liability is signed, the Fire Department will work with the Dagupan Sister City organization to pick up the surplus equipment for shipping to Dagupan, Philippines. Total estimated work hours required by all staff will initially be approx. 10 hours at a cost of $1,300 plus the evaluation of future surplus equipment and coordination with the Sister City organization, which will occur at a minimum annually, of approximately 4 hours of staff time or $400.

Status Update as of October 2021

A comprehensive inventory is being conducted of all surplus personal protective equipment (PPE). An inventory of PPE available for donation has been completed.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC13	Employee Clipper passes	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Human Resources	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Transportation and Transit	TBD	TBD

Description of Required Work Effort

This referral will be a coordination between the Departments of Human Resources and Finance. Human Resources will be responsible for communicating any updated program details to employees and coordinating with Finance to ensure accurate disbursement of monthly cash incentives and/or funding of clipper passes.

If Council wishes to advance this referral, this benefit will need to be negotiated through a meet and confer process and discussed during the FY 2022-2023 budget process.

Status Update as of October 2021

Not started.

Council Clarification/Further Direction Requested

Clarification is needed from Council regarding the expectation to expand TRIP or establish clipper passes as a separate item in addition to TRIP.

Other Considerations

Currently the City encourages employees to participate in the Transportation Reduction Incentive Program (TRIP). TRIP is designed to give employees incentives to choose alternatives to single occupant vehicle commuting, such as walking, biking, transit, and carpool to relieve road congestive, reduce harmful emissions and improve employee health. TRIP satisfies the requirements of Senate Bill No. 1128. Current program components include:

Commute Alternative	Amount per month
Carpool/Vanpool	$20*
Bicycling	$10*
Walking	$10*
Valley Transportation Authority (VTA) Transit (Bus or Light Rail)	Adult - $70 Commuter Check Youth <18 yrs - $45 Commuter Check Senior 65+ - $25 Commuter Check
ACE, BART. Caltrain, Amtrak	Up to $100 Commuter Check

*Cash incentive is dispersed monthly with paycheck

City Council Referral

(requires more than 4 hours of staff time)

Employees who currently participate in TRIP can use the cash incentives or commuter checks to fund their clipper passes if applicable.

Another alternate option, but more expensive option, would be the VTA Smart Pass program that can be loaded on a Clipper card for unlimited rides on VTA buses and light rail. Participating agencies need to purchase Smart Pass for its employees. https://www.vta.org/go/fares/smartpass.

Since this is benefits related, the City will need to engage in the meet-and-confer process with the Unions. Due to fiscal impact of this benefit, it would need to be considered in the FY23 budget development.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC14	Establish a new tool shed, possibly at the maintenance yard	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works	Fire, Engineering, Building Safety and Housing	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Summer 2022	$22,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Public Works, Building Safety and Housing, Fire, and Engineering. Total estimated work hours required by staff to purchase a new tool shed, relocate the inventory from Fire Station #2 to the Public Works' Building, and replenish the tool inventory is estimated at 60 hours, or approximately $7,500. Ongoing staff time to administer the program, maintain accurate logs of rentals, promote the program to the public, and to ensure program compliance would be approximately 8 hours per month, or $1,000 per month.

Staff would need to purchase a tool shed sizeable enough to store the tools. Staff estimates the cost of a durable tool shed to be approximately $7,000. Additional tools may need to be purchased at a cost estimate of $3,000. Depending on the utilization of the program, an ongoing budget allocation may be necessary for replacement of material and equipment.

The tool shed was originally located at Fire Station 2 and administered by the Building Safety and Housing Department. Due to renovation, the tools were relocated and being held at temporary Fire Station 2. Over the years, the Lend-a-Tool program usage has decreased dramatically. Usage has been sparse in recent years. In 2016 and 2017, there were a total of 2 tools rented in each of those years. The program is temporarily not operational due to COVID-19 concerns and precautions.

The program was planned to be moved to Fire Station 3 or to the new Fire Station 2 when complete. However, Public Works is better suited to administer the program. Therefore, the tool shed would be located on the 2nd floor of the administration building to ensure security of the equipment and facilitate administration of the program.

Status Update as of October 2021

No work has been completed.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC15	Human-Trafficking Training for staff, request was modified in August	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Attorney	CMO, Human Resources, Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD

Description of Required Work Effort

The original request was related to the hospitality industry; however, a preemption issue was identified, which would prevent the City from imposing a requirement that the hospitality industry train its workers in human-trafficking as there are currently two laws (SB 970 and AB 2034) that apply in this area.

At the August City Council meeting, Councilmember Dominguez modified the referral and requested training for City staff. The City would need to identify specific employees that could come into contact with victims of human trafficking and provide training, similar to what is required by SB 970. This may include departments such as Police Department, Fire Department, Building Safety and Housing, Public Works, and Engineering. This training may not be appropriate for all City staff.

Training could be provided to existing employees every two years and within six months of hire for new employees. This training could include:

1. the definition of human-trafficking and commercial exploitation of children;
2. guidance on how to identify victims or those at risk;
3. an explanation of the difference between labor and sex-trafficking, or the difference between the use of force, fraud, or coercion to compel a person into labor and commercial sex acts against his or her will;
4. guidance on the role of City employees in reporting and responding to human-trafficking; and
5. the contact information of appropriate agencies.

If Council wishes to advance this referral staff will bring back estimated resources and costs as part of the FY 2022-2023 budget process.

Status Update as of October 2021

No staff work has been done to date

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC16	Illegal Dumping	Councilmember Phan
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works	Police Department, Building Safety and Housing, City Attorney Office	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment	FY 2022-23	$24,000

Description of Required Work Effort

This referral will require time and effort from the Departments of Public Works, Police Department, Building Safety and Housing Department, and the City Attorney Office. Reports of illegal dumping in the City are primarily received through the City's MyMilpitas App and routed to Public Works staff for items within the City's right-of-way. In 2020, City staff responded to 366 illegal dumping reports.

To incentivize proper disposal of unwanted items, our City offers the following services:

- The City's franchise agreement with MSI offers an appointment based bulky item pickup program.
- Four annual dumpster day events
- A pilot voucher program allowing resident to self-haul unwanted directly to MSI's facilities in Santa Clara from Monday to Friday.

To address this matter citywide staff would need to develop outreach and education programs to increase awareness of the disposal programs available to residents. Staff would also need resources to review and assess the City's municipal code for current fines for illegal dumping and install signage in areas around the City, as necessary. Total estimated work hours required by all staff are 160 hours, or approximately $24,000.

Due to existing staff focusing on other high priority projects, staff would implement this referral in FY 2022-23.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC17	Implement a new permit fee for food trucks and ensure that the food truck businesses locate in Milpitas	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development and Job Growth	June 2022	Unknown
Description of Required Work Effort		
Work on new development standards for food trucks is already underway.		
Status Update as of October 2021		
The Planning Department has developed draft standards to regulate food trucks operating in Milpitas. Staff anticipates bringing the draft standards to a Council study session in early 2022. Implementation of the new standards would include the requirement for approval of a Minor Conditional Use Permit for food trucks. The standard fee for a Minor CUP would apply.		
Council Clarification/Further Direction Requested		
Clarify if this referral wishes to implement a new permit fee or to just ensure that food trucks apply for a business license		
Other Considerations		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC18	Include a bust of Maria Lemery and Albert Vogel Sr. on the existing Senior Center Thriving Legacy Mural	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	FY 2022-23	Estimated $19,000

Description of Required Work Effort

The Thriving Legacy Mural was installed in the Senior Center in 2011 after an interactive process with City Council for the selection of people to be included on the mural. Each Council member was able to nominate four (4) people who had a lasting impact on the Milpitas community. The names of the nominated and a synopsis of their contributions were shared at a public meeting and approved via motion of the Council. The mural currently features Dr. Albert Currlin, Al Augustine, Jimmy Rodgers, Dick Delong, Leo Murphy, Bob Cracolice, Oliver Jones, Barbara Lee, Haskell Goodman, Sal Cracolice, Ben Gross, Tom Evatt, Jim Murray, Ernestina Garcia, Josephine Guerrero, Mabel Mattos, Bob Browne, Joe House, Mort Levine, and Elaine Levine.

In order to implement this referral, staff would need to contract with the original mural artists to manage a mural project. An assessment of the existing mural would need to be done by the artist to see if additional people can be added to the mural. If it is possible to add Ms. Lemery and Mr. Vogel to the mural, staff would need to gather quality, high resolution photos of Ms. Lemery and Mr. Vogel. The mural would need to be removed and transported to the artist's studio. Any damage during the transport would need to be fixed. The mural key explaining who is on the mural would also need to be updated. Total estimated work hours required by all staff are 30+ hours, or approximately $9,000 which can be reasonably managed by staff. A preliminary estimated cost to have the artist update the Mural is $10,000, however actual cost will not be available until after a conversation and initial assessment with the artist.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

City Council Referral

(requires more than 4 hours of staff time)

Other Considerations
If the current mural cannot accommodate additional people or the City Council would like to add more people to the Milpitas Thriving Legacy Mural, the City Council may consider directing staff to start the process for a new Mural at a different City location or somewhere else in the Senior Center as part of the annual Mural Program process.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC19	Incorporate a Press Release Policy (if there is an existing policy) in the City Council Handbook	Mayor Tran
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	TBD	TBD
Description of Required Work Effort		
This referral will be a coordination between the City Manager's Office and the City Attorney. No additional work effort is needed if staff's proposed approach is considered to adequately address the request.		
Status Update as of October 2021		
The City does not have a Press Release policy. Staff has incorporated language about external communication, including press releases, into the proposed City Council Procedures and Protocols Handbook, which was presented to Council in draft form during the November 16 City Council meeting, and will be brought back for approval based on Council feedback. In addition, the City's Social Media policy covers external communication by individual Members of the Council through their respective social media accounts.		
Council Clarification/Further Direction Requested		
Other Considerations		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC20	Increase the number of commission members from seven to nine on the PRCRC	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Manager	City Clerk, and Recreation & Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Spring 2022	$2,000

Description of Required Work Effort

This referral will be in coordination between the Departments of City Manager, Recreation and Community Services and the office of the City Clerk. The current standardized bylaws for all City of Milpitas Commissions would need to be updated to reflect exceptions to the bylaws or recreated individual Commission bylaws for each commission. The current Parks, Recreation and Cultural Resources Commission addendum would also need to be updated. After approval by the City Council staff would need to 1) recruit new members, 2) have Mayor recommend appointment and City Council approve, 3) train new Commissioners. Total estimated work hours required by all staff are 20 hours or about $2,000 and could reasonably be conducted during regular staff working hours.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

Although commission workplans contain many projects and initiatives, most work on all commissions is prepared, led, and conducted by City staff in support of the Commission. Therefore, increasing the number of commissioners may not correspond to completing more commission workplan items without increasing staff capacity.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC21	Mask Ordinance	Councilmember Phan
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Governance & Administration	12/7/2021	TBD based on Council direction

Description of Required Work Effort

This referral will be a coordination between the Departments of City Manager and City Attorney to develop an ordinance. Depending on the ordinance requirements, resources from Building Safety and Housing and Fire may be required to provide outreach and enforcement. Total estimated work hours required by all staff will vary, depending on Council direction.

If Council wishes to advance this referral, staff will bring back estimated costs and staffing resources needed, for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

The City had previously issued a mask mandate in April 2020; however, the mandate was rescinded in June 2021, so as to align with the County's Public Health Order. No staff work has been done on this item.

Council Clarification/Further Direction Requested

None

Other Considerations

The California Department of Public Health (CDPH) provides mask recommendations and requirements for specific settings, based on CDC guidance. The Santa Clara County Department of Public Health (SCCDPH) currently requires masks indoors regardless of vaccination status and recommends masks outdoors when social distancing is not possible.

Having mask requirements for Milpitas that are different from the rest of the County may cause confusion for residents and businesses and will require additional education and enforcement within City limits. Furthermore, several Bay Area counties are considering modifying masking requirements in the near future based on public health metrics.

City Council Referral

(requires more than 4 hours of staff time)

The counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Sonoma and the City of Berkeley will lift the indoor masking requirement in public spaces not subject to state and federal masking rules when all the following occur:

- The jurisdiction reaches the moderate (yellow) COVID-19 transmission tier, as defined by the Centers for Disease Control & Prevention (CDC), and remains there for at least three weeks; AND
- COVID-19 hospitalizations in the jurisdiction are low and stable, in the judgment of the health officer; AND
- 80% of the jurisdiction's total population is fully vaccinated with two doses of Pfizer or Moderna or one dose of Johnson & Johnson (booster doses not considered)
  OR
  Eight weeks have passed since a COVID-19 vaccine has been authorized for emergency use by federal and state authorities for 5- to 11-year-olds. Pediatric Pfizer approved November 3, 2021. Target date on or about December 29th, 2021.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC22	Memorialization of the parcel on North Park Victoria that was historically a rose garden and commemorate those that started the rose garden with a plaque	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	FY 2022-2023	$30,000-$35,000 one-time, $7,500 ongoing annual

Description of Required Work Effort

This referral will be a coordination between the Departments of Recreation and Community Services and the Public Works for the memorialization of a City-owned parcel at N. Park Victoria and Nicklaus Drive.

Currently, this parcel, which includes bush roses, is minimally maintained by the Public Works Department. If the Council would like to proceed with a plaque, staff recommends improvements to the parcel at a cost between $15,000 and $20,000 using contractual services as well as including this parcel in a regularly scheduled maintenance cycle which would require monthly maintenance estimated at approximately $7,500 annually or 140 hours.

The request of memorialization could be in the form of a bronze plaque of an attractively designed informational sign at the site. Staff would need to work with the Councilmember and the community to understand and capture the history of the rose garden and the names of those that were instrumental to the installation and upkeep of the garden. Staff would then design and order the plaque or information sign. Additionally, a contract for a concrete base and plaque or sign installation would be coordinated with the Public Works Department. Estimated work hours required by all staff are 25 hours, or approximately $5,000. The cost of the plaque or sign is dependent upon the size and wording included. Staff estimated additional costs for materials and design at $10,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC23	Murals for the Pillars on Main Street	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Engineering, Building Safety and Housing	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fiscal Year 2022-2023	$180,000 (Public Art Fund)

Description of Required Work Effort

This referral would be a coordinated project led by the Department of Recreation and Community Services, with local and regional partners such as MUSD, Cal Trans (pillar owner) and the Arts Commission. It would be modelled after the Utility Box Public Art program. Interest and accessibility from the prospective partners will need to be identified, including the permission and appropriate permits to paint the pillars from CalTrans. Should all parties elect to participate, mural area(s) identified, supervising professional artist(s) contracted, marketing and promotional materials developed and distributed, student oversight and execution of murals, and post mural graffiti treatment. Total estimated staff hours is 120+. Total estimated project budget is approximately $180,000 for the 12 pillars. Based on conversation with other cities that have done similar projects on CalTrans-owned support pillars, this will require formal engineering, additional inspections, full lot closure or partial lot closures on a rolling schedule, and rental equipment (lifts) to safely complete the painting.

Monies for this Mural contest can come from the Public Art Fund. Staff is already committed to four (4) murals per year as part of the City's new Mural Program. Should the Council direct staff to conduct a student mural contest to paint murals, given existing staff resources the annual mural program would have to be suspended for the remainder of FY 2021-22 and for FY 2022-23 for 1) program development, 2) discussions with outside agencies and 3) inspections. With the suspension of the annual mural program over two years, the $100,000 annual allocation would be recommended to be allocated the Murals Contest, thereby reducing the cost from $180,000 to $80,000.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No staff work has been conducted.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires less than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC24	Notify Council if there is a plan to create a pathway from the skate park to the bathrooms and if there is no plan, then bring an item to Council to create a pathway	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Engineering	Recreation and Community Services, Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness, and Neighborhoods & Housing	FY 2024-25	$600,000 to $800,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Engineering, Recreation and Community Services and Public Works. Currently, pathways around the Sports Center Complex and Skate Park, and leading to the snack shack, restroom buildings, and Cardoza Park are composed of decomposed granite except for a concrete ADA ramp from the restroom facilities to the football field.

To upgrade a portion of the pathways, specifically the segment from the snack shack/restroom facilities to the Skate Park, which is approximately 500 ft. long, would cost approximately $600,000 for an asphalt path or $800,000 for a concrete path. If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

Disability Access Consultants, LLC (DAC) is currently completing and Americans with Disabilities Act (ADA) Evaluation and the required Transition Plan for the City in accordance with Title II of the ADA Act. The work will include a review of the Sports Center, Skate Park and Cardoza Park area. Staff recommends waiting for the completion of the ADA Evaluation and Transition Plan by DAC Consultants to allow staff to better understand the extent of required ADA pathway improvements to be funded for construction.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC25	Ordinance to continue six-foot social distancing	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD, based on Council direction

Description of Required Work Effort

This referral will be a coordination between the Departments of City Manager and City Attorney, to develop and implement an ordinance. Since the County does not currently mandate social distancing, the City will need to educate the community and expend a significant number of resources enforcing the ordinance.

If Council wishes to advance this referral staff will bring back additional information on estimated costs and resources needed.

Status Update as of October 2021

Staff has not done any work on this to date.

Council Clarification/Further Direction Requested

Need further direction from the Council.

Other Considerations

The State of California and Santa Clara County are the public health entities that provide guidance related to the COVID-19 pandemic. Although social distancing is recommended in certain settings, it is not mandated by the State or County. If the City adopts an ordinance, it will have a significant impact on the operations of Milpitas businesses and will be extremely challenging to enforce. It will also impact City operations and crate confusion for the community in general.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC26	Outdoor Music Ordinance	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	Unknown	$50,000 for 200 hours of staff time
Description of Required Work Effort		
This referral will require time and effort by both the Planning Department and City Attorney's Office. Staff will need to research similar ordinances in other cities and bring forward options for Council consideration. Total estimated work hours required by all staff is 200 hours and total estimated cost is $50,000.		
Status Update as of October 2021		
At present, the Planning Department does not have staff resources to address this request.		
Council Clarification/Further Direction Requested		
Council to provide guidance on hours, locations, and general criteria for regulating outdoor music on a citywide basis. Staff will need to research examples from other cities. Is there a specific issue related to outdoor music that the Council wants to address? At present, staff is not aware of any complaints that could not be addressed through the City's existing noise ordinance or permitting processes.		
Other Considerations		
The City already has a noise ordinance: Title V, Chapter 213. Outdoor music in relation to a commercial business is typically addressed through the Conditional Use Permit process, and live music would be addressed through the Special Use Permit process. These existing permits are used to regulate decibels, location, and hours of operation for any outdoor music venues in conjunction with a business or event.		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC27	Outdoor Music Ordinance for Main Street	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	CAO	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration	TBD	TBD – depends on purpose and scope of request
Description of Required Work Effort		
See Item No. 26 - Outdoor Music Ordinance		
Status Update as of October 2021		
At present, the Planning Department does not have staff resources to address this item.		
Council Clarification/Further Direction Requested		
Can this item be folded into an ordinance amendment to address citywide noise regulations? Can this be folded into the comprehensive Zoning Ordinance update scheduled for FY22-23?		
Other Considerations		
Outdoor music is already addressed through the Conditional Use Permit process under the existing Zoning Ordinance. The CUP typically addresses decibels, location, and hours of operation for any outdoor music venues in conjunction with a business or event.		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC28	Park Champions	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation & Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment, Community Wellness, Neighborhoods & Housing	January 2023	$17,000

Description of Required Work Effort

This referral would be a coordination between the Departments of Recreation and Community Services and Public Work to establish a Park Champions Program. Park Champions, at minimum two persons per Park, volunteer to regularly check the condition of parks and report non-emergency issues through MyMilpitas App. City staff will inform Park Champions regarding the regular maintenance schedule, Council approved maintenance level, and funding for park repair and rehabilitation to help residents understand the expected and funded service level and related professional standards. The program establishment includes Champion agreements, eligible ages, scope of reports to Public Works, etc. A marketing campaign to residents following the development of all program and marketing collateral would need to be implemented for several months prior to program start date.

Monies for a marketing campaign of approximately $2,000 would need to be allocated through the 2022-23 Budget process.

Total estimated work hours required by all staff are 60+ hours, or approximately $15,000.

Status Update as of October 2021

Council Clarification/Further Direction Requested

Other Considerations

The City's Adopt a Spot program achieves the same proposed program goals and involves residents in contributing to the beautification of our parks. Having multiple programs at one park, trying to accomplish similar outcomes may be confusing to residents. Further, concentrating staff efforts on the adopt a spot program is a more effective us of limited staff resources.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC29	Place recycle bins in the park	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works		
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment	FY 2022-23	$82,600 one-time and $86,400 annual ongoing

Description of Required Work Effort

This referral will be coordinated by the Public Works Department to add recycling bins at City Parks. The City currently has over 360 trash bins located at various locations throughout the City's 36+ parks. The parks do not have dedicated receptacles for recycling products.

To maximize the effectiveness of recycling in the parks, the recycling bins would need to be placed together with the existing trash bins to avoid having park users dropping their recyclable material in trash bins or use the recycling bins as trash cans. Additional items that would be needed include adding signage making it clear what items are allowable in each bin and utilizing colored bins with restrictive lids for recycling containers to keep waste streams separate. The estimated cost to empty 1 trash can per month is $20 based on existing contract pricing; hence, the addition of 360 recycling bins would cost $86,400 per year. One-time costs to purchase 360 dedicated recycling bins is estimated to be $75,000 and cost for additional signage at parks is estimated at $7,600.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been done on this item.

Council Clarification/Further Direction Requested

Other Considerations

Council could consider limiting the scope of this request to specific parks in the City such as those that are most reserved by residents.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC30	Proof of vaccination requirement for indoor events of 1,000 people or more	Councilmember Phan
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	CAO, Building Safety and Housing, Fire, and Recreation and Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		TBD
Description of Required Work Effort		
This referral will be a coordination between the Departments of City Manager, City Attorney, Building Safety and Housing, Fire, and Recreation and Community Services. Requiring proof of vaccination at all indoor events with 1,000 people or more will entail education and enforcement by City staff. Total estimated work hours will depend on Council direction about types of events and also on number of events that meet the 1,000 people or more criteria.		
Status Update as of October 2021		
No staff work has been done to date		
Council Clarification/Further Direction Requested		
Other Considerations		
The State requires proof of vaccination, or a negative COVID-19 Santa Clara County does not mandate proof of vaccination at indoor events; however, it does mandate face coverings in indoor settings regardless of vaccination status.		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC31	Provide Commissioners appreciation gifts	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Governance & Administration		Approximately $2,700 for gifts and $1,800 in staff costs, total $4,500
Description of Required Work Effort		
This referral will be a coordination between the City Manager's Office, Finance, and all Departments supporting Commissions, to co-ordinate the ordering of the appreciation gifts. Total estimated work hours required by all staff are 15 hours, or approximately $1,800.		
Status Update as of October 2021		
No staff work has been done to date.		
Council Clarification/Further Direction Requested		
None		
Other Considerations		
Each Commission has a budget of $1,000 however, the Councilmember making this request has clarified that the appreciation gifts are to be funded by another funding source since the Commissions' budget is intended for projects. The appreciation event for Commissions could not be held in spring 2021 due to the public health restrictions related to the pandemic and the gifts would be in lieu of the event.		

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC32	Purchase a building on Main Street for a museum	Vice Mayor Carmen Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
City Manager's Office	Economic Development, Planning, and Engineering	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development and Job Growth	To Be Determined	TBD - $1M-$2.5M+

Description of Required Work Effort

This referral will be a coordination between the City Manager's Office, Economic Development, Planning, and Engineering. This effort will require staff to research available properties along North and South Main Street for the development of a Milpitas Museum. If the City wishes to buy a property, it will also require the services of an environmental firm and potentially a real estate broker to conduct the environmental assessment and negotiate a deal for the property purchase.

Estimated costs could range from $1 -$2.5 million, however this will vary depending on the property, market conditions, and any remediation work needed on the property. This estimate does not include the building of the museum itself.

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

In June and July 2021, staff conducted preliminary research on properties located throughout North and South Main Street and adjacent locations from Weller Lane to Serra Way (and just south). Based on this preliminary research, there is one property for sale at 36 Winsor Street, with an asking price of $1.3 M and spaces for lease at 131-155 South Main Street (1,607 and 815 square feet respectively), with rent at $2.35 per square foot.

Council Clarification/Further Direction Requested

No specific clarification is needed at this time.

Other Considerations

While some museums have positive impacts on local economies through direct, indirect, and induced contributions, the financial considerations to purchase property, and associated services and functions such as appraisal, environmental assessment and cleanup, operations and maintenance, parking, staff time, etc., may make this effort challenging to achieve in the near future.

City Council Referral

(requires more than 4 hours of staff time)

If the City Council is interested in proceeding with the purchase of property located at 36 Winsor Street, additional environmental investigation would be required, a considerable amount of funding will need to be identified and negotiation of “Price and Terms” under a City Council Closed Session meeting would also need to take place.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC33	Roller Skate Summer Program	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Community Wellness	Summer 2023	Estimated $152,000 – $191,000

Description of Required Work Effort

This referral would be a coordinated specialty program by the Recreation and Community Services Department. Although the cost of this referral is dependent on the Council directed scope, it is assumed that the interest in a municipally run Roller Rink over the summer where both classes, events, and parties can take place is similar in operation as the City of Santa Clara's Central Park Ice Rink which runs for approximately 6-weeks. The Santa Clara rink operation is approximately $250,000, which includes set up, staffing and management of the rink by a contractor. Further comparison can be made with the Holiday Magic synthetic ice rink which is approximately $63,000 for a 16-day operation.

Assuming a run time for the roller rink of 4 weeks, it is estimated that minimally a program budget of approximately $126,000 is needed for the rink operations. Staff costs for setting up the program and marketing the rink is an additional 60+ hours or $15,000. Depending on the location of the rink, rink levelling may be needed for an additional $14,000, including required ADA ramp(s). For example, rink leveling would be required if the event would be held on Main Street. Overnight security for a rink would also be required for approximately $11,000. The above costs do not include any type of special event activities, food, music or otherwise, at the rink. Should any special event activities around the rink be desired, an additional $25,000 should be considered.

Therefore, the cost estimate without revenue estimate would range between $152,000 and $191,000. Due to the lack of experience with this program, revenue estimates cannot be determined at this time.

If the City Council would like to proceed with this event, events such as 4th of July or Summer Concert Series would have to be discontinued or reduced in order to stage and support the rink.

Status Update as of October 2021

Staff has reached out to a couple of Rink providers on rough estimated costs. One quote for a roller rink set up and operation is $45,000 for two (2) days.

Council Clarification/Further Direction Requested

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC34	Saturday Senior Center Opening Hours Pilot	Councilmember Chua
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Recreation and Community Services	Public Works	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Neighborhoods and Housing	Fall 2022	$5,300

Description of Required Work Effort

Background

In surveys conducted with Senior Center members from 2018 – 2020, 12 % of members were interested in activities being provided on weekends. In response, Recreation and Community Services staff launched "Senior Center After Hours" which comprises of contract classes and meet-ups for seniors without the center being open for drop-in use. This effort was in response to the new generation of seniors who are still working and are interested in classes and programs on weekday evenings and weekends. Meet-ups were launched during the pandemic to supplement senior trips in a safe and socially distanced manner.

Discussion

Regardless of the previous low response rate for Saturday activities, consistent with the referral, staff would open the Center for three months as a pilot after conducting a survey to gauge seniors' interest regarding activities offered during the Saturday open hours which would be no more than 4 hours. Staff would work with existing contract program instructors to offer additional classes on Saturdays. New Part-time staff will need to be hired to work the additional open hours due to annual work hour restrictions under PERS. Regardless, existing contracts for program instructors and for facility maintenance would have to be amended. Marketing for the additional open hours and program opportunities would need to be developed and implemented to inform the greater senior community.

Total estimated work hours required by all staff are approximately 40 hours or $2,800 for the assessment and survey work. This can reasonably be incorporated into staff's regular work week. Total estimated staff costs for opening the Senior Center on Saturdays for four (4) hours for three months is approximately $2,500, which does not include costs for program instructors. Once the pilot is complete, staff will bring an assessment of the pilot to Council for consideration including costs offset by revenue for making the pilot permanent and a potential funding source. It is important to note that Recreation and Community Services Cost Recovery Policy, as approved by Council, senior programs fall into category C which calls for a goal of up to 20% cost recovery on programs and services.

City Council Referral

(requires more than 4 hours of staff time)

Status Update as of October 2021
No work has been done with this request.
Council Clarification/Further Direction Requested
Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC35	Subsidize Permit Fees for small businesses with less than 100 employees for the purpose of building outside to support outdoor dining	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	Building Safety & Housing, Economic Development, and Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development	TBD	TBD, based on number of applications and size and scope of projects

Description of Required Work Effort

The City currently does not charge a fee to participate in the Outdoor Dining Program, as long as no outdoor construction is required. The restaurant submits a site plan to the City and agrees in writing to follow a minimal set of guidelines to ensure safety and access. Note that with the exception of a few permanent structures such as decks and fences, there were no other permanent structures built under the Outdoor Dining Program.

If Council wishes to advance this referral staff will bring back an estimated cost, based on certain assumptions, for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

No staff work has been done on this.

Council Clarification/Further Direction Requested

Other Considerations

To date, the City's "emergency" and "extended" outdoor dining programs have not charged a fee. Most applications are very simple and straightforward, but a handful of others have required considerable staff time. This staff time has not been cost recovery. If the intent is to help small businesses, the 100-employee threshold may be too high. Amount of fees will vary depending on if the construction is permanent or temporary. If permanent, permit review and fees will involve multiple departments including Planning, Building Safety and Housing, Fire, and Engineering. Since the permit process will require staff time, the costs will need to be subsidized by either the General Fund or some alternate funding source.

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC36	Theater for performing arts	Vice Mayor Montano
Lead Department/Office	**Supporting Department(s)/Office(s)**	
CMO	Recreation and Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development & Job Growth, and Neighborhoods & Housing	Completed in 2020	Funding for land acquisition and design and construction costs. Estimated cost will be determined based on site and size of facility.

Description of Required Work Effort

The Recreation and Community Services Department would conduct another feasibility study on locations for a theater for performing arts opportunities in Milpitas. This request would be duplicative of a study conducted in 2019 and 2020.

Status Update as of October 2021

The City completed a Cultural Arts Center Feasibility Study in 1998, and in 2020 the study was updated, and the name changed to the Performing Arts Center Feasibility Study. The updated study assessed types of Performing Art Theaters and Amphitheatre facilities including estimated design and construction costs, reviewed possible facility locations such as on Main Street adjacent to the Library, evaluated desired use of space including a possible history museum and analyzed required staffing levels and revenue generation opportunities. The Performing Arts Center Feasibility Study was added to the City's 2020-2025 CIP. This project was added to the 5th year of the CIP and will further analyze the findings of the Feasibility Study and provides for the acquisition of land and evaluation of funding and financing for a future facility as directed by the City Council.

Council Clarification/Further Direction Requested

Direction from City Council on the assigned project year in the current CIP is needed if Council would like it earlier than 2025.

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC37	Trash bins for the unhoused community or City to help collect the trash and add them into a routine pickup or collection	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Public Works Department	Building Safety and Housing, Police, and Finance	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Environment, and Governance & Administration	FY 2022-23	$14,000 to $410,000

Description of Required Work Effort

This referral will be a coordination between the Departments of Public Works, Building Safety and Housing, Police Department, and the Finance Department. The proposal would involve placing trash bins at concentrated homeless sites around the city. The estimated cost for this proposal would be dependent on the number of sites included under this program in the City and whether the locations for the new bin is along an existing weekly trash collection route for MSI. The monthly cost for one location would be $330, which accounts for the supply of a four cubic yard solid waste bin and one pick up per week. Additional cost could apply if illegal dumping at the trash bin site affects the MSI operator's ability to access the bins with their equipment. If the proposed bin location(s) are not already on an existing weekly trash collection route, staff would need to work with MSI to add an additional route to service the proposed locations. An additional route could cost up to $400,000 annually and is dependent on the type of truck, bins, and number of stops needed to service the route.

Total estimated work hours required by all staff are 80+ hours, or approximately $10,000 to have staff work with MSI on adding trash bins and evaluating routes to service the encampment location(s).

If the Council approves this referral, the referral will be brought back to Council as part of FY 2022-23 budget process for funding consideration.

Status Update as of October 2021

No work has been performed on this item.

Council Clarification/Further Direction Requested

Staff would need clarification from Council on the number and locations of the homeless sites where trash bins would be placed for service.

Other Considerations

City Council Referral

(requires more than 4 hours of staff time)

Topic No.:	Topic:	Requested by:
CC38	Universal non-profit fee waiver for special events on the parcel located under highway 237 on Main Street by December	Councilmember Dominguez
Lead Department/Office	**Supporting Department(s)/Office(s)**	
Planning	City Manager's Office, Finance, and Recreation & Community Services	
Council Priority Areas	**Estimated Completion Date**	**Estimated Cost**
Economic Development	unknown	$160,000 in staff costs. Total costs TBD, based on number and type of events

Description of Required Work Effort

This referral will be a coordination between the Departments of Planning, Finance, Recreation and Community Services, and the City Manager's Office to develop a framework and criteria for waiving fees and to determine the total estimated costs of waiving all fees for special events at the specified location and to identify a source of funding to cover those costs. Total estimated work hours required by all staff are 150 hours, or approximately $160,000. Additional staffing costs to review event applications and ensure compliance with framework will depend on number and type of event applications.

If Council wishes to advance this referral staff will bring back total costs for Council consideration as part of the FY 2022-2023 budget process.

Status Update as of October 2021

Staff is currently working on streamlining the permit process for special events. This request could be folded into that effort.

Council Clarification/Further Direction Requested

None

Other Considerations

If permit fees are waived, the General Fund would likely need to cover staffing costs, unless another funding source is identified.

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

ATTACHMENT 3

Group 4 – items that have been completed, deferred, or withdrawn						
No.	**Topic**	**Requested By**	**Date Requested**	**Requires more than 4 hours of additional staff time**	**Department/ Office**	**Status**
1	Add Green Bike Lanes	Tran, Montano	9/17/2019	N/A	Engineering	Included in CIP
2	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	4/21/2020	N/A	CMO, CAO	Added to the consent calendar and adopted Resolution on 5/5/2020
3	BMR Homes sub-lease option during COVID-19	Chua	1/19/2021	No	CAO, Building & Housing	Info Memo sent on 4/26/2021
4	Bring back update report & discuss status of playing fields for girls' softball in Milpitas	Dominguez	10/20/2020	N/A	CMO, Recreation	Discussed on 02/11/2021, amended JUA for Russell approved on 6/15/2021
5	Celebrate Mexican Independence Day annually on September 16	Montano	6/2/2020	N/A	Recreation	Approved on consent 8/18/2020
6	Community Theatre, perhaps with MUSD	Nuñez, Phan	8/20/2019	N/A	Recreation, CMO	Discussed @ CIP Study Session on 4/14/2020; councilmembers asked outdoor amphitheater to be placed into the tail end of 5 year CIP
7	Community Workforce Agreement (PLA)	Phan	2/18/2020	Yes	CMO, CAO, Engineering	Council voted to remove this item from the list on 2/02/2021 per CM Phan's request
8	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	6/30/2020	N/A	Building & Housing	Not needed, staff is certified
9	Consider change in Commission structure, on term limits	Tran	12/15/2020	N/A	Recreation, CMO	Completed on 1/19/2021
10	Consider Community Museum and Park on Main St.	Phan	8/20/2019	N/A	CMO	To be considered as part of Specific Plan process
11	Consider naming "Milpitas Hills"	Dominguez	10/20/2020	Yes	Econ. Dev.	Deferred indefinitely on 2/02/2021; did not receive a majority vote from 2/02/2021 council meeting
12	Consider satellite consular offices (post Covid)	Montano	6/2/2020	Yes	CMO	Deferred indefinitely per VM Montano's request on 2/02/2021 council meeting
13	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan	10/20/2020	Yes	Building & Housing, Police	Remove from the list per CM Phan's request on 2/02/2021 council meeting
14	Discuss budget reductions in next FY with input from residents, employees	Nuñez	10/6/2020	N/A	Finance, CMO	On 10/20/2020, to 11/10, 11/17
15	Discuss having 4th of July parade	Nuñez	2/18/2020	N/A	Recreation	No longer under discussion
16	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	10/6/2020	N/A	Building & Housing, CMO, CAO	Multiple Closed Sessions - Oct. 2020
17	Discussion of campaign finance reform and/or Open Government Ordinance	Phan	6/30/2020	N/A	City Clerk, CAO	Withdrawn @ 8/4/2020 CC meeting
18	Discussion of Minute Man as City's image, when City branding comes back	Phan	8/18/2020	N/A	CMO	Staff and consultant presented the item on 5/4/2021, due to the late hour it was deferred to a future meeting. Council provided input that the Minute Man discussion will not be pursued further.
19	Discussion on possible tax measures	Tran, Phan	4/21/2020	N/A	Finance	Done on 5/15/2020
20	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	6/30/2020	Yes	CMO, PW	City Council approved the Beautify Milpitas program on June 1, 2021
21	Economic Development Corporation (EDC)	Montano	12/15/2020, 01/05/2021, 01/19/2021, 01/26/2021	Yes	CMO, Econ. Dev.	Deferred on 4/20/2021
22	Emergency item for next agenda: extend tenant eviction protections	Dominguez	6/16/2020	N/A	Building & Housing, CAO	Withdrawn, covered by other govt
23	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	10/6/2020	N/A	Econ. Dev., CAO	On 12/01/20. Not supported

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

Group 4 – items that have been completed, deferred, or withdrawn

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Status
24	Establish "ADU Mondays"	Chua	1/5/2021	No	Building & Housing, Planning	Launched in March 2021
25	Establish a Day Worker Program	Montano	6/16/2020	Yes	CMO	Mayor & Vice Mayor to brainstorm in future; Council voted to remove this item from the list on 2/02/2021 per VM Montano's request
26	Establish Milpitas coronavirus testing site	Phan	4/7/2020	N/A	FCMO, Fire, CAO	Completed
27	Expedite process for Measure F Oversight Committee	Chua	12/15/2020	N/A	Finance	Staff explained planned process, appts. were approved by Council in March 2021
28	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	12/15/2020	Yes	CMO, PW	Council approved the Beautify Milpitas program on June 1, 2021. No subcommittee to be formed.
29	Form a Historical Commission	Montano	6/2/2020	N/A	Recreation, CMO	Already part of PRCRC. Commission discussed on 01-05- 2021, no change
30	Form a Homelessness Task Force	Tran	12/15/2020	N/A	CMO	Approved by Council on 1/5/21
31	Info. on new SB 50 (housing, transit bill)	Phan	1/7/2020	N/A	Building & Housing	Sent memo to City Council
32	List of city charges/costs that could be waived for small businesses	Dominguez	6/16/2020	N/A	Finance, Econ. Dev.	6/30/2020 info memo
33	Maintain Dagupan, P.I. as a Sister City	Tran, Montano	9/17/2019	N/A	CMO	Approved the renewed MOU continuing the Sister City relationship on 12/17/2019
34	Mayor shall recommend a Milpitas resident to serve on VTA Bike Committee	Dominguez	11/17/2020	N/A	Engineering	12/15/20: resident Kristal Caidoy appointed to VTA BPAC
35	No on possible ban on vaping, yes on restricting smoking in multi-unit bldgs	Montano	1/7/2020	Yes	Planning, Recreation, CAO	Ordinance for multi-unit buildings adopted on 6/15/2021
36	Opportunity to share ideas for US census & on City "sponsored" events	Dominguez	9/1/2020	N/A	CMO	12/01: remove census topic, move events to CC retreat 2021; at 1/12 retreat Council direction to cease
37	Parade for MHS Trojans Football	Tran, City Manager	1/21/2020	N/A	Council	1/28/2020
38	Performance Evaluation (Contract) of City Attorney	Tran	1/5/2021	N/A	Council, CAO	Multiple Council closed session discussions held. Council voted to move to a full time in-house City Attorney on 6/21, additional direction on next steps to be provided to staff in August.
39	PG&E power outage plan presentation to Council	Tran	1/19/2021	No	CMO	Presented to Council on 3/16/2021
40	Plan to put utility fines into a fund to help small businesses in the City	Montano	12/15/2020	N/A	Finance	Directed staff on 2/02/2021 to approve policy recommendations temporarily suspending penalties for delinquent fire permit fees, and delay or waive business lic. tax collections but no direction to create a separate fund. On 2/16/2021 Council approved waiving business license penalty between Jan 1 - May 31, 2021. Also, the utility late fee and water shut off have been suspended consistent with State Emergency Order (through Sept 31, 2021). Also, Council allocated ARPA funds to assist small businesses.
41	Policy for Proclamations and Commendations	Nuñez, Phan	8/20/2019	N/A	CMO	Withdrawn 6/2/2020
42	Policy for Social Media	Nuñez, Phan	8/20/2019	N/A	CMO, CAO	Withdrawn 6/2/2020; policy already approved by Council
43	Pollination protection	Dominguez	1/5/2021	Yes	CMO	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021 council meeting
44	Postponement (not waiver) of penalties related to City business fees	Tran	1/5/2021	N/A	Finance	On 2/16/2021 Council approved waiving penalties until May 31. The suspension of penalties is now no longer in effect.
45	Proclamation and support for face coverings	Montano	4/7/2020	N/A	CMO, CAO	4/21/2020. CC directed City Manager to issue regs
46	Propose building height limits in area east of Milpitas Blvd.	Tran	12/15/2020	Yes	Planning	Deferred for one year from 2/02/2021 Council meeting
47	Read "Code of Conduct" aloud prior to each City Council meeting	Montano	6/2/2020	N/A	CAO	Approved 8/18/2020. City Attorney began this practice 9/01/20
48	Rename Augustine Park to include "Sunnyhills"	Tran, Montano	9/17/2019	N/A	Recreation	Approved on 2/4/2020
49	Rename portion of Dixon Landing Rd., as Barack Obama Boulevard	Nuñez, Phan	8/20/2019	N/A	Planning, CMO	Deferred indefinitely
50	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	12/15/2020	N/A	CMO, Finance	Info Memo sent to Council on 12/23/2020

MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS
12-07-2021

Group 4 – items that have been completed, deferred, or withdrawn						
No.	**Topic**	**Requested By**	**Date Requested**	**Requires more than 4 hours of additional staff time**	**Department/ Office**	**Status**
51	Report on parking in The Pines	Nuñez	1/7/2020	N/A	Engineering	2/18/2020
52	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	1/7/2020	N/A	Police	1/28/2020, 3/24/2020, 4/14/2020
53	Request for Dumpster Days	Tran	1/7/2020	N/A	PW	Program initiated in Spring 2021
54	Resolution in support of elimination of discrimination v. women	Dominguez	1/7/2020	N/A	CMO, CAO	5/19/2020 Reso. Adopted 8/04/2020 Ord. adopted
55	Resolution on financial status of the City, steps to be taken	Nuñez	8/18/2020	N/A	Finance	Resolution adopted 9/01/2020
56	Responsible Construction Ordinance	Phan	2/4/2020	N/A	CAO, Building & Housing	Ordinance adopted on 02/02/2021
57	Revise Community Garden Strategy	Dominguez	1/5/2021	Yes	Recreation	Deferred on 2/02/2021; did not receive a majority vote on 2/02/2021
58	Revisit CC Housing Subcommittee, consider dismantling ; bring items to Council	Dominguez	11/10/2020	N/A	Building & Housing, CMO	12/01/20: Did not vote to eliminate Subcommittee
59	Revisit contract provisions of executive staff (CM + CA) best working environment	Phan	11/10/2020	N/A	Council, CMO, CAO	Discussed @ Closed Session 11/17/2020
60	Schedule and host a "Milpitas Business Expo" in late 2021	Chua	12/15/2020	Yes	Econ. Dev.	Did not receive a majority vote from 2/02/2021 council meeting
61	Street/traffic calming update	Nuñez	1/7/2020	N/A	Engineering	3/3/2020
62	Support community distribution of masks	Dominguez	4/7/2020	N/A	CMO, Fire, Recreation	Councilmembers supported at the 4/21/2020 Special Council meeting
63	Support for Laura's Law	Phan	2/4/2020	N/A	CMO, CAO	Supported @ 5/19/2020 council meeting
64	Update "My Milpitas" App for COVID- 19 information	Phan	1/5/2021	N/A	PW, IT	Updated App to provide links
65	Update on planning grant for ADU marketing.	Chua	1/5/2021	No	Planning	Presented to Council on 4/06/2021
66	Update on trash problems in homeless camps	Chua	1/19/2021	No	PW	Info Memo sent 1/24/2021
67	Vaccine distribution plan - add testing locations and expedite mass vaccine distribution	Phan	1/19/2021	Yes	CMO, Fire	COVID-19 mobile testing transition to vaccine distribution info memo was sent on 1/22/2021; SCC and MFD launched mobile vaccination on 4/5/2021, in-home vaccination program started on 4/15/2021
68	Vote on County 2020-2025 Plan to end Homelessness	Dominguez	11/17/2020	N/A	CAO, CMO	12/1/20 adopted Resolution in support+A36:G70A23:G70A11:G70G69A45:G70A2:G70G69A45:G70A1:G70

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	Receive staff report and presentation; provide direction on the recommended approach to the development and/or disposition of the parcels located at 1432–1488 South Main Street.
Category:	Community Development
Meeting Date:	12/7/2021
Staff Contact:	Sharon Goei, Director of Building Safety and Housing, 408-586-3260 Adam Marcus, Housing Manager, 408-586-3244
Recommendations:	Receive staff report and presentation and provide direction on the staff recommendation to proceed with option 1 and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels 2 and 3 at 1452-1488 South Main Street after adoption of the Metro Specific Plan.

Background:

At the September 28, 2021 Special City Council meeting, the City Council began discussion on the possible development or disposition of three parcels of land owned by the Milpitas Housing Authority and the City of Milpitas. For the purposes of this item, we will refer to these parcels as follows:

Parcel	Address	Ownership Entity
Parcel 1	1432-1446 South Main Street	Milpitas Housing Authority
Parcel 2	1452-1466 South Main Street	City of Milpitas
Parcel 3	1474-1488 South Main Street	City of Milpitas

The parcel located at 1432-1446 South Main Street ("Parcel 1") was transferred to the City of Milpitas Housing Authority by the former Milpitas Redevelopment Agency as a former redevelopment agency housing asset. The parcels located at 1452-1466 South Main Street ("Parcel 2") and 1474-1488 South Main Street ("Parcel 3") are owned by the City of Milpitas itself. For additional background on these parcels, see Attachment 1.

Parcel 1 is considered a "housing asset," and is therefore subject to the requirements of the Dissolution Law applicable to housing assets (set forth at Health and Safety Code Sections 34176 and 34176.1), and the applicable provisions of the Community Redevelopment Law. The Milpitas Housing Authority must either initiate activities on Parcel 1 that are consistent with the development of the property for housing that is affordable to lower income households prior to August 31, 2022 or sell the parcel and deposit the sales proceeds in the Low and Moderate Income Housing Asset Fund (LMIHAF), to be used for future development of affordable housing elsewhere in the City. Parcels 2 and 3 are not subject to the same timeframe but the City's General Plan calls for high density housing over the long term.

At the September 28, 2021 Special City Council meeting, Councilmembers shared a variety of opinions on how the City should move forward. These included working with the existing tenants on relocation, building a mix of affordable and market rate housing, building homeownership options, building a unique project like the Agrihood in Santa Clara, building a small park with ground floor retail, and maximizing the City's return on investment. Councilmembers did not agree on if the properties should be developed, sold together, or

separately, the intensity of development that should occur, or if it was better to sell or lease the properties. Councilmembers directed staff to conduct community outreach and additional analysis.

This report summarizes community input from public meetings, development plans on several nearby sites, tenant considerations, development and disposition options, and provides recommendations on next steps.

Analysis:

Stakeholder and Community Input

Meeting #1: Developers and Nonprofit Organizations
On September 16, 2021, the City hosted a virtual Community Development Roundtable discussion with affordable and market rate housing developers, real estate professionals, and nonprofit organizations like SV@Home to gather input on these parcels. Several developers stated that combining the sites would be ideal. They said a larger site allows developers room to creatively design open space, parking, to move parcel boundaries, and to achieve economies of scale by doing only one entitlement process, sharing parking, and sharing emergency access. One developer said developing Parcel 1 separately as affordable housing would be easier to finance with tax credits while others thought it would be more efficient to master plan a larger site with two developer partners (one for 100% affordable and the other for a mixed-income project). Some noted that the City would need to take the timeline for Parcel 1 into consideration in order to determine best path forward.

The group also noted that for-profit developers may be less interested in a project with a ground lease, but affordable developers are experienced with ground leases. One attendee asked if the City was considering housing for first-time homebuyers. Another noted that leased land was not compatible with homeownership projects. One attendee was concerned about locating housing on Parcel 1 adjacent to auto uses (Caliber Collision). Developers asked the City to set priorities for the site and partner with them to develop creative solutions.

Meeting #2: Tenants
On October 20, 2021, the City hosted a virtual meeting focused on the tenants who are located on these properties. There were 13 attendees. The business owners and their representatives said they wanted to continue to operate in Milpitas but were concerned about finding new space and the cost of relocation. Attendees urged the City to preserve the businesses as heritage resources or to provide more time and relocation assistance regardless if state or federal law requires it. One attendee suggested moving tenants from Parcel 1 into vacant spaces on Parcels 2 and 3. Stakeholders who live nearby in The Pines neighborhood voiced concerns about adding dense development along South Main Street because it could increase traffic, worsen parking issues, and impact the school district's capacity for new students.

Meeting #3: Community
On October 28, 2021, the City hosted a virtual meeting to explain the project and gather input from the broader community. There were 15 attendees. Some attendees were worried that Milpitas is losing its small-town feel, that it is getting harder for family-owned businesses to operate here, that there wasn't sufficient infrastructure for new housing growth, and that traffic and parking issues would get worse for residents in The Pines single-family neighborhood. There were concerns that the school district has been slow to build new schools to meet demand. Other attendees called for preserving the businesses, moving them to vacant spaces on Parcels 2 or 3, or buying the businesses out if development moves forward.

Meeting #4: Community
On November 4, 2021, the City hosted a virtual meeting to explain the project and gather input from the broader community. There were 12 attendees. Attendees asked questions and expressed concern about the traffic impacts along Main Street and Montague. One attendee suggested selling Parcel 1 given the short timeline. Another attendee urged the City to do "public projects" that would trigger federal or state relocation

requirements to help the tenants. There was concern that if the parcels were sold, they could sit empty for years.

Nearby Development Projects

Below is a brief summary of proposed housing developments in the vicinity of the City's properties on South Main Street. Taken together, these projects propose approximately 601 new units of affordable housing. As of December 31, 2020, the City's remaining balance of extremely-low, very-low, and low-income Regional Housing Needs Allocation (RHNA) goals was 1,432 housing units. The following developments would contribute significantly towards meeting these goals. The timing and characteristics of these projects may influence how and when the City proceeds with development of its properties.

- 1300 South Main Street: AMG & Associates is proposing to use Senate Bill 35 streamlining to entitle a new multifamily housing project. The project proposes five-story buildings with 112 new units of affordable housing. The proposed project includes a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.

- 1380 South Main Street (Mil on Main): The Core Companies entitled this project in October 2018. The project will include a seven-story building with 220 new units of housing. The developer planned to build market rate housing but is now proposing to make the building 100% affordable housing. The project includes a mix of studio, 1-bedroom, and 2-bedroom units.

- 1504-1556 South Main Street (Senior Lifestyles Phase II): Senior Lifestyles is proposing to build phase two of their Disposition and Development Agreement with the City. The developer recently submitted plans to build a five-story and a seven-story building with a total of up to 282 senior housing units (201 market rate and 75 to 82 affordable). The proposed project includes mostly studios and 1-bedroom units with a smaller number of 2-bedroom units.

- 355 Sango Court & 308 Sango Court: Resources for Community Development and the Pacific Companies have each entitled a 100% affordable housing project on Sango Court. Together these two developments will provide a total of 187 housing units. The projects will provide a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.

Tenant Considerations

Currently there are 11 non-residential and 1 residential tenant on the Housing Authority/City properties. Please refer to the tenant summary in Attachment 2. Seven of the tenants are located on Parcel 1.

In September 2021, the City hired Overland, Pacific and Cutler LLC (OPC) to research the potential cost for relocating the tenants on all three parcels. In general, state relocation requirements are triggered if the City develops a "public project" that displaces a resident or business. Examples of a public project include affordable housing, park space, municipal buildings and more. If triggered, the City would be required to provide a certain amount of financial assistance for relocation along with relocation advisory services. In most cases, the City would apply state requirements. However, if federal funding is used in connection with the public project, then federal relocation requirements must be followed.

If relocation is triggered, OPC's initial analysis indicates that relocation costs for all three parcels could range between $1.1 million to $1.3 million depending on whether State or Federal requirements would apply. The relocation costs for Parcel 1 would likely range between $550,000 to $650,000 given the larger number of existing tenants compared to the other two parcels.

During the community meetings, an idea was raised about relocating Parcel 1 tenants into vacant spaces on Parcels 2 and 3. If the City Council wishes to develop Parcels 2 and 3 within the next 5 to 10 years, temporary relocation of tenants would be costly and complex to accomplish, and permanent relocation may be triggered

in later years. The City would likely need to make capital improvements to the vacant buildings on Parcels 2 and 3 before they can be occupied. Furthermore, the empty building on the east side of Parcel 3 would need to be demolished to allow for the extension of Costa Street that would provide the secondary emergency access road required for developing Parcel 1. This demolition would limit the amount of rentable space for tenants to move into. If Council is interested in pursuing this approach, additional research is required to determine the full cost for providing temporary relocation, building renovation and demolition to accommodate the extension of Costa Street.

If the City triggers relocation requirements or chooses to provide relocation assistance, the City will need to determine how to pay for the costs of relocation. If the City sells the land for fair market value, it may be able to fund the relocation costs out of the sale proceeds from Parcel 1, or from all three parcels, if the City chooses to sell all three parcels at this time. If the City conveys Parcel 1 for development of affordable housing, it will very likely have to convey the property for less than fair market value in order for the affordable housing development to be financially feasible. In this case, the City may be able to use money from the City's Housing Authority or Affordable Housing Fund to pay for relocation costs. Alternatively, the City could pay these costs out of the City's General Fund.

Development and Disposition Options

Given input from the City Council and stakeholders, analysis, and timing, staff has focused on the following three options:

Option 1: Sell Parcel 1 for fair market value (market-rate housing). Resume work on development strategy for Parcels 2 and 3 after adoption of Metro Specific Plan in fall 2022.

Option 2: Lease/Develop Parcel 1 as 100% affordable housing. Resume work on development strategy for Parcels 2 and 3 after adoption of Metro Specific Plan in fall 2022.

Option 3: Lease/Develop all three parcels together as mixed-income housing, open space and ground floor retail.

The following table compares these options against several key criteria:

Key Criteria	**Option 1: Sell Parcel 1**	**Option 2: Develop Parcel 1**	**Option 3: Develop All Parcels**
Key Steps in Process	Negotiate agreement with brokerage firm, draft offering memorandum with specified terms, offer property on market, review purchase offers, and accept an offer that is acceptable to City.	Draft Request for Proposals (RFP) in conformance with redevelopment law, issue RFP, hold pre-bid meeting, evaluate proposals, present staff recommendation for City Council consideration, prepare Exclusive Negotiating Agreement, initiate process for ground lease and Disposition and Development Agreement.	Draft Request for Proposals (RFP) and Notice of Availability (NOA) in conformance with redevelopment law and Surplus Land Act (SLA), consult with state HCD regarding SLA process, issue RFP/NOA, hold pre-bid meeting, evaluate proposals, present staff recommendation for City Council consideration. If approved, prepare Exclusive Negotiating Agreement, initiate process for Lease/Disposition and Development Agreement.

			If not approved, evaluate other proposals.
Affordable Housing Goals	Fewest affordable units	Most affordable units (100% required on Parcel 1)	More affordable units
Timing and Staffing Cost	Shortest process, lowest staffing cost	More complex, some staffing cost	Most complex, highest staffing cost
City Cost and/or Subsidy	Possible cost of site clean-up and relocation of tenants. No subsidy needed	Possible cost of site clean-up and relocation of tenants. Subsidy likely needed for affordable housing	Possible cost of site clean-up and relocation of tenants. Subsidy likely needed for affordable housing, retail, and park space
Upfront Revenue	Sale proceeds to Housing Authority Fund	Upfront ground lease payment is possible, but will likely be below fair market value	Upfront ground lease payment is possible, but will likely be below fair market value
Ongoing Revenue	Likely maximizes property tax for Parcel 1. No ground lease payments.	Likely exempt from property tax as affordable housing. Minimal amount of ground lease payments.	Likely partially exempt from property tax as mixed-income housing. Slightly larger amount of ground lease payments.
Impact on Existing Tenants	Impacts 7 tenants on Parcel 1	Impacts 7 tenants on Parcel 1	Impacts 12 tenants on all three parcels

Key Steps in Process: Option 1 offers the most streamlined path to disposing of or developing Parcel 1 by August 2022. Option 2 involves more steps, and Option 3 is the most complicated because it triggers steps required by the Surplus Land Act. While developers prefer to work with larger sites, the City may benefit more by delaying the development process on Parcels 2 and 3 until further due diligence can be done and after the Metro Specific Plan has been adopted.

Affordable Housing Goals: Earlier this year, the City retained Raimi and Associates to study the potential residential development capacity for Parcel 1 alone and for all three parcels developed together. The housing yield was slightly higher when all three parcels were combined compared to developing Parcel 1 separate from the others. The study found that including open space and retail was a bigger factor in reducing the housing unit yield overall. Raimi and Associates estimated that Parcel 1 could accommodate approximately 90 housing units under current zoning with a State Density Bonus or proposed zoning in the Metro Specific Plan. If the City were to sell Parcel 1 for fair market value (Option 1), housing development would need to conform with the City's Affordable Housing Ordinance, which provides 15% onsite or about 14 units of affordable housing. If the City were to develop Parcel 1 (Option 2), Redevelopment Law would require that all 90 units be affordable to lower income households. Staff estimates that if the City were to develop all of three parcels (Option 3), the combined development would need to include approximately 30% affordable housing units following provisions in Redevelopment Law and the Surplus Land Act, as well as City housing goals. If Parcels 2 and 3 are developed at a later date, they might include 15-100% affordable units depending on a variety of factors and how the City structures its request for proposals. Option 2 would yield the most affordable housing units in the short-term (Parcel 1 only) and in the long-term if Parcels 2 and 3 are developed as mixed-income housing.

Timing and Staffing Cost: All three options would require some amount of staffing and attorney costs. Option 1 would require the least amount of staffing cost as most of the work would be performed by a real estate broker with guidance from staff and legal counsel.

City Subsidy and Cost Required: Option 1 would likely require the least subsidy from the City if it is sold for fair market value to a market-rate housing developer. However, all three options may involve costs to remediate potential soil and building contamination and to assist with tenant relocation. A feasibility study could be done

to estimate how much subsidy would be needed for Options 2 and 3 or would be determined through the RFP process.

Upfront Revenue: Option 1 would likely result in the largest amount of upfront revenue. If Parcel 1 is sold, the proceeds would have to go into the Housing Authority Fund, not the General Fund. The amount of revenue would depend on the net sale price. The fiscal impact section below summarizes the major costs that could affect the net proceeds. A feasibility study would be needed to estimate the upfront value of the ground lease payments under Option 2 and 3 or would be determined through the RFP process.

Ongoing Revenue: Option 1 could maximize property tax revenue for Parcel 1 if it is developed as market rate housing. Option 2 would likely minimize property tax revenue for parcel 1 because state law requires it to be developed as 100% affordable housing, which could be eligible for a welfare exemption. Option 3 could generate greater ground lease payments if it is developed as mixed-income housing. A feasibility study could compare the upfront value of ground lease payments under Option 2 and 3.

Impacts on Existing Tenants: Options 1 and 2 could displace seven tenants on Parcel 1 as early as August 2022 while allowing more time for tenants to operate on Parcels 2 and 3. Option 3 could displace all 12 tenants as early as August 2022 depending on how the lease disposition and development process were to be conducted.

Conclusion**:** Taken together, this analysis favors Option 1 because it would be the best approach to meeting the City's obligation to dispose of or develop Parcel 1 by August 2022, minimize staffing costs, provide more time to master plan the development of Parcels 2 and 3, maximize upfront and ongoing revenue for Parcel 1, and minimize short-term tenant displacement. While Option 1 may not result in as much affordable housing, it would generate proceeds to subsidize future affordable housing on parcels 2 and 3 or elsewhere in the City.

Fiscal Impact:
The fiscal impact of Option 1 requires additional analysis. The following summarizes the primary impacts:
Revenue:

- Parcel 1 sale proceeds – To be determined based on offers received.

Costs:

• Phase II environmental study and soil testing	$10,000 to $20,000
• Possible environmental clean-up	To be determined
• Relocation costs for Parcel 1 tenants (if required)	$0[1]
• Real Estate Broker Commission	To be determined

California Environmental Quality Act:
The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because staff is seeking general direction on which option to pursue and is not considering a specific project at this time.

Recommendations:
Receive staff report and presentation and provide direction on the staff recommendation to proceed with option 1 and the sale of parcel 1 at 1432-1446 South Main Street and the further evaluation of parcels 2 and 3 at 1452-1488 South Main Street after adoption of the Metro Specific Plan.

Attachments:
1. Agenda Report from September 28, 2021 City Council Meeting
2. Tenant Summary
3. Email comments received from the public

[1] If the City sells Parcel 1, it would likely not be required to pay for relocation costs. However, the City Council can consider offering some amount of voluntary assistance.

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	Receive staff presentation and provide direction on guiding principles for three City-owned parcels at 1432–1488 South Main Street; direct staff to bring back a recommended approach that aligns with the adopted guiding principles
Category:	Community Development
Meeting Date:	9/28/2021
Staff Contact:	Sharon Goei, Director of Building Safety and Housing, 408-586-3260 Adam Marcus, Housing Manager, 408-586-3244
Recommendations:	1. Receive staff presentation and provide direction on guiding principles for three City-owned parcels at 1432–1488 South Main Street. 2. Direct staff to bring back a recommended approach that aligns with the adopted guiding principles.

Background:

The September 28, 2021 Special City Council meeting will consider the possible development or disposition of three parcels of land owned by the Milpitas Housing Authority and the City of Milpitas. For the purposes of this item, we will refer to these parcels as follows:

Parcel	Address	Ownership Entity
Parcel 1	1432-1446 South Main Street	Milpitas Housing Authority
Parcel 2	1452-1466 South Main Street	City of Milpitas
Parcel 3	1474-1488 South Main Street	City of Milpitas

The parcel located at 1432-1446 South Main Street ("Parcel 1") was transferred to the City of Milpitas Housing Authority by the former Milpitas Redevelopment Agency as a former redevelopment agency housing asset. The parcels located at 1452-1466 South Main Street ("Parcel 2") and 1474-1488 South Main Street ("Parcel 3") are owned by the City of Milpitas itself.

These parcels were acquired around the time that the Milpitas Redevelopment Agency (RDA) (along with all other redevelopment agencies across the State) was under threat of dissolution. Many cities, including Milpitas, were acquiring properties in an effort to continue redevelopment activities in the event that the redevelopment agencies were dissolved.

All three parcels were transferred to the Housing Authority as "housing assets" after dissolution of the RDA. The stated intent was to build affordable and market rate housing. Following dissolution of the RDA, the County of Santa Clara and Santa Clara County Office of Education ("SCCOE") sued the City of Milpitas, Milpitas Economic Development Corporation ("MEDC"), Milpitas Successor Agency and Milpitas Housing Authority, asserting that these parcels (along with others) should have remained with the Successor Agency to be disposed of in accordance with the Dissolution Law, with the proceeds to be disbursed for the benefit of the other taxing entities.

The City, MEDC, Successor Agency and Housing Authority entered into a settlement agreement with the County and SCCOE on June 17, 2014. As part of the settlement, the County and SCCOE acknowledged that Parcel 1 was a “housing asset”, as it was acquired with low-moderate income funds and should remain with the Housing Authority. As part of the settlement agreement, the City paid for Parcels 2 and 3 with General Fund money, and the parties agreed those two parcels were not subject to the restrictions of the Dissolution Law or the Community Redevelopment Law. The Housing Authority subsequently transferred Parcels 2 and 3 to the City, since they were paid for with City funds. The City therefore owns Parcels 2 and 3, free and clear of any RDA related restrictions.

Parcel 1 is considered a “housing asset,” and is therefore subject to the requirements of the Dissolution Law applicable to housing assets (set forth at Health and Safety Code Sections 34176 and 34176.1), and the applicable provisions of the Community Redevelopment Law. The Milpitas Housing Authority must either initiate activities on Parcel 1 that are consistent with the development of the property for housing that is affordable to lower income households prior to August 31, 2022 or sell the parcel and deposit the sales proceeds in the Low and Moderate Income Housing Asset Fund (LMIHAF), to be used for future development of affordable housing elsewhere in the City.

Developing all three parcels together may unlock additional benefits for the City, and it comes with challenges as well. City staff will need to prepare a Request for Proposals (RFP) and a Notice of Availability (NOA) and begin this process in late 2021. This memorandum analyzes key constraints and opportunities in developing these parcels and suggests potential guiding principles for the RFP and NOA.

Analysis:

Legal constraints
As noted above, Parcel 1 can be sold with proceeds going to build low-income housing or it must be developed with affordable housing for lower income households following state law. It is possible that some of the units may need to be extremely low-income (ELI) as the Housing Authority must spend at least 30% of the overall Low and Moderate Income Housing Asset Fund on ELI housing.

If the City chooses to develop or dispose of Parcels 2 and 3, that will trigger provisions under the California Surplus Land Act (SLA) which requires cities to provide opportunities for development of affordable housing on any government land that is going to be offered for sale or lease, unless specifically exempted from the SLA. The SLA requires the City to first solicit affordable housing proposals and negotiate in good faith before exploring other options. If the City does not agree on the price or deal terms of any affordable or mixed-income housing proposals within a 90-day negotiation period, it can then seek proposals for market rate housing so long as 15% or more of units are set aside as deed restricted low-income housing.

The City and Housing Authority have some flexibility in determining how to dispose of the parcels, but they must ensure compliance with the applicable provisions of Community Redevelopment Law for the disposition of Parcel 1, and the Surplus Lands Act for Parcels 2 and 3.

Tenants and Neighborhood Context
The parcels are currently leased by several small businesses that provide automobile repair, locksmith, plumbing, cat boarding, food pantry, and other services. The City has retained a consultant to study possible relocation options. One of the buildings on Parcel 3 is currently vacant. The site is adjacent to The Pines single-family neighborhood as well as several existing and proposed multifamily housing developments (Senior Lifestyles/Westmont Phase I and II, Mil on Main, Ilara Apartments, and others). These parcels are within walking distance to a VTA Light Rail station, the Great Mall, and the Milpitas Transit Station.

Key City Policies
Transit-Oriented Development: Currently these parcels are part of the Midtown Specific Plan. The City intends to transfer these parcels into the TASP/Metro Specific Plan in the coming months. The overall goal for the TASP/Metro Specific Plan is to: “Help create a vibrant transit-oriented community that includes housing, retail,

entertainment, commercial and park spaces, and a safe and attractive pedestrian and bicycle network." Once this transfer occurs, staff is considering changes that would increase the allowable density for these parcels from 41-60 units per gross acre under the Midtown Specific Plan to 70-120 units per gross acre under the TASP/Metro Specific Plan. Neighborhood serving commercial is currently allowed and would still be allowed under the TASP/Metro Specific Plan.

Housing: Another relevant City policy comes from the Housing Element which is the City's 8-year housing plan and a chapter in the General Plan. One Housing Element goal is to "support the development of a diverse range of housing types, including rental and ownership units, housing affordable to all economic segments of the community, and housing for individuals with special housing needs." Development of this site as multifamily housing would also help the City meet its future Regional Housing Needs Allocation.

Economic Development: The General Plan also includes economic development goals that may relate to these parcels. Goal ED-3 seeks to "encourage new development in key opportunity areas that provide high-quality work environments and competitive business locations."

Pathways of Development/Disposition

Staff identified two key pathways for development and/or disposition of these parcels. These pathways were created to help address the different legal and timing constraints on the parcels as well as the opportunities that might result if they are combined in one master-planned site. The City hired Raimi + Associates to conduct a site study on the potential housing capacity on the parcels under several scenarios. The site study also considered the type of construction of the buildings, parking, circulation, and open space.

Pathway 1: This strategy would separate Parcel 1 from the other two parcels. Parcel 1 could be sold and proceeds would go into the Housing Authority Fund. Once sold, Parcel 1 would no longer have an affordability restriction. If the City were to lease Parcel 1 separate from Parcels 2 and 3, it would have to be developed as 100% affordable housing for lower income households. The site study found that Parcel 1 could yield approximately 90 housing units on 0.99 acres under the proposed TASP/Metro Specific Plan. Parcels 2 and 3 together could yield an additional 160-170 units depending if open space park and ground floor commercial are included. Taken together, Pathway 1 could yield a total of approximately 250-260 housing units.

Pathway 2: This strategy would combine Parcels 1, 2 and 3 for a larger mixed-income housing project and possibly a small amount of ground floor commercial and open space. The site study found that when Parcels 1, 2 and 3 were combined, the housing unit yield would be approximately 260-270 housing units under the proposed TASP/Metro Specific Plan. This is only slightly more than Pathway 1. The inclusion of commercial and park space has a greater impact on housing yield then separating or combining the parcels.

The following table compares the estimated unit yield between pathways:

	Parcel 1	**Parcels 2 + 3**	**Total Units**
Pathway 1 (Separated)	90 units	160-170 units	250-260 units
Pathway 2 (Combined)	N/A	N/A	260-270 units

Feedback from the Community Development Roundtable

On September 16, 2021, the City hosted a Community Development Roundtable discussion with affordable and market rate housing developers and other real estate professionals to gather input on these parcels. The meeting was well attended and included representatives from Core Companies, Senior Lifestyles, Pacific Communities, James Sullivan Land Development, Jamboree Housing, BRIDGE Housing, Eden Housing, MidPen Housing, Charities Housing, and SV@Home. Several developers stated that combining the sites would be ideal. They said a larger site allows developers room to creatively design open space, parking, to move parcel boundaries, and to achieve economies of scale by doing only one entitlement process, sharing parking, and sharing emergency access. One developer said developing Parcel 1 separately as affordable

housing would be easier to finance with tax-credits while others thought it would be more efficient to master plan a larger site with two developer partners (one for 100% affordable and the other for a mixed-income project). Some noted that the City would need to take the timeline for Parcel 1 into consideration in order to determine best path forward.

The group also noted that for-profit developers may be less interested in a project with a ground lease, but affordable developers are experienced with ground leases. One attendee asked if the City was considering housing for first time homebuyers. Another noted that leased land was not compatible with homeownership projects. One attendee was concerned about locating housing on Parcel 1 adjacent to auto uses (Caliber Collision). Developers asked the City to set priorities for the site and partner with them to develop creative solutions.

Other Considerations

Land Lease versus Land Sale: There are pros and cons to leasing or selling these parcels. A lease provides the city with long-term control over the land, allows the City to collect rent and ensure affordability for 55 years and often longer. Land leases are not compatible with homeownership housing and there may be fewer for-profit developers that are interested in developing on leased land.

Urban Park Space: A large amount of housing has been developed in the Metro Specific Plan area, but green space is still insufficient. City staff has identified the south Main Street parcels as a potential site for a small urban park of plaza. If the City Council agrees to include a small park, the City's consultants recommend placing it on Parcels 2 and 3 near ground floor retail and adjacent to a new east/west street connecting with Costa Street.

Environmental Clean Up: The City contracted with Padre Associates to complete a phase 1 environmental assessment. The study reviewed historic records of past uses of the site and surveyed the existing tenants for indicators of possible environmental pollution. The report recommended a phase 2 study and soil samples as there used to be a gas station on Parcel 3 and because surface contamination was observed. It is not yet clear how costly the clean-up might be but the higher the cost, the lower the value of the land if the City decides to sell any of the parcels.

Roads and Emergency Access: Dense development requires additional access points for emergency services. To facilitate dense development and maximize the developable space on these parcels, it will be important to extend Costa Street from Cedar Way north to Parcel 1. In addition, a new east/west street would likely be needed along the southern edge of Parcel 3.

Proposed Guiding Principles for Development/Disposition of Parcels

Staff proposes the following principles to guide the development of a Request for Proposals and the Notice of Availability. Staff is seeking Council direction on the following proposed guiding principles.

Parcel 1

- Dispose of parcel in accordance with legal requirements (RDA Law)
- Develop higher density housing per planned land use in Metro Plan (parcels will be incorporated into Metro Area)
- Develop 100% affordable housing either on parcel or use funds to support other affordable housing projects if parcel is sold (for lower income households at 80% Area Median Income and below)
- Allow flexibility for affordable units to be rental or ownership units
- Leverage Parcels 2 + 3 for amenities and infrastructure

Parcels 2+3

- Retain land ownership through ground lease
- Develop parcels in accordance with legal requirements (Surplus Land Act)
- Dispose/develop parcels to maximize the City's return on investment

- Create a mix of higher density affordable and market rate housing
- Provide new neighborhood serving ground floor retail/services
- Provide new urban park or plaza

Next Steps
After City Council receives staff presentation and provides direction on guiding principles at this Special Meeting, City staff will schedule a community meeting to gather additional input. In the fall, staff will bring back a recommended approach that aligns with the adopted guiding principles for the development or disposition of the parcels. Once this approach is approved by Council, staff will move forward in accordance with Council direction.

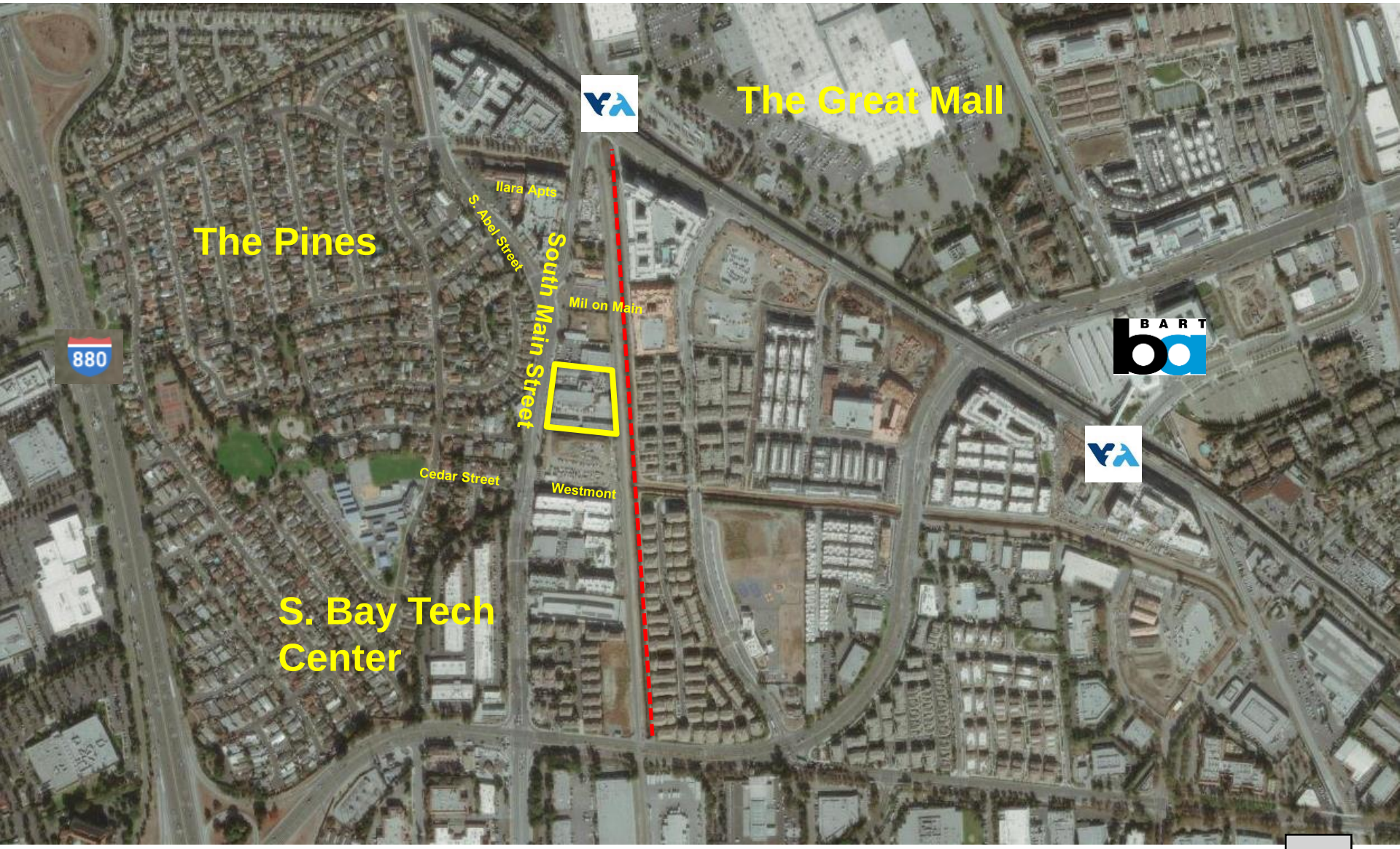
Fiscal Impact:
There is no fiscal impact other than staff resources at this time. When staff returns with an approach to develop or dispose of one or more of these parcels, a fiscal analysis will be included.

California Environmental Quality Act:
The action being considered has no potential for causing a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Recommendations:
1. Receive staff presentation and provide direction on guiding principles for three City-owned parcels at 1432–1488 South Main Street.
2. Direct staff to bring back a recommended approach that aligns with the adopted guiding principles.

Attachment:
Location Map

City-owned parcels on South Main Street



1068

City-owned parcels on South Main Street

Tenant Summary

Parcel 1 Tenants

Address	Business Name	Type of Business	Square Footage	Monthly Rent	Lease Term
1432	Abbott Automative	Auto Repair	3000	$2,884	Month to Month
1436	The Cats Nest	Cat Hotel	1600	$1,324	Month to Month
1440	Milpitas Food Pantry	Food Pantry	3104	$1	Month to Month
1444	Silicon Valley Lock	Lock Masters	3000	$2,283	Month to Month
1438A	M&B Plumbing	Plumbing	2320	$900	Month to Month
1438B	Sanad Metovic	Performance Auto	1780	$850	Month to Month
1446	Robert Austin	Residential Apartment	N/A	$750	Month to Month

Parcel 2 Tenants

Address	Business Name	Type of Business	Square Footage	Monthly Rent	Lease Term
1454	Outertainment	Outdoor Entertainment	2400	$1,650	Month to Month
1458	Dominics Auto Service	Auto Repair	3600	$3,250	Month to Month
1462	M&G Motor Works	Auto Repair	1800	$1,482	Month to Month
1464-66	GP Motorwerke	Auto Repair	3600	$2,380	Month to Month

Parcel 3 Tenants

Address	Business Name	Type of Business	Square Footage	Monthly Rent	Lease Term
1476	Liberti's Auto Electric	Auto Repair	3200	$3,065	Month to Month

From: MARIA ZENIA VENTOCILLA
Sent: Tuesday, November 30, 2021 8:22 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: jonathan balanzar
Sent: Tuesday, November 30, 2021 10:40 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Susan Edwards
Sent: Tuesday, November 30, 2021 11:35 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Housing

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Good day,

I own The Cat's Nest Boarding and DayCare, one of the businesses you are attempting to displace with more housing. I've been here 27years and would like to continue for several more years.

My customers are loyal and our relationships are very special to me. They depend on me to be available to care for their cats when they are away and know their cats will be safe and well cared for. Cats-only boarding facilities are few and far between, unlike dog boarding and daycare. If I am no longer available to them, they will have to travel a lot farther for cat care, to scarcely located facilities that book up far in advance during important holidays. They know what the City is trying to do and are not happy about the possibility of my departure from their lives.

Please reconsider your decision and let all of the businesses in these three parcels stay in place. Milpitas needs small businesses, not more housing.

Thank you for your consideration.

Susan Edwards, Owner
The Cat's Nest Boarding & Day Care
1436 S. Main St.
Milpitas, CA 95035

From: EJ MICKAEL
Sent: Tuesday, November 30, 2021 12:18 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Please save our small business in Milpitas. Libertis auto electronic and everyone in the complex there are amazing. It will be a big hit to all of our valued customers who bring their cars in to get worked on. PLEASE SAVE OUR SMALL BUSINESSES!!

From: Melissa Roberts
Sent: Tuesday, November 30, 2021 12:56 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello,
I hope this note finds you well.
The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Thank you.

Warm regards,
Melissa Roberts

Please excuse the brevity and any typographical errors as this is being sent mobile.
Sent from iPhone
--
Thank you.

Warm regards,
Melissa Roberts

From: Felisha Estrada
Sent: Tuesday, November 30, 2021 2:13 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

These small businesses save me when my vehicle gives up on me. They never do though and always willing to help. Thank you.

Very Respectfully,
Felisha Estrada Gonzalez

Sent from Yahoo Mail on Android

From: Rudy Duenas
Sent: Tuesday, November 30, 2021 3:55 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations. Please save our small businesses

From: Rudy Duenas
Sent: Tuesday, November 30, 2021 3:55 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone
Kind Regards

Rudy Duenas Jr. | TAB Foreman
San Jose, CA 95131
M | O
| www.svminc.com

HVAC | PIPING | PLUMBING | 24/7 SERVICE

From: Michael Dulay
Sent: Tuesday, November 30, 2021 3:57 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Please save our small businesses our family needs them to be open. Thanks

From: Adrian Aquias
Sent: Tuesday, November 30, 2021 5:25 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Maegen Roberts
Sent: Tuesday, November 30, 2021 7:07 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations. These businesses have been here as I've grown up and the people have become a part of my family. They are very important to the community and the people.

From: San Lim
Sent: Tuesday, November 30, 2021 7:07 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Angela Roberts
Sent: Tuesday, November 30, 2021 7:10 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Anthony Centeno
Sent: Tuesday, November 30, 2021 7:11 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Save small businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi my name is Anthony Centeno,

I am a long term client at Liberti's Auto. I am concerned about the redevelopment taking place on Main Street. If this redevelopment passes I will no longer have an automotive business that I can go to for affordable reliable work. Please reconsider the redevelopment on Main Street. It would be in the best interest of the people in the South Bay to keep our local businesses running.

Thank you for your time and consideration.

Best regards,

Anthony Centeno

From: Arnulfo Nieves
Sent: Tuesday, November 30, 2021 7:33 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Enviado desde mi iPhone

From: Esmeralda Nieves
Sent: Tuesday, November 30, 2021 7:33 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Cindy Copulos
Sent: Tuesday, November 30, 2021 7:36 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations. Moving business out is detrimental to the city!

C Copulos

From: John Bergman
Sent: Tuesday, November 30, 2021 7:49 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Sern Lim
Sent: Tuesday, November 30, 2021 8:00 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Best Regards,
Sern Lim

From: JoAnn Cruz
Sent: Tuesday, November 30, 2021 8:06 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Christopher Cruz
Sent: Tuesday, November 30, 2021 8:18 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Fwd: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

---------- Forwarded message ---------
From: **JoAnn Cruz**
Date: Tue, Nov 30, 2021, 8:07 PM
Subject: Main St. Parcels - Support for Existing Businesses
To: Christopher Cruz
Cc: Chris Cruz

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Manny Olvera
Sent: Tuesday, November 30, 2021 8:25 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from Yahoo Mail on Android

From: sosarin.lim
Sent: Tuesday, November 30, 2021 9:11 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Patrick Armstrong
Sent: Tuesday, November 30, 2021 9:12 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Sophia Lim
Sent: Tuesday, November 30, 2021 9:14 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Tery Lim
Sent: Tuesday, November 30, 2021 9:23 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Willie Scott
Sent: Tuesday, November 30, 2021 9:23 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Chris Saniel
Sent: Tuesday, November 30, 2021 9:28 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Romel Marquez
Sent: Tuesday, November 30, 2021 9:29 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Stefanie Wallace
Sent: Tuesday, November 30, 2021 9:36 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Stefanie Wallace
Sent: Tuesday, November 30, 2021 9:37 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Joseph Payer
Sent: Tuesday, November 30, 2021 10:29 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Summie Lim
Sent: Tuesday, November 30, 2021 10:32 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Kyle Cantillas
Sent: Tuesday, November 30, 2021 11:08 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Chi Phan
Sent: Wednesday, December 1, 2021 2:26 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Korlana Chhun
Sent: Wednesday, December 1, 2021 6:09 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Korlana Chhun

From: lynnfoster05
Sent: Wednesday, December 1, 2021 6:34 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Lynn Foster
Sent: Wednesday, December 1, 2021 6:34 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Macabante, Dean
Sent: Wednesday, December 1, 2021 8:36 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Best,

Dean Macabante
ICOM Mechanical

Sent from my iPhone

From: Dean Macabante
Sent: Wednesday, December 1, 2021 8:43 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Rosa Silva
Sent: Wednesday, December 1, 2021 8:53 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Isaiah Batin-Gonzalez
Sent: Wednesday, December 1, 2021 9:13 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Jennifer Lau
Sent: Wednesday, December 1, 2021 9:13 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Jennifer Lau
Preferred Community Management

Los Gatos, CA 95030

From: Bill Richter
Sent: Wednesday, December 1, 2021 9:26 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Tina Roberts
Sent: Wednesday, December 1, 2021 9:47 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Jameson Rosene
Sent: Wednesday, December 1, 2021 10:05 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Jameson Rosene | TAB Foreman
San Jose, CA 95131
M
| www.svminc.com

From: Rachelle Torres
Sent: Wednesday, December 1, 2021 12:54 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: mbeard292
Sent: Wednesday, December 1, 2021 1:36 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Silvia Meiers
Sent: Wednesday, December 1, 2021 1:43 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Frank Polito
Sent: Wednesday, December 1, 2021 2:00 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

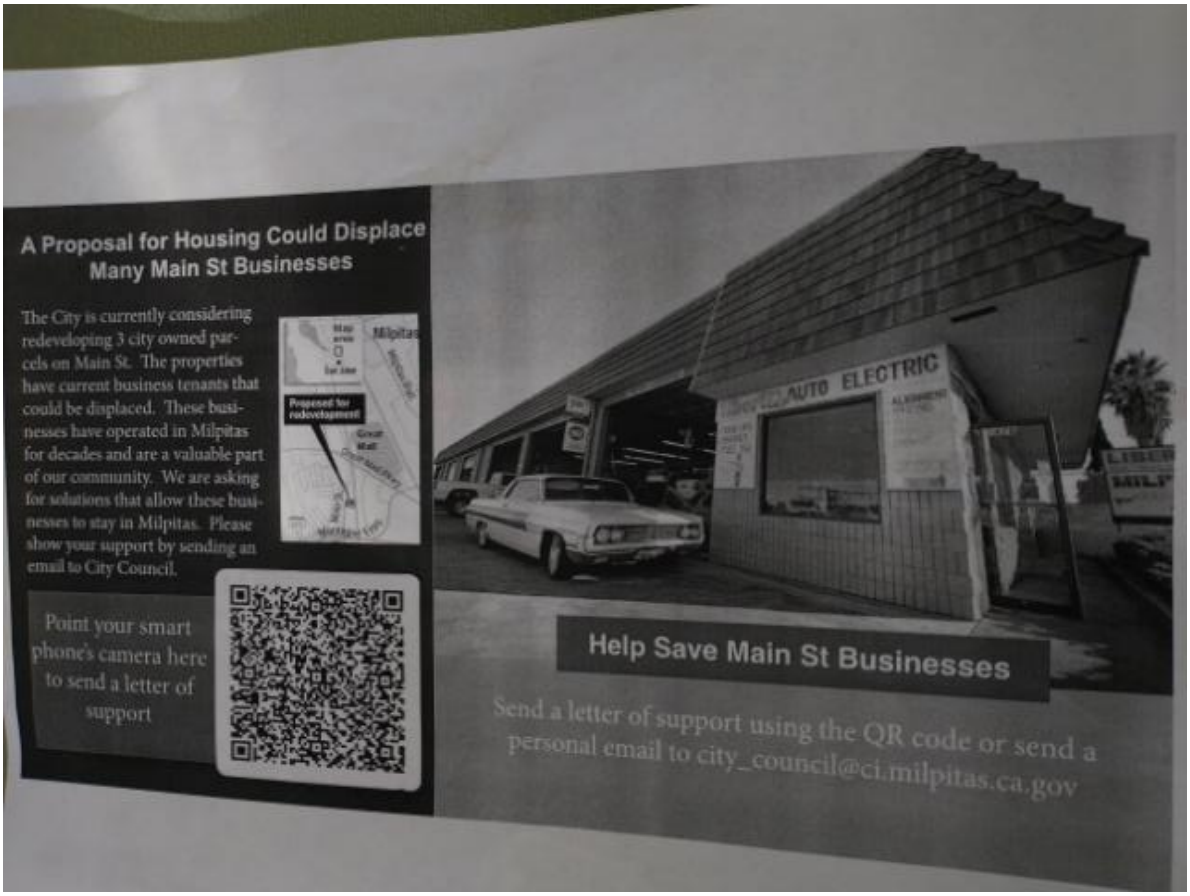
Frank G. Polito, APR
Sent from my iPhone

From: Martin Roger
Sent: Wednesday, December 1, 2021 2:46 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Milpitas businesses on Main St.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

This is in reference to the 3 parcels on Main St. where businesses have been operating for many years and the strong possibility of being displaced. We have lived in the Pines neighborhood for 41 years and we think that some viable solution should be considered when addressing the disposition of these three parcels. We have been patronizing Liberti's Electric as well as Abbot Auto Service over the years. With land becoming overly expensive in conjunction with less land availability, these community businesses are buckling from these increasing financial pressures. Thoughtful consideration is needed to ensure their survivability.

Martin A Roger



From: Rosa Silva
Sent: Wednesday, December 1, 2021 3:42 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Evan Hitchcock
Sent: Wednesday, December 1, 2021 4:20 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

--

Thank you,
Firefighter W. Hitchcock
Spring Valley Fire Dept.

Web: http://www.svvfd.org/

From: Scott Shreve
Sent: Wednesday, December 1, 2021 4:33 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Scott Shreve
Therma
Connect with us: Website | Facebook | LinkedIn | Instagram | Twitter
24 Hour Service

From: Tim Massetti
Sent: Wednesday, December 1, 2021 4:45 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations. Why in times of need would we cripple our economy more? Why would we remove jobs , weaken a community and take food off the tables of hard working family's? This would force those who are trying to work , provide jobs and boost our economy out of the area. Please show you work for the people by supporting the people attempting to help alot more people.
Sincerely,
Concerned American.

From: Gina De Ornellas
Sent: Wednesday, December 1, 2021 5:12 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Save our small businesses! Libertis auto is the best place I've taken my car to get worked on. SAVE OUR SMALL BUSINESSES

From: Mat Bixel
Sent: Wednesday, December 1, 2021 5:27 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Abraham Saldaña
Sent: Wednesday, December 1, 2021 5:35 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Xavier Meiers
Sent: Wednesday, December 1, 2021 5:37 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: jamesmeiers
Sent: Wednesday, December 1, 2021 5:43 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

To confirm whom it may concern,

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Regards,
James Meiers

From: William Young
Sent: Wednesday, December 1, 2021 8:36 PM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: svasquezsr
Sent: Thursday, December 2, 2021 6:02 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my Verizon, Samsung Galaxy smartphone

From: Santos Vasques
Sent: Thursday, December 2, 2021 6:03 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Best Regards
S. Vasquez

From: sjcustoms408
Sent: Thursday, December 2, 2021 8:57 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

I also own a mechanic shop a few miles away. I have been taking my customer cars there for years for alignments. Se we are a small shop and we dont have the correct equipment for alignments. This would be hard on my business as well to lose them.

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone

From: Kiara Roberts
Date: December 2, 2021 at 11:34:28 PST
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main Street Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

From: Monique Walsh
Date: December 2, 2021 at 15:20:18 PST
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: LIZBETH CORNEJO
Date: December 2, 2021 at 17:05:16 PST
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Jason Mobley
Date: December 2, 2021 at 18:49:33 PST
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Main St. Parcels - Support for Existing Businesses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

The 3 City owned Main St. parcels include many small business tenants. These businesses are important members of our community. I request the Council support them and help them continue operations.

Sent from my iPhone

From: Jeff Rogers
Sent: Friday, December 3, 2021 11:56 AM
To: City Council <city_council@ci.milpitas.ca.gov>
Subject: Development Project on Main near Montague

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello City Council,

Please do not develop this area because of Liberti's Auto Service. They have been there for many, many years providing excellent service to their customers. Both personal and professional. It is so hard to find this kind of quality business anywhere in the South Bay area and it would be a shame to dislocate this business.

Thank you,

Jeff Rogers